AGENDA

Grand Haven Charter Township Planning Commission
Monday, March 2, 2020 – 7:00 p.m.

I. Call to Order

II. Roll Call

III. Pledge to the Flag

IV. Approval of the December 2, 2019 Planning Commission Meeting Minutes.

V. Correspondence

VI. Brief Public Comments & Questions (Limited to 3 minutes)

VII. New Business
   A. Discussion – Grand Haven Custom Molding

VIII. Old Business
   A. Review Board Amendments to New Zoning Ordinance

IX. Reports
   A. Staff Report
      - Spring Lake Village Planning Services Contract
   B. Other

X. Extended Public Comments & Questions (Limited to 4 minutes)

XI. Adjournment

Note: Persons wishing to speak at public hearings, on agenda items, or extended comments, must fill out a "Speakers Form" located on the counter. Completed forms must be submitted to the Zoning Administrator prior to the meeting.

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
DECEMBER 2, 2019

I. CALL TO ORDER

Cousins called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:00 pm.

II. ROLL CALL

Members present: Cousins, Wilson, Kieft, LaMourie, Chalifoux, Wagenmaker, Reenders, and Hesselsweet
Members absent: Taylor
Also present: Community Development Director Fedewa and Attorney Bultje

Without objection, Cousins instructed Fedewa to record the minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the November 18, 2019 meeting were approved.

V. CORRESPONDENCE

- Susan Heine – 14520 178th Avenue
  - Objects to the proposed Short Term Rental regulations. Family-owned cottage. Rents to offset the costs of the home.
- Mike Cuppari – No Address Provided
  - Questioned if Short Term Rentals and Limited Short Term Rentals are both allowed on one site along with other procedural questions.
- Robert Miller – No Address Provided
  - Former property owner in the Township. Rented the home without issues. Extra income necessary to offset the costs of the home. Looking to buy property in Holcomb Hills but may not with the change in rental regulations.
- John Meyer – No Address Provided
  - Objects to the proposed Short Term Rental regulations. Family-owned cottage and has rented without issue for decades. Proposed regulations actually bans the use on the majority of properties.

VI. PUBLIC COMMENTS – None

VII. NEW BUSINESS

A. Site Plan Review – Westlake Environmental

Fedewa provided an overview through a memorandum dated November 26th.

The property owner and his team were present and available to answer questions; applicant Michael Mull of Midwest Construction Group spoke:

- Provided samples and descriptions of the high-end building materials being proposed.
- The TimberTech wood will have multiple widths and colors to provide dimension and character to the building. Also utilizing textured fieldstone and brick accents.
- In regard to MDOTs comment about moving the driveway to the north, the applicant finds that acceptable and are willing to make the necessary revisions.

The Planning Commission offered the following comments:

- The proposed building will be a substantial improvement to the existing site.
- In response to staff's compliance items noted in the memo, the Commission makes the following findings:
    - Garage Door – proposed design is acceptable because the projection of the entrance door will provide screening, and the angle of the building provides additional screening from US-31.
    - Access Standards – MDOT desires to maximize the spacing between commercial drives to improve safety. Shift driveway to north end of the property. Separation from the existing median crossover is acceptable. To comply with the objectives of the US-31 Overlay Zone, a cross-access agreement and associated easement will be required.
    - Gravel Drive – the proposed gravel drive to the existing garage on the northeast section of the property is acceptable at a 20 foot width because it is a pervious material.
    - Stormwater Basin – basin must be reshaped to create the appearance of a natural pond.
    - Curbs – proposed curb design is acceptable because the site must dispose of the stormwater through infiltration. Sections of asphalt without curb is necessary to properly direct the stormwater. Infiltration supports the Resilient Master Plan, the Ottawa County Water Resources MS4 stormwater regulations, and the Township Boards directive to allow curb waivers to improve snow removal.
    - Outdoor Lighting – applicant must provide a revised spec sheet to staff to confirm compliance prior to installing.

> **Motion** by LaMourie, supported by Chalifoux, to **<u>conditionally approve</u>** the Westlake Environmental Site Plan Review application for an office building located at 11944 US-31 based on it meeting the requirements set forth by the Grand Haven Charter Township Zoning Ordinance. This motion is subject to, and incorporates, the following report. Approval is conditioned upon the following:
>
> 1. No building permits shall be issued until permits have been obtained from all applicable agencies. Including, but not limited to the MDOT, OCRC, OCWRC, and Ottawa County Environmental Health.

2. Shared Access Facility is required, but not yet available. Temporary direct access is being permitted, but prior to obtaining a Certificate of Occupancy:
    a. New Civil Plan Sheet designed to accommodate the future: frontage road, shared driveway, or rear access road, etc.
    b. Shall execute a written agreement to remove the temporary access when the alternative access system becomes available. This shall be drafted by the Township Attorney.
    c. Shall execute an access easement for future cross-connections to adjacent properties. This shall be drafted by the Township Attorney.
3. Reshape the stormwater basin to provide the appearance of a natural pond.
4. Submit a spec sheet for staff to review and approve for the outdoor lighting fixtures.
5. Provide a revised set of plans that shifts the driveway to the north end of the property.

Which motion carried unanimously.

REPORT – WESTLAKE ENVIRONMENTAL – SITE PLAN REVIEW

1. The application meets the site plan review standards of Section 23.06 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:
    A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site.
    B. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
    C. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
    D. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the township.
    E. Removal or alterations of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission has required that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
    F. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
    G. The site plan provides reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
    H. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.

I. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate.

J. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate stormwater, prevent erosion and the formation of dust.

K. Exterior lighting is arranged so that it is deflected away from adjacent properties and so it does not interfere with the vision of motorists along adjacent streets and consists of sharp cut-off fixtures.

L. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.

M. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.

N. The site plans conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances.

O. The general purposes and spirit of this Ordinance and the Master Plan of the Township are maintained.

2. The Planning Commission also finds the Project complies with the Overlay Zone findings and statement of purpose found in Section 15A.01 and 15A.04.6 of the Zoning Ordinance.

A. The Project accommodates a variety of uses permitted by the underlying zoning, but ensures such uses are designed to achieve an attractive built and natural environment.

B. The Project provides architectural and site design standards that are more demanding than required elsewhere in the Township in order to promote harmonious development and complement the natural characteristics in the western sections of the Township.

C. The Project promotes public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.

D. The Project ensures safe access by emergency vehicles.

E. The Project encourages efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.

F. The Project preserves the capacity along US-31 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways and requires alternate means of access through service drives.

G. The Project seeks to reduce the number and severity of crashes by improving traffic operations and safety.

H. The Project requires coordinated access among adjacent lands where possible.

I. The Project provides landowners with reasonable access, although the number and location of access points may not be the arrangement most desired by the Developer.

J. The Project requires demonstration that prior to approval of any land divisions, the resultant parcels are accessible through compliance with the access standards.

K. The Project preserves woodlands, view sheds, and other natural features along the corridor.

L. The Project ensures that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.

M. The Project implements the goals expressed in the US-31/M-45 Corridor Study.

N. The Project establishes uniform standards to ensure fair and equal application.

O. The Project addresses situations where existing development within the Overlay Zone does not conform to the standards.

P. The Project promotes a more coordinated development review process with the Michigan Department of Transportation and the Ottawa County Road Commission.

3. The Planning Commission also finds the Project complies with the Modification of Access Standards found in Section 15A.07 of the Zoning Ordinance. Specifically, the Planning Commission finds as follows:

A. The Project site has practical difficulties due to existing off-site access points, existing development, and the lot width of the legal lot of record, all of which make compliance impractical.

B. The Project use involves an access improvement that will generate less traffic than the previous use.

C. The Project is consistent with MDOT guidelines and MDOT staff support the proposed access design because the driveway will be shifted north to maximize the separation between existing commercial drives.

D. The Project and its modification is consistent with the general intent of the Overlay Zone and the recommendations of the US-31/M-45 Corridor Study.

E. The Project does not require a traffic study to certify the modification will improve traffic operations and safety.

F. The Project is not ripe for indirect or shared access but will execute a cross-access agreement and easement for future connections.

G. The Project is proposing the minimum modification necessary.

VIII. PUBLIC HEARING

A. New Zoning Ordinance and Zoning Map

Cousins opened the public hearing at 7:36pm

Fedewa provided an overview through a memorandum dated November 26th followed by an in depth explanation of a court case shaping the short term rental regulations along with the reasoning behind the Township Boards decisions while crafting the ordinance language.

- Marsha Aerts – 17784 Brucker Street, objects to Short Term Rental ordinance.
    - Property does not have neighbors around. Only a few lots. Rental supports tourism. Needs to rent to offset costs.
- Susan Heine – 14520 178th Avenue, objects to Short Term Rental ordinance.
    - Needs to rent to offset costs. Visits property at least once per month. Devastated she cannot rent the home any longer. Family has owned the property and surrounding land for decades (DePersia). If house is rented full-time, she and her family could no longer utilize the home themselves. Is very careful when selecting tenants. Good relationship with neighbors.
- Michelle Hornstrand – 1752 Brogan Drive (city unknown), objects to Short Term Rental ordinance.
    - Sister of Marsha Aerts. Numerous questions such as when ordinance will take effect; what happens to clients that have already booked; does the owner have to notify the Township of who the renters are; how many complaints have been received and what is the nature of those complaints; etc.
- Chris MacKeller – 13771 Lakeshore Drive, question about the Short Term Rental ordinance.

- Questioned how parking would be addressed at the rental homes. Has experienced cars parked in his yard before and wants to prevent.

- Jack Steinmetz – 15695 High Ridge Drive, request regarding the Short Term Rental ordinance.
  - Himself and other neighbors on High Ridge and Lost Channel are requesting the four unplatted "green" lots be changed to "red" and marked as not eligible for a Short Term Rental. Believes that will be fairer to everyone.
- Andrew Wesner – 15831 Lake Avenue, supports the Short Term Rental ordinance.
  - Resides next door to an egregious short term rental. Supportive of the Board's position that there are certain expectations when buying into a neighborhood. STRs have a major impact to residents. Obnoxious in regard to noise because of the number of people and the water-related toys. Sold his boat because there were too many "close calls" with the tenants driving water-related toys such as seadoos. Asked when this STR will be forced to close.
- Ed Everhart – 12087 Bluewater Road, objects to Short Term Rental ordinance and the increased setback for properties fronting on Lake Michigan.
  - Questions what impact the STR ordinance will have on his property. Paid over $1 million. Would only buy land that was not in the Critical Dune Areas because EGLE (formerly the DEQ) is a nightmare. Intends to build a 4,000+ sqft new house by 2022. Has an EGLE permit already that would allow him to build closer to the water than the existing cottage. Pays over $20,000 in property taxes and will not let his rights be taken away. Believes the 200 ft setback for Lake Michigan waterfront properties is a "takings." Wants a reduction in his property taxes if the Township is going to "take" half of his building envelope. Provision is arbitrary and capricious and in conflict with existing EGLE provisions. Readily Moveable Structures allow the house to be moved if needed, so the Township should not be concerned with how close to the water the house is built.
  - Requested an explanation of why he did not receive notice about the STR ordinance and zoning ordinance.
  - Explained he was part of a court action about 10 years ago that vacated the Sheldon Beach Subdivision. Will send documents to Township, so the map can be updated.
- Mindi Freng – 17411 Buchanan Street, objects to Short Term Rental ordinance.
  - Home was utilized as a rental for over 15 years when the property was purchased. The rental income was reflected in the sale price. Typically rents for 6 weeks and 9 full weekends. Has had great renters in the past and is not aware of any complaints. Did cease renting when Township sent cease and desist letter. Was not aware the Township was proposing new STR regulations until she received the tax insert in the mail. Does not understand how her land is platted, it is a "U" shape and has no restrictive covenants. Only 8 houses on that section of Buchanan Street. Traffic should not be a concern because it is already busy due to the road-end beach access. Financially, cannot hold onto the home much longer if unable to rent.
- Tara Angus – 1514 Erin Street, Jenison, objects to Short Term Rental ordinance.

- Is a frequent user of STRs because her children are part of nation-wide travel teams for sports. STRs are better than hotels because it is quiet, has a kitchen, and allows for better family time. Has visited the Freng property before and it was a "calm" experience. Encourages the Township to consider putting themselves in someone else's shoes before approving the ordinance. Tourism, rentals, and beach access are essential. If STRs are no longer allowed in the Township she will take her money and go somewhere else.

- Stan Fortuna – 11763 Garnsey Avenue, supports the Short Term Rental ordinance.
  - Supportive of the Board's position that this ordinance needs to protect the character of our neighborhoods. Wonders when existing rentals will cease and what type of enforcement will be done for violations.
- George DeWild – 12103 Bluewater Road, objects to Short Term Rental ordinance and Lake Michigan section of the Resiliency Chapter.
  - Questioned when the STR ordinance would be adopted and enforced. Indicated the Sheldon Beach Subdivision is no longer platted so the map needs to be updated. Believes Section 3.01 should be removed in its entirety because no additional regulations are necessary for lakefront property.

There being no further public comment, Cousins closed the hearing at 8:19pm

IX. OLD BUSINESS

A. New Zoning Ordinance and Zoning Map

Fedewa and Bultje provided explanations to many of the questions posed during the Public Hearing.

The Planning Commission directed staff to provide the public comments to the Township Board and then requested staff briefly review the presentation created by the consultant that describes the major policy changes.

> **Motion** by Wagenmaker, supported by LaMourie, to recommend the Township Board **approve** the New Zoning Ordinance and Zoning Map. **Which motion carried unanimously.**

X. REPORTS

A. Attorney's Report – None

B. Staff Report – None

C. Other – None

XI. EXTENDED PUBLIC COMMENTS

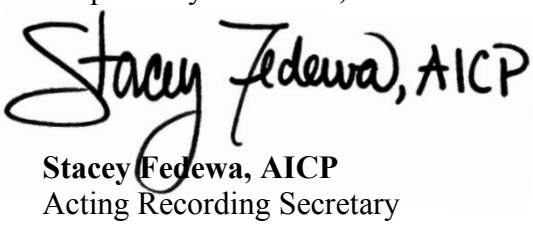
- Marsha Aerts – 17784 Brucker Street
  - Her home is rented annually to a family from Iowa to host a family reunion. It is also rented by quilters, scrapbookers, book clubs, and other family parties. Grand Haven is a tourist community. Understands why Short Term Rentals should not be allowed in an executive-housing style neighborhood such as Garnsey Avenue but believes her area should be eligible.

- Ray Swanson – 11724 Garnsey Avenue
    - Questioned if a vacant lot may be eligible as an STR. Does not support the 200 ft setback for Lake Michigan, believes it is too much.
- Kevin Freng – 17411 Buchanan Street
    - Questioned how the public will learn if Sheldon Beach Subdivision was vacated. Questioned how to obtain complaints that may have been received on his property.
- Susan Heine – 14520 178th Avenue
    - Is unfamiliar with platted vs. unplatted land and how that impacts an STR license.
- Michelle Hornstrand – 1752 Brogan Drive (city unknown)
    - Questioned how enforcement will occur and if renters would be asked to leave during their tenancy.

XII. ADJOURNMENT

Without objection, the meeting adjourned at 9:11 pm.

Respectfully submitted,



Stacey Fedewa, AICP
Acting Recording Secretary

GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: February 27, 2020

TO: Planning Commission

FROM: Stacey Fedewa, AICP – Community Development Director

RE: GHCM Discussion – New Construction of Warehouse

BACKGROUND

The owner of Grand Haven Custom Molding (GHCM) purchased the former Consumers Concrete plant at 14016 172nd Avenue. The old batch plant structure has been demolished. The new owner needs to expand because he has product that needs to be stored in a warehouse and his current facility is not large enough.

The site is a little over 6 acres. Is a flag lot. A 50,250 sqft warehouse + 6 loading docks are currently proposed. A future expansion of 42,300 sqft is also possible.

Staff and the applicant are currently in the middle of the review process and a handful of items have arose for which the applicant and engineer are requesting clarity. Most of these items revolve around the new building be on a flag lot, setback 670 feet from 172nd, and whether certain aspects of the new building will be "screened" by existing buildings.

Section 15A.12.3 encourages the applicant and their design professional to request a study session with the Planning Commission to receive comments on compliance with the US-31 Overlay Zone guidelines. The information below will outline the applicants concerns along with staff's and request the Planning Commission discuss these items and provide direction.

LOADING DOCKS, ARCHITECTURAL FEATURES, LANDSCAPING

Section 15A.10.6, states, "Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact."

Section 24.05.3, states, "All loading and unloading in an I-1 district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a

public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least 50 feet."

Staff Comments. Staff has informed the applicant the loading docks are in the front yard. They must be relocated to a compliant place or seek a variance. However, staff is uncertain if the variance would be approved because there seem to be reasonable options to become compliant.

Applicant Comments. The applicant has three primary arguments.

- First, staff is not defining the yards correctly and the loading docks are actually in a side yard.
- Second, because the building is setback 670 ft from the road and because part of it will be screened by existing buildings the docks should be able to stay since they're not too visible.
- Third, if the docks were moved to the rear of the building, they would abut a residential zoning district, but if they remain as-is they abut an industrial district.

Staff Counter-Comments. In response to the applicant's comments, staff offers the following.

- First, the Zoning Administrator is the only person allowed to define the yards, and I have done so in a consistent manner. Disagreeing with those definitions must be appealed to the ZBA.
- Second, Section 15A.12.4.B requires architectural variety for walls over 100 ft and the PC is the only group that can waive the requirement for walls that are effectively screened from view by other buildings, landscaping or woodlands.
- Third, the property to the east is zoned Rural Residential, but the house is over 1,050 ft away from the applicant's property line. Staff believes the intent and spirit of the Overlay Zone is to present an inviting and naturally beautiful corridor to the motoring public.

Before the meeting, staff will provide another **illustration that helps to show how much of the site and new building will be visible** to northbound and southbound traffic on 172nd and US-31.

SUGGESTED QUESTIONS AND/OR DISCUSSION POINTS

1. Would the PC prefer the applicant pursue the variance before, or after, the PC reviews and makes a determination? There is no right answer, it's based on the preferences of this PC.
    a. Obtain a variance that is conditioned upon receiving PC approval.
        i. If the variance is denied, applicant must revise plans to comply with loading dock provision before going to the PC.
    b. PC approval conditioned upon receiving a variance.
        i. If the variance is denied, applicant must revise plans to comply with loading dock provision before going back to the PC again to amend the first approval.
2. What are the PC's thoughts on the loading dock location and design?
    a. Visible from the road?

b. Relocate to the rear?

c. Add walls and landscaping or recess (*like Walmart*)?

d. Does the site require that much asphalt?

3. Does the PC believe any portion of the architectural requirements should be waived?

   a. Landscaping that abuts the walls to reduce the visual impact of building mass as viewed from the street is unknown at this time (Section 15A.10.3), and is a requirement that cannot be waived, but may be used as part of the architectural waiver (*i.e., the landscaping along the walls rises to the level of warranting a waiver*).

   b. When considering all of the facts—setback from the road, potential screening from other buildings, the office area (*has the most visibility*) architecture and materials, and the information provided by staff—does the design meet the spirit and intent of the Overlay Zone?

4. Other miscellaneous items for which staff requests the PC discuss the importance of:

   a. Naturally shaped stormwater basin.

      i. Perhaps adding a raingarden near the basin to reduce some of the impervious surface and help screen the loading docks and account for the volume loss that would be created by reshaping the basin. The following page has visual examples of raingardens.

   b. Using native landscaping and reducing the amount of turf lawn being used.

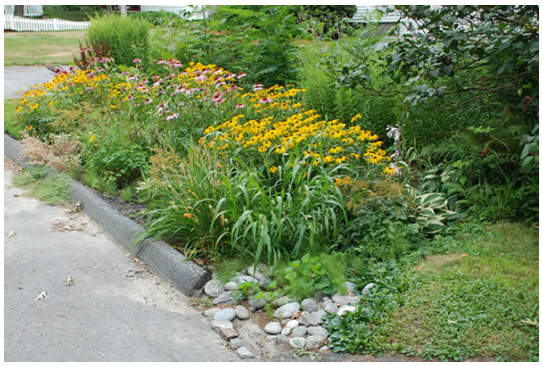
   c. Preserving landmark trees.

   d. Dark Sky lighting requirements.

5. Is the concrete block wall along the south and east property lines acceptable to remain?

   a. Staff recommends you visit the site to see the height of the wall along the east lot line. It is large and would be difficult to dispose. It also provides screening in conjunction with the trees. However, it is not aesthetically pleasing.

Please let me know if this raises questions.



811 Know what's **below.** **CALL** before you dig.

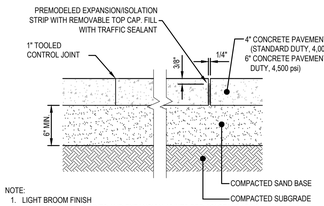
UTILITY LOCATIONS AS SHOWN ON THE PLAN WERE OBTAINED FROM ACTUAL MEASUREMENTS OR AVAILABLE AS-BUILT RECORD DRAWINGS AS PROVIDED TO US. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE:
THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

BENCHMARKS

BENCHMARK #200 ELEV. = 598.91 (NAVD88)
Top of NE flange bolt on hydrant (under "USA") 23' N. of NW property corner.

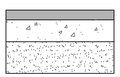
BENCHMARK #526 ELEV. = (NAVD88)
Top of NE flange bolt on hydrant 59' N. & 9' W. of SE property corner.



NOTE:
1. LIGHT BROOM FINISH
2. LOCATE CONTROL JOINTS AND EXPANSION JOINTS PER ACI STANDARDS
3. PANEL SIZE SHALL NOT EXCEED 8 FEET
4. PANELS SHALL BE KEPT AS SQUARE AS POSSIBLE WITH THE LENGTH NEVER EXCEEDING 1.25X THE WIDTH
5. 1.0#/CU.YD. FIBER REINFORCEMENT
6. AIR ENTRAINMENT - 6% ± 1%
7. SLUMP 4"±1"

CONCRETE PAVEMENT DETAIL

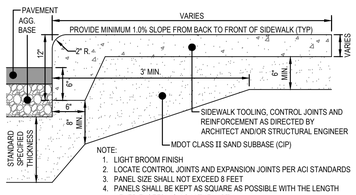
N.T.S.



NOTE:
1. REFER TO GEOTECHNICAL REPORT FOR FINAL PAVEMENT DESIGN SPECIFICATION
2. HMA MIXTURE TO BE TIER 1 OR TIER 11
3. BINDER GRADE TO BE A MINIMUM OF PG 58-28

STANDARD DUTY BITUMINOUS PAVEMENT CROSS SECTION DETAIL

N.T.S.



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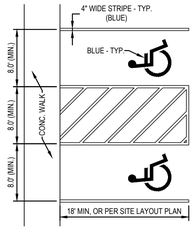
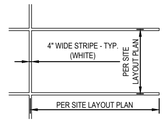
5. 1.0#/CU.YD. FIBER REINFORCEMENT
6. AIR ENTRAINMENT - 6% ± 1%
7. SLUMP 4"±1"

INTEGRAL CURB AND WALK DETAIL

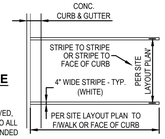
N.T.S.



TYPICAL 8'-0" WIDE HANDICAP VAN PARKING SPACE



TYPICAL 90° INTERNAL PARKING SPACE



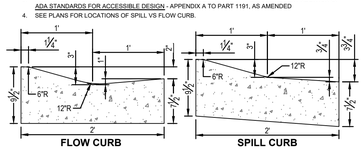
TYPICAL 90° PERIMETER PARKING SPACE

NOTE:
APPLY TWO COATS OF VOC COMPLIANT, M.D.O.T. APPROVED, UNDILUTED SOLVENT BASED, OR LATEX TRAFFIC PAINT TO ALL PAVEMENT MARKINGS. USE MANUFACTURERS RECOMMENDED APPLICATION RATE, WITHOUT ADDITION OF THINNER, WITH A MAXIMUM OF 100 SFT PER GALLON, OR MINIMUM 15 MILS WET FILM THICKNESS, AND 7.5 MILS DRY FILM THICKNESS PER COAT, WITH MINIMUM 30 DAYS BETWEEN APPLICATIONS. SECOND COAT MUST NOT BE APPLIED EARLIER THAN 7 DAYS BEFORE OCCUPANCY.

PARKING SPACE MARKING DETAILS

N.T.S.

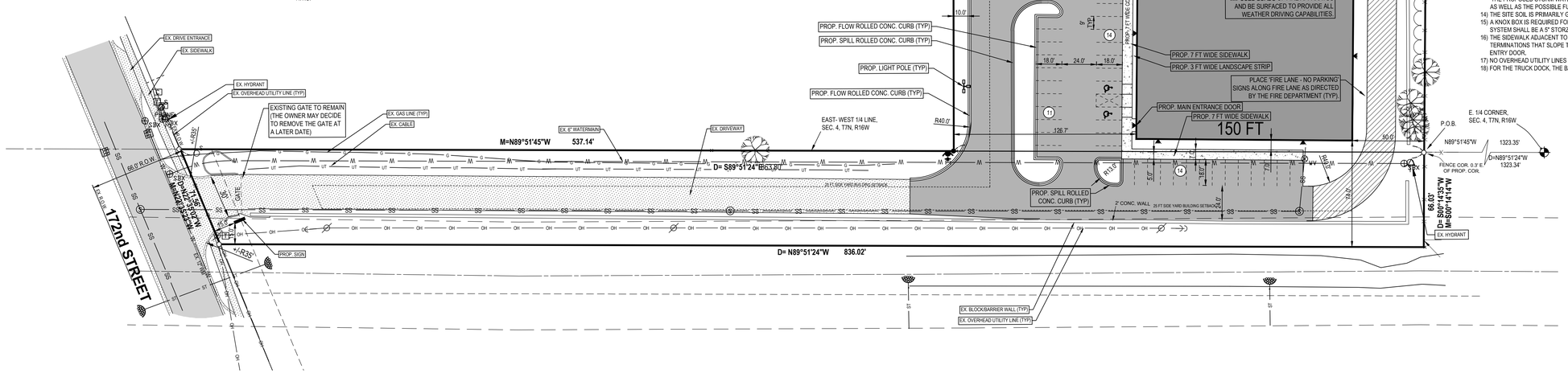
GRADING NOTES:
1. ESTABLISH PERMANENT BENCH MARK ON-SITE PRIOR TO GRADING.
2. PROPOSED SPOT GRADES ARE TO EDGE OF METAL/TOP OF PAVEMENT UNLESS OTHERWISE NOTED. THE VERTICAL DIFERENCE BETWEEN PAVEMENT GRADES AND TOP OF CURB GRADES VARY FOR FLOW AND SPILL CURB (SEE DETAIL-THIS SHEET).
3. PROPOSED ADA ROUTE SHALL MEET THE STANDARDS SET FORTH IN THE MOST RECENT ADDITION OF ADA STANDARDS FOR ACCESSIBLE DESIGN - APPENDIX A TO PART 1191, AS AMENDED
4. SEE PLANS FOR LOCATIONS OF SPILL VS FLOW CURB.

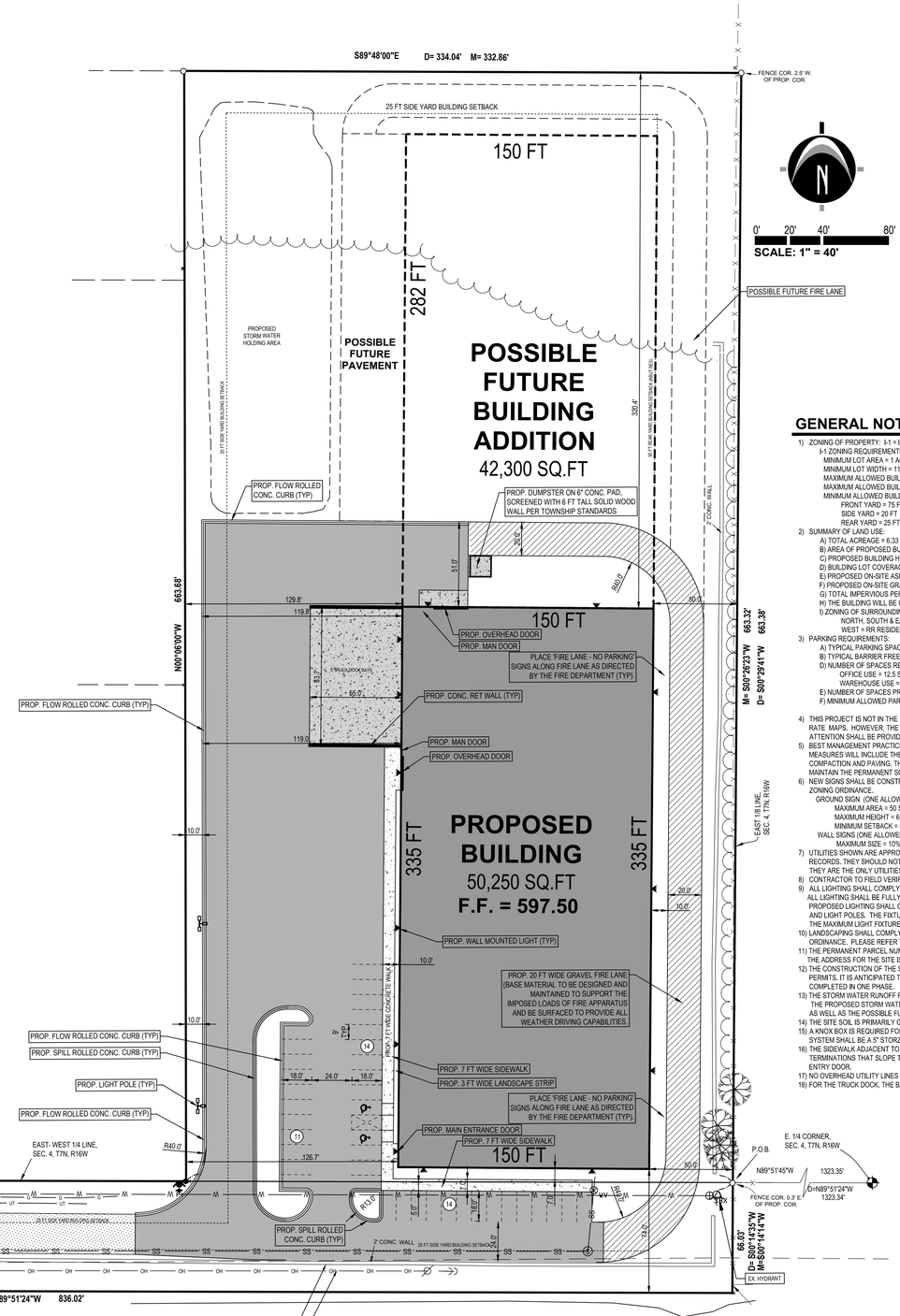


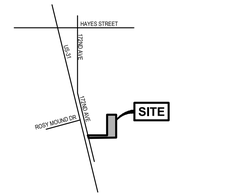
SPILL CURB IS NOTED BY HATCH IN PLAN VIEW=
FLOW CURB NOT HATCHED IN PLAN VIEW

24" CONCRETE ROLLED CURB DETAIL

N.T.S.







LOCATION MAP

NOT TO SCALE

0' 20' 40' 80'
SCALE: 1" = 40'

LEGEND

- EXISTING BITUMINOUS
- EXISTING CONCRETE
- PROPOSED BITUMINOUS (STANDARD DUTY)
- PROPOSED CONCRETE (STANDARD DUTY)
- PROPOSED CONCRETE (HEAVY DUTY)
- PROPOSED BUILDING

GENERAL NOTES

1) ZONING OF PROPERTY: I-1 = INDUSTRIAL
   I-1 ZONING REQUIREMENTS
   MINIMUM LOT AREA = 1 ACRE
   MINIMUM LOT WIDTH = 110 FT
   MAXIMUM ALLOWED BUILDING HEIGHT = 2 1/2 STORIES / 35 FT
   MAXIMUM ALLOWED BUILDING COVERAGE = NOT APPLICABLE
   MINIMUM ALLOWED BUILDING SETBACKS:
   FRONT YARD = 75 FT (NO PARKING ALLOWED)
   SIDE YARD = 20 FT (50 FT ABUTTING RESIDENTIAL)
   REAR YARD = 25 FT (50 FT ABUTTING RESIDENTIAL)
2) SUMMARY OF LAND USE:
   A) TOTAL ACREAGE = 6.33 ACRES (APPROX. 275,807 SF) (EXCLUDING ROAD R.O.W.)
   B) AREA OF PROPOSED BUILDING FOOTPRINT = APPROXIMATELY 50,250 SF
   C) PROPOSED BUILDING HEIGHT = APPROXIMATELY 30 FT
   D) BUILDING LOT COVERAGE = APPROXIMATELY 18.2%
   E) PROPOSED ON-SITE ASPHALT/CONCRETE AREA = APPROX. 69,400 SF (INCLUDES EX. DRIVEWAY)
   F) PROPOSED ON-SITE GRAVEL AREA = APPROX. 11,260 SF
   G) TOTAL IMPERVIOUS PERCENTAGE = APPROXIMATELY 47.5% (130,910 SF)
   H) THE BUILDING WILL BE USED AS INDUSTRIAL SPACE, WITH APPROXIMATELY 2,500 SF OFFICE.
   I) ZONING OF SURROUNDING PARCELS
   NORTH, SOUTH & EAST = INDUSTRIAL (I-1 AND I-1A)
   WEST = RR RESIDENTIAL
3) PARKING REQUIREMENTS:
   A) TYPICAL PARKING SPACE = 9' x 18' (24' TWO-WAY DRIVE AISLES)
   B) TYPICAL BARRIER FREE SPACE = 8' x 18' (WITH 8' WIDE VAN ACC. AISLES)
   D) NUMBER OF SPACES REQUIRED = 36 SPACES
   OFFICE USE = 12.5 SPACES (BASED ON 1 PER 200 SF OFFICE: +/- 2,500 SF OFFICE AREA)
   WAREHOUSE USE = 23.875 SPACES (BASED ON 1 PER 2,000 SF: +/-47,750 SF WAREHOUSE)
   E) NUMBER OF SPACES PROVIDED = 39 (WITH ROOM FOR MORE IF NEEDED)
   F) MINIMUM ALLOWED PARKING SETBACK = NO PARKING ALLOWED IN FRONT YARD
   SIDE / REAR YARD = 10 FT SETBACK.
4) THIS PROJECT IS NOT IN THE 100 YEAR FLOOD PLAIN, BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAPS. HOWEVER, THE FLOODPLAIN IS VERY CLOSE TO THE EAST PROPERTY LINE. SPECIAL CARE AND ATTENTION SHALL BE PROVIDED IN THAT AREA SO THAT IT IS NOT AFFECTED BY POTENTIAL FLOODING.
5) BEST MANAGEMENT PRACTICES WILL BE UTILIZED DURING AND AFTER CONSTRUCTION OF THE PROJECT. MEASURES WILL INCLUDE THE USE OF SILT FENCING, SEEDING AND MULCHING, SEDIMENT INLET FILTERS, COMPACTION AND PAVING, THE OWNER OF THE SUBJECT PARCEL SHALL HAVE THE RESPONSIBILITY TO MAINTAIN THE PERMANENT SOIL EROSION PROTECTION MEASURES.
6) NEW SIGNS SHALL BE CONSTRUCTED TO THE STANDARDS SET FORTH BY THE GRAND HAVEN TOWNSHIP ZONING ORDINANCE.
   GROUND SIGN (ONE ALLOWED PER PARCEL):
   MAXIMUM AREA = 50 SF
   MAXIMUM HEIGHT = 6 FT
   MINIMUM SETBACK = 5 FT FROM FRONT PROPERTY LINE; 15 FT FROM ALL OTHER LOT LINES
   WALL SIGNS (ONE ALLOWED PER STREET FRONTAGE):
   MAXIMUM SIZE = 10% OF THE WALL AREA TO WHICH THE SIGN IS AFFIXED.
7) UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.
8) CONTRACTOR TO FIELD VERIFY ALL INVERTS.
9) ALL LIGHTING SHALL COMPLY WITH CHAPTER 20A OF THE GRAND HAVEN TOWNSHIP ZONING ORDINANCE. ALL LIGHTING SHALL BE FULLY SHIELDED FROM ALL ADJACENT PROPERTIES.
   PROPOSED LIGHTING SHALL CONSIST OF SOFFIT LIGHTS AT BUILDING ENTRANCES, WALL MOUNTED LIGHTS, AND LIGHT POLES. THE FIXTURES WILL BE SHOEBOX TYPE FIXTURES THAT DIRECT THE LIGHT DOWNWARD, THE MAXIMUM LIGHT FIXTURE HEIGHT SHALL BE 30 FT.
10) LANDSCAPING SHALL COMPLY WITH THE REQUIREMENTS OF THE GRAND HAVEN TOWNSHIP ZONING ORDINANCE. PLEASE REFER TO THE LANDSCAPE PLAN INCLUDED IN THIS PLAN SET.
11) THE PERMANENT PARCEL NUMBER FOR THE SITE IS 70-07-04-200-034.
    THE ADDRESS FOR THE SITE IS 14016 - 172ND AVENUE.
12) THE CONSTRUCTION OF THE SITE WILL BEGIN IMMEDIATELY PENDING TOWNSHIP/AGENCY APPROVALS AND PERMITS. IT IS ANTICIPATED THAT THE PROJECT WILL BE COMPLETED IN 2020. THE PROJECT WILL BE COMPLETED IN ONE PHASE.
13) THE STORM WATER RUNOFF FROM THE SITE WILL BE COLLECTED AND DETAINED PER OCWRC REQUIREMENTS. THE PROPOSED STORM WATER HOLDING AREA HAS BEEN SIZED TO ACCOMMODATE THE PROPOSED PROJECT AS WELL AS THE POSSIBLE FUTURE BUILDING AND PAVEMENT ADDITIONS.
14) THE SITE SOIL IS PRIMARILY GRANBY LOAMY SAND, BASED ON THE USDA SOIL SURVEY MAP INFORMATION.
15) A KNOX BOX IS REQUIRED FOR THE BUILDING. THE FIRE DEPARTMENT CONNECTION FOR THE SPRINKLING SYSTEM SHALL BE A 5" STORZ COUPLING.
16) THE SIDEWALK ADJACENT TO THE BUILDING IS 7 FT WIDE. SIDEWALKS MUST HAVE APPROPRIATE TERMINATIONS THAT SLOPE TO GRADE. OR IN OTHER CASES WHERE THE SIDEWALK TERMINATES INTO AN ENTRY DOOR.
17) NO OVERHEAD UTILITY LINES WILL BE REPLACED OR ADDED TO THE SITE.
18) FOR THE TRUCK DOCK, THE BAYS SHALL HAVE AT LEAST 14 FT OF OVERHEAD CLEARANCE.

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PREPARED FOR:
CopperRock Construction Inc.
Attention: Brandon Hartel

601 5th Street NW, Suite 300
Grand Rapids, MI 49504
Phone: 616.920.1655

REVISIONS:

Title: Preliminary Site Plan		
Drawn: SW	Checked: SW	Date: 01/22/20
Title: Site Plan Resubmittal		
Drawn: SW	Checked: SW	Date: 02/19/20
Title: Per OCWRC		
Drawn: SW	Checked: SW	Date: 02/24/20
Title: Submitted for March 2 PC Meeting		
Drawn: SW	Checked: SW	Date: 02/27/20

GH Custom Molding

Site Layout Plan

14016 172nd Street
PART OF THE NORTHEAST 1/4 OF SECTION 4, T7N, R16W, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

STAMP:
STATE OF MICHIGAN
STEVEN L. WITTE
ENGINEER
No. 46769
LICENSED PROFESSIONAL ENGINEER

PROJECT NO:
19201738

SHEET NO:
C-205

SHEET: 2 OF 5

19201738-CPS.dwg SW 2/27/2020 08:00

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LANDSCAPE NOTES

PLANTING NOTES:

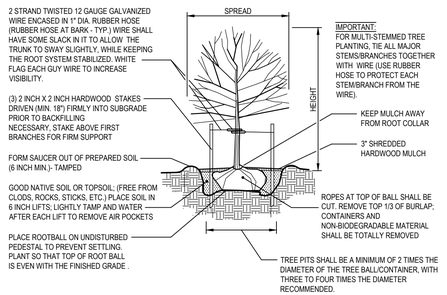
1) ALL PLANT MATERIAL SHALL BE LOCALLY NURSERY GROWN NO.1 GRADE AND INSTALLED ACCORDING TO ACCEPTED PLANTING PROCEDURES. ALL PLANT MATERIALS SHALL MEET CURRENT AMERICAN ASSOCIATION OR NURSERYMEN STANDARDS. DO NOT PLANT MATERIALS UNTIL DIRECTED BY OWNER, LANDSCAPE ARCHITECT, AND/OR CONSTRUCTION MANAGER. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL, FOR ANY REASON BEFORE OR AFTER IT IS INSTALLED.
2) SIZES SPECIFIED ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE INSTALLED.
3) ANY PLANT SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
4) MAINTENANCE OF LANDSCAPING ITEMS, TREES, AND PLANTS SHALL BE PERFORMED BY THE PROPERTY OWNER OR A QUALIFIED PROFESSIONAL. ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH APPLICABLE MUNICIPAL STANDARDS AND IN ACCORDANCE WITH CURRENT INDUSTRY STANDARDS IN A NEAT, HEALTHY AND WEED FREE CONDITION. ANY DEAD, DISEASED OR DAMAGED PLANT MATERIALS ARE TO BE REPLACED IMMEDIATELY AFTER NOTIFIED TO DO SO.
5) PLANT TREES AND SHRUBS IN ACCORDANCE WITH PLANTING DETAILS. DIG TREE PITS PER DETAILS. PLANT TREES AND SHRUBS AT THE SAME GRADE LEVEL AT WHICH THEY WERE GROWN AT THE NURSERY. IF HEAVY CLAY SOILS ARE EVIDENT, PLANT TREES AND SHRUBS HIGHER, APRROX. 1/4 OF THE ROOT BALL ABOVE GRADE, AND BACKFILL TO TOP OF ROOT BALL.
6) REMOVE ALL TWINE, WIRE, NURSERY TREE GUARDS, TAGS AND INORGANIC MATERIAL FROM ROOT BALLS. REMOVE THE TOP 1/3 OF BURLAP FROM EARTH BALLS AND REMOVE BURLAP FROM AROUND TRUNK.
7) FINELY SHREDDED HARDWOOD BARK MULCH, NATURAL COLOR (NON-COLORED), IS REQUIRED FOR ALL PLANTINGS AND PLANTING BEDS. MULCH PER PLANTING DETAILS. MULCH IN PLANT BEDS SHALL BE 3" THICK AT TIME OF INSPECTION AND AFTER COMPACTED BY RAIN OR IRRIGATION. ALL PLANTING BEDS SHALL BE EDGED WITH 6" X 12 GAUGE STEEL LANDSCAPE EDGING.
8) LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES. IF A CONFLICT WITH UTILITIES EXIST, NOTIFY OWNER/CONSTRUCTION MANAGER PRIOR TO PLANTING.
9) PLANT MATERIAL SHALL BE GUARANTEED FOR ONE YEAR AFTER PLANTING AND ACCEPTANCE.

TOPSOIL AND TURF NOTES:

1) WHEREVER GROUND IN ITS NATURAL STATE HAS BEEN DISTURBED, APPROVED LANDSCAPING OR GRASS SHALL BE FULLY INSTALLED, AND ESTABLISHED WITHIN A REASONABLE PERIOD OF TIME, BUT NO LONGER THAN ONE GROWING SEASON (UNLESS OTHERWISE NOTED AND APPROVED).
2) DURING EXCAVATION, GRADING, AND INSTALLATION OF REQUIRED LANDSCAPING, ALL SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS SHALL BE STRICTLY FOLLOWED AND COMPLIED WITH.
3) ALL LAWN AREAS SHALL RECEIVE SOD OR HYDROSEED. TURF SHALL BE INSTALLED ON TOPSOIL UNLESS APPROVED OTHERWISE. DO NOT PLANT UNTIL ACCEPTANCE OF FINISH GRADE.
3) SOD SHALL BE GROWN ON TOPSOIL UNLESS APPROVED OTHERWISE. SOD SHALL BE 2 YEARS OLD AND STRONGLY ROOTED. PLACE SOD TIGHTLY WITH NO GAPS AND WITH GRAIN IN SAME DIRECTION. SEAMS OF SOD SHALL BE STAGGERED IN A RUNNING BOND PATTERN. SOD SHALL BE WATERED IMMEDIATELY TO AVOID DRYING OUT. DO NOT INSTALL SOD UNTIL ACCEPTANCE OF FINISH GRADE AND IRRIGATION SYSTEM IS OPERATING PROPERLY UNLESS DIRECTED IN WRITING TO DO OTHERWISE. FINISH ROLL SOD WITH A WATER FILLED LAWN ROLLER, ROLL PERPENDICULAR TO LENGTH OF SOD.
4) TURF SHALL BE INSTALLED ON A MIN. OF 3"-4" OF LIGHTLY COMPACTED APPROVED TOPSOIL. TOPSOIL SHALL BE FERTILE, SCREENED, FRIABLE TOPSOIL FREE OF STONES 1/2" IN DIA. AND LARGER, ROOTS, STICKS, OR OTHER EXTRANEOUS MATERIAL INCLUDING NOXIOUS PLANTS. PH BETWEEN 6.0 AND 6.5, SALTS 500 PARTS PPM, ORGANIC CONTENT 3% MIN. DO NOT INSTALL TOPSOIL UNTIL APPROVED BY OWNER/C.M.. TOPSOIL SHALL BE FINE GRADED TO A SMOOTH FINISH, FREE OF LUMPS AND DEPRESSIONS.
5) ALL LANDSCAPE ISLANDS WITHIN PARKING LOTS SHALL BE BACK FILLED WITH TOPSOIL TO A DEPTH OF 18" MIN.

IRRIGATION NOTES:

1) ALL PLANTING AREAS WITH HATCH SHOWN ARE TO HAVE A COMPLETE IRRIGATION SYSTEM. THE G.C. SHALL BE RESPONSIBLE FOR RETAINING A QUALIFIED FIRM FOR THE DESIGN OF THE IRRIGATION SYSTEM. THE DESIGN MUST SHOW HOW THE SYSTEM TIES INTO THE BUILDING AND MUST SHOW ALL OF THE NECESSARY EQUIPMENT FOR A COMPLETE SYSTEM. THE G.C. SHALL SUBMIT THE IRRIGATION SYSTEM DESIGN TO THE ARCHITECT/OWNER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.



TYPICAL TREE PLANTING DETAIL

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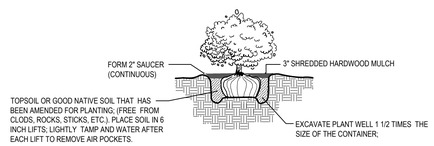


TYPICAL SHRUB / PERENNIAL / ORNAMENTAL GRASS PLANTING DETAIL

N.T.S.

LANDSCAPE CALCULATIONS

REQUIRED LANDSCAPING:

PARKING LOT LANDSCAPING
- 36" TALL (MIN.) SCREEN BETWEEN PARKING ROAD

PROPOSED LANDSCAPING:

PARKING LOT LANDSCAPING
- 3 CANOPY TREES (2.5" CAL.) PROVIDED
- 5 EVERGREEN TREES PROVIDED

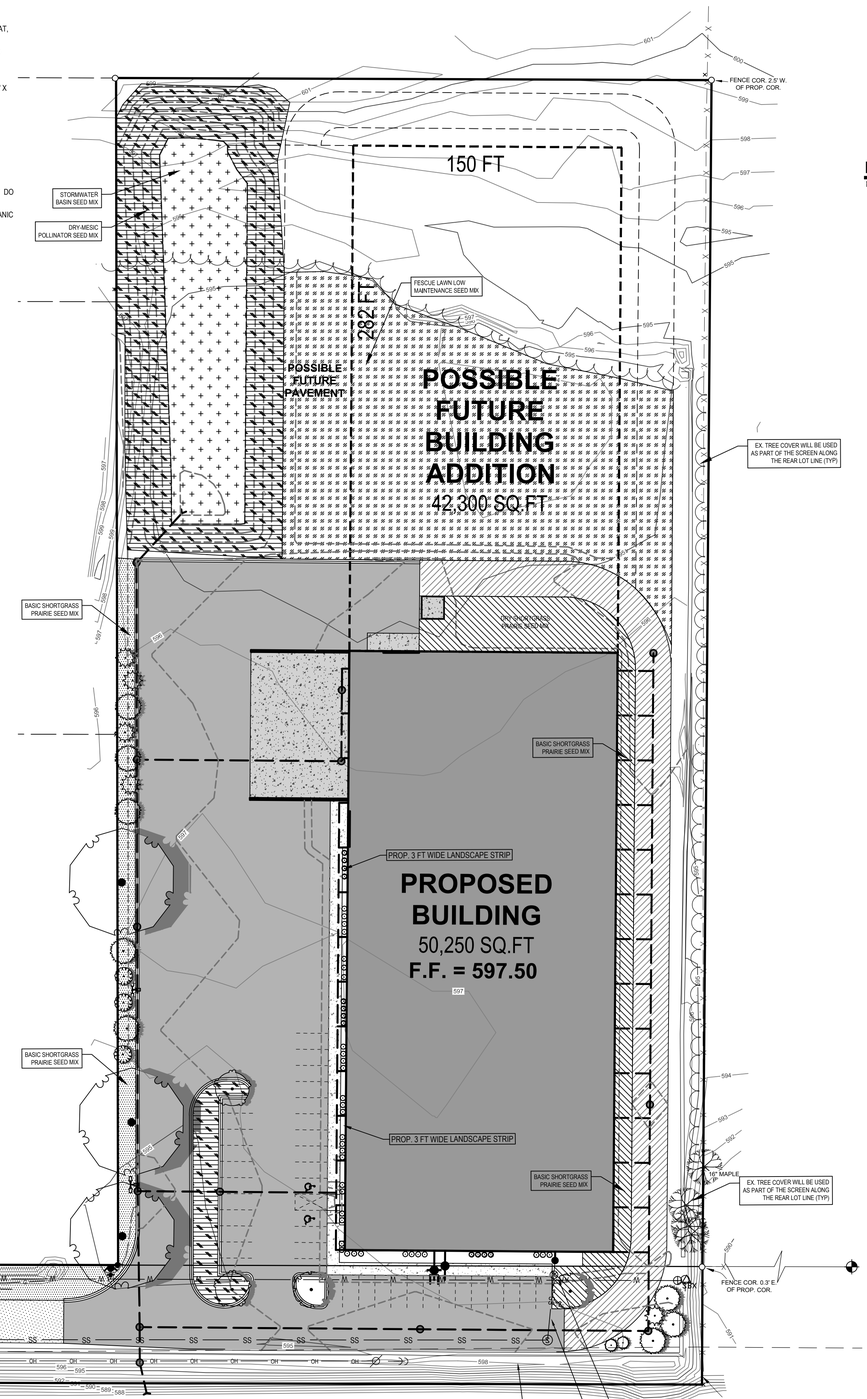
PLANT SCHEDULE

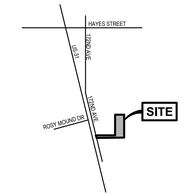
TREES	CODE	BOTANICAL NAME	COMMON NAME	CONT	QTY	SIZE AT PLANTING
	Ak	Abies koreana `Silberlocke`	Korean Fir	B&B	2	6' ht.
	Cc	Cercis canadensis	Eastern Redbud	B&B	2	6' ht.
	Cf	Cornus florida	Eastern Dogwood	B&B	2	6' ht.
	Je	Juniperus virginiana	Eastern Red Cedar	B&B	3	6' ht.
	Pd	Picea glauca `Densata`	Black Hills Spruce	B&B	8	6' ht.
	Ps	Picea orientalis `Skylands`	Skylands Oriental Spruce	B&B	5	6' ht.
	Qa	Quercus alba	White Oak	B&B	3	8' ht.

SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	CONT	QTY
	Ap2	Aesculus parviflora	Bottlebrush Buckeye	36" hgt.	10
	Pn	Physocarpus opulifolius	Ninebark	36" hgt.	13
	Pf	Potentilla fruticosa	Bush Cinquefoil	36" hgt.	12
	Va	Viburnum dentatum	Viburnum	36" hgt.	12
		Native Connections Fescue Lawn Low Maintenance Mix (or approved equal)			±28,700 sf.

BIORETENTION PLANT SCHEDULE

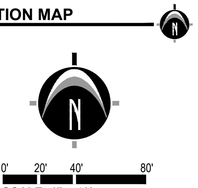
GROUND COVER	SEED MIX	AREA
	Native Connections Stormwater Basin Seed Mix (or approved equal)	±9,500 sf.
	Native Connections Dry-Mesic Pollinator Seed Mix (or approved equal)	±16,175 sf.
	Native Connections Basic Shortgrass Prairie Seed Mix (or approved equal; see irrigation notes)	±13,731 sf.
	Native Connections Basic Shortgrass Prairie Seed Mix (or approved equal)	±7,510 sf.





LOCATION MAP

NOT TO SCALE



LEGEND

- EXISTING BITUMINOUS
- EXISTING CONCRETE
- PROPOSED BITUMINOUS
- PROPOSED CONCRETE
- PROPOSED BUILDING

811 Know what's below. CALL before you dig.

UTILITY LOCATIONS AS SHOWN ON THE PLAN WERE OBTAINED FROM ACTUAL MEASUREMENTS OR AVAILABLE AS-BUILT RECORD DRAWINGS AS PROVIDED TO US. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE:
THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

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PREPARED FOR:

CopperRock Construction Inc.
Attention: Brandon Hartel

601 5th Street NW, Suite 300
Grand Rapids, MI 49504
Phone: 616.920.1655

REVISIONS:

Title: Preliminary Site Plan		
Drawn: SW	Checked: SW	Date: 01/22/20
Title: Site Plan Resubmittal		
Drawn: SW	Checked: SW	Date: 02/19/20
Title: Per OCWRC		
Drawn: SW	Checked: SW	Date: 02/24/20
Title: Submitted for March 2 PC Meeting		
Drawn: SW	Checked: SW	Date: 02/27/20

GH Custom Molding

Landscape Plan

14016 172nd Street
PART OF THE NORTHEAST 1/4 OF SECTION 4, T7N, R16W, GRAND HAVEN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

STAMP:

STATE OF MICHIGAN
STEVEN L. WITTE
ENGINEER
No. 46769
LICENSED PROFESSIONAL ENGINEER

PROJECT NO: 19201738

SHEET NO: L-201

SHEET: 5 OF 5

19201738-CPR.dwg SW 2/27/2020 07:55

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Site Birdseye View

Building Entrance View

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Client
Client Address
Grand Rapids, MI 49503
p. (616)
f. (616)

www.website.com

Grand Haven 50K PEMB
14016 172nd Sreeet
Grand Haven, Michigan
Building Renderings

Made in Michigan

Revisions:
SPR: 2/21/2020

Project No: 219060
Issue Date: 2/21/20
Reviewer: KCD
Drawn By: KCD

A3.1

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GRAND HAVEN CHARTER TOWNSHIP

Community Development Memo

DATE: February 27, 2020

TO: Planning Commission

FROM: Stacey Fedewa, AICP – Community Development Director

RE: Zoning Ordinance + Board Revisions

BACKGROUND

One of the primary goals of the 2016 Resilient Master Plan was to update the Zoning Ordinance, so it supported the Master Plan. That endeavor began in May 2017. Since that time, the Township has diligently been working on the new ordinance.

On December 9, 2019 the Ordinance was presented to the Township Board, and tabled. Staff was directed to address the following:

1. Remove the section requiring a 200 foot setback for Lake Michigan properties, and allow the State of Michigan to regulate.
2. Remove the section prohibiting seawalls.
3. Amend the definition of "Building Height" and replace with the building code definition.
4. Amend the definition of "Hospital"
5. Require parking lots to have concrete edges and low rolled curbs.
6. Review the PUD limit for two to four units.
7. Remove the Short Term Rental regulations for the time being.

On February 10, 2020 the Board held a First Reading and also requested the Planning Commission review their revisions prior to a Second Reading.

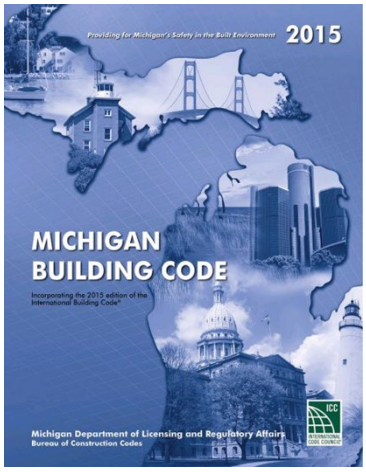
#1 Setback and #2 Seawalls (*see pages 18-20*)

Both sections have been removed, as directed by the Board on December 9th.

That said, the Board wanted the Planning Commission to review the provision that allows an accessory building up to 400 square feet in size to be located in the front yard of waterfront properties.

- **Is the PC ok with this size?** As written, it is permitted by right and the only limitations would be setbacks and likely a permit from EGLE.

- Would the PC prefer to require all properties follow the Special Land Use provision to permit Accessory Buildings in Front Yards? That would **mandate that waterfront property owners obtain an SLU permit for a building in their front yard**—the same way a traditional lot owner would be required to obtain.



#3 Building Height (*see pages 209, 212, 219*)

Supervisor Reenders believes the method in which Building Height is defined should be amended to mirror the building code. This would involve the definitions for Height, Grade, Basement, and Story. Below are the relevant definitions for comparison.

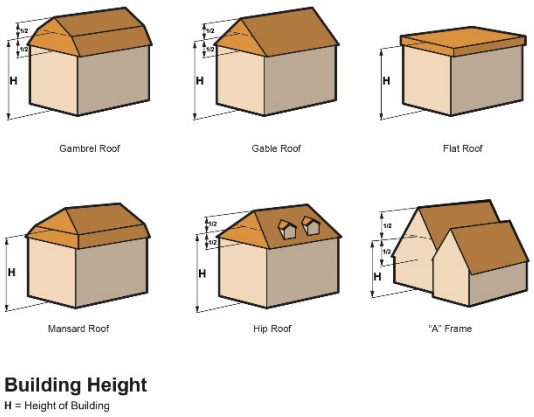
~~**Basement.** The portion of a building where 51% or more of the floor to ceiling height is below the average grade surrounding the building. A basement shall not be counted as a story.~~

Basement. A story that is not a story above grade plane. A basement shall not be counted as a story.

~~**Story.** The distance between the floor and the ceiling in a part of a building comprising all of the rooms on the same level.~~

Story. That portion of a building included between the upper surface of the floor or roof next above. A story is measured as the vertical distance from the top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, when there is not a ceiling, to the top of the roof rafters.

~~**Building Height.** The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck-line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.~~



Building Height (Story Above Grade Plane). Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is more than 6 feet above grade plane. Height is measured as the vertical distance established from grade plane to the highest point of the roof surface for flat roofs; to the deck-line for mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

~~**Grade.** The ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the highest point adjacent to the building and the lowest point within ten (10) feet of the building.~~

Grade (Grade Plane). A reference plane representing the average finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points wherein the building and the lot line, or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Below, are several illustrations intended to help assist with the impact the change in definition would have on the housing stock.

Staff believes the following would likely occur as a result of this change:

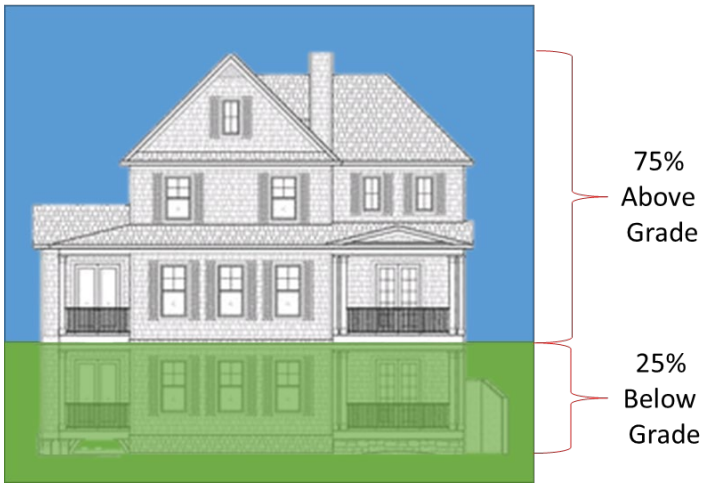
1. More houses will become conforming in height.
2. Less basement would have to be underground.
3. Stories would still be limited to 2½ but the house will look like 3½ stories.
4. Houses will appear taller but are still compliant.

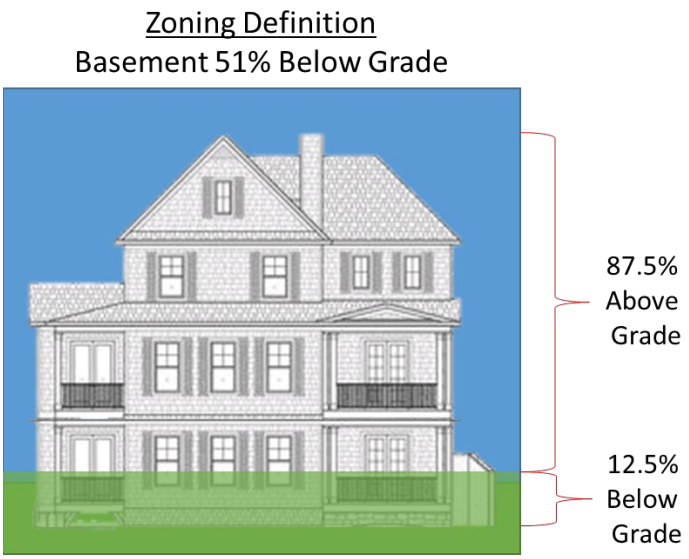
Staff found the best method of understanding the visual differences between the two was to use the percentage of the house that would be visible above the ground.

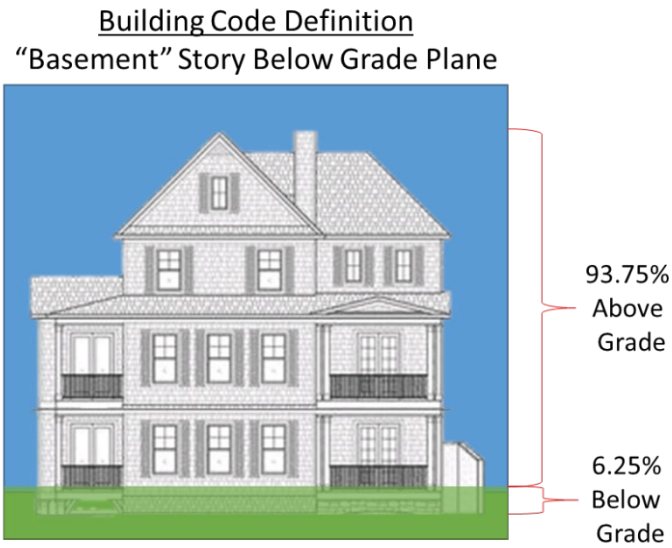
For this example, the following assumptions are used to illustrate the change:

- 100% = 32 feet in overall height
- Each floor = 8 feet (*or 25%*)
  - Lowest Floor = Basement
  - Main Floor = 1st Story
  - Upper Floor = 2nd Story
  - Top Floor = ½ Story
- Overall height is from the ground to the tip top of the house

<u>Typical</u>
Basement Below Grade







In essence, for an 8 foot basement these heights would be exposed above grade:

- zoning allows 3.9 feet exposed; 4.1 feet buried
- building allows 5.9 feet exposed; 2.1 feet buried

Staff has no objection to the change in definitions,
so long as the PC is comfortable with houses looking taller.

#4 Hospital (*see page 219-220*)

The current ordinance does not have a definition for Hospital. Below is the proposed definition along with the definition provided in the Public Health Code (Part 201) found on the Michigan Department of Health & Human Services.

~~**Hospital.** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.~~

Hospital. Means a facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician. Hospital does not include a mental health hospital licensed or operated by the department of health and human services or a hospital operated by the department of corrections.

Staff requests the PC review the last sentence of the new definition to determine if that should remain as part of the definition or be removed? *Hospital does not include a mental health hospital licensed or operated by the department of health and human services or a hospital operated by the department of corrections.*

Staff has no objection to the change in definition.

#5 Curbing (*see pages 35 & 98*)

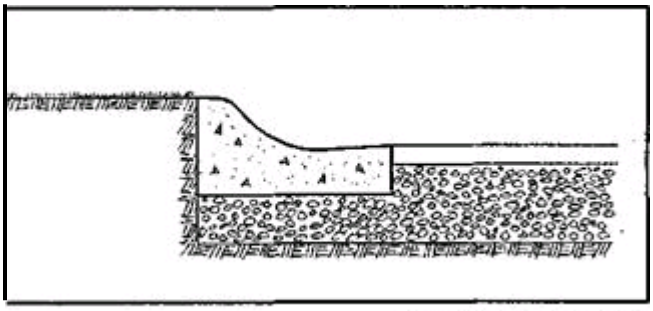
Supervisor Reenders proposes a compromise for curbs in parking lots—switch from a barrier curb (*aka high back curb, standard curb, 6" curb*) to a mountable curb (*aka low back curb, rolled curb*).

A mountable curb, sometimes referred to as roll curbs, have sloping faces that allow vehicles to encroach on them without damaging tires and wheels; and if the slopes are gentle enough, cars can cross them to access driveways. Here are the proposed language changes.

~~**Curbs.** Generally, 6 inch standard curbs should be used throughout the parking lot and paved areas. The Township may grant an exception (including a full waiver of all curb requirements) upon finding that overall stormwater disposition and/or snow removal will be enhanced. Use of raingardens in exchange for curb waiver is highly encouraged.~~

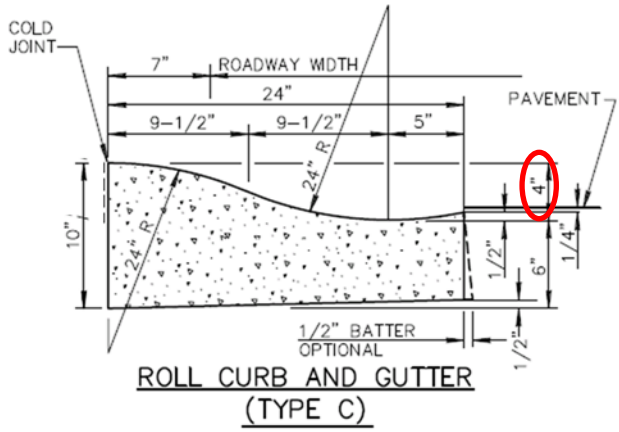
Curbs. Generally, mountable or rolled concrete curbs shall be used throughout the parking lot and paved areas. The Township may vary the specifications shown below based on the specific needs of that site. The use of concrete curbs around the paved areas creates a well-defined space, it will add strength to the edges of the pavement, assists in directing stormwater, and allows for efficient snow removal with a plow-only and does not require the use of a loader. The Township may consider a curb waiver if raingardens are utilized for stormwater disposition.

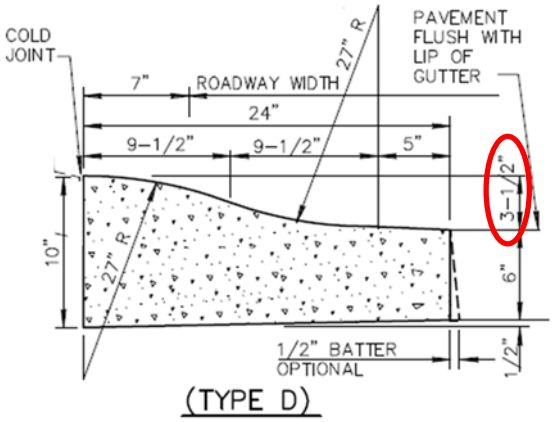
A **rolled curb appears to be mutually beneficial for the Township and developer**. The Township will achieve the clean look of a curbed parking lot, and the developer will still be able to plow snow. The Supervisor recommends the use of Type C and Type D.



Mountable or rolled curb

Type C curb has a 4" height from bottom of gutter to top of curb.





Type D curb has 3½" height with no gutter and a smaller slope from top of curb to road.

Having the two types available will provide the developer and Township flexibility in determining the appropriate type of curbing based on the location and other conditions of the site.

Staff has no objection to the change in curb requirements.

#6 PUD Limits on Two to Four Units (*see pages 56-65*)

A concern was raised that the PUD Chapter is limiting the housing types, which could hinder reviving old types of building such as row housing. The Board requested that portion of the Ordinance be wordsmithed to clarify and encourage a wide variety of housing types. Here are the changes proposed by staff:

Residential PUDs may contain any use listed as Permitted by Right in the AG, RP, RR, R-1, R-2, or R-3 districts in Section 2.09. This includes, but is not limited to, single family, attached single family, duplexes, multi-family, row houses, townhomes, missing middle housing types, and other housing types. All residential dwellings must comply with the density allowances specified in this Chapter. The applicant is encouraged to utilize the Pre-Application Conference option specified in Section 7.11.A to receive feedback from the Planning Commission to discuss the composition of the proposed housing types.

~~50% of the dwelling units are in structures with 2-4 dwelling units.~~

50% of the dwelling units are in structures with at least 2 dwelling units. This is intended to promote the "Missing Middle Housing."

~~75% of the dwelling units are in structures with 2-4 dwelling units.~~

75% of the dwelling units are in structures with at least 2 dwelling units. This is intended to promote the "Missing Middle Housing."

~~100% of the dwelling units are in structures with 2-4 dwelling units.~~

100% of the dwelling units are in structures with at least 2 units. This is intended to promote the "Missing Middle Housing."

Staff has no objection to making any of the requested changes.

#7 Remove STR Regulations (*see page 161*)

The Short Term Rental regulations have been removed from Chapter 13. After the policy language has been drafted it will be reinserted and will go through the standard ordinance adoption process.

SAMPLE MOTIONS

If the Planning Commission finds the revisions acceptable, the following motion can be offered:

> **Motion** to **approve** the revisions and recommend the Township Board hold its Second Reading on March 9th to adopt the New Zoning Ordinance and Map.

If the Planning Commission would like to review the ordinance again, find that additional revisions are needed, etc. the following motion can be offered:

> **Motion** to **table** the New Zoning Ordinance and Zoning Map, and direct staff to address the following:
>
> 1. *List revisions here…*

Zoning Ordinance
Chapter 15
Code of Ordinances

DRAFT DATED: February 27, 2020

ADOPTED: _____

EFFECTIVE: _____

AS AMENDED: _____

Summary Table of Amendments

Ordinance Number	Effective Date	Amended Section(s)	Description

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Chapter 1 Title and Purpose

Section 1.01 Title. (Section 1.01)
This Ordinance shall be known as the Grand Haven Charter Township Zoning Ordinance and can be referred to as the Zoning Ordinance.

Section 1.02 Purpose and Intent. (Section 1.02)
The purpose and intent of this Ordinance is to achieve the following goals, in accordance with the Grand Haven Charter Township Master Plan:

(A) Protect the property rights of Township residents from negative externalities and encroachments by neighboring uses.

(B) Preserve the Township's natural resources and beauty, as well as ensure the Township contributes to the long-term sustainability of our region, state, nation, and planet.

(C) Promote economic development and the provision of jobs and amenities to Township residents.

(D) Develop housing for Township residents in a wide variety of types, designs, and price points.

(E) Ensure the continuing viability of the Township's agricultural community.

(F) Promote efficient mobility throughout the Township by a variety of modes, as appropriate to the character of each part of the community, while minimizing congestion, safety concerns, and inefficient routing.

(G) Ensure resiliency in the face of natural disasters, economic disruptions, or other potential calamities.

(H) Implement the orderly development of the Township by assuring adequate sites for industry, commerce, residences, institutions, recreation, preservation, agriculture, and other land uses.

(I) Preserve and protect public health, safety, and welfare.

Section 1.03 Scope. (Section 1.03)
Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved; placed; reconstructed, extended, enlarged or altered, except in conformity with this Ordinance, unless this Ordinance is specifically superseded by a law or regulation of Ottawa County, the State of Michigan, or the Federal Government of the United States.

Section 1.04 Conflicting Regulations. (Section 1.04)
Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other Township Ordinance then the provisions of this Ordinance shall govern. Whenever the provisions of any other regulation or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 1.05 Legal Basis. (Section 1.05)

This Ordinance is enacted pursuant to Public Act 110 of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended and the Public Act 33 of the Public Acts of 2008, the Michigan Planning Enabling Act.

Chapter 2 Zoning Districts

Section 2.01 Districts Established. (Section 3.01)
For the purposes of this Ordinance, the following districts are hereby established for the Charter Township of Grand Haven:

- AG Agricultural District
- RP Rural Preserve District
- RR Rural Residential District
- R-1 Single Family Residential
- R-2 Single Family Residential
- R-3 Multiple Family Residential District
- R-4 Manufactured Housing Park Residential District
- PUD Planned Unit Development District
- C-1 Neighborhood Commercial District
- C-2 Regional Commercial District
- I-1 Industrial District

Section 2.02 District Boundaries. (Section 3.02)
The boundaries of the districts are hereby established as shown on the zoning map according to the Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein. (Changes in district boundaries are shown in Appendix - Zoning Map Amendments.)

Section 2.03 District Statements of Purpose.

(D) AG Agricultural District. (Section 4.01) The AG Agricultural District is designed for those open areas of the Township where farming, dairying, forestry operations and other rural type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the Township, County, State, and Nation. This district is not intended to be used for residential housing; although some residential housing is allowed, it is permitted when subordinate to some other agricultural use which is being conducted on the parcel or lot.

(E) RP Rural Preserve. (Section 5.01) The RP Rural Preserve District is designed to provide an intermediate district between the AG Agriculture District and the other residential districts established under the Zoning Ordinance. It is intended to provide opportunities for development of large lots or parcels with residential uses and related accessory uses, where the lot or parcel is supported only by minimal infrastructure features, such as unpaved roads. It is intended to be a low-density type of use, on which minimal residential development is permitted because of proximity to agricultural uses and practices, and because of the lack of infrastructure such as municipal water and sanitary sewer. This district is intended to provide appropriate uses to large parcel that are not suited to be agricultural and have limited infrastructure.

(F) **RR Rural Residential (Section 6.01).** The RR Rural Residential District is designed to be those semi-open areas of the Township where the conduct of agriculture and other rural-type activities may co- exist with large-tract residential housing and residentially related facilities with the realization that adequate open and semi-open areas are essential to the health and welfare of the Township. This district is not intended to be served by public municipal water and sanitary sewer, but should be served by paved roads, if available.

(G) **R-1 Single Family Residential (Section 8.01).** The R-1 Single Family Residential District is designed to be a very restrictive residential district to encourage an environment of low-density single family dwellings, with other residentially related facilities and activities primarily to serve the residents in the area. Lots or parcels in this district should be supported by public utilities, including paved roads, natural gas, municipal water, and, if available, sanitary sewer.

(H) **R-2 Single Family Residential (Section 9.01).** The R-2 Single Family Residential District is designed to be a restrictive residential district to encourage an environment of single family dwellings, together with other residentially related facilities and activities to serve the residents in the Township. Densities in this district are intended be higher than in R-1, while maintaining a single family neighborhood character. Lots or parcels in this district should be supported by certain infrastructure features, including paved roads, municipal water, and, if available, sanitary sewer.

(I) **R-3 Multiple Family Residential (Section 10.01, 11.01, 12.01).** The R-3 Multiple Family Residential Districts are designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to serve the residents of the area. The R-3 district is intended to provide a wide range of housing types, to ensure that housing is provided in the Township in a wide variety of price points. Lots or parcels in this district should be supported by certain infrastructure features, including paved roads, natural gas, municipal water, and sanitary sewer.

(J) **R-4 Manufactured Housing Park Residential (Section 13.01).** To provide for manufactured housing park development, of long-term duration of stay, in areas which are appropriate by means of traffic access and public utilities and services. Each manufactured housing park development in this district should be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer. Any such development is to be located abutting paved public roads. All manufactured housing parks shall comply with the applicable requirements of Public Act 419 of 1976, as amended, and Public Act 96 of 1987, as amended, and all other applicable local, county, or state regulations.

(K) **C-1 Neighborhood Commercial (Section 14.01).** The C-1 Neighborhood Commercial District is designed to accommodate uses such as low-intensity retail, offices, banks, and personal services which can serve as transitional areas between residential and Regional Commercial districts and to provide a transition between major thoroughfares and residential districts. Lots or parcels in this district should be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.

(L) **C-2 Regional Commercial (Section 15.01)**. The C-2 Regional Commercial District is designed to provide retail sales and commercial service uses catering to the general public. Businesses in this district will be more intensive and regionally focused than those in C-1 but should still meet high design standards and be designed to preserve their natural surroundings and the quiet enjoyment of neighboring property. Lots or parcels in this district should be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.

(M) **I-1 Industrial (Section 16.01, 16A.1).** The I-1 Industrial District is designed for manufacturing, assembling, and fabricating businesses and commercial activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located. Lots or parcels in this district should be supported by certain infrastructure features, as necessary for the use in question.

Section 2.04 Interpretation of District Boundaries. (Section 3.03)
Where uncertainty exists as to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

(D) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed as following such centerlines.

(E) Boundaries indicated as approximately following platted or unplatted lot lines shall be construed as following such lot lines.

(F) Boundaries indicated as approximately following section lines, or the lines of customary fractional division of sections, shall be construed as following such lines.

(G) Boundaries indicated as approximately following the boundaries of the Township, shall be construed as following such boundaries.

(H) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the right-of-way lines.

(I) Boundaries indicated as approximately following shorelines shall be construed to follow the Ordinary High Water Mark of the body of water, as defined by the State of Michigan, or, in the case of a body of water without an Ordinary High Water Mark, shall follow the legally defined edge of the body of water.

(J) Boundaries indicated as approximately parallel to, extensions of, or perpendicular to, features indicated in subsection 1 through 6 above shall be so construed. Distance not specifically indicated on the zoning map shall be determined by the scale of the map.

(K) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of way, it is intended that such district boundaries extend to the center of any public and private right-of-way's.

(L) Where physical or natural features existing on the ground are different from those found on the zoning map, or in other circumstances not clearly covered by subsections 1 through 8 above, the Zoning Administrator shall determine the district boundaries. The Zoning Administrator shall apply the criteria for such determination for subsections 1 through 8, above, or any other criteria as the Administrator shall determine appropriate to construe the boundaries of the several districts in a reasonable and harmonious manner.

Section 2.05 Flood Hazard Area Boundary Disputes. (Section 3.04)

(D) Where disputes arise as to the location of the flood hazard area boundary or the limits of the floodway, the Zoning Administrator shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Administrator shall be based upon the most current floodplain studies issued by the Federal Emergency Management Agency (FEMA). Where FEMA information is not available, the best available floodplain information shall be utilized.

(E) Where a dispute involves an allegation that the boundary is incorrect as mapped and FEMA floodplain studies are being questioned, the Zoning Administrator shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter or map amendment issued by FEMA.

(F) All parties to a map dispute may submit technical evidence to the Zoning Administrator.

Section 2.06 Zoning of Vacated Areas. (Section 3.05)
Whenever any park, common area, outlot, street, alley, or other public way within Grand Haven Charter Township of shall be vacated, such park, common area, outlot, street, alley, or other public way or portion thereof, shall automatically become classified in the district to which it attaches, or the most restrictive of the districts, if it attaches to more than one district.

Section 2.07 Zoning of Filled Land.
Whenever any fill is permitted in any stream or other body of water, the land created automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly created land attaches.

Section 2.08 Schedule of Dimensional Regulations. (Sections 4.04, 5.04, 6.04, 8.04, 9.04, 12.04, 14.04, 15.04, 16.04, 16A.4)
No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations below for the district in which the building or use is located.

The US-31 Character Overlay shall supersede this section in the event of a conflict between the regulations.

District	Lot Dimensions		Maximum Structure Height		Minimum Required Setback (feet)			Max Lot Coverage	Footnotes
	Min. Area	Min. Width (feet)	Feet	Stories	Front Yard	Rear Yard	Each Side Yard	Impervious Surface (%)	
AG	20 acres	330	35	2½	50	50	25	70	A, B, C, D, H, I, J, N
RP	5 acres	250	35	2½	50	50	20	40	A, B, C, D, E, H, I, J, N
RR	45,000 sf	150	35	2½	50	50	20	40	A, B, C, D, F, H, I, J, N

R-1	15,000 sf	100	35	2½	50	50	15	40	A, B, C, D, F, H, I, J, L, N
R-2	13,000 sf	80	35	2½	50	50	10	40	A, B, C, D, F, H, I, J, L, N
R-3	G	100	40	3	50	30	15	40	A, B, C, D, H, I, J, L, M, N
R-4	See Section 2.14								
C-1	25,000 sf	100	35	2½	50	25	10	70	A, B, C, D, H, I, J, K, N
C-2	35,000 sf	110	35	2½	50	20	10	70	A, B, C, D, H, I, J, K, N
I-1	1 acre	110	35	2½	75	25	20	70	A, B, C, D, H, I, J, K, N

Maximum Lot Coverage refers to the total square footage of the lot covered in impervious surface, as defined in Chapter 2.

(D) Lot Area. "Net Lot Area," as defined in Chapter 2, shall be used to determine compliance with lot area requirements. No new parcel shall be created unless the parcel has adequate usable lot area, such that the parcel can be built upon in compliance with Zoning Ordinance standards.

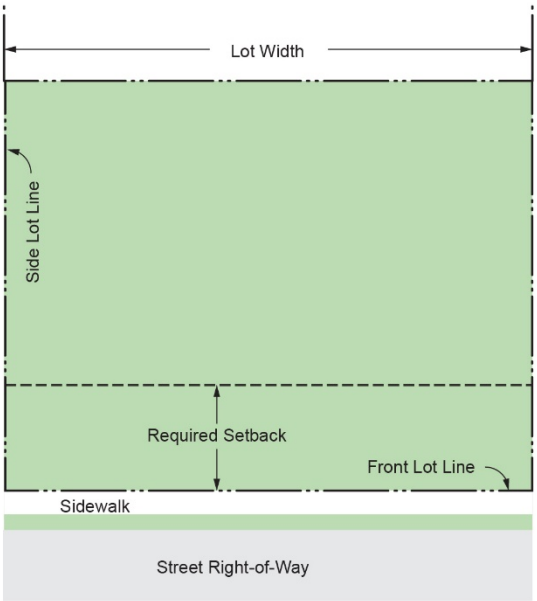
(E) Exception to Height Standards (Section 20.20.2). The height limitations of this Ordinance shall not apply to agricultural structures, chimneys, church spires, flag poles, public monuments, or wireless transmission or reception towers, provided, however, that the Planning Commission may specify a 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 this Ordinance.

(F) Setback on Side Yards Facing a Street (Section 21.01.8). The required minimum setback for setbacks on side yards that abut a public or private road shall be 25 feet.

(G) Maximum Lot Coverage – Buildings and Structures. All buildings and structures shall count towards the lot coverage maximum. In addition, detached accessory buildings shall comply with the requirements in Section 10.01.

(H) Lot Depth and Proportions (Section 21.01.14). Lot depths of newly created lots shall be no greater than four times the lot width. The township may permit lot splits that vary from these proportions where such action would reduce existing nonconformance with these requirements.

(I) **Lot Width along Major Roads (Section 21.01.17).** Along the roads designated on the map on the following page, the lot width in the table in Section 2.08 shall not apply. Instead, along "Double Width Roads," the lot width must be at least double the width listed in the table in Section 2.08, and along "150 Foot Lot Width Roads", the lot width must be at least 150 feet.



Lot Width
Frontage

(J) **R-3 District Standards.** In the R-3 district, no lot shall be created which is less than 7,500 square feet in net area. The number of dwelling units permitted on a lot shall be one per 3,250 square feet of gross lot area.

(K) In multi-family housing complexes containing more than one building, all buildings must be set back at least 20 feet from each other.

(L) **Legal Lots of Record.** All lots existing at the time of adoption of this Ordinance shall be considered buildable lots.

(M) **Green Roofs.** For the purposes of calculating lot coverage, only 50% of the footprint of a building with a green roof shall be considered impervious surface.

(N) **Setback Reduction for Natural Preservation.** In the C-1, C-2, and I-1 districts, a 20 foot deep area adjacent to the rear property line must be maintained in a naturally wooded state, with no trees or other vegetation removed unless they are determined to be dead.

(O) If a lot in the R-1, R-2, or R-3 is in a subdivision, site condominium project, or condominium development that received final approval pursuant to all applicable state statutes, after June 1, 1998 AND is served by public water and sewer, the minimum front setback shall be 35 feet. **(Section 21.01.15)**

(P) Newly created lots shall be rectangular, with lot lines meeting at right angles, unless that shape is rendered impossible by natural features, legal restrictions, or other factors out of the control of the applicant for a lot split.

Section 2.09 Table of Permitted Uses.

(D) Provisions for the R-4 Manufactured Housing Park Residential District can be found in Section 2.14. **(Chapter 13)**

(E) Throughout this table, P means "Permitted by Right" and S means "Permitted by Special Land Use Permit." **(Sections 4.02-03, 5.02-03, 6.02-03, 8.02-03, 9.02-03, 12.02-03, 14.02-03, 15.02-03, 16.02-03, 16A.2-3)**

Use	AG	RP	RR	R-1	R-2	R-3	C-1	C-2	I-1	Standards	Definitions
Community Uses	**AG**	**RP**	**RR**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**I-1**	**Standards**	**Definitions**
Accessory Structures (Side or Rear Yards)	P	P	P	P	P	P	P	P	P	10.01	
Accessory Structures (Front Yards)	S	S	S	S	S	S	S	S	S	12.06	
Airports	S								S	12.04	
Bus Terminal								S		12.10	
Cemeteries			P					S		12.11	
Government Buildings	S	S	S	S	S	S	S	S	S	12.04	
Hospitals								S	S	12.20	
Institutions of Higher Education	S						S	S	S	12.21	
K-12 Schools				S	S	S	S	S		12.23	
Marinas					S	S		S		12.27	
Temporary Outdoor Events	S					S	S	S	S	12.41	
Parking Garage						S	S	S	S	12.04	
Public Parks	P	P	P	P	P	P	P	P	P		
Recreation – Indoor				S	S		S	S	S	12.35	
Recreation – Outdoor				S	S	S	S	S		12.36	
Religious Institutions			S	S	S	S	P	P		12.37	
Conservation Area	S	S	S							12.46	
Wireless Tele-communications	See Section 12.48										
Agricultural Uses	**AG**	**RP**	**RR**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**I-1**	**Standards**	
Agriculture	P	S	S							13.01	
Agri-Tourism	S	S	S				S	S		13.06	
Greenhouse / Nursery	P	S	S				S	S		12.04	
Housing for Farm Labor	P	S	S								
Keeping of Animals (Non-Intensive Livestock Operations)	See Section 14.02										
Intensive Livestock Operations	S									12.23	
Kennels	P	S	S				S	S	S	12.25	
Mineral Mining	S	S							S	12.30	
Roadside Farm Stands	P	S	S	S	S	S				12.38	
Wineries	S	S	S				S	S		12.47	
Residential Uses	**AG**	**RP**	**RR**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**I-1**	**Standards**	
Family Daycare Homes	P	P	P	P	P	P					
Group Daycare Homes	S	S	S	S	S	S				12.18	
Home Composting	P	P	P	P	P	P					
Minor Home Based businesses	P	P	P	P	P	P				12.02	
Major Home Based businesses	S	S	S	S	S					12.21	
Manufactured Housing Parks										2.14	
Multiple Family Dwellings						P				12.04	
State Licensed Residential Facilities (Non-Child Daycare) – ≤ 6 Residents	P	P	P	P	P	P					
State Licensed Residential Facilities (Non-Child Daycare) – 7+ Residents	S	S	S	S	S	S					
Nursing or Convalescent Homes			S			P	S	S		12.31	
Residential Units on Upper Floors of Mixed Use Buildings							S	S		12.04	
Single Family Dwellings	P	P	P	P	P					12.04	

Use	AG	RP	RR	R-1	R-2	R-3	C-1	C-2	I-1	Standards	Definitions
Two-Family Dwellings					S	P				12.04	
Commercial Uses	**AG**	**RP**	**RR**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**I-1**	**Standards**	
Art Studios							P	P		12.04	
Banks						S	P	P		12.04	
Barber Shops/Beauty Shops							P	P		12.04	
Bed and Breakfasts				S	S					12.28	
Brewpub							S	P	S	12.09	
Microbrewery								P	S	12.29	
Campground	S*			S			S	S		12.04	
Child Care Centers or Adult Daycare Centers	S	S	S	S	S	S	S	S	S	12.12	
Small Distillery							S	P	S	12.04	
Drive-Thrus							S	S		12.16	
Funeral Homes and Mortuaries							P	P		12.04	
Gas Stations							S	S		12.17	
Gun Range	S							S		12.19	
Hotels and Motels						S	S	P		12.27	
Lumber Yard								S	S	12.04	
Marijuana Provisioning Centers	Prohibited in All Districts										
Medical or Dental Clinic						P	P	P		12.04	
Personal Services							P	P		12.04	
Pet Daycare	S	S	S	S	S		S	P		12.35	
Office Buildings							P	P		12.04	
Restaurants / Bars							P	P		12.04	
Retail Stores							P	P		12.04	
Service Establishments							P	P		12.04	
Sexually Oriented Businesses								S		12.40	
Short Term Rentals	See Chapter 13										
Theaters							S	P		12.04	
Vehicle Repair								S	P	12.43	
Vehicle Sales								S	S	12.44	
Vehicle Wash								S	S	12.45	
Veterinary Clinics	S	S	S				S	S	S	12.46	
Industrial Uses	**AG**	**RP**	**RR**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**I-1**	**Standards**	
Composting Operations	S									12.13	
Concrete and Asphalt Plants	S								S	12.15	
Junk Yards									S	12.26	
Manufacturing									P	12.04	
Marijuana Uses:	Prohibited in all Zoning Districts										
* Grow Operation											
* Processing Facility											
* Safety Compliance Facility											
* Secure Transporter											
Outdoor Storage	S	S	S					S	S	12.33	
Power Plant – Non-Wind or Solar	S								S	12.04	
Recycling Station									S	12.04	
Research and Development							S	S	P	12.04	
Self-Storage Facilities								S	P	12.34	
Solar Energy Facility	See Section 3.03										
Warehousing									P	12.04	

Use	AG	RP	RR	R-1	R-2	R-3	C-1	C-2	I-1	Standards	Definitions
Wholesale								S	P	12.04	
Wind Energy Facility	See Section 3.04										
* Campgrounds may only be approved in the AG district if the lot in question is not Master Planned for residential development.											

The Zoning Administrator shall have the authority to determine that a use not listed above is similar in character and intensity to the uses permitted in a given district, and therefore permit that use by Special Land Use Approval. In determining the "character and intensity" of a use, the Zoning Administrator shall determine that the use is consistent with the uses permitted in the district in terms of the following.

- Noise
- Odor
- Dust
- Vibration
- Number of People Likely to Gather on Site
- Traffic Generation
- Scale
- Massing
- Impact on Natural Features
- Views from Nearby Properties

Determinations of the Zoning Administrator may be appealed to the Planning Commission, but only by the owner of the subject property. The Planning Commission shall use the criteria above in determining whether the use is eligible to apply for a Special Land Use permit.

Section 2.10 Essential Service Facilities. (Section 20.01)
Essential Services shall be permitted in all Zoning Districts and shall be subject to the standards of this Ordinance but shall be permitted to receive waivers and exemptions from standards and requirements upon demonstration to the Zoning Administrator that the Zoning Ordinance standard in question would inhibit the provision of the Essential Service to Township residents. However, the following uses shall not be eligible for waivers or exemptions:

- Wastewater Treatment Facilities
- Telephone Repeater Stations
- Gas or Electric Regulator Stations

Section 2.11 Uses Under Construction at Time of Adoption. (Section 25.05)
Any use that received zoning approval and a Building Permit under a previous Township Zoning Ordinance, maintained steady progress toward they completion of construction as designed, but had not yet been issued a Certificate of Occupancy at the time of the adoption of this Ordinance, shall be considered a conforming use under this Ordinance.

Section 2.12 Minimum Residential Unit Size. (Section 21.01.9-10)
The following minimum dimensional requirements shall apply to residential dwelling units:

Housing Type	Minimum Floor Area	Minimum Ground Floor Area*	Minimum Dwelling Width
Single Family	800 sqft	800 sqft	24 feet
Two-Family	500 sqft + 100 sqft per bedroom	500 sqft	24 feet per unit
Multi-Family	500 sqft for studio/efficiency unit + 100 sqft per bedroom	800 sqft	24 feet per unit

* Even if the dwelling is more than one story.

Section 2.13 Yard and Lot Regulations. (Section 20.19)

(D) All newly created lots shall be rectangular, with lot lines meeting at right angles, unless rectangular lots are rendered impossible by topography, preserved natural features, approved road layouts, or legal obstacles.

(E) Required spatial relationships and physical requirements of this Ordinance shall apply uniformly within each respective Zoning District to all uses, Structures, Buildings and Lots except that the following may be located anywhere on a Lot:

(1) Steps, handicap ramps, and at grade structures, such as patios

(2) Flag poles

(3) Hydrants

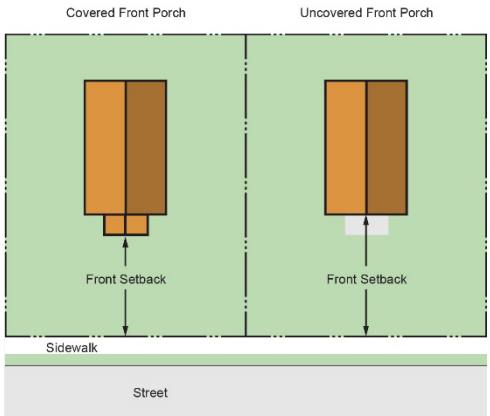
(4) Arbors, trellises, trees, plants, shrubs, subject to the provisions of the Clear Vision Ordinance (Section 30.0600 of Ordinance No. 449)

(5) Sidewalks

(F) The front yard setback shall be measured from the right of way line to the front of the building.

(G) The rear yard setback shall be measured from the rear lot line to the back of the building or existing structures.

(H) Where an average setback line less than that required by this Ordinance has been established by existing buildings located within three hundred (300) feet of the lot in question, in all directions, such average setback shall apply.

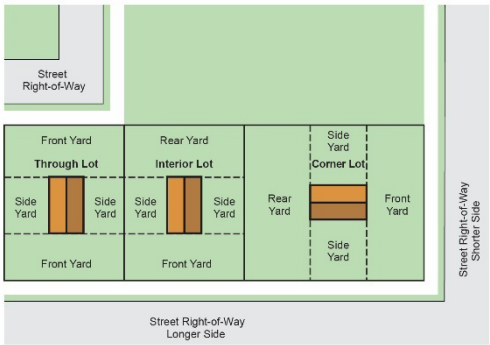


Yard and Lot Regulations

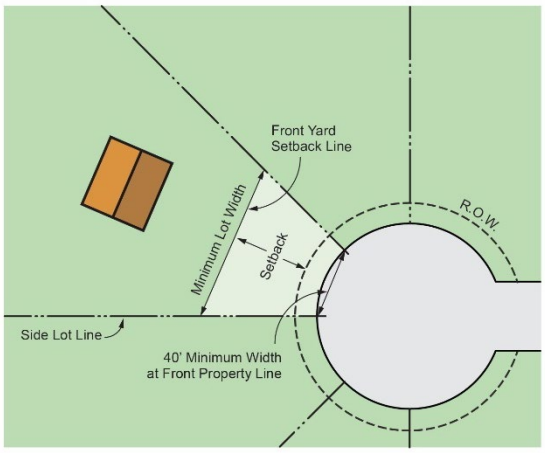
(I) On through lots, the front yard requirements shall apply on both street frontages.

(J) In the case of a corner lot, or through lot, the front yard shall be the shorter street frontage.

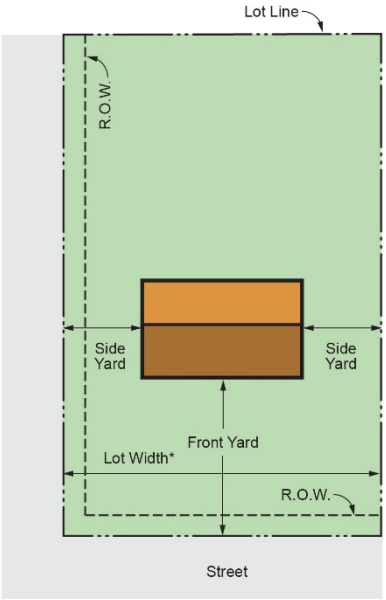
(1) The minimum lot width on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum width of forty (40) feet at the front property line.



Corner and Through Lots



Lot Dimensions on Cul-de-Sacs



Corner Lot

** Lot width determined by entire length of the shorter street frontage*

Section 2.14 Manufactured Housing Parks. (Chapter 13)

(D) Permitted Uses. In the R-4 District, no building or land shall be used and no building or structure shall be erected, except for the following uses:

(1) Manufactured homes when located within an approved manufactured home park.

(2) An office building for conducting the business operations of the manufactured housing park.

(3) Utility buildings for laundry facilities and auxiliary storage space when used in conjunction with a manufactured housing park.

(4) A community building, recreation areas, playgrounds, and open space areas.

(5) Accessory buildings and uses, as regulated by this Ordinance.

(E) Installation and Occupation of Manufactured Homes.

(1) No manufactured home shall be placed or parked or installed in a manufactured housing park until such time as a building permit is obtained. Such permit shall be issued by the Building Inspector after making a finding that said manufactured home meets construction standards as approved by the Department of Housing and Urban Development (HUD) Code or has been certified by a manufacturer as constructed according to the requirements of the HUD Code, or the Construction Code Commission.

(2) No manufactured home shall be occupied by any person as a residence or for any other purpose until such time as said manufactured home is placed or situated on a specific lot in the manufactured housing park and has been inspected by the Building Inspector and issued a Certificate of Occupancy.

(3) Such inspection shall include the placement, connection to utilities, and compliance with all necessary State, Township or other ordinances and regulations.

(4) In the event said manufactured home is moved to another lot or another manufactured home is placed on the specific lot, a new Certificate of Occupancy must be obtained by the owner or resident from the Building Inspector.

(F) Standards and Regulations. Each manufactured mobile home park shall have at least one (1) direct access to a County Primary Road, as defined by the Ottawa County Road Commission. Additional access points may be required by the Township as necessary to accommodate additional traffic and safe vehicle access.

(1) No access to the site shall be located closer than two hundred (200) feet from the intersection of any two (2) roads meeting one or more of the following descriptions: state trunkline, county primary road, or county local road. Minimum street widths within the manufactured housing park shall be in accordance with the following schedule:

Permitted Street Parking	Street Direction	Minimum Street Width
No on street parking	one way	14 feet
	two way	21 feet
Parallel on one side	one way	24 feet
	two way	31 feet
Parallel both sides	one way	34 feet
	two way	34 feet

(2) No manufactured home or other building for residential purposes shall be in excess of two and one-half (2½) stories or exceed a height of thirty-five (35) feet.

(3) Each manufactured home lot, exclusive of streets, shall have a minimum size of five thousand (5,000) square feet and a minimum width of forty (40) feet, as measured at the minimum building setback line. No more than one (1) manufactured home shall be parked on any one (1) lot, and no manufactured home shall be occupied by more than one (1) family.

(4) The minimum setback between any part of a manufactured home and/or an attached structure (excluding hitch) and/or an adjacent structure such as storage sheds, garages, decks, or porches:

(a) Fifteen (15) feet from the inside of the sidewalk;

(b) Ten (10) feet from any rear lot line;

(c) Ten (10) feet from the side lot line on the entry side, and five (5) feet from the side yard on the non-entry side.

(d) A manufactured home may be placed on the side lot line, provided there is a minimum of fifteen (15) feet open space between said lot line and any other structure or manufactured home, including any such attached structures mentioned above.

(5) Each lot shall front on concrete sidewalks at least five (5) feet in width, located directly next to and parallel to the street.

(6) Each lot shall provide a minimum of four hundred (400) square feet of paved off-street parking.

(7) The front, rear and side yards of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be at least one (1) shade tree provided for every lot.

(8) The manufactured housing park shall provide a buffer zone strip separating the manufactured home park from adjacent property. The buffer zone shall be properly planted with trees or shrubbery or other nursery stock of varying height, so as to provide a density sufficient to block the view of the manufactured home park and buildings up to a minimum of five (5) feet in height. No part of the buffer zone shall be used for any structure, board fences, right-of-way, or parking purposes. The buffer zone shall be maintained by the owner of the park. The width of the buffer strip shall be in accordance with the following schedule:

Adjacent Zoning	Width of Buffer
AG, RP	15 feet
All other Residential Districts	35 feet
Non-residential Districts	25 feet

(9) The manufactured housing park shall have minimum setback from any public street of one hundred (100) feet, which shall be properly landscaped as required by the Planning Commission. Such area, and all other common use areas within the manufactured housing park shall be maintained by the owner and operator.

(10) All streets within the manufactured housing park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications and provided with proper curbing.

(11) The manufactured housing park shall contain one (1) or more open space areas intended primarily for the use of park residents on a minimum ratio of two hundred and fifty (250) square feet for every manufactured home lot provided that buffer zone areas and wetlands shall not be included as part of such requirement.

(12) All street intersections and designated pedestrian crosswalks shall be illuminated by not less than 0.25 foot candles. All roads, parking bays and pedestrian walkways shall be illuminated by not less than 0.5 foot candles. All on-site lighting shall be located and designed to prevent light from spilling onto adjacent properties.

(G) Utility Standards. All utilities shall be underground.

(1) All lots shall be provided with a municipal water and sanitary sewer service. All manufactured homes shall be connected and all expenses of installation and connection shall be borne by the owner or operator of the manufactured housing park, and no costs shall be applied or taxed against owners of any adjacent property or along any main extended from the manufactured housing park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.

(2) The manufactured housing park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the Michigan Department of Public Health, or its successor. All storm drainage and surface drainage facilities flowing from the park to adjacent areas shall be approved by the Ottawa County Water Resources Commissioner. On-site storm water retention shall be provided so the rate of discharge shall not exceed undeveloped discharge rates.

(H) **Manufactured Home Standards.** Every manufactured home shall comply with HUD installation regulations and/or be supported on a permanent four inch (4") thick reinforced concrete manufactured home pad or foundation at least the complete width of the home with a minimum of eight hundred and forty (840) square feet; all areas between the manufactured home and ground shall be enclosed by a fire resistant skirting.

(1) In the event the soil or topographic conditions of the proposed manufactured housing park are such that other foundations or support are appropriate, and the developer provides to the Building Inspector a report by a certified engineer that piers are equal to or superior to the specifications as set forth by the manufacturer, then piers may be used. Such foundations shall be inspected by the Building Inspector.

(2) Every manufactured home shall be at least fourteen (14) feet in width and have a minimum of seven hundred and twenty (720) square feet of living area exclusive of porches, decks, carports, garages, and cabanas.

(3) Each manufactured home lot shall be limited to one (1) detached storage building, not including a garage or carport.

(I) **Manufactured Home Sales.** No person desiring to rent a dwelling unit site shall be required, as a condition to such rental, to purchase a manufactured home fromthe owner or operator of the park as long as the manufactured home intended to be located on such rented site conforms in size, style, shape, price, etc. as may be required by any reasonable rules and regulations governing the operation of the manufactured housing park.

(1) Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home lot by the individual owner or his agent, or those home based businesses as permitted in the Zoning Ordinance, provided such sales and occupations are permitted by the park regulations. A commercial manufactured home sales lot shall not be permitted in this District unless it conforms in appearance to the other homes in the park and is on a single, standard size residential lot (i.e., a model home used for the sale of homes in the park).

Chapter 3 Resiliency

Section 3.01 Waterfront Requirements.
The regulations in this section shall supersede all other regulations of this Ordinance in the event of a conflict, except for the Flood Hazard Zone regulations in Section 3.06, which shall supersede this section in the event of a conflict.

(A) County Drains. Permanent structures (whether principal or accessory), impervious surfaces, and crop cultivation must be set back at least ten (10) feet from the boundary of a county drain easement.

(B) Special Setbacks for Specific Structures. The following setbacks are required. If the setback cannot be met, the facility in question is prohibited on the lot.

(1) Hazardous Substances and petroleum storage facilities (above or below ground), other than residential propane tanks, must be set back two hundred fifty (250) feet from the all bodies of water.

(2) Septic systems must be located at the farthest possible distance from the water deemed feasible by the health department. They must be located in the rear yard, unless health department regulations require them to be built in the front yard.

(3) Solid waste storage must be located at the farthest possible distance from the water deemed feasible by the health department. They must be located in the rear yard, unless health department regulations require them to be built in the front yard.

(C) Lake Michigan. The following shall apply to lots abutting Lake Michigan:

~~**(1) Setbacks.** All setbacks from Lake Michigan shall be measured from the Regulatory Ordinary High Water Mark, as defined by the State of Michigan, which at the time of the adoption of this Ordinance was a line at 580.5 feet (IGLD 1985) above Sea Level. The line shall be determined by the Township using a GIS contour map. For the purposes of this Ordinance, that line shall be considered the waterfront lot line of all properties abutting Lake Michigan and the required setbacks shall be as follows.~~

~~**(a) Main Buildings.** All Main Buildings shall be setback at least 200 feet from the Regulatory Ordinary High Water Mark, OR halfway from the Regulatory Ordinary High Water Mark to the rear lot line, if that distance is less than 200 feet.~~

(b) Accessory Structures. ~~All accessory structures shall be setback at least 200 feet from the Regulatory Ordinary High Water Mark.~~ No accessory structure located in the front yard of a waterfront lot ~~and the Regulatory Ordinary High Water Mark~~ shall exceed 400 square feet in area.

(c) Elevated Walkways. Elevated walkways, along with decks or landings, that meet the standards of Part 353 Activities Not Constituting a Use of the Michigan Department of Energy, Great Lakes, and Environment to be constructed in a High Risk Erosion Area and/or Critical Dune Area shall be exempt from this section.

(i) Elevated walkways are permitted to be shared by two, or more, adjacent property owners, and do not have setback requirements, meaning it can cross lot lines.

(ii) Landings, which shall be defined as flat areas of the walkway that are longer than a stair but not wider than the stairwell they connect to, shall be considered part of the elevated walkway and shall not be required to be set back from property lines.

(iii) Decks, which shall be defined as flat areas of the walkway that are longer than a stair and wider than the stairwell they connect to, shall meet the setback requirement of Accessory Buildings and Structures found in Section 10.01, based on the floor area of said deck.

(iv) Elevated walkways shall not count towards the maximum number of accessory structures on a lot.

~~**(2) Shoreline Protection Methods – Prohibited and Acceptable.**~~

(a) ~~**Purpose.** The Township believes the most appropriate, effective, and reasonable method to further the public interests of protecting natural resources, preserving the economic and environmental well-being of the community, protecting the health, safety and general welfare of the community, and promoting the general preservation or enhancement of property values along Lake Michigan is to restrict the construction of structures so near the water's edge as to: (1) to prevent unencumbered access for emergency vehicles; (2) create an increased threat of erosion or damage on adjacent properties; (3) be susceptible to damage resulting from inundation or erosion; or (4) be detrimental to the spirit and character of the public trust property; (5) be detrimental to vistas from neighboring properties; or (6) be potentially built in a location that will render the structure non-conforming under future federal or state floodplain protection regulation.~~

(b) ~~**Details of Seawall Prohibition.** For the reasons set forth in Subsection (a) above, the installation, construction and operation of shoreline protection measures, including but not limited to seawall, exposed riprap, breakwater, bulkhead, groins, and sandbags, shall be subject to the following:~~

~~**(i)** No shoreline protection measure shall be installed or constructed along the shore of Lake Michigan within the Township, except for temporary fencing not more than four feet (4') in height and with openly spaced slats or weaves, placed seasonally between October 1 and May 1 to influence the accumulation of sand and/or snow that does not prevent public passage across the public trust property as defined by the State of Michigan.~~

~~**(ii)** In the event the provisions of this section effectively prevent the development or use of a lot existing on the effective date of this amendment for all purposes permitted in the underlying zoning district or create an unnecessary hardship for the use of such a lot, the property owner may seek a variance.~~

~~**(iii)** To the extent of any conflict between the regulatory provisions contained in this section and other provisions of the zoning ordinance, the restrictions contained in this section shall control with respect to all lots that abut Lake Michigan.~~

~~**(iv)** Notwithstanding the above, property owners shall be permitted to install riprap on a foredune, provided that the riprap is subsequently covered by sand and appropriate dune vegetation.~~

(3) **Critical Dunes and High Risk Erosion Area.** All Critical Dune and High Risk Erosion Areas, as designated by the EGLE, shall be subject to the requirements of the State of Michigan. No Building Permit or approval under this Ordinance shall be issued until evidence of EGLE approval has been provided to the Township.

(D) **Inland Waterways.** The following shall apply to lots abutting the Grand River, Pottawatomie Bayou, Millhouse Bayou, and Little Pigeon Creek:

(1) **Setbacks.** Permanent structures (whether principal or accessory) must be setback fifty (50) feet from the ordinary high water mark of an inland lake, river, stream, creek, or other watercourse. Elevated walkways shall be exempt from this standard, provided they do not exceed 5 feet in width and do not have a roof of any kind. Docks that are anchored to the bottomland of the inland waterway and do not have a roof shall also be exempt from this standard.

(2) **Vegetative Strip.** Within the required setback described in Subsection (a), a natural vegetative strip should be maintained, except for the clearing of dead or invasive plants. This best management practice will help maintain a root and vegetative barrier to keep soil and nutrients from entering the watercourses and wetlands, while also helping to minimize water runoff, naturally filter the remaining water runoff, and help control water fowl from causing destruction along the waterfront. Seventy-five (75%) percent of the waterfront should be left natural. This section shall be considered a recommendation and shall not be enforced as regulatory.

Section 3.02 Required Plant Species

(A) **Required Species.** A minimum of seventy-five (75%) percent of landscape plans must include native plants listed in the tables below. Native plants pose no threat of becoming invasive and provide a host of critical ecological benefits. Xeriscape design is highly encouraged.

All Master Deeds, Covenants, Bylaws, or other similar internal regulations of a condominium or site condominium shall encourage the use of the native species listed in this Section, in order to support the Township Master Plan's goals of conserving groundwater resources, reducing the need for irrigation and maintenance, drought and flooding resiliency, and overall cost savings.

MICHIGAN NATIVE PLANTS – SOUTHERN LOWER PENINSULA

Trees		
Native Plant Name		Notes
Common	Scientific	
American Hornbeam	*Ostrya Virginiana*	
Arborvitae	*Thuja*	
Beech, American	*Fagus Grandifolia*	

Beech, Blue	*Carpinus Caroliniana*	
Birch	*Betula*	
Black Gum	*Nyssa Sylvatica*	
Black Walnut	*Juglans Nigra*	
Cedar, Red	*Juniperus Virginiana*	
Chestnut	*Castanea*	
Crabapple/Hawthorn	*Malus/Crataegus*	
Fir	*Abies*	
Hemlock	*Tsuga*	
Hickory	*Carya*	
Juneberry	*Amelanchier Arborea*	
Kentucky Coffeetree	*Gymnocladus Dioicus*	
Larch/Tamarack	*Larix*	
Maple	*Acer*	
Oak	*Quercus*	
Oak, Bur	*Quercus Macrocarpa*	LH
Oak, Red	*Quercus Rubra*	LH
Oak, Swamp White	*Quercus Bicolor*	LH
Oak, White	*Quercus Alba*	LH, B
Redbud	*Cercis Canadensis*	LH, N
Sassafras	*Sassafras Albidum*	
Sycamore	*Platanus*	
Tulip Tree	*Liriodendron Tulipifera*	
White Pine	*Pinus Strobus*	
Wild Cherry	*Prunus*	LH, N

Shrubs		
Native Plant Name		Notes
Common	Scientific	
Arrowwood Viburnum	*Viburnum Dentatum*	
Blackhaw Viburnum	*Viburnum Prunifolium*	
Bush Honeysuckle	*Diervilla Lonicera*	
Buttonbush	*Cephalanthus Occidentalis*	
Dogwood, Alternate Leaved	*Cornus Alternifolia*	
Dogwood, Flowering	*Cornus Florida*	
Dogwood, Red-Osier	*Cornus Sericea or Stolonifera*	LH, B, N, S
Elderberry	*Sambucus Nigra or Canadensis*	B
Holly (Michigan)	*Ilex Virticillata*	B
Nannyberry	*Viburnum Lentago*	B, LH, N
New Jersey Tea	*Ceanothus Americanus*	LH, N
Ninebark	*Physocarpos Opulifolius*	N
Red Chokeberry	*Aronia Arbutifolia*	
Serviceberry	*Amelanchier*	B, LH
Shrubby Cenquefoil	*Potentilla Fruticose*	
Spicebush	*Lindera Benzoin*	LH
Witch-Hazel	*Hamamelis Virginiana*	

Ferns	
Native Plant Name	Notes

Common	Scientific	
Lady Fern	*Athyrium Filix-Femina*	
Maidenhair Fern	*Adiantum Pedatum*	
Ostrich Fern	*Matteuccia Struthiopteris*	
Sensitive Fern	*Onoclea Sensibilis*	

Grasses, Sedges, Rushes		
Native Plant Name		Notes
Common	Scientific	
Big Bluestem	*Andropogon Gerardii*	
Bottlebrush Grass	*Hystrix Patula*	LH
Indian Grass	*Sorghastrum Nutans*	LH
Little Bluestem	*Andropogon Scoparius*	LH
Pennsylvania Sedge	*Carex Pensylvanica*	GC
Soft-stemmed Rush	*Juncus Effuses*	
Switch Grass	*Panicum Virgatum*	LH
Tussock Sedge	*Carex Stricta*	LH, LS

Wildflowers		
Native Plant Name		Notes
Common	Scientific	
Aster, New England	*Aster Novae-Angliae*	LH, N, PP
Aster, Smooth	*Aster Laevis*	LH, N, PP
Beardtongue, Foxglove	*Penstemon Digitalis*	B
Beardtongue, Hairy	*Penstemon Hirsutus*	B
Black-eyed Susan	*Rudbeckia Hirta*	LH, N
Blazing Star, Marsh	*Liatris Spicata*	N
Blazing Star, Rough	*Liatris Aspera*	N
Boneset, Common	*Eupatorium Perfoliatum*	N, PP
Cardinal Flower	*Lobelia Cardinalis*	B, N
Culver's Root	*Veronicastrum Virginicum*	N, PP
Golden Alexanders	*Zizia Aurea*	PP
Golden Ragwort	*Senecio Aureus*	
Goldenrod, Broad-Leaved	*Solidago Flexicaulis*	N
Goldenrod, Riddell's	*Solidago Riddellii*	N, PP
Goldenrod, Showy	*Solidago Speciose*	N, PP
Goldenrod, Stiff	*Solidago Rigida*	N
Great Blue Lobelia	*Lobelia Siphilitica*	PP
Meadow-rue, Early	*Thalictrum Dioicum*	
Meadow-rue, Purple	*Thalictrum Dasycarpum*	
Milkweed, Butterfly	*Asclepias Tuberosa*	LH, N
Milkweed, Common	*Asclepias Syriaca*	LH
Milkweed, Poke	*Asclepias Exaltata*	LH
Milkweed, Swamp	*Asclepias Incarnata*	LH, N
Missouri Ironweed	*Vernonia Missurica*	N
Mountain Mint	*Pycnanthemum Virginianum*	N
Nodding Wild Onion	*Allium Cernuum*	
Prairie Dock	*Silphium Terebinthinaceum*	B, N
Sand Coreopsis	*Coreopsis Lanceolate*	B, N

Southern Blue Flag	*Iris Virginica*	
Spiderwort, Common	*Tradescantia Ohiensis*	
Spotted Joe-pye Weed	*Eupatorium Maculatum*	N
True Solomon's Seal	*Polygonatum Biflorum*	
Turtlehead	*Chelone Glabra*	LH
White Baneberry	*Actaea Pachypoda*	
Wild Bergamot	*Monarda Fistulosa*	N
Wild Columbine	*Aquilegia Canadensis*	LH, B
Wild Geranium	*Geranium Maculatum*	
Wild Ginger	*Asarum Canadense*	
Wild Lupine	*Lupinus Perennis*	LH, N
Wild Strawberry	*Fragaria Virginiana*	GC, LH, NS

Key to letter codes:

B Provides food (fruit, seed, or nectar) or nesting habitat for birds
GC Groundcover
LH Larval host for butterflies
LS Well-suited for landscaping; not for gardens
N Provides nectar for butterflies
NS Does not establish well from seed
PP Attract pollinators and predatory insects
S Spreads by underground suckers

Section 3.03 Solar Energy Facilities.

(A) Solar Panel Arrays that are smaller than the footprint of the Main Building on the same lot shall be considered permitted accessory structures in all Zoning Districts and shall be subject to the following standards. Solar panel arrays may either be Ground or on the roof of another structure.

(1) Roof Arrays.

(a) The total height of the structure, including the array, shall not exceed the maximum height for the zoning district in question.

(b) If the array is located on an accessory structure, then the total structure shall not exceed the maximum height for accessory structures in the district in question.

(2) Ground Arrays.

(a) Ground-mounted arrays shall not be located in the front yard.

(b) Maximum Lot Coverage shall not be exceeded.

(c) Arrays shall not exceed 25 feet in height.

(d) Foundations shall be pile driven, not poured concrete.

(B) Solar Panel Arrays that are larger than the footprint of the Main Building on the same lot (or on a lot with no Main Building) shall be permitted by Special Land Use in the AG, RR, RP, C-1, C-2, and I-1 districts, and shall be subject to the following standards. All arrays meeting the description in this Section and not explicitly exempted by the Michigan Right to Farm Act (Public Act 93 of 1981) shall be required to obtain a special use permit prior to construction.

(1) Solar panel arrays must meet all required setbacks for a Main Building in the district they are located within.

(2) The Planning Commission may permit lot coverage standards to be exceeded, provided that adequate land is given for setbacks, maneuvering, and any non-solar panel uses.

(3) Ground solar panel arrays may not exceed 25 feet in height.

(4) Energy storage facilities must be setback at least 100 feet from the nearest lot line and from the nearest residential dwelling.

(5) The applicant must submit a plan for connecting the solar panel arrays to the electrical transmission grid, including the design and routing of electrical transmission lines on, and off, the site; as well as written permission from the impacted transmission company.

(6) A glare study, completed by a qualified third party professional, shall be submitted, and shall show that no glare will impact public roadways or residential dwellings.

(7) All solar arrays greater than 10 acres in area must include one or more of the following amongst the panels of the solar array:

(a) Crop cultivation

(b) Livestock grazing, with the panels raised to allow an 8 foot clearance for the animals to pass underneath.

(c) Pollinator fields, including milkweed and other native plantings.

(8) Foundations shall be pile driven, not poured concrete.

(9) **Decommissioning.** A decommissioning plan must be submitted with the Special Use application, to be approved and kept on file by the Township. The decommissioning plan must include a bond of no less than 10% of the construction costs of the array to be set aside for decommissioning by the Township, if necessary.

(10) In determining whether a given site is appropriate for a solar panel array larger than the footprint of the Main Building on the lot (or on a lot with no Main Building) the Planning Commission shall consider the following.

(a) Proximity to existing electric transmission lines, and feasibility of connecting to the existing transmission network, which may require the applicant to bring an expert to provide this information.

(b) Existing physical features of the site that would be impacted by the new solar arrays, including wildlife.

(c) Aesthetic impact of the solar panel arrays.

(d) Loss of farmland due to the solar arrays.

(e) Shall not be in required front yard.

Section 3.04 Wind Energy Facilities. (Section 20.23)

(A) Wind Energy Facilities may be permitted by Special Land Use in any Zoning District and may either be the principal use of the land, or an accessory use of the land. They may tie into the larger electric grid or may be used solely to power the site they are on and/or nearby surrounding sites.

(B) Wind Energy Facilities shall be subject to the following regulations:

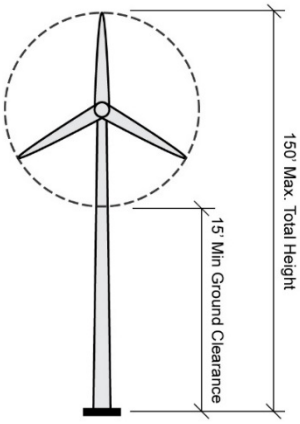
(1) **Ownership or Lease.** The applicant must provide information to the Township describing the basis on which the owner of the Wind Energy Facility proposes to locate a facility on a given site. For instance, a lease, a condominium agreement, ownership of the underlying land, etc.

(2) **Design Specifications.** The proposed number, representative types and height of each Wind Energy Facility to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities must be submitted to the Township.

(3) **Setbacks.** Wind Energy Facilities must be set back from all other structures by at least 20 (except any structures that the Wind Energy Facility is mounted on) feet and lot lines by at least 150 feet.

(4) **Height.** The total height of a Wind Energy Facility shall not exceed one hundred fifty (150) feet, including the height of any structure that it is mounted on).

(5) **Ground Clearance.** The lowest extension of any blade or other exposed moving component of an Wind Energy Facility shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty [50] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as decks, balconies or roof gardens, that are located directly below the Wind Energy Facility.



Medium Wind Energy Turbine (MWET)

250 Kilowatts Max. Capacity

(6) **Tall Structure Requirements.**

(a) Engineering data concerning construction of the Wind Energy Facility and its base or foundation, which may include, but not be limited to, soil boring data, must be submitted to ensure that the structure will be stable.

(b) The applicant must submit documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications.

(c) The Wind Energy Facility shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport zoning act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.

(d) Guy wires shall not be permitted.

(e) Each Wind Energy Facility, including Accessory Buildings and other related Structures shall be mounted on a tubular Tower and a non-reflective, non- obtrusive color (e.g. white, gray, black).

(f) No Wind Energy Facility may be artificially lighted, except to the extent required by the FAA or other applicable authority, or unless otherwise approved by the Planning Commission.

(g) No Wind Energy Facility shall be used for displaying any advertising (including flags, streamers, or decorative items), except for one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:

Warning High Voltage;
Manufacturer's and owner/operator's name;
Emergency contact numbers (list more than one [1] number).

(7) **Vibration.** No Wind Energy Facility shall produce vibrations humanly perceptible beyond the lot on which it is located.

(8) **Shadow Flicker.** The Wind Energy Facility owner(s) and/or operator(s) shall conduct an analysis on potential Shadow Flicker at any occupied buildings with direct line-of-sight to the Wind Energy Facility and at the buildable area of any vacant adjacent lot with direct line-of-sight to the facility that could accommodate an occupied building. The analysis shall identify the locations of Shadow Flicker that may be caused by the project and the expected durations of the Shadow Flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where Shadow Flicker may affect the occupants of the Buildings for more than thirty (30) hours per year and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.

(9) **Noise.** The noise emanating from the operation of a Wind Energy Facility shall not exceed, at any time, the maximum permissible sound levels outlined in Section 5 of the Grand Haven Charter Township Noise Control Ordinance (Ordinance No. 341).

(10) **Electrical System.** All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the Wind Energy Facility shall be buried underground at a depth in accordance with the applicable electrical code. Wires necessary to connect the facility to the tower wiring are exempt from this requirement.

(11) **Signal Interference.** No Wind Energy Facility shall interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

(12) **Anemometers.** If an anemometer is installed prior to, or in conjunction with a Wind Energy Facility, it must be done so in accordance with the following provisions:

(a) 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.

(b) An Anemometer shall be subject to all requirements of this Ordinance that apply to wind turbine towers.

(13) **Safety Requirements.**

(a) **Net-Metering.** If the Wind Energy Facility is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

(b) **Automatic Braking System.** The Wind Energy Facility shall be equipped with an automatic braking or governing 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) **Prevention of Unauthorized Access.** Each Wind Energy Facility shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device provided however, that the Planning Commission may waive such requirements, as it deems appropriate. All access doors to Wind Energy Facilities and electrical equipment shall be locked as appropriate, to prevent entry by non-authorized persons.

(d) **Removal of Hazardous Materials.** All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.

(14) **Maintenance and Operation.** A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance must be submitted with the application. Additionally, a description of the procedures that will be used for lowering or removing the Wind Energy Facility to conduct maintenance, if applicable.

(15) **Utility Company.** The applicant must submit 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.

(16) **Anticipated Life and Decommissioning Plan.** The applicant must submit:

(a) The anticipated life of each Wind Energy Facility

(b) The proposed design of the site after decommissioning

(c) The estimated cost of decommissioning

(d) The method of ensuring that funds will be available for Decommissioning and site restoration, and removal and restoration procedures and schedules that will be employed if the Wind Energy Facility becomes inoperative or non-functional.

Owner(s) or operator(s) shall complete decommissioning within six (6) months after the end of the useful life. Upon request of the Wind Energy Facility owner(s) or operator(s), and for a good cause, the Zoning Administrator may grant a reasonable extension of time. Each Wind Energy Facility 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 Zoning Administrator. All Decommissioning expenses are the responsibility of the Wind Energy Facility's owner(s) or operator(s).

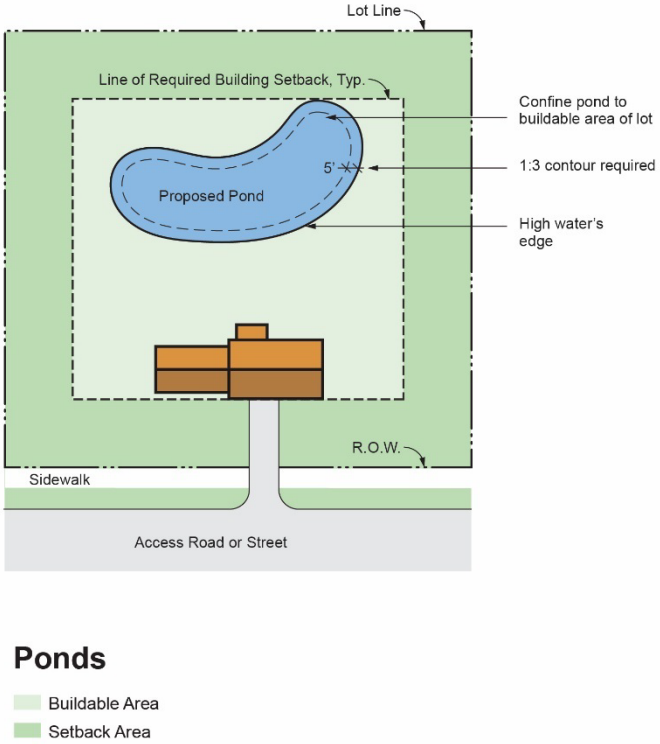
Decommissioning shall include the removal of each Wind Energy Facility, buildings, electrical components, and private streets to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining foundation shall be identified on a map as such and recorded with the deed to the lot with the County Register of Deeds.

If the owner(s) or operator(s) fails to complete Decommissioning within the period prescribed above, the Township may designate a contractor to complete Decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the lot. If the Wind Energy Facility 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 Wind Energy Facility.

(C) **Township Inspection.** The Township reserves the right to inspect any Wind Energy Facility in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the Wind Energy Facility owner/operator

Section 3.05 Ponds. (Section 19.07.29A)

(A) **Outdoor Ponds.** Ponds shall be permitted in any Zoning District but shall require approval under this Ordinance. The following types of ponds shall require the following approvals:



(1) All ponds under five (5) acres in area: Zoning Permit from the Zoning Administrator

(2) All ponds over five (5) acres in area: Special Land Use Approval, including demonstrating approval from the State of Michigan if required.

(3) Must meet the front, side, and rear setback requirements for Main Buildings for the zoning district they are located within.

(4) An aerator, or similar device, shall be required to prevent stagnant water that could cause or spread disease or otherwise cause conditions that are hazardous to the public health.

(5) No pond shall be used for commercial sales. However, spoils from the construction of the pond may be reused on the same property or sold.

(6) The slope at the outer edge of the pond shall be 1:3, that is one (1) foot of depth per three (3) feet of horizontal distance. This slope must continue until a depth of five (5) feet below the water's surface is reached.

(7) Ponds shall be designed to prevent erosion and shall not have any negative impacts on surrounding properties. Ponds cannot cause or contribute to the erosion of any nearby land.

(8) The emptying system of a pond shall be designed to prevent any negative impacts on surrounding property. All ponds should empty into a storm drain or other approved watercourse. Discharge into a public sanitary sewer is strictly prohibited.

(9) If a discharge pipe is to be used it shall have a direct outlet to a county drain. If the pipe does not have a direct outlet, then it shall not exceed 4" in diameter and be constructed with galvanized iron or such other standard and durable material as may be approved by the Zoning Administrator.

(10) Ponds shall be subject to all applicable County, State, and Federal requirements.

Section 3.06 Flood Hazard Area. (Building Code, but are moving back into Zoning as a Best Management Practice for the FEMA Community Rating System (CRS) program)

(A) **Purpose and Intent.** It is the purpose of this Chapter to significantly reduce hazards to persons and damage to property as a result of flood conditions in Grand Haven Township, and to comply with the provisions and requirements of the National Flood Insurance Program in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vol. 41, No.207, Tuesday, October 26, 1976, and redesignated at 44 FR 31177, May 31,1979.

(B) Further, the objectives of this Chapter include:

(1) the protection of human life, health and property from the dangerous and damaging effects of flood conditions;

(2) the minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;

(3) the prevention of private and public economic loss and social disruption as a result of flood conditions;

(4) the maintenance of stable development patterns not subject to the blighting influence of flood damage;

(5) to insure that the public has access to information indicating the location of land areas subject to periodic flooding; and

(6) to preserve the ability of floodplains to carry and discharge a base flood.

(C) Development Permit.

(1) The Zoning Administrator shall utilize available floodplain information and determine whether proposed development will be reasonably safe from flooding prior to issuance of a zoning compliance permit. If it is determined by the zoning administrator that the proposed development lies within an area prone to flooding (flood hazard area), all new construction and substantial improvements shall comply with the requirements of this Section.

(2) Development, including the erection of structures and placement of manufactured homes, within a flood hazard area shall not occur except upon issuance of a site plan approval in accord with the requirements of this Section and the following standards. The standards of this Section shall not be waived in any Planned Unit Development Agreement and shall apply to all Planned Unit Developments.

(a) All requirements of this Section shall be met, including the submission of an elevation certificate for all new Main Buildings, including all single family dwellings.

(b) The requirements of the underlying zoning district and applicable general provisions of this ordinance must be met

(c) All necessary development permits shall have been issued by the appropriate federal, state, and local authorities including a floodplain permit, approval, or letter of no authority from the Michigan Department of Energy, Great Lakes, and Environment under the authority of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. Where a development permit cannot be obtained prior to the issuance of a site plan approval, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

(D) General Standards for Flood Hazard Reduction.

(1) All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and manufactured homes, shall:

(a) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;

(b) be constructed with materials and utility equipment resistant to flood damage; and

(c) be constructed by methods and practices that minimize flood damage.

(2) All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.

(3) All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

(4) Adequate drainage shall be provided to reduce exposure to flood hazards.

(5) The Zoning Administrator or their representative shall review development proposals to determine compliance with the standards in this Section and shall transmit their determination to the Planning Commission.

(6) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Section.

(7) Available flood hazard data from federal or state governments or other sources shall be reasonably utilized in meeting the standards of this section.

Chapter 4 Landscaping and Low Impact Design

Section 4.01 Purpose and Intent. (Section 20.13.1)
The purpose of this Section is to establish minimum standards for the development, installation and maintenance of landscaped pervious areas within all multiple family districts, all non-residential districts, and for all non-residential uses permitted in a residential district. This Section further recognizes the proper management and use of trees, plants and other types of vegetation will improve the appearance, value, character, quality of life, and the natural environment in the Township and promote resourceful and resilient site planning and creative design.

Section 4.02 Requirements.

(A) The following landscaping shall be required in the Multiple Family, Commercial, and Industrial Districts, parking lots, refuse containers (for other than single- or two-family residential) as well as for non-residential uses in residential districts, except where uses or districts are specifically exempted. **(Section 20.13.2)**

(1) **Encouraged Species.** The species listed in Section 3.02.A should be prioritized. Xeriscape design is highly encouraged.

All Master Deeds, Covenants, Bylaws, or other similar internal regulations of a condominium or site condominium shall encourage the use of the native species listed in Section 3.02.A, in order to support the Township Master Plan's goals of conserving groundwater resources, reducing the need for irrigation and maintenance, drought and flooding resiliency, and overall cost savings.

(2) **General Landscaping.** All lots subject to this section shall provide 1 tree per 500 square feet of non-paved surface, including trees required by the other requirements in this section. Existing trees, and trees which are required as other components of the landscape plan can reduce the number of required trees on a 1:1 ratio.

For example, if a site has 5,000 sqft of non-paved surface than a minimum of ten (10) trees are required to be planted. Of these ten (10) trees, two (2) existing trees are being preserved and an additional five (5) trees are required for screening, which means three (3) more trees must be planted within the 5,000 sqft non-paved area(s).

(3) **Stormwater System Landscaping (Section 15A.10.4).** Retention, detention and the overall stormwater system shall be designed to create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat. The following species shall be used for plantings, although other species may be permitted by the Planning Commission.

(a) **Zone 1.** Deep Water (1 to 6 feet of permanent water): Herbaceous Plants, Duckweed, Wofeia, Sweet-scented Water Lily, White Water Lily.

(b) **Zone 2.** Shallow Water (1 foot or less of permanent water): Shrubs, Buttonbush, Swamp Rose, Herbaceous Plants, Arrow Arum, Arrowhead, Duck Potato, Blue Flag Iris, Broomsedge, Cattail, Common Water Plantain, Rice Cutgrass, Milkweed, Sedges, Soft-Stem Bulrush, Soft Rush, Prairie Cordgrass, Sweet Flag, Wool Grass.

(c) **Zone 3.** (No permanent water, but sometime submerged) **Milkweed shall be required in this Zone.** Plants permitted in Zone 2, plus American Bladdernut, Arrow Wood Viburnum, Buttonbush, Common Spice Bush, Elderberry, Highbush Cranberry, Meadowsweet, Michigan Holly, Nannyberry, Ninebark, Pussy Willow, Red Osier Dogwood, Silky Dogwood, Shrub Cinquefoil, Speckled Alder, Steeple Bush, Swamp Rose.

(d) **Zone 4.** (Edge of pond, very rarely or never submerged) Any plants otherwise permitted by this Ordinance.

(4) Parking Lot Landscaping Requirements.

(a) **Perimeter (Section 20.13.6.A-B).** A landscaped area must be at least ten (10) feet in width must surround parking lots on all sides.

(i) Private internal walkways may be located between the parking lot and the required landscaping.

(ii) The landscape area must contain a continuous screen at least thirty-six (36) inches in height above the street grade, and can consist of shrubs, hedges, berm, wall, or combination thereof.

(b) **Interior (Section 20.13.6.C).** Paved parking lots which exceed ten thousand (10,000) square feet in area must have interior landscape islands located in such a manner that they break up the expanse of the paving throughout the parking lot, reduce heat island effects, and provide natural stormwater infiltration to the ground, as follows.

(i) The interior of the parking lot shall have parking lot island(s), which total at least one (1) square foot of landscaped area for each fifteen (15) square feet of the parking lot.

(ii) Landscape islands must at least 9 feet wide in all dimensions and at least 160 square feet in area.

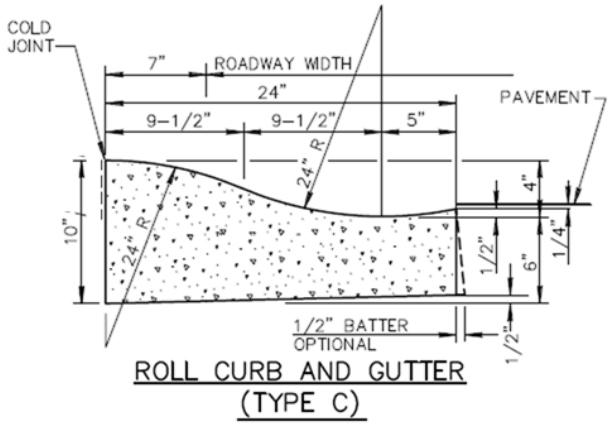
(iii) All landscape islands must contain at least one tree OR be designed to function as a raingarden.

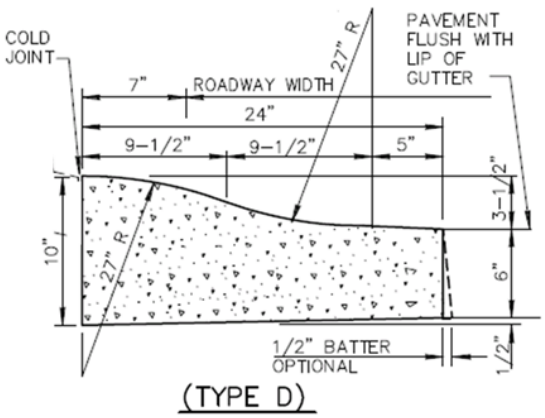
(iv) Islands shall be located to ensure safe and efficient traffic flow. The Planning Commission may require islands to be relocated.

(v) Island ground cover must be mulch, stone, or local groundcover such as dunegrass.

(vi) At least 50% of the required landscaping must be within the parking lot, and not along the perimeter.

(c) **Curbs.** Generally, mountable or rolled concrete curbs shall be used throughout the parking lot and paved areas. The Township may vary the specifications shown below based on the specific needs of that site. The use of concrete curbs around the paved areas creates a well-defined space, it will add strength to the edges of the pavement, assists in directing stormwater, and allows for efficient snow removal with a plow-only and does not require the use of a loader. The Township may consider a curb waiver if raingardens are utilized for stormwater disposition.





(d) **Curbs Waiver.** The Township may allow paved parking lots to be designed without curbs to shed stormwater into landscape areas (including landscape islands), using the stormwater as irrigation and reducing runoff into storm sewers. The Township may also grant a waiver in order to allow more efficient snow removal. Should this waiver be granted the applicant must demonstrate that additional measures are being used to prevent vehicles from parking on, and/or driving over, landscaped areas, walkways, right-of-way, adjacent property, etc. This can be accomplished using taller landscaping such as shrubs, a berm, retaining wall, etc.

(5) **Screening Adjacent to Residential (Section 20.11).** All premises used for business, commercial, or industrial purposes and located in a C-1, C-2, or I-1 district, as well as approved or permitted non-residential uses in residential districts, shall be screened along each rear lot line and each interior lot line when the rear lot line or interior lot line abuts to a parcel which is zoned AG, RP, RR, R-1, R-2, R-3, or R-4. The screening requirement may be satisfied by any one of the following, or combination of any of the following:

(a) A 10 foot wide greenbelt meeting the following requirements:

(i) Evergreen trees shall be planted forming a continuous screen and shall be at least six (6) feet in height.

(ii) A wooded area left in its natural state, with no trees or other vegetation removed unless it is deemed to be dead, may be permitted to serve as the required greenbelt. However, if any vegetation is removed from the greenbelt at any time, then plantings must be added to ensure that there is at least one (1) tree and eight (8) shrubs per 30 feet of the length of the lot line.

(b) A "green" wall of sufficient density or compactness to effectively obscure vision through it. The wall must be at least six (6) feet in height. A green wall enables plants to grow vertically along its face to provide air and water quality functions as well as aesthetic enhancement. Green walls may have plantings on either side, but any non-planted sides must be visually appealing, in the opinion of the Planning Commission.

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

(i) The earth berm is a mound of earth, the slope of which (measured on the cross-section) is no greater than 1:3;

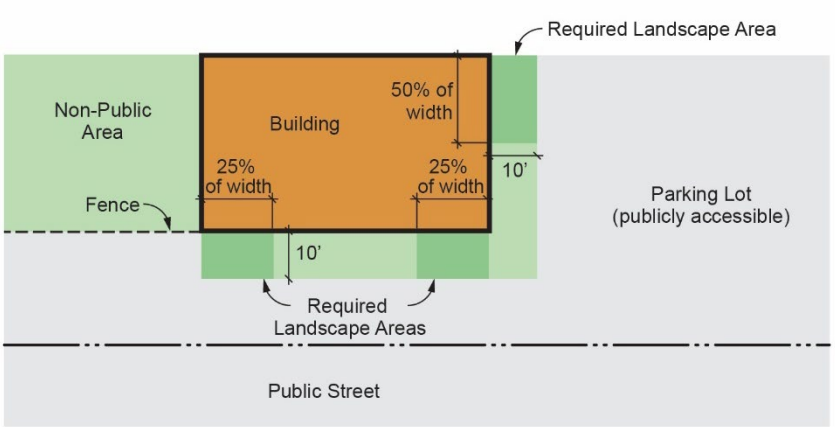
(ii) The berm shall be at least two (2) feet wide at its crest, with no slope over the width of the crest;

(iii) The berm shall be landscaped, planted, and maintained in accordance with the requirements of Chapter 4 (Landscaping/Low Impact Design);

(iv) If an undulating effect is desired, the height of the earth berm itself may be less than six (6) feet, as long as a green wall, rain gardens, trees, native species or compact evergreen shrubbery, or a combination, are used along with the earth berm. In such event, the minimum height of the earth berm and evergreen shrubbery combined must be at least six (6) feet.

(d) 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.

(6) **Landscaping Adjacent to Buildings.** All building walls visible from a public street or publicly-accessible area must have a 10-foot-wide landscape area adjacent to them for at least 50% of their total width. Landscaping required in other sections of this Chapter (such as parking lot perimeter landscaping) may be used to count towards this requirement.



Required Landscape Area

(7) **Utility Cabinets and Mechanical Equipment.** Transformers, mechanical equipment, and other above ground utility cabinets have to be screened with evergreen plantings at least one (1) foot taller than the height of the cabinet or equipment.

(E) Other Landscaping Requirements (Section 20.13.6.D, 20.13.3-5).

(1) Refuse containers, 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. All wood or masonry enclosures must have an opaque gate constructed from metal or wood (chain link with obscuring fabric or slats shall be prohibited).

(2) 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.

(3) Grass areas shall be planted and grown as native grasses and xeriscaping OR permanent lawns. Plantings shall be protected from erosion by appropriate means until the plantings are established.

(4) All plantings shall be installed in such a way as to promote their long-term health and vitality. This includes both design considerations and installation/maintenance procedures. If an irrigation system is proposed it shall include precipitation sensors that automatically decrease or cease the watering of landscaping to prevent wasteful and counterproductive overwatering, and to protect Ottawa County's groundwater resources.

(5) 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.

(6) No landscaped area may be abandoned, paved, or otherwise employed without submission and approval of a revised site plan.

(7) Invasive species, as defined by the State of Michigan, shall not be used to meet landscaping requirements.

(8) All landscaping shall comply with the requirements of the Clear Vision Ordinance (Section 30.0600 of Ordinance No. 449).

(9) **Minimum Planting Sizes.** All plantings must meet the following minimum size requirements at the time of planting:

(a) **Deciduous Trees.** 2½ inches in caliper, measured at 12 inches above grade

(b) **Evergreen Trees.** 6 feet in height, measured from grade

(c) **Shrubs.** 30 inches in height, measured from grade

(F) **Waivers.** In 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:

(1) 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;

(2) Whether natural geographical features are sufficient to accomplish the intended purpose of obscuring the use.

Section 4.03 Procedures. (Section 20.13.4-5)

(D) Landscaping and/or screening is required when:

(1) A building permit is required for the erection of a main building or structure other than a single family residential dwelling or an accessory building related thereto.

(2) Any other section or provision of this Ordinance requires the structure or use in question to have landscaping or screening.

(E) Landscaping on previously developed sites must be brought into compliance with the Zoning Ordinance in the following circumstances. In these instances, existing parking lots shall be exempt from the interior parking lot landscaping requirements.

(1) The main building on the site is expanded.

(2) The amount of impervious surface on the site is expanded by more than 50%.

(3) A new Special Land Use Permit is issued for the site.

(F) All planting screens and landscape plantings shall be installed in accordance with an approved landscape plan. However, the Zoning Administrator may allow for the substitution of like plants of similar quality and character from those specific species listed on the approved landscape plan.

(1) An Occupancy Certificate shall not be issued until the planting screen or landscape planting has been completed in accordance with the approved plan.

(2) 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, or the applicant may opt to file a Memorandum of Understanding – Escrow for Final Occupancy Certificate with the Zoning Administrator.

(3) The landscape plan must include a description of the maintenance procedures, including a spec sheet for the proposed irrigation system. The irrigation system must comply with Section 4.02.B.4.

(G) The Zoning Administrator may permit any approved planting to be replaced with another species, provided that the new species meets all requirements of this Ordinance.

(H) The Zoning Administrator can approve any actual planting variation, which is deemed equal to, or superior than, the original planting plan.

(I) Landscape compliance inspections shall be conducted on a regular basis to ensure long-term compliance.

Chapter 5 Parking and Impervious Surface

Section 5.01 Purpose. (Section 24.01)
To promote the comfort, safety, convenience, and general welfare of the persons in the Township, this chapter shall provide standards for the regulation of parking and circulation within and around developments.

Section 5.02 Non-Residential Off-Street Parking Requirements. (Section 24.02)

(D) Automobile off-street parking space shall be provided in all districts at the time of erection or enlargement of any Main Building or enlargement of existing parking lots. The number of off-street parking spaces shall comply with the requirements of this Chapter

(E) Parking lots must be setback at least 10 feet from all lot lines.

(F) Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(G) Off-street parking for a non-residential use shall be on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

(H) Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.

(I) Minimum required off-street parking spaces shall not be replaced by any other use until equal parking facilities are provided.

(J) There shall be no parking on any lawn or landscaped area except to display a vehicle for sale pursuant to the Anti-Littering Ordinance (Section 35.0209 of Ordinance No. 187).

(1) Outdoor display areas for ancillary sales of products such as, vehicles or merchandise, must be provided in a specific area designated on the site plan. This display area may not block parking spaces or interfere with site circulation of automobiles or pedestrians, including barrier free accessibility.

Section 5.03 Residential Off-Street Parking Requirements. (Section 24.02)

(D) Off-street parking spaces for one- and two-family dwellings shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

(1) Residential parking spaces shall not be located within any road right-of-way, unless otherwise permitted.

(2) Parking spaces shall be located on a driveway that consists of asphalt, concrete, or gravel.

(3) In Districts R-1 through R-4, on non-farm residential lots, the owner, tenant, or lessee of any lot shall not permit or allow the storage or parking, at any time, of vehicles exceeding one (1) ton capacity which are used or which could be used for commercial purposes. This restriction shall not apply to a single pickup truck exceeding a one (1) ton capacity.

(4) **Trailers.** Utility trailers, box trailers, open air trailers, and similar vehicles, whether for personal use or for a business may be parked on residential lots. However, trailers that are parked continuously for more than seven (7) days must be parked in the rear or side yard and must maintain a five (5) foot setback from all lot lines.

(E) There shall be no parking on any lawn or landscaped area except to display a vehicle for sale pursuant to the Anti-Littering Ordinance (Section 35.0209 of Ordinance No. 187).

Section 5.04 Recreational Vehicle Seasonal Parking Requirements. (Section 24.08)

(D) In all Residential Districts, recreational vehicles may only be parked, or stored, in accordance with the following requirements. Recreational vehicles include, but are not limited to, campers, motor homes, all-terrain vehicles, boats, and snowmobiles.

(1) Must be located in the driveway. If the recreational vehicle is not parked in the driveway, then it must be setback at least twenty-five (25) feet from the front lot line, or road right-of-way, whichever is closer. The parking location shall maintain compliance with the Clear Vision Ordinance (Section 30.0600 of Ordinance No. 449).

(2) Must be setback at least five (5) feet from any side or rear lot line. In the case of a corner lot, it shall be setback at least 25-feet from the side street.

(3) Seasonal parking of recreational vehicles shall comply with the following schedule:

Season	Examples of Seasonal Vehicles	Store in Front Yard during active-season	Store in Rear Yard during off-season
Summer vehicles	Campers, motorhomes, boats, all-terrain vehicles, dirt bikes, jet skis, etc.	April – November	December – March
Winter vehicles	Snowmobiles, etc.	December – March	April – November

(4) During off-season months, recreational vehicles can be parked in the driveway for up to 48 hours for the purposes of cleaning, loading, unloading, etc.

(5) During a calendar year, a recreational vehicle can be used for living purposes for a maximum of 14 cumulative days. Permissible vehicles include campers, motorhomes, and other similar vehicles. This is intended to allow family and friends to "camp" in the yard of a residence during an event such as Coast Guard Festival.

(a) At no time may this recreational vehicle be used as permanent living quarters.

(6) Exceptions:

(a) Where the physical features of a property, such as, but not limited to the Main Building, accessory building(s), immovable structures, a tree with a diameter larger than four (4) inches, or severe inclines prohibit a recreational vehicle from being parked in compliance with this subsection, the owner may apply to the Zoning Administrator for permission to park the recreational vehicle on the lot. A fence is not considered an immovable object. Parking approval, if granted, shall be limited to five (5) years following the date of issuance. Additional approvals may be granted in accordance with the conditions of this section. However, it is the general purpose of this Section to protect the public health, safety, and welfare, and it is therefore anticipated that such exceptions should be rarely granted.

Section 5.05 Barrier Free Parking.
Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of parking spaces that meet the requirements for barrier free access in the Building Code. The number of barrier-free spaces required is as follows:

Total Number of Parking Spaces Provided in Lot	Minimum Number of Barrier-Free Spaces Required	Number of Van-Accessible Barrier-Free Spaces Required
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2% of total parking provided	1/6 of total barrier-free spaces
1001 and over	20, plus 1 for each 100 over 1000	1/6 of total barrier-free spaces

Section 5.06 Schedule of Off-Street Parking Spaces. (Section 24.03)

(D) **Purpose.** The purpose of recommending a minimum number of parking spaces is to encourage safety and efficiency within parking lots of businesses and institutions, and to reduce the instances of illegally parked vehicles within the Township. Flexibility in the requirements and recommendations is included in recognition that overly large parking lots are a drain on economic vitality, present safety hazards to pedestrians and motorists, and create environmental hazards such as heat islands, stormwater runoff, loss of habitat, and flood hazard.

(E) Any fraction up to and including one-half (½) shall be rounded down; any fraction greater than one-half (½) shall be rounded up.

(F) The maximum number of parking spaces for any use shall be 150% of the minimum.

(G) For all Residential Uses not listed in subsection E, F, or G below, the recommended minimum parking requirement shall be 1.5 spaces per dwelling unit, except for Single Family Homes, which shall have a minimum requirement of one off street parking space, which must be on a dedicated driveway.

(H) For all Non-Residential Uses not listed in subsection E, F, or G below, the recommended minimum parking requirement shall be 1 space per 300 square feet of gross floor area.

(I) The following table shall govern the recommended minimum number of parking spaces for the uses listed:

Use	Number of Minimum Parking Spaces Per Unit of Measure
Bed and Breakfast	1.2 spaces per guest room
Car Wash	5 spaces, in addition to stacking spaces
Gas Station	1 space per pump. Parking spaces adjacent to pumps shall not be considered sufficient to comply with the parking requirement for any accessory commercial uses or vehicle repair.
Gun Range	1.2 spaces per firing bay
Hotel/Motel	1.3 spaces per guest room
Hospitals	4.75 spaces per hospital bed
Indoor Self-Storage	10 spaces, plus the minimum distance between buildings containing units shall be 37 feet, in order to allow for parallel parking adjacent to units.
Religious Institutions	One space per three people in the capacity of the worship space, plus required spaces for accessory uses
Senior Housing	1 space per dwelling unit
Theaters (Indoor)	One space per 2 people in the total seating capacity of the facility

Use	Number of Minimum Parking Spaces Per Unit of Measure
Truck Stop/Travel Plaza	The total of the minimum parking requirement for all component uses (gas station, vehicle repair, retail, etc.)
Vehicle Repair	Two spaces per service bay. Spaces may not be used to store cars waiting to be serviced.
Vehicle Sales	1 space per 1,500 square feet of outdoor display space, plus the required number of spaces for the indoor space.

(J) In the case of the following uses, the applicant shall provide a proposed number of parking spaces, along with a justification based on the specifics of the use, for review by the Planning Commission. The Planning Commission may choose to accept or alter the proposal. The purpose of this flexibility is to acknowledge that these uses may vary significantly in terms of their size and scope, and therefore vary in their parking needs.

(1) Airports
(2) Bus Terminals
(3) Campgrounds
(4) Composting Operations
(5) Concrete and Asphalt Plants
(6) Contractor Yards
(7) Greenhouse/Nursery
(8) Institutions of Higher Education
(9) Intensive Livestock Operations
(10) K-12 Schools
(11) Kennels
(12) Junk Yards
(13) Marinas
(14) Mineral Mining
(15) Temporary Outdoor Events
(16) Parking Lots with No Other Principal Use
(17) Parking Garage
(18) Power Plant – Non-Wind or Solar
(19) Recreation – Indoor or Outdoor
(20) Conservation Area
(21) Wineries/Agri-Tourism

(K) The following uses shall have no minimum parking requirement:

(1) Accessory Dwelling Units
(2) Agriculture
(3) Home based businesses
(4) Keeping of Animals
(5) Outdoor Storage
(6) Solar Energy Facility
(7) Wind Energy Facility
(8) Wireless Telecommunications

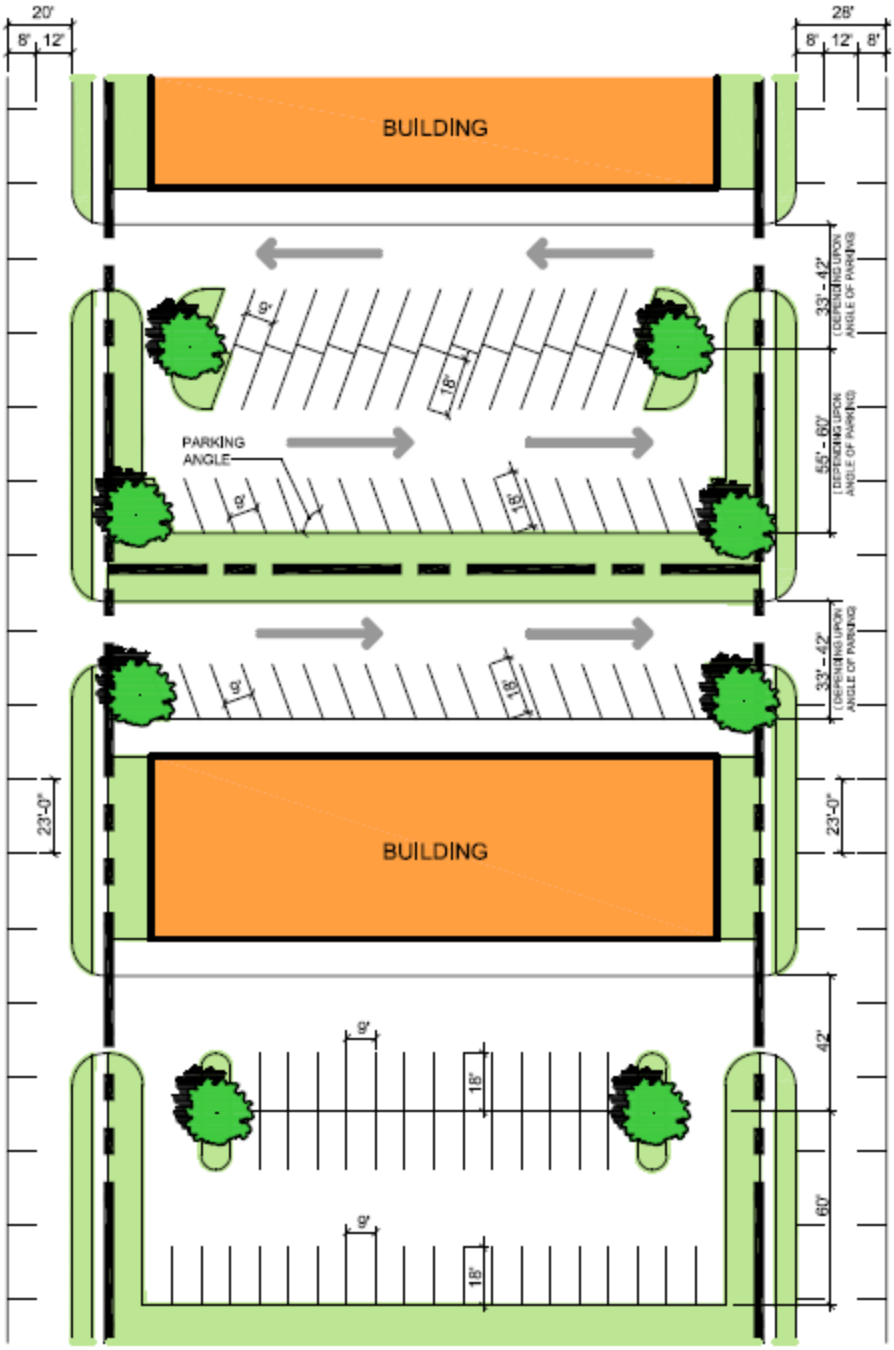
(L) If an applicant demonstrates that the required amount of parking spaces is excessive based on the needs of the proposed use, or that the site cannot physically accommodate the required number of parking spaces while also meeting the other standards of this Ordinance, the Planning Commission may allow a reduced number of spaces, below the recommended minimum in this Section.

Section 5.07 Off-Street Parking Space Layout and Standards. (Section 24.04)
Whenever the off-street parking requirements of Section 5.02, above, require the building of an off-street parking lot, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(D) No parking lot shall be constructed until a zoning permit therefore is issued by the Zoning Administrator. No zoning permit shall be issued until a site plan for the parking lot has been approved by the Planning Commission pursuant to Chapter 18 (Site Plan Review).

(E) Plans for the layout of off-street parking facilities shall be in accord with the following table, and are considered both minimum and maximum sizes (i.e. parking spaces must be exactly these sizes):

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One (1) Tier of Spaces and Maneuvering Lane	Total Width of Two (2) Tiers of Spaces and Maneuvering Lane
Parallel	12 feet	9 feet	23 feet	20 feet	28 feet
35° – 50°	15 feet	9 feet	18 feet	33 feet	55 feet
51° – 74°	15 feet	9 feet	18 feet	33 feet	58 feet
75° – 90°	24 feet	9 feet	18 feet	42 feet	60 feet
Boat Launching Areas					
30° – 53°	25 feet	10 feet	45 feet	70 feet	115 feet
54° – 90°	45 feet	10 feet	45 feet	90 feet	136 feet



EXAMPLE PARKING LAYOUTS

Section 5.07.A

(F) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

(G) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(H) All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement. Any parking lot containing parking spaces less than 90° shall only be permitted one-way traffic movements within the maneuvering lanes.

(I) Appropriate signage and striping must be included within the parking lot as well as designating the traffic flow at all entrances and exits (i.e., directional arrows).

(J) All access points for off-street parking shall be setback at least 20 feet if the property abuts a residential zoning district.

(K) Where the off-street parking lot is adjacent to a residential premise in a district of R-4 or higher classification, the screening requirements of Section 4.02 shall be met.

(L) Paving Requirements.

(1) Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area through Best Management Practices, as approved by the Ottawa County Water Resources Commissioner. All off-street parking areas shall be graded in such a way as to preclude drainage of water onto adjacent property or toward buildings.

(2) North of M-45/Lake Michigan Drive, the entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing. The parking area shall be surfaced prior to the issuance of certificate of occupancy permit.

(3) South of M-45/Lake Michigan Drive, all lots shall be exempt from this requirement, unless the land use requires a hard surface, in the opinion of the Planning Commission.

Section 5.08 Off-Street Loading and Unloading. (Section 24.05)

All non-residential properties shall provide an off-street loading and unloading area to avoid traffic conflicts on the roadway. Loading zone shall be provided as follows, unless the Planning Commission determines it is unnecessary for the use in question.

(D) In all C-1 and C-2 districts, loading zone with a vertical clearance of at least fourteen (14) feet shall be provided in the rear yard in the ratio of ten (10) square feet per front foot of Main Building.

(E) In all I-1 districts, all spaces shall be laid out in the dimensions of at least ten (10) feet by fifty (50) feet, or five hundred (500) square feet in area, with a clearance height of at least fourteen (14) feet. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I-1 districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (sqft)	Loading and Unloading zone Required
0 – 1,400	None
1,400 – 20,000	One (1) Space
20,001 – 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet
100,000 and over	Five (5) spaces, or more if needed in the opinion of the Planning Commission

(F) All loading and unloading in an I-1 district shall be provided off-street in the rear yard or interior side yard and shall not be permitted in a front yard.

Chapter 6 Outdoor Lighting and Dark Skies

Section 6.01 Purpose. (Section 20A.1)
The purpose of this Chapter is to provide a regulatory strategy for outdoor lighting that will:

(D) Permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce.

(E) Curtail and reverse the degradation of the nighttime visual environment and the night sky,

(F) Preserve the dark night sky for astronomy.

(G) Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary.

(H) Conserve energy and resources to the greatest extent possible.

(I) Help protect the natural environment from the damaging effects of night lighting from man-made sources.

Section 6.02 Lighting Zones. (Section 20A.4)

Zone	Ambient Illumination	Representative Locations
LZ-1	Dark	Developed areas in County or Township parks, recreation areas, wetlands and Conservation Areas; developed areas in natural settings; and areas where residents have expressed the desire to conserve natural illumination levels. (***This zone includes AG and RP zoning districts***.)
LZ-2	Low	Rural areas, low- and medium density neighborhoods and districts. This zone is intended to be the default for residential areas. (***This zone includes the RR, R-1, R-2, and R-4 zoning districts***.)
LZ-3	Medium	High-density urban neighborhoods, shopping and commercial districts, industrial areas and districts. This zone is intended to be the default condition for commercial and industrial districts in urban areas. (***This zone includes the R-3, C-1, C-2 and I-1 Zoning Districts).***

(D) The Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this Chapter.

(E) A decrease of one or more LZ numbers or an increase of one LZ number may be granted to a specific (individual) land parcel or project upon application to and approval by the Planning Commission.

Section 6.03 Exempt Lighting. (Section 20A.5)
The following luminaires and lighting systems are exempt from the requirements of this Chapter.

(D) Internally illuminated signs. However, all such signs shall have "dark" backgrounds (opaque or colored) and "light" lettering (white or lighter colored than the background) so as to minimize glare or luminous overload.

Section 6.03.A.1

(E) Externally illuminated signs. However, all such signs shall be downcast/lit from above, with fully shielded fixtures.

(F) Temporary lighting for theatrical, television, and performance areas.

(G) Lighting in swimming pools and other water features governed by Chapter 680 of the National Electrical Code.

(H) Code required exit signs.

(I) Code required lighting for stairs and ramps.

(J) Temporary holiday lighting.

(K) Lighting required and regulated by the Federal Aviation Administration, U.S. Coast Guard, or other federal or state agency.

(L) Interior lighting.

Section 6.04 High Intensity, Special Purpose Lighting. (Section 20A.6)
The following lighting systems are prohibited from being installed or used.

(D) Aerial Lasers.

(E) "Searchlight" style lights.

(F) Other very intense lighting, defined as having a light source exceeding 200,000 lumens or more.

Section 6.05 Canopy Lighting. (Section 20A.7.5-6)

(D) All canopy lighting must be fully shielded. However, indirect up-lighting is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct up-light is emitted beyond the opaque canopy.

(E) No portion of any fixtures under canopies (including the glass housing), such as over gasoline station pump islands, shall extend below the lower plane of the canopy roof, exclusive of any façade or ornamental trim which may extend below the canopy roof. They shall be recessed so the lamp does not extend below the lower plane of the canopy surface.

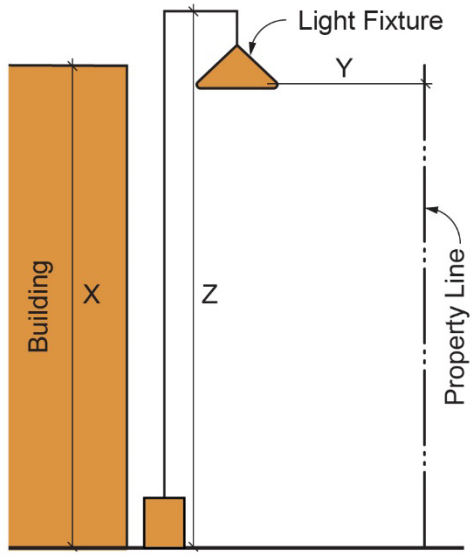
Section 6.06 Height Limits. (Section 20A.8)

(D) Pole Mounted Lighting. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed 20 feet.

(E) Lights Mounted to Buildings or Structures. Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever is less.

(1) Exception 1. Lighting attached to single-family residences shall not exceed the height of the eave.

(2) Exception 2. Lighting for illuminating façades shall be mounted at a height equal to or less than the total height of the structure being illuminated.



Light Fixture Height

Z shall be less than X+4 ***or*** 40% of Y, whichever is less.

Section 6.07 Maximum Lighting Levels. (Section 20A.9)

The average light level (total lumens divided by total square feet) in all areas of impervious surface (other than the Main Building) meet the following maximum requirements, in lumens per square foot.

Calculation	LZ-1	LZ-2	LZ-3
lumen ÷ sqft of hardscape area	0.5	1.25	2.5

Section 6.08 Special Use Lighting. (Section 20A.11)

(D) Upon approval of a Special Land Use permit, lighting systems not complying with the technical requirements of this Chapter but consistent with its intent may be installed for the following applications:

(1) Sport fields and stadiums.

(2) Industrial lighting for hazardous areas where the heat of the lighting fixture may cause a dangerous situation.

(3) Bridges.

(4) National and State Flag lighting with spotlights greater than 1100 lumens in LZ-3, and greater than 800 lumens in LZ-1 and LZ-2.

(5) Specialized Theme Park lighting.

(6) Public monuments, public buildings and places of worship.

(7) Industrial areas where higher pole heights are required to avoid interference of vehicle with the pole assembly.

(8) Any other lighting application not listed in Table 4.

(E) To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

(1) Light fixtures must be downward-facing and concealed source, unless the applicant can demonstrate to the Planning Commission that such a design is impossible or impractical given the purpose of the light fixture.

(2) Has made every reasonable effort to mitigate obtrusive light and artificial sky glow, supported by a signed statement from a registered engineer or by a lighting certified professional describing the mitigation measures.

(3) The Planning Commission shall review each such application. A permit may be granted if, upon review, the Planning Commission believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

Section 6.09 Light Fixture Illustrations. (Section 20A.12)

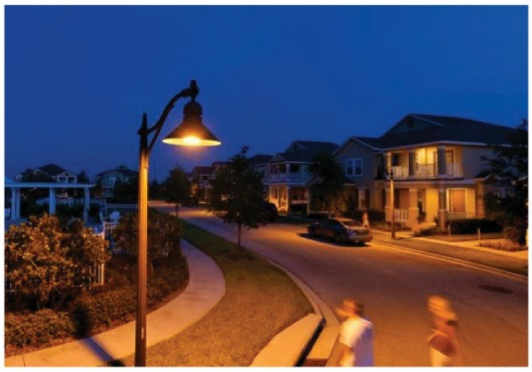
The following light fixture illustrations shall be used as a guideline to help determine appropriate and inappropriate lighting fixtures, which offer different levels of shielding. Please note that these graphics do not represent a complete inventory of permitted and prohibited fixtures.

Prohibited

Fixtures that produce glare and light trespass

Acceptable

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



Chapter 7 Planned Unit Developments

Section 7.01 Statement of Intent and Objectives. (Section 17.01)

(D) This Chapter provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments (PUDs).

(E) All PUDs must be serviced by certain minimum infrastructure features, including paved roads, natural gas, underground electrical service, municipal water, and municipal sanitary sewer.

(F) The intent of a PUD is to provide regulation for developments that would result in recognizable and substantial benefits to the ultimate users of a project, and to the community in general where such benefits would be unfeasible or unlikely to be achieved under the requirements of the other districts in this Ordinance.

(G) Any Planned Unit Development shall be designed to accomplish one or more of the following objectives:

(1) To encourage the use of land in accordance with its natural character and adaptability;

(2) To promote the conservation of natural features and resources;

(3) To encourage innovation in land use planning and development;

(4) To promote the enhancement of housing, commercial and industrial employment, traffic circulation, and recreational opportunities for area residents;

(5) To promote and ensure greater compatibility of design and better use between neighboring properties;

(6) To promote more economical and efficient use of the land while providing harmonious variety of housing choices and the integration of necessary commercial and community facilities; and

(7) To promote the preservation of open space for parks, recreation, or agriculture.

(H) **Purpose of Departures from the Zoning Ordinance.** The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance, or the planning upon which it has been based. The provisions of this Chapter are intended to result in land use development that is substantially consistent with the goals and objectives of the Township Master Plan, this Ordinance, and consistent with sound planning principles.

However, to encourage flexibility and creativity consistent with the PUD concept, departures from the regulations may be permitted subject to review and approval by the Township Board after the recommendation of the Planning Commission. For example, such departures may include but are not limited to modifications in lot dimensional standards; floor area standards; setback requirements; height requirements; parking, loading, and landscaping requirements; and similar requirements.

Such departures may be permitted only if they will result in a higher quality development than would have been possible. Deviations should benefit the community and the developer more or less equally.

The Township should take this principle into account when determining whether to approve a Planned Unit Development.

Because some regulations are crucial to quality development and therefore cannot be deviated from in order to promote positive outcomes, this chapter contains specific provisions that apply to all PUDs and cannot be altered or waived through the PUD process.

Section 7.02 Qualifications. (Section 17.02)

A PUD shall not be accepted for consideration unless the following requirements are met:

(D) The minimum size of a PUD shall be five (5) acres of contiguous land, unless the Planning Commission finds that consideration of a PUD on lesser acreage substantially accomplishes the intent of the Master Plan, meets the Intent and Objectives of Section 7.01, or permits an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under normal zoning.

(E) The proposed development must also demonstrate at least one (1) of the following conditions:

(1) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings.

(2) The PUD site exhibits significant natural features encompassing more than twenty-five percent (25%) of the land area of the PUD which will be preserved as a result of the PUD plan, such as, but not limited to, dunes, wetlands, forested areas, floodplains, etc.

(3) The PUD site has distinct physical characteristics which makes compliance with the strict requirements of this Ordinance impractical.

(4) The proposed design of the PUD includes innovative development concepts that substantially forward the Intent and Objectives of Section 7.01, or permit an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under normal zoning.

(5) The proposed PUD is a "Large Scale Development" (see Section 14.01) that includes eight (8) or more dwelling units, which include multi-family apartment units.

Section 7.03 Permitted Planned Unit Developments. (Section 17.06)

(D) A Planned Unit Development may be approved as any of the following:

(1)	Residential PUD	(Section 7.04)
(2)	Commercial PUD	(Section 7.05)
(3)	Industrial PUD	(Section 7.06)
(4)	Mixed-Use PUD	(Section 7.07)
(5)	Cluster Development	(Section 14.15)

Section 7.04 Residential PUD. (Section 17.07)

(D) Residential PUDs may contain any use listed as Permitted by Right in the AG, RP, RR, R-1, R-2, or R-3 districts in Section 2.09. This includes, but is not limited to, single family, attached single family, duplexes, multi-family, row houses, townhomes, missing middle housing types, and other housing types. All residential dwellings must comply with the density allowances specified in this Chapter. The applicant is encouraged to utilize the Pre-Application Conference option specified in Section 7.11.A to receive feedback from the Planning Commission to discuss the composition of the proposed housing types.

(E) Uses listed in Section 2.09 as Special Land Uses in the AG, RP, RR, R-1, R-2, R-3, or R-4 may be included in a Residential PUD when the PUD approval includes a consideration of the standards and the relevant specific requirements imposed by Chapter 12 (Special Land Uses).

(F) Base Density for Residential Uses – Parallel Plan.

(1) The maximum base density for residential uses shall be determined through the completion and submission of a parallel plan.

(2) The parallel plan shall meet the following minimum requirements.

(a) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit.

(b) The parallel plan shall be drawn to comply with the requirements of this Ordinance, particularly with respect to access, lot area, lot width, lot coverage, setbacks, dwelling unit sizes, stormwater infrastructure, and other provisions of the zoning district that may be applicable to the type of dwelling units to be proposed in the PUD.

(c) All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section, shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building, and required driveways, streets, or other means of permitted access. Areas of wetlands, water bodies, and other unbuildable areas shall not be used as buildable areas but may be included in the lot area calculations.

(d) The parallel plan shall comply with the current zoning map designation of the property in the proposed PUD. Alternatively, the parallel plan shall comply with Future Land Use Map designation of the property. If the Future Land Use Map designation is used, the following table shall control:

Future Land Use Plan Designation	Equivalent Zoning Map Designation
Rural Preserve	Rural Preserve District
Rural Residential	Rural Residential District
Medium Density Residential	R-1 or R-2 District
High Density Residential	R-3 District

The applicant may request to use an alternate zoning classification for the parallel plan. The Planning Commission shall consider the request using the following criteria, and shall be under no obligation to grant the request unless all criteria are met, in the opinion of the Planning Commission:

1. The zoning map designation of the surrounding property and the general area is compatible with the applicant's request (it need not be exactly the same);
2. The current land uses on the surrounding property and in the general area is compatible with the applicant's request;
3. The trend of the development of the surrounding property and the general area is compatible with the applicant's request;
4. The concept plan prepared by the applicant pursuant to Section 7.11.A.2.a of this Ordinance shows a development that is compatible with the surrounding area;
5. The objectives for a PUD, as set forth in Section 7.01.D of this Ordinance, are met despite the derivation.
6. The parallel plan remains in compliance with any density recommendation or guidance presented in the Master Plan for the property even with a different zoning designation.

(G) Density Bonus – Single Family Developments.

(1) In order to preserve the maximum amount of open space, the regulation of single family residential PUDs provides for an increase in the number of dwelling units above the base density established with the parallel plan. All single family residential PUDs shall contain a minimum of twenty-five percent (25%) open space. If the applicant provides the following additional open space (above and beyond the 25%), then the following density bonuses shall apply:

Open Space	Density Bonus
25% Mandatory Minimum	10%
30%	15%
35%	20%
40% or more	25%

(2) Additional density bonuses for sustainable and equitable development can be found in Section 7.09.

(3) A 50% density bonus is available to PUDs utilizing the Cluster Development Option in Section 14.15.

(4) The maximum amount of a total density bonus (open space, sustainable, and equitable) is 35% in any combination.

(5) Restrictions on the type of land allowed to be designated as open space can be found in Section 7.10.C.

(H) Density Bonus – Multi-Family Developments.

(1) In order to preserve the maximum amount of open space, the regulation of multi-family residential PUDs provides for an increase in the number of dwelling units above the base density established with the parallel plan. All multi-family residential PUDs shall contain a minimum of twenty percent (20%) open space. If the applicant provides the following additional open space (above and beyond the 20%), then the following density bonuses shall apply:

Open Space	Density Bonus
20% Mandatory Minimum	8%
25%	12%
30%	16%
35%	20%
40% or more	25%

(2) Additional density bonuses for sustainable and equitable development can be found in Section 7.10.

(3) A 50% density bonus is available to PUDs utilizing the Cluster Development Option in Section 14.15.

(4) The maximum amount of a total density bonus (open space, sustainable, and equitable) is 30% in any combination.

(5) Restrictions on the type of land allowed to be designated as open space can be found in Section 7.10.C.

Section 7.05 Commercial PUD. (Section 17.08)

(D) Commercial PUDs may contain any use listed as Permitted by Right in the C-1 or C-2 districts in Section 2.09.

(E) Uses listed in Section 2.09 as Special Land Uses in the C-1 or C-2 districts may be included in a Commercial PUD when the PUD approval includes a consideration of the standards and the relevant specific requirements imposed by Chapter 12 (Special Land Uses).

(F) The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment in accordance with the requirements of Section 7.09.

(G) All commercial PUDs shall contain a minimum of five percent (5%) open space, in addition to all required landscape areas.

Section 7.06 Industrial PUD. (Section 17.09)

(D) Industrial PUDs may contain any use listed as Permitted by Right in the I-1 district in Section 2.09.

(E) Uses listed in Section 2.09 as Special Land Uses in the I-1 district may be included in Industrial PUDs when the PUD approval includes a consideration of the standards and the relevant specific requirements imposed by Chapter 12 (Special Land Uses).

(F) The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment in accordance with the requirements of Section 7.09.

(G) All industrial PUDs shall contain a minimum of five percent (5%) open space, in addition to all required landscape areas.

Section 7.07 Mixed Use PUD. (Section 17.10)

(D) Mixed Use PUDs may contain any use listed as Permitted by Right in the R-1, R-2, R-3, C-1, or C-2 districts in Section 2.09.

(E) Uses listed in Section 2.09 as Special Land Uses in the R-1, R-2, R-3, C-1, or C-2 districts may be included in Mixed Use PUDs when the PUD approval includes a consideration of the standards and the relevant specific requirements imposed by Chapter 12 (Special Land Uses).

(F) Uses listed as Permitted by Right in the I-1 District, but not in the C-1 or C-2 district, may be included in Mixed Use PUDs provided that either the Township determines they are small in scale and unobtrusive to nearby residential, or there are no residential uses proposed in the PUD.

(G) The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment in accordance with the requirements of Section 7.08.

(H) Residential densities for Mixed-Use PUDs shall conform to the requirements of Section 7.04.

Section 7.08 General PUD Design Considerations. (Section 17.05)

(D) Infrastructure.

(1) New utility services within the proposed PUD shall be underground, including but not limited to electricity, gas lines, telephone, cable television, storm sewer, and public water and sanitary sewer.

(2) The proposed use(s) shall not interfere with or unduly burden water supply facilities, sewage collection and disposal systems, school facilities, park and recreational facilities, and other public services.

(3) The road system in a PUD shall be designed to limit destruction of existing natural vegetation and decrease the possibility of erosion.

(4) Vehicular circulation, traffic, and parking areas shall be planned and located to minimize effects on the occupants and users of the PUD and to minimize hazards to adjacent properties and roadways.

(5) Parking requirements for each use shall be determined in accordance with Chapter 5.

(6) Storm sewers, drains, and retention and detention areas or natural water areas shall be located so as to properly accommodate storm water on the site and prevent runoff to adjacent properties. The design of storm water management systems and drainage facilities shall be consistent with best practices in low impact development and stormwater management, including, but not limited to, natural drainage solutions such as bio-swales and rain gardens, green roofs, rain barrels, permeable pavement, and other methods of infiltration.

All Master Deeds, Covenants, Bylaws, or other similar internal regulations of a condominium or site condominium shall encourage the use of the native species listed in Section 3.02.A, in order to support the Township Master Plan's goals of conserving groundwater resources, reducing the need for irrigation and maintenance, drought and flooding resiliency, and overall cost savings.

(7) Street lighting shall be installed in the following manner:

(a) Decorative street lights shall be installed at all intersections, curves, cul-de-sacs, dead-end streets, and at such other locations as the Planning Commission in its discretion reasonably requires.

(b) A street layout plan shall indicate proposed lighting pole locations

(c) The street lights shall be installed at the developer's expense.

(d) If the power company allows a special assessment district to be created for the operating costs the developer shall sign an agreement to such.

(E) Building and Grounds.

(1) The PUD shall be reasonably compatible with the natural environment of the subject premises and adjacent premises.

(2) The PUD shall not unduly interfere with the provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.

(3) Exterior lighting shall be regulated in accordance with Chapter 18 in this Ordinance.

(4) No outside storage of materials shall be permitted unless screened as outlined in Chapter 4.

(5) Signs in a Commercial, Industrial, or Mixed-Use PUD shall be regulated by Chapter 11, unless specific modifications are made by the Township Board, after recommendation from the Planning Commission. A signage plan shall be included in the PUD submittal.

(6) The proposed buildings within the PUD, including consideration for bulk, placement, architecture, and type of materials shall be compatible with like buildings within the PUD as well as generally compatible with buildings in the general vicinity.

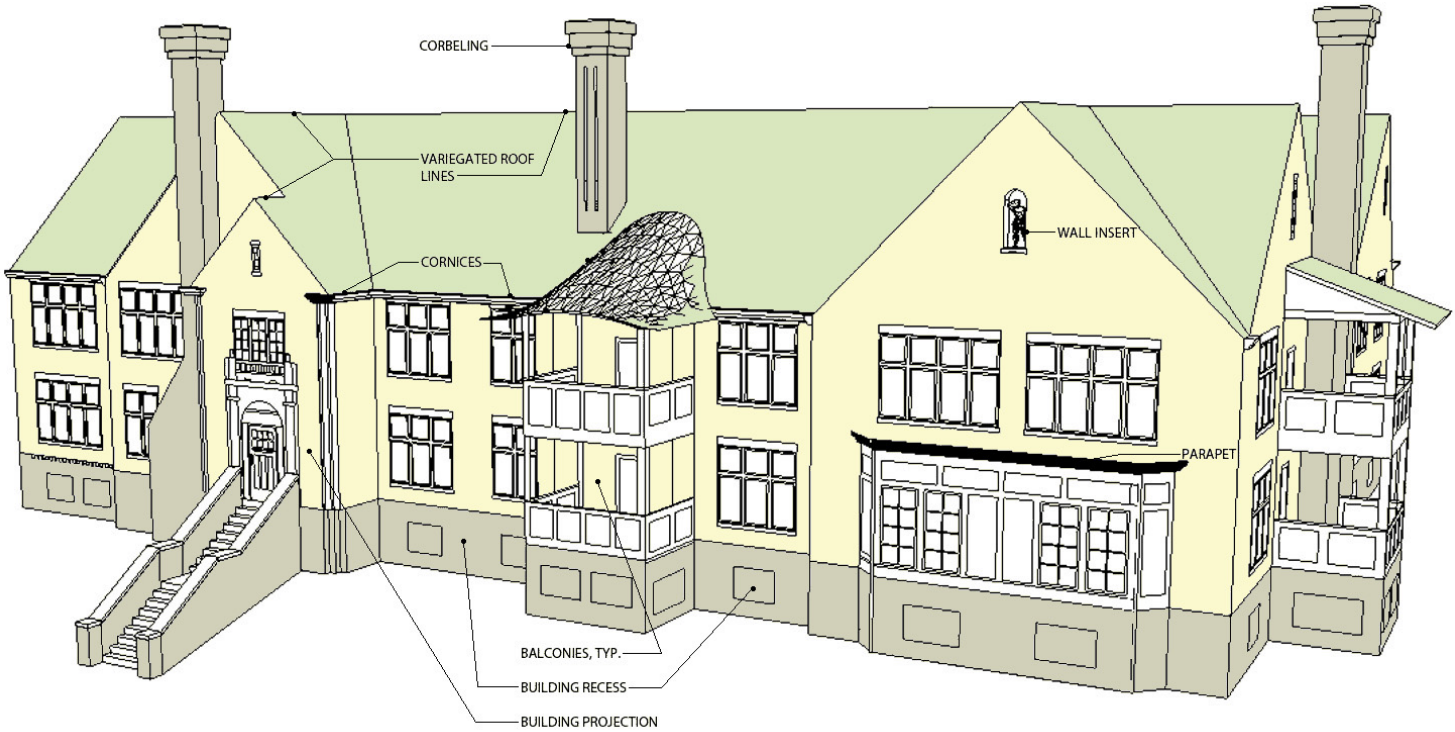
(a) Buildings shall be sited to protect natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others are encouraged to be incorporated into the site plan.

(b) Mechanical equipment and above-ground utility cabinets such as transformers shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.

(c) Buildings with exterior walls greater than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.

Walls which can be viewed from public streets shall be designed using architectural features such as:

(i) Recesses
(ii) Projections
(iii) Wall Inserts
(iv) Arcades
(v) Window Display Areas
(vi) Awnings
(vii) Balconies
(viii) Window Projections



(d) Buildings with exterior walls less than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features identified above for a least thirty percent (30%) of the wall length.

(e) The predominant building materials shall be those characteristic of Grand Haven Township such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

(f) Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.

(g) On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.

(h) **Landscaping Adjacent to the Walls.** Landscape plantings that complement the design intent of the structure must be provided abutting the building for at least fifty percent (50%) of the wall length. Other walls shall incorporate landscaping for at least thirty percent (30%) of the wall length.

(7) Landscaping, natural features, open space, and other site amenities shall be located in a way that is convenient to the occupants or visitors to the PUD. The landscape plan must ensure:

(a) Adequate shade trees along roadways and walkways,

(b) Adequate pervious surface for drainage,

(c) Recreation and enjoyment of nature throughout the development.

(F) General Considerations.

(1) The proposed PUD shall not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.

(2) Any land in a PUD that is within a floodplain as defined by FEMA shall comply with the requirements of Section 3.06.

(3) Any other permits for development that may be required by other agencies shall be available to the Township before construction is commenced.

(G) Road Networks.

(1) Neighborhoods must have a network of intersecting streets, with at least one stub street adjacent to each edge of the development that is not a roadway, and at least two connections to all adjoining roadways.

(2) All streets within the neighborhood must have an intersection at least every 600 feet, unless that it impossible due to topography, preserved natural features (such as wetlands), existing development, legal restrictions, or neighborhood design considerations that are appropriate in the opinion of the Planning Commission.

(3) Cul-de-sacs are discouraged unless they are necessary due to topography, preserved natural features (such as wetlands), existing development, legal restrictions, or neighborhood design considerations that are appropriate in the opinion of the Planning Commission.

(4) Roads must meet Ottawa County standards (if public) or the standards of the Township Private Road and Driveways Ordinance (if private), unless all buildings within the development include fire suppression, in which case private roads may be narrowed to a width defined in the PUD Agreement, after review and consideration by the Fire/Rescue Department.

(5) **Driveways and Access.**

(a) For lots containing only residential uses, only one driveway is permitted. For corner lots, the driveway must be on the lesser-travelled roadway, or, in the case of newly constructed roadways, the roadway projected to have less traffic.

(b) For lots containing non-residential uses, or a mix of residential and non-residential, one driveway per street frontage is permitted. The Planning Commission may grant additional driveways if justified by a traffic study provided by the applicant.

(6) Corner lots shall have a driveway only from the lesser traveled street frontage.

(7) Private driveways from Residential PUDs may not connect to public roads. They must connect only to internal roadways within the PUD.

(8) Sidewalks or pathways shall be deemed to be required along all public and private roadways unless the applicant provides compelling evidence, in the opinion of the Planning Commission, that they are not necessary for pedestrian access or safety. Sidewalks shall terminate in an appropriate fashion consistent with the needs and safety of pedestrians. No sidewalk shall terminate into landscaping.

(9) The development must have access to a continuous, safe, efficient, and attractive walking or biking route to some of the retail, employment, institutions, and/or public park space within a quarter mile of the development. The walking or biking route may include public, off-site, or previously constructed paths, but all dwelling units must have safe and efficient walking or biking access to the route by use of sidewalks, pathways, crosswalks, warning plates, etc.

Section 7.09 Sustainability and Equity Bonuses.

(D) Purpose. In order to encourage developments that promote economic and environmental sustainability, as well as social equity, PUDs containing the following aspects shall be permitted additional residential density, in addition to the density bonuses provided for in Section 7.04.

(E) 10% Bonus. A 10% residential density bonus shall be granted all PUDs with the following characteristics. The bonuses shall not be cumulative – any PUD meeting one or more of the following criteria shall earn a 10% bonus.

(1) 50% of the buildings are constructed to LEED Silver Standard

(2) 50% of the buildings are constructed to EnergyStar certified standards.

(3) All dwelling units within the PUD have fire suppression.

(4) The PUD is adjacent to a body of water and maintains a natural shoreline, without grass or other non-naturally occurring vegetation, within 50 feet of the Ordinary High Water Mark.

~~**(5)** 50% of the dwelling units are in structures with 2-4 dwelling units.~~

(6) 50% of the dwelling units are in structures with at least 2 dwelling units. This is intended to promote the "Missing Middle Housing."

(7) 10% of housing units are set aside for residents making less than Grand Haven Township's ALICE income level, as defined by the United Way.

(F) 20% Bonus. A 20% residential density bonus shall be granted all PUDs with the following characteristics. The bonuses shall not be cumulative – any PUD meeting one or more of the following criteria shall earn a 20% bonus.

(1) 100% of the buildings are constructed to LEED Silver Standard OR 50% of the buildings are constructed to LEED Gold Standard OR the entire development receives LEED Neighborhood Development certification.

(2) 75% of the buildings are constructed to EnergyStar certified standards.

(3) The PUD is on a site with wetlands or floodplains and maintains a 25 foot setback from all wetlands and floodplains.

(4) The PUD is adjacent to a body of water and maintains a natural shoreline, without grass or other non-naturally occurring vegetation, within 100 feet of the Ordinary High Water Mark.

~~**(5)** 75% of the dwelling units are in structures with 2-4 dwelling units.~~

(6) 75% of the dwelling units are in structures with at least 2 dwelling units. This is intended to promote the "Missing Middle Housing."

(7) 20% of housing units are set aside for residents making less than Grand Haven Township's ALICE income level, as defined by the United Way.

(G) **30% Bonus.** A 30% residential density bonus shall be granted all PUDs with the following characteristics. The bonuses shall not be cumulative – any PUD meeting one or more of the following criteria shall earn a 30% bonus.

(1) 100% of the buildings are constructed to LEED Gold Standard OR 50% of the buildings are constructed to LEED Platinum Standard.

(2) 100% of the buildings are constructed to EnergyStar certified standards.

(3) The PUD is on a site with wetlands or floodplains and maintains a 50 foot setback from all wetlands and floodplains.

(4) The PUD is adjacent to a body of water and maintains a natural shoreline, without grass or other non-naturally occurring vegetation, within 150 feet of the Ordinary High Water Mark.

~~**(5)** 100% of the dwelling units are in structures with 2-4 dwelling units.~~

(6) 100% of the dwelling units are in structures with at least 2 units. This is intended to promote the "Missing Middle Housing."

(7) 20% of housing units are set aside for residents making less than 80% of Grand Haven Township's ALICE income level, as defined by the United Way.

Section 7.10 Open Space Requirements. (Section 17.05.5)

(D) At least 50% of the dedicated open space must be continuous and contiguous natural space weaving throughout the PUD, with trees, grasses, and shrubs either left in their natural state or planting to resemble a naturally occurring landscape. Pathways for recreation and access shall be constructed through the open space and shall be designed for low-impact to the natural surroundings. Natural features of the land that are regulated by the State and/or Federal government shall be included within the designated open spaces. Examples include: MDNR-defined critical dunes, MDNR-regulated wetlands, MDNR-defined high risk erosion areas, and FEMA-defined floodplains.

(E) The remaining open space shall consist of a Central Gathering Place and Pocket Parks, as described below.

(1) **Central Gathering Place.** An open space area, with an area at least one (1) acre in size, must be located centrally within the PUD. The Central Gathering Place must have continuous road frontage along its entire width on at least one side, and must contain recreation-related amenities, such as playgrounds, sports fields, pavilion, dog park, community center, pool, garden, artwork, seating areas, cooling centers, etc.

(2) **Pocket Parks.** Open space areas, each with an area no smaller than the smallest buildable lot within the development and must be interspersed throughout. The pocket parks must have a lot width at least as wide as the smallest buildable lot within the PUD, and must contain amenities, such as playsets, seating areas, dog park, fire pit, grills, community gardens, public art, or recreational amenities that clearly demonstrate that the open space is for the enjoyment of all residents, and not a side yard or empty lot.

(F) The following land within the boundaries of a PUD shall not be included as meeting the requirements for open space:

(1) Any area which is used for roads, streets, alleys, right-of-way easements, etc.

(2) The area of required stormwater ponds or retention/detention basins. If a pond or detention/retention basin is larger than required based on the stormwater calculations for the site, then the additional area may be calculated as part of the required open space.

(3) Any area devoted to a building lot, accessory use or building, vehicle parking, and any approved land improvement.

(4) Any area with a smaller lot width than the smallest buildable lot in the development.

(G) Minor structures or buildings which are accessory to the designated open space may be erected in accordance with the requirements of Section 10.01 (Accessory Buildings and Structures).

(H) Designated open space shall be under common ownership or control, so a single entity has proprietary responsibility. Documentation of ownership or control shall be provided to the Township.

(I) Designated open space shall be set aside by means of a conveyance approved by the Township Attorney. The conveyance shall state and outline:

(1) That the open space is protected from all forms of development except as shown on the approved site plan;

(2) That the open space shall not be changed to another use without the consent of the Township;

(3) The proposed allowable use of the designated open space;

(4) That the designated open space is maintained by the parties who have an ownership interest in the open space;

(5) The scheduled maintenance of the open space; and,

(6) That the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further that, any costs incurred by the Township for such maintenance shall be assessed against the property owners.

(7) The conveyance shall be recorded with the Ottawa County Register of Deeds, and a copy of which shall be supplied to the Township.

(J) Transition Areas. (Section 17.05.6)

(1) Where the PUD abuts a single family residential district, the Planning Commission or Township Board may require a transition area.

(2) A required transition area may consist of one (1) or more of the following:

(a) A row of single family lots or condominium sites within the PUD similar to the adjacent single family development in terms of density, lot area, lot width, setbacks and building spacing.

(b) Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.

(c) Open or recreation space sufficient in depth to provide adequate separation.

(d) Significant changes in topography which provides an effective buffer.

(3) Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights.

Section 7.11 Application Procedures. (Section 17.03)

(D) Pre-Application Conference.

(1) In order to facilitate the review of a Planned Unit Development proposal in a timely manner, the applicant may request an informal pre-application conference with Township staff, or a pre-application presentation before the Planning Commission, or both. The purpose of such conference/presentation is to exchange information and provide guidance to the applicant that will assist in preparation of application materials.

(2) At least five (5) business days prior to the pre-application conference with Township staff, the applicant shall submit four (4) copies of:

(a) A concept plan of the proposed PUD (drawn to scale);
(b) A location map of the proposed PUD;
(c) The total land area of the project;
(d) The approximate number of residential units to be constructed;
(e) The gross and usable floor area of non-residential uses;
(f) Areas to be designated as common areas or open spaces; and
(g) A project narrative.

(3) At least seven (7) business days prior to the pre-application presentation before the Planning Commission, the applicant shall submit fourteen (14) copies, plus an electronic copy, of the minimum information outlined in Section 7.11.A.2. The Zoning Administrator may alter the number of required copies based on the needs of the Planning Commission and Board of Trustees.

(4) There shall be no fee for a pre-application conference or presentation. No formal action will be taken at a pre-application conference or presentation nor will statements made at the pre-application conference or presentation be considered legally binding commitments.

(E) **Staff Review.** After the Pre-Application meeting, the applicant shall submit four (4) hard copies, plus an electronic version, of all required elements listed in Section 7.11.C, for review by Township Staff prior to the submission of a formal application. If Township Staff find the submission sufficient and acceptable to place before the Planning Commission, a public hearing shall be scheduled. Township Staff may require revisions and re-submittal prior to the scheduling the Public Hearing.

(F) Prior to the Public Hearing, fourteen (14) copies and one (1) electronic copy of the following shall be submitted. The Zoning Administrator may alter the number of required copies based on the needs of the Planning Commission and Board of Trustees.

(1) A completed application form provided by the Township, and a letter signed by the applicant and owner(s) holding an equitable interest in the property, acknowledging that such property is under application for a PUD.

(2) A Site Plan prepared in accordance with Chapter 18 (Site Plan Review) of this Ordinance.

(3) A schedule of total land areas devoted to each type of use, usable floor areas, density calculations, number and types of units, building ground coverage, impervious surfaces and proposed open space calculations (if applicable).

(4) Open space areas and significant natural features, indicating any proposed uses or improvements for such areas, and landscaping. A plan must be submitted showing the open space that meets the criteria to be counted as required open space, as described in Section 7.10, and noting any open space that is proposed, but does not meet the criteria. The plan must also clearly label the Central Gathering Place and Pocket Parks.

(5) Architectural sketches showing building heights, external wall finishes, and locations of building entryways, lighting elements and other architectural features.

(6) Landscape planting plan in accordance with the landscaping requirements of this Ordinance

(7) Legal description illustrating the location and acreage of the subject property.

(8) General description of proposed development, including a timetable of construction and a list of departures from the Zoning Ordinance regulations which will be required.

(9) A parallel plan, if required under Section 7.04.C

(10) Preliminary grading plan showing a minimum of five foot (5') contour intervals and specifying whether soil will need to be brought in or removed from the site in the general notes of the plan sheet.

(11) An existing conditions plan shall contain the following:

(a) Topography or some indication of ridge lines and steep slope areas;

(b) Location and direction of all water courses and areas subject to potential flooding;

(c) Natural features such as 100/500-year floodplains, protected wetlands, marshes, lakes, ponds, wooded areas, conservation easements, and isolated preservable trees;

(d) Approximate location of existing structures and above ground utilities;

(e) Existing zoning and land use(s) of the site and adjacent areas; and

(f) Location of property lines, existing easements or right-of-way on or adjacent to the project site showing the width, purpose, and document number of the recorded materials with the Ottawa County Register of Deeds (if available).

(12) Legal documentation of a single ownership or control in the form of agreements, contracts, covenants, or deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors.

(G) The Township staff, Planning Commission, or Township Board may request other information deemed pertinent to the proposed development, including, but not limited to, a traffic study, environmental reports, market study, etc.

(H) The application shall not be considered complete and shall not be accepted by the Township unless all the above-referenced information is received, or unless any required information has been waived by the Township staff.

Section 7.12 Review Procedures. (Section 17.04)

(D) Planning Commission Recommendation.

(1) After Township staff have approved, or conditionally approved, the proposed PUD, the applicant shall submit fourteen (14) copies of the PUD application materials, as required by Section 7.11.C. The Zoning Administrator may alter the number of required copies based on the needs of the Planning Commission and Board of Trustees.

(2) A public hearing on the proposed development shall be scheduled by the Planning Commission. The public hearing shall be noticed in accordance with the requirements of the Michigan Zoning Enabling Act.

(3) Within a reasonable time following the public hearing, the Planning Commission shall make a recommendation regarding the PUD to the Township Board for approval, approval with conditions or denial. The recommendation shall include a report of findings stating the Planning Commission's recommendations, and any conditions relating to an affirmative recommendation.

(E) Township Board Action.

(1) After the Planning Commission has provided a recommendation to the Township Board, the applicant shall be required to submit ten (10) copies of the PUD application materials, as required by Section 7.11.C. The Zoning Administrator may alter the number of required copies based on the needs of the Planning Commission and Board of Trustees.

(2) The application materials submitted by the applicant shall be revised to include any changes recommended by the Planning Commission.

(3) A public hearing on the proposed development shall be scheduled by the Township Board. The public hearing shall be noticed in accordance with the requirements of the Michigan Zoning Enabling Act.

(4) Within a reasonable time following the public hearing, the Township Board shall approve, approve with conditions, or deny the application. If the property in question is not currently zoned PUD at the time of application, the Township Board shall also hear and consider a rezoning to the PUD zoning district, along with the application.

(5) The Township Board will require the applicant to execute a development agreement, which shall be a contract between the Township Board and the applicant setting forth the terms and conditions of any PUD approval granted by the Township Board, which shall be recorded with the Ottawa County Register of Deeds. Similarly, any PUD containing a private road shall execute a maintenance agreement with the Township. Said agreements shall be drafted by the Township Attorney and approved by the Township Board. All required agreements shall be recorded with the Ottawa County Register of Deeds.

(F) A Planned Unit Development shall not be approved unless the Township Board, after recommendation of the Planning Commission, finds the following are met:

(1) Site plan review standards of Chapter 18

(2) The Intent and Objectives and Qualifications for a PUD as outlined in this Chapter;

(3) The General PUD Design Considerations of Section 7.05;

(4) The proposed design and uses are generally consistent with the Goals and Objectives of the Grand Haven Charter Township Master Plan.

(G) The Township Board may impose reasonable conditions in conjunction with the approval of a PUD to ensure that the foregoing standards and requirements are satisfied. Conditions imposed shall also be designed to protect natural resources, the health, safety, and welfare of those who will interact with the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole; and be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(H) Effect of Approval.

(1) Approval of a PUD proposal shall constitute an amendment to the Zoning Ordinance and Zoning Map to designate the subject property as part of the PUD, Planned Unit Development zoning district.

(2) All improvements to a use of the site shall be in conformity with the approved PUD site plan and any conditions imposed.

(I) Expiration of Approval.

(1) Approval of the PUD shall expire and be of no effect unless at least utility and earthwork has commenced within one (1) year of the date of approval of the Final Site Plan of the PUD. In the event of separate Final Site Plans for separate phases of the PUD, then the expiration shall only apply to a phase for which the Final Site Plan has been approved. An extension for a specific period may be granted by the Township Board upon good cause shown, only if such request is made in writing to the Township prior to the expiration date.

(2) In the event an approved PUD has expired, the Township Board may rezone the property in accordance with this Ordinance.

(3) If construction of a Planned Unit Development falls more than two (2) years behind the approved building schedule, the Township shall send notification in writing to the developer which explains the Township Board will consider revoking the PUD. Sixty (60) days after the notification, the Township Board may either initiate action to revoke the Planned Unit Development or extend such schedule upon good cause shown.

Section 7.13 PUD Amendments. (Section 17.11)

(D) Administrative Amendment. Amendments to an approved PUD may be approved by the Zoning Administrator, provided such changes comply with all applicable requirements of this Zoning Ordinance and all other federal, state, county and Township laws and regulations. The Zoning Administrator may determine that a proposed amendment to an approved PUD is so small as to not even be considered "minor" based on the criteria below. Such a change shall be considered an "Administrative Amendment." Examples include, but are not limited to, changing the species of landscaping, adding amenities that were not originally required, changing paint colors, etc. Such changes may be permitted by the Zoning Administrator without going through the process described below. These decisions by the Zoning Administrator shall be final and may not be appealed to the ZBA or Township Board.

(E) Minor Amendment. Before approving a Minor Amendment to an approved PUD, the Zoning Administrator shall advise the Township Supervisor and the Planning Commission Chair in writing of the proposed Minor Amendment. If either the Township Supervisor or Planning Commission Chair have a conflict of interest, they shall designate another Township elected or appointed official, respectively, to consider the request.

(1) If neither the Township Supervisor nor the Planning Commission Chair objects to the proposed Minor Amendment within ten (10) days of receiving the written notice, the Zoning Administrator may proceed with granting approval of the Minor Amendment.

(2) If the Township Supervisor, the Planning Commission Chair or both object to the proposed Minor Amendment within ten (10) days of receiving the written notice, the Zoning Administrator shall seek a review and determination from the Township Board during a scheduled Board meeting. The Board shall make a decision as to whether the request must be reviewed in the same manner as the original application was submitted or if the circumstances are such that the actual change should be considered minor. The decision of the Board shall be recorded in the minutes and considered final.

(F) **Major Amendment.** If the Zoning Administrator determines that a proposed amendment is major, their decision shall be forwarded in writing to the applicant and shall be considered final, unless the applicant appeals the decision in writing within twenty-one (21) days to the Township Board. The Board shall make a decision as to whether the request must be reviewed in the same manner as the original application was submitted, or if the circumstances are such the actual change should be considered minor. The decision of the Board shall be recorded in the minutes and considered final.

(1) Major amendments to an approved PUD must be submitted to the Planning Commission and the Township Board for review in the same manner as the original application was submitted and reviewed, except for the rezoning of the property to PUD. In reviewing the proposed change, the Planning Commission and Township Board must limit the review to the proposed change and may not open the entire site plan for additional amendments or contingencies. Any contingencies on the approval of the proposed change must be directly related to the proposed change.

(2) The following standards are delineated to help staff determine if a request should be considered a major amendment(s):

(a) Does the proposed amendment increase the scope or density to a point that it would impact the basis on which the approval was granted?

(b) Does the proposed amendment increase the total size of all buildings on the site by more than ten percent (10%)? Or increase the total size of any one building by more than thirty percent (30%)?

(c) Does the proposed amendment add more land uses and/or buildings?

(d) Does the proposed amendment reduce setbacks?

(e) Does the proposed amendment shift the arrangement of lot lines or building locations in a manner that substantially changes the overall design or the boundaries of the approved PUD?

(f) Does the proposed amendment change the character, function, or number of access drives?

(g) Does the proposed amendment create any significant change(s) in the concept of the development?

Chapter 8 US-31 Character Overlay

Section 8.01 Findings and Statement of Purpose. (Section 15A.01)
US-31 is a state highway that serves as the primary north-south arterial through the Township. The primary function of the highways is to accommodate relatively high volumes of traffic as a link between Holland, Grand Haven, Muskegon and other destinations along the west Michigan coast. The corridor also provides access to a number of commercial, industrial and residential uses in the Township. The purpose of the US-31 Character Overlay Zone is to promote a balance between the various functions of this corridor and the preservation of its natural characteristics.

This special overlay district was developed following specific evaluation and planning for the corridor through the Township's Master Land Use Plan Update, and thereafter in a subarea plan titled the US-31/M-45 Corridor Study. The zoning regulations herein are based on analysis of trends along the US-31/M-45 corridors, recommendations in the Township's planning documents and findings along other corridors in Michigan and nationally.

(D) The Township finds that special comprehensive standards are needed along the US-31 corridor based upon the following findings:

(1) The combination of roadway design, traffic speeds, traffic volumes, traffic crashes and other characteristics necessitate special access standards.

(2) Studies by transportation organizations in Michigan and nationally have found a direct correlation between the number of access points and the number of crashes.

(3) The standards of this district are based upon considerable research and recommendations by the Michigan Department of Transportation ("MDOT").

(4) Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction, which disrupts businesses.

(5) Growth and development resulting in increased demand upon natural resources has had the effect of encroaching upon, despoiling and/or eliminating many of the old growth/mature trees and vegetation. These resources, if preserved and maintained in an undisturbed and natural condition, provide air quality protection, maintenance of water quality, reduction of flood surges and soil erosion, and protection of vital wildlife habitat. Additionally, these resources provide important aesthetic, ecological, recreational and economic benefits to existing and future residents of the area and must, therefore, be protected.

(6) Trees and woodland systems are essential components to the general welfare of the Township, providing natural beauty, natural character, recreational opportunities and wildlife habitat.

(7) Protecting mature vegetation along with reproductive and regenerating capabilities of trees and woodland systems, maintains this heritage for existing and future Township residents.

(8) The protection of such natural resources is a matter of paramount public concern, as provided by Chapter IV, Section 52 of the Constitution of the State of Michigan and the Michigan Environmental Protection Act of 1970; M.C.L. 324.1701 et seq.

(9) Building design and architecture is an important aesthetic consideration for the future image of the Township. Architectural guidelines are necessary to ensure building design is consistent with the intended character of the area, but such guidelines must be flexible to encourage creativity.

(E) Specifically, the Overlay Zone is intended to:

(1) Accommodate a variety of uses permitted by the underlying zoning, but ensure such uses are designed to achieve an attractive built and natural environment.

(2) Provide architectural and site design standards that are more demanding than required elsewhere in the Township in order to promote harmonious development and complement the natural characteristics in the western sections of the Township.

(3) Promote public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.

(4) Ensure safe access by emergency vehicles.

(5) Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.

(6) Preserve the capacity along US-31 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways, and requiring alternate means of access through shared driveways, service drives, and access via cross streets.

(7) Reduce the number and severity of crashes by improving traffic operations and safety.

(8) Require coordinated access among adjacent lands where possible.

(9) Provide landowners with reasonable access, although the access may be restricted to a shared driveway, service drive, or via a side street, or the number and location of access points may not be the arrangement most desired by the landowner or applicant.

(10) Require demonstration that prior to approval of any land divisions, the resultant parcels are accessible through compliance with the access standards herein.

(11) Preserve Landmark Trees (see Section 8.08.c for definition), view sheds, and other natural features along the corridor.

(12) Ensure that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.

(13) Implement the goals expressed in the US-31/M-45 Corridor Study.

(14) Establish uniform standards to ensure fair and equal application.

(15) Address situations where existing development within the Overlay Zone does not conform to the standards of this chapter.

(16) Promote a more coordinated development review process with the Michigan Department of Transportation and the Ottawa County Road Commission.

Section 8.02 Applicability. (Section 15A.03)

(D) Except as otherwise provided in this Section, the regulations herein apply to all lands contained within the area illustrated as the US-31 Character Overlay Zone on the Zoning Map, which identifies all parcels, as listed in the Township's property records, on the effective date of the Ordinance, that are wholly or partially included in the Overlay Zone.

(E) Agricultural and residential uses in the AG, RP, RR, R-1, R-2, and R-4 districts shall be exempt from the requirements of the Overlay unless the property is master-planned for Office/Service, Commercial, or Industrial. In the event of a rezoning from one of those districts to R-3, C-1, C-2, or I-1, the requirements of the Overlay shall apply to the lot after the rezoning.

(F) Sites in the Overlay Zone that do not have frontage along US-31 are exempt from the dimensional standards of this Chapter. In those cases, the applicable dimensional standards of the underlying zoning district shall apply. All other standards of the Overlay Zone shall be applied.

(G) Where the standards of this Overlay Zone are more restrictive, as determined by the Zoning Administrator, such standards replace those that apply to the underlying zoning district outside the Overlay Zone. For example, if the underlying zoning district illustrated on the Township Zoning Map is C-2, the uses listed as permitted in Section 2.08 are permitted for that lot, but the access, landscaping, setbacks, signs and building architecture must comply with this Overlay Zone.

(H) No land division shall be approved within this Overlay Zone unless compliance with the minimum lot width standards herein is demonstrated, except if the entire parent parcel is contained within one or more of the following zoning districts: AG, RP, RR, R-1, R-2, and/or R-4, or if the parcel takes primary access from a private road or shared driveway.

(I) The Michigan Department of Transportation (MDOT) or the Ottawa County Road Commission (OCRC), as applicable, has jurisdiction within the highway's right-of-way, while the Township has the authority for land use and site plan decisions along the frontage. This special set of zoning standards was created to help ensure a collaborative process between MDOT, OCRC, and Township in decisions on access within the US-31 Character Overlay Zone, and to implement the recommendations of the US-31/M-45 Corridor Study and site design standards applicable to this area.

(J) Proposed PUD's within the Overlay Zone shall generally be consistent with the standards herein but may be modified by the Township based upon the specifics of the particular site and proposed use(s).

Section 8.03 Applicability Matrix. (Section 15A.03A)

The standards described or referenced in this Ordinance apply to both new and existing development as listed or exempted in the following table for all lots in the US-31 Overlay Zone. All development in the US-31 Overlay Zone shall require full compliance with all applicable regulations including reviews, approvals, and permits from the Planning Commission prior to the start of any project or land disturbance. For activities not listed, including but not limited to installing signage, landscaping, or accessory structures, the Zoning Administrator shall determine whether the alteration is substantial enough to require Planning Commission approval.

A = Administrative Approval Required
PC = Planning Commission Approval Required
- = Regulations Do Not Apply

Improvement/Requested Approval	Lot Width (Section 8.04)	Traffic Impact (Section 8.05)	Landscaping (Section 8.06)	Circulation & Access (Section 8.07)	Architecture (Section 8.08)	Woodland Protection (Section 8.09)	Other Site Design (Section 8.10)
Lot Split	A	-	-	-	-	-	-
Removing Trees	-	-	-	-	-	A	-
Expansion of Parking Area by 10+%	-	-	A*	A	-	A	A
Existing Building – New Permitted Use (No Exterior Renovations Except Signage)	-	A	-	A	-	-	A
Existing Building – New Special Land Use (No Exterior Renovations Except Signage)	-	PC	PC	PC	-	PC	PC
Alteration of Existing Main Building Not Requiring Site Plan Approval (See Chapter 18)	-	-	A	A	A	A	A
Alteration of Existing Main Building Requiring Site Plan Approval (See Chapter 18)	-	-	PC	PC	PC	PC	PC
Renovation Due to Disaster (See Chapter 16)	-	-	**	**	**	**	**
New Construction (Including Tear Down Redevelopments)	-	PC	PC	PC	PC	PC	PC

*In the event of a parking lot expansion, no new landscape islands shall be required within the pre-existing portion of the parking lot. All other landscape requirements must be met.

**Where the underlying district is C-1 or C-2, the identified requirements must be met in the rebuilding of the structure. Where the underlying district is any other district, the building may be rebuilt without compliance with the standards of this chapter.

Section 8.04 Lot Width Requirement. (Section 15A.06.1, 15A.06.3, 15A.08.1)
The following standard shall apply to any lot proposed to be created from a parent parcel that is 1) within the Overlay and 2) all or partially within the R-3, C-1, C-2, and I zoning districts:

(A) No new lot shall be created that abuts US-31 that has less than 455 feet of width along its US-31 frontage, in order to ensure that MDOT access management standards do not prevent new lots from

building driveways. Lots within this Overlay that do not abut US-31 may be created provided they meet the dimensional requirements of the underlying zoning district.

(B) In no case shall the minimum lot width be less than 300 feet unless provisions have been made for shared access in the future.

(C) Submittal Information. The information listed in Section 8.06.A – 8.06.D shall be required with any request for a land division.

Section 8.05 Special Land Uses. (Section 15A.04.6)
For special land uses, the following standards shall be considered:

(A) The building and site design will complement the existing and desired character within the Overlay Zone.

(B) Existing views to natural areas, woodlands and other natural features, will be preserved to the extent practical as deemed by the Planning Commission.

(C) The number of access points will be restricted to the fewest needed to allow motorists reasonable access to the site.

(D) Access spacing from intersections, other driveways, and any median crossovers will meet the standards within the Overlay Zone and will meet the standards of the applicable road agency (MDOT or the Ottawa County Road Commission) and will be the maximum practical.

(E) Provisions will be made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the Ottawa County Register of Deeds.

(F) Traffic impacts associated with the proposed use will be accommodated by the road system without degradation in the Level of Service (LOS) below one grade (example from LOS B down to LOS C) but in no case shall any movement(s) be projected at a LOS below D, unless improvements are being made to address the impacts.

Section 8.06 Submittal Information. (Section 15A.05)
In addition to the submittal information required for site plan review in Section 18.07, the following shall be provided with any application

(A) Existing access points within 500 feet of frontage on both sides of any adjoining roads, shall be shown on the site plan or on a separate plan sheet.

(B) **Information on Site Distance.** The applicant shall submit evidence indicating the sight distance requirements of MDOT and/or OCRC, as applicable, are met. This may require profiles.

(C) Dimensions between proposed and existing drives, intersections, and US-31 median crossovers.

(D) Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved this agreement shall be recorded with the Ottawa County Register of Deeds.

(E) Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers) and all curb radii within the site.

(F) The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.

(G) Traffic Impact. See Section 8.07.B, as applicable.

(H) **Review Coordination.** The applicant shall provide correspondence that the proposal has been submitted to MDOT or OCRC for their information. Any correspondence from either organization, shall be considered during the site plan review process. The Township may request attendance at coordination meetings with representatives of the applicable road agencies.

(I) **Building Elevations.** Elevation drawings shall be submitted illustrating the building design and height and describing construction materials for all proposed structures. Elevations shall be provided for all sides of the building. The elevations, colors and materials shall be considered part of the approved site plan.

(1) Color renderings of the building shall be submitted for Planning Commission review and approval.

(2) Proposed materials and colors shall be specified on the plan and color chips or samples shall also b e provided at the tie of site plan review.

(J) **Existing Landmark Tree Information.** An inventory of all Landmark Trees in the Buildable Area and Buffer Zone, see Section 8.10, shall be provided. The Planning Commission may waive this requirement where large areas of existing woodland will be preserved, where the applicant demonstrates through overlays on aerial photography or other means that the site has been designed to protect woodlands or where the applicant demonstrates that existing trees are of poor quality through an evaluation by a qualified forester, arborist, or landscape architect. The applicant is encouraged to meet with the Planning Commission for a Pre-Application Presentation pursuant to Section 18.05.

(K) **Landmark Tree Protection Information.** The site plan shall demonstrate how existing trees and other natural features will be protected during and following construction utilizing fencing or other barrier that is obvious to construction personnel.

(L) **Sign Design Details.** Information shall be given on all proposed signs, including details on the base materials and sign materials and on landscaping around the base. See Section 8.12.C.

Section 8.07 Traffic Impact. (Section 15A.05.7)

(D) The following standards shall apply to a lot when the owner proposes to make one or more of the following improvements:

- Existing Building – New Permitted Use (No Exterior Renovations Except Signage)
- Existing Building – New Special Land Use (No Exterior Renovations Except Signage)
- New Construction (Including Tear Down Redevelopments)

(E) Any use that can be expected to generate 1,000 or more vehicle trips per day, based on a reliable estimate produced by a qualified professional and provided to the Township by the applicant, shall be required to submit a traffic impact study. If the road infrastructure surrounding the site is not sufficient for the proposed use, the site will be considered unripe for development, and upgrades identified by the traffic study must be completed prior to the Township processing the application, unless the applicant volunteers to provide the upgrades warranted by the study, which must be completed prior to issuance of a certificate of occupancy.

Section 8.08 Landscaping Requirements. (Section 15A.10)
The following standards shall apply to a lot when the owner proposes to make one or more of the following improvements:

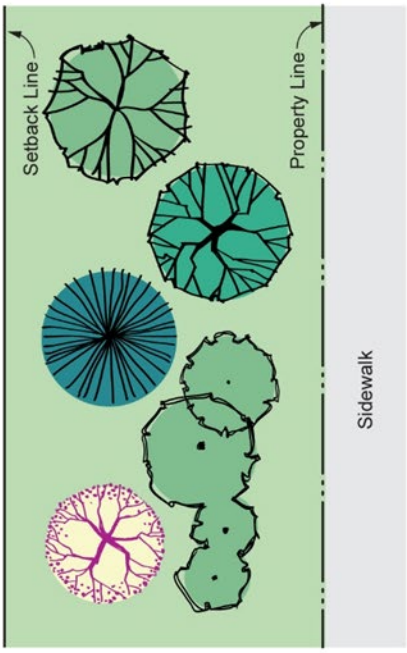
- Expansion of Parking Area by 10% or More Spaces
- Existing Building – New Special Use (No Exterior Renovations Except Signage)
- Alteration of Existing Main Building Not Requiring Site Plan Approval
- Alteration of Existing Main Building Requiring Site Plan Approval
- New Construction (Including Tear Down Redevelopments)

(D) **Natural Landscape.** The overall design shall promote the impression of a natural landscape, particularly along the US-31 frontage. *(Diagrams below show site frontage landscape design)*

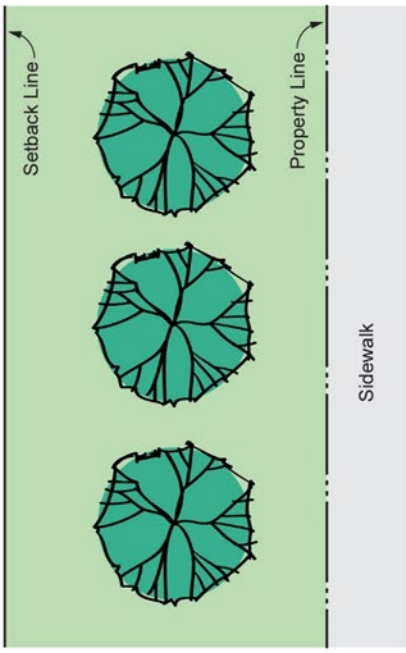
(E) **Front Yard Greenbelt.** A minimum thirty-five (35) foot wide greenbelt is required along 50% of the entire frontage, except for the area taken up by driveways, which is excluded from the 50%. Said greenbelt shall be planted as required in Chapter 4.

(F) **Reduce Building Mass.** Landscaping shall be provided along all windowless walls to reduce the visual impact of building mass as viewed from the street.

(G) The standards of Chapter 4 shall apply, except where they conflict with the provisions of this Overlay.



Natural Arrangement
preferred



Formal Arrangement
not preferred

Section 8.09 Circulation, Access, and Parking Requirements. (Section 15A.06)
Access points (not including driveways that serve a single family home, duplex, agricultural activity or essential service facility structure) shall meet the following standards. These standards are based on considerable research in Michigan and nationally and were prepared concurrent with guidelines promoted by MDOT. OCRC and State standards shall supersede the following regulations. Compliance with Township regulations does not guarantee approval by the County or State.

(D) The following standards shall apply to a lot when the owner proposes to make one or more of the following improvements:

- Expansion of Parking Area by 10% or More Spaces
- Existing Building – New Permitted Use (No Exterior Renovations Except Signage)
- Existing Building – New Special Use (No Exterior Renovations Except Signage)
- Alteration of Existing Main Building Not Requiring Site Plan Approval
- Alteration of Existing Main Building Requiring Site Plan Approval
- New Construction (Including Tear Down Redevelopments)

(1) All existing driveways may remain in place so long as the Main Building on the lot is not intentionally and completely demolished. This provision shall supersede all other provisions in this Section.

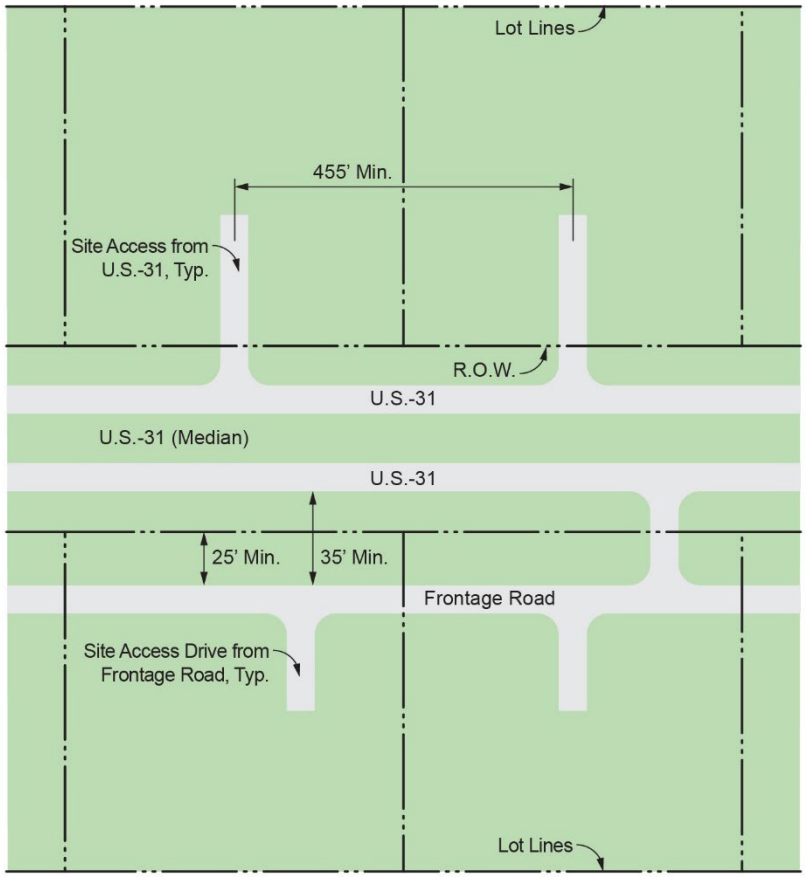
(2) Each lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road.

An additional driveway may be permitted by the Planning Commission upon finding that EITHER subsection (a) or subsection (b) exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.

(a) The site has a frontage of over 660 feet and the spacing standards between access points listed below are met; and the additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future.

(b) A traffic impact study, prepared in accordance with accepted practices as described in this Chapter, demonstrates the site will generate over 300 trips in a peak hour or 3,000 trips daily, or 400 and 4,000 respectively if the site has access to a traffic signal; and the traffic study demonstrates the additional driveway will improve conditions for the motoring public and will not create negative impacts on through-traffic flow.

(3) Access points shall provide at least 455 feet of spacing from other access points along the same side of US-31 (measured from centerline to centerline as shown on the figure). The Planning Commission may waive that standard if, and only if, MDOT grants a waiver from its equivalent standards. On roadways other than US-31, access points shall maintain spacing as required by the Ottawa County Road Commission (OCRC). The Planning Commission may waive that standard if, and only if, OCRC grants a waiver from its equivalent standards.



(4) Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.

(5) Access points along sections of US-31 with an existing or planned median shall be located in consideration of existing or approved median crossovers (whether or not the crossovers meet current MDOT design standards) in order to provide a sufficient length for weaving across travel lanes and storage within the median consistent with MDOT published standards. In some cases, existing median cuts may need to be redesigned to meet current design standards. The township supports MDOT policies to limit the number of median crossovers to maintain traffic flow and reduce the potential for accidents.

(6) Access points along roads without a median shall be aligned with driveways on the opposite side of the street unless the Planning Commission determines that is not practical.

(7) Minimum spacing of access points from intersections shall be in accordance with the requirements of MDOT and/or OCRC, depending on the roadway in question (measured from pavement edge to pavement edge).

(8) No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the owner of the property accessed by the driveway.

(E) Parking Schedule. (Section 15A.10.5 and 15A.10.10

(1) Minimum. The minimum number of parking spaces for any use within the Overlay Zone shall be 80% of the minimum listed in Section 5.06 for the use in question. For any property that provides less than the minimum number of parking spaces listed in Section 5.06, an additional 200 square feet of pervious surface must be provided on the site for each otherwise-required parking space that has not been provided. In other words, the space saved by not installing parking cannot be paved or hardscaped.

(2) **Maximum.** The maximum number of parking spaces for any use within the Overlay shall be 120% of the minimum listed in Section 5.06 for the use in question. A site may be permitted to exceed the maximum number of parking spaces upon determination by the Planning Commission that the expanded parking lot is necessary for the efficient operation of the use.

(3) **Interior Landscape Islands.** For parking lots over 100 spaces or 30,000 sqft the interior of the parking lot shall have one (1) sqft of landscaped area for each 15 sqft of paved area.

(a) For parking lots 100,000 sqft or greater in total area, the minimum island width shall be eighteen (18) feet.

(b) At least 75% of the required parking lot landscaping shall be within the interior of the parking lot, not on the edges.

(c) Islands shall be located to improve traffic flow and views.

(d) Details on islands shall be provided including radii, length, width, square footage, ground cover, lighting, and irrigation.

(F) The following standards shall apply to a lot when the owner proposes to make the following improvement:

- New Construction (Including Tear Down Redevelopments)

(1) Where deemed practical and necessary the Planning Commission may require development of frontage roads, or private service drives as a means to ensure that traffic is able to more efficiently and safely ingress and egress. A property owner may also make use of frontage roads or private service drives where they are not otherwise required in order to gain design flexibility. Properties with frontage roads, or where frontage roads are proposed as part of the development, shall have the following benefits under this Ordinance:

(a) They shall be exempt from the lot width standards of this Section. The lot width standards of the underlying zoning district shall apply instead.

(b) Driveways connecting to frontage roads or service drives shall be exempt from the driveway spacing standards of this Section.

(2) Frontage roads or service drives shall be constructed in accordance with the following standards:

(a) Service drives and frontage roads shall be setback as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum thirty-five (35) feet of throat depth provided at the access point.

(b) The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation

(c) In situations where a shared access facility is recommended, but not yet practical due to lack of development on adjacent parcels or other reasons, temporary direct access may be permitted, provided the plan is designed to accommodate the future shared access facility. The Planning Commission may require a written cross-access agreement to provide for the building of the shared access facility when it becomes available and the subsequent removal of the temporary access. This may require posting of a financial performance guarantee.

(G) Modifications by Planning Commission (Section 15A.07). Given the variation in existing physical conditions along the corridors, modifications to the access and circulation standards in this section may be permitted by the Planning Commission as part of the site plan review process after consideration of whether the following conditions apply:

(1) Physical limitations exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.

(2) The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous.

(3) The proposed modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.

(4) The proposed modification is consistent with the general intent of the standards of this Overlay Zone and the recommendations of the US-31 and M-45 Corridor Study.

(5) If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along US-31 and is not simply for convenience of the development.

(6) The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.

(7) The Planning Commission determines that although the site is not yet ripe for development due to access or roadway concerns, but the applicant volunteers to make any necessary roadway improvements prior to the project completion or occupancy of the first building, whichever occurs first.

(8) Indirect or shared access is not practical, for reasons other than the actions of the applicant.

(9) Such modification shall be demonstrated to be the minimum necessary.

Section 8.10 Landmark Tree Protection. (Section 15A.09)

To promote preservation of the important woodlands and viewsheds in the Overlay Zone the site shall be designed to preserve existing woodlands and individual Landmark Trees to the greatest extent possible. In

particular, an effort should be made to preserve mature oak, hickory, beech, maple, ash, white pine and other mature trees.

(D) Applicability. The following standards shall apply to a lot when the owner proposes to make one or more of the following improvements:

- Expansion of Parking Area by 10% or More Spaces
- Alteration of Existing Main Building Not Requiring Site Plan Approval
- Alteration of Existing Main Building Requiring Site Plan Approval
- New Construction (Including Tear Down Redevelopments)
- Removing Trees

(E) Tree Removal Zones.

(1) Right-of-Way. Trees within the public street right-of-way shall not be removed, except as illustrated on the site plan. If necessary, a letter of understanding between the applicant, Township and MDOT will be provided.

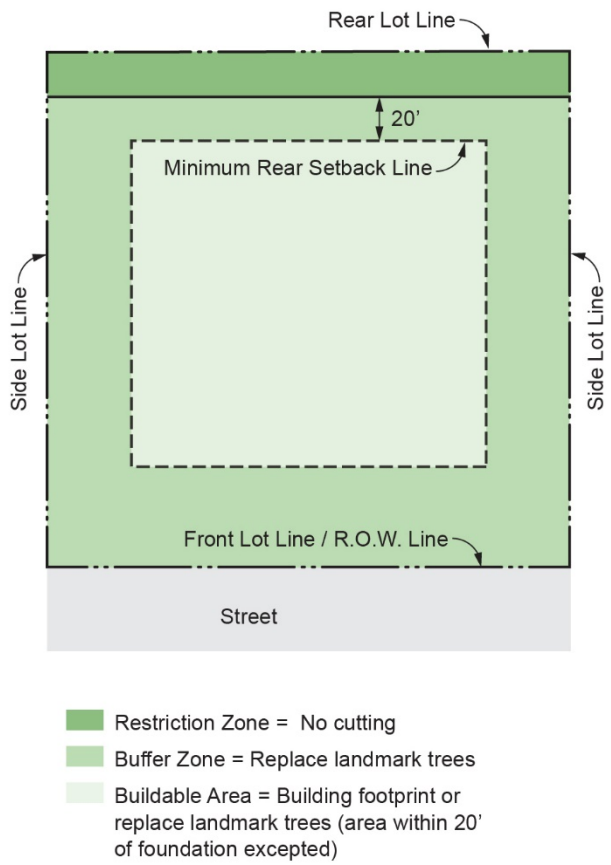
(2) Building Footprint. The Building Footprint shall be defined as the area bounded by the proposed building. There shall be no restrictions on removing trees within the Building Footprint.

(3) Buffer Zone. The Buffer Zone shall be defined as the following portions of the site. Landmark Trees removed from the Buffer Zone must be replaced by new trees planted within the Buffer Zone, in accordance with the table in Section D.

(a) The required front yard (i.e. all land between the minimum front setback line and the front lot line)

(b) The required side yards, (i.e. all land between the minimum side setback lines and the side lot line), in front of the minimum rear setback line (i.e. between the minimum rear setback line and the front lot line).

(c) All land between the minimum rear setback line and a line 20 feet closer to the rear lot line.



(4) **Restriction Zone.** The Restriction Zone shall be defined as all land between the rear lot line and the rear line of the Buffer Zone (the line described in Subsection 2.c above). No Landmark Tree shall be removed from the Restriction Zone.

(F) **Definition of a "Landmark Tree."** **(Section 15A.02.2-6)** A tree meeting all of the following criteria shall be considered a Landmark Tree. The Township may also designate a tree that is not one of the species above to be a Landmark Tree, provided that the tree has significance because of its size, location, and/or memorial or historic value as designated by the Township or the State, or another recognized authority. If staff and the developer are unable to agree upon whether a tree should be classified as a Landmark Tree under this section, the Planning Commission shall make a determination on classifying any tree as a Landmark Tree after reviewing information from staff and/or the developer.

(1) If protected Landmark Tree is removed in an unauthorized capacity it shall constitute a municipal civil infraction. See Section 16.08.A.

(2) In order to be considered a Landmark Tree, the tree must be one of the species listed below and have a Diameter Breast Height (DBH) of at least the number listed in the table below, OR have a DBH of at least 24 inches, regardless of species. The DBH shall be measured at four and one-half (4½) feet above the existing grade.

Common Name	Scientific Name	DBH
All Trees, Regardless of Species		**24"**
American Hornbeam	*Ostrya Virginiana*	8"
Arborvitae	*Thyja*	18"
Beech, (American)	*Fagur grandifolia*	18"
Beech, (Blue)	*Carpinus caroliniana*	8"
Birch	*Betula*	18"
Black walnut	*Juglan nigra*	20"
Cedar, (Red)	*Juniperus virginiana*	12"
Chestnut	*Castanea*	10"
Crabapple/Hawthorne	*Malus/crataegus*	12"
Dogwood, (Flowering)	*Cornus florida*	8"
Fir	*Abies*	18"
Ginkgo	*Ginkgo*	18"
Hemlock	*Tsuga*	18"
Hickory	*Carya*	18"
Kentucky Coffeetree	*Gymnocladus dioicus*	18"
Larch/Tamarack	*Larix*	12"
London plane/Sycamore	*Platanus*	18"
Maple	*Acer*	18"

Common Name	Scientific Name	DBH
Oak	*Quercus*	18”
Redbud	*Cercis canadensis*	8”
Sassafras	*Sassafras albidum*	15”
Serviceberry	*Amelan chier*	8”
Spruce	*Picea*	18”
Sweetgum	*Liquid amber styraciflua*	16”
Tulip poplar	*Liriodendrom tulipifera*	18”
White pine	*Pinus Strobus*	18”
Wild Cherry	*Prunus*	18”
Witch hazel	*Hamamelis virginiana*	8”

(3) The tree is in good condition and health, in the opinion of the Zoning Administrator. Instead of the relying on the Zoning Administrator’s decision, the applicant may, at their own expense, hire an arborist to examine the tree. In that case, the arborist’s decision shall be final.

(G) **Replacement within the Buffer Zone.** Replacement Trees shall be provided within the Buffer Zone to replace each Landmark Tree to be removed from the Buffer Zone in accordance with the following schedule. When the number of Replacement Trees results in a fraction, any fraction up to one-half shall be disregarded, and any fraction over and including one-half shall require one Replacement Tree. The minimum size for Replacement Trees is 6 feet in height for evergreen trees and 3 inches in caliper measured 6 inches above grade for deciduous trees.

Replacement Tree Size	Number of Replacement Trees Per Landmark Tree to Be Removed
Evergreen (height):	
8 feet	1.00 trees
8.01 – 10 feet	0.75 trees
Greater than 10 feet	0.50 trees
Deciduous (Caliper):	
2.5 – 3 inches	1.00 trees
3.5 – 3.99 inches	0.75 trees
4 inches or greater	0.50 tree

(1) All Replacement Trees shall satisfy current American standards for nursery stock and shall be as follows:

(a) Nursery grown or comparable or relocated from the same parcel.

(b) Number one (1) grade, with a straight, unsecured trunk and a well-developed uniform crown.

(c) Guaranteed for one (1) year from the time of planting.

(d) A species not included on the list of Removable Trees.

(e) Tree replacement shall occur prior to the issuance of a Certificate of Occupancy. If the tree cannot be planted due to the time of year, then the applicant must follow the Township's Landscape Escrow process as described in Section 4.03.C.

(2) Replacement Trees shall be staked (where practical), fertilized, watered and mulched to ensure their survival in a healthy, growing condition. Property owners are responsible to take all measures necessary to ensure the health of Replacement Trees.

(H) Notwithstanding the preceding, the following are permitted with regard to all trees in all locations within a site:

(1) The removal of trees that are not designated as Landmark Trees under this Ordinance.

(2) Tree trimming and other routine maintenance that does not completely remove the tree or prevent its healthy development in the future.

(3) Removal or trimming made necessary by emergency caused by natural events, such as tornado, windstorm, flood, or other natural disaster, in which the removal of the tree would prevent injury or damage to persons or property.

(4) The removal of dead or diseased trees, as determined by a licensed arborist or forester, with the costs for the analysis paid for the applicant wishing to remove a landmark tree that they contend is dead or diseased. The removal or trimming must be accompanied through the use of standard forestry practices and techniques, including best practices to prevent the spread of known tree diseases.

(5) In addition, the activities of the following organizations shall be exempt from this Section:

(a) **Public Utilities.** The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities grants such permission.

(b) **Public Agencies.** The removal or trimming of trees if performed by or on behalf of the Township, County, State or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project, such as the installation of public streets or public sidewalks.

Section 8.11 Architectural Requirements.

All proposed development shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features in the surrounding Grand Haven Township, and promotes a high quality image to those traveling through the Township.

(D) Commercial Standards. (Section 15A.11) The following standards shall apply to a lot with a C-1 or C-2 underlying zoning district when the owner proposes to make one or more of the following improvements:

- Alteration of Existing Main Building Not Requiring Site Plan Approval
- Alteration of Existing Main Building Requiring Site Plan Approval
- New Construction (Including Tear Down Redevelopments)

(1) Purpose and Intent. All proposed commercial development shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township. The Planning Commission shall have the authority to approve or disapprove an architectural design based on this purpose and intent, regardless of compliance with the letter of the standards below.

(2) The applicant and the applicant's design professionals are encouraged to participate in a pre-application conference as described in Section 7.11.A and Section 18.05.

(3) Commercial architecture shall be reviewed by the Planning Commission as a part of site plan review under the following criteria:

(a) Buildings shall possess architectural variety but shall also promote the desired character in the Overlay Zone.

(b) Buildings shall be consistent with the scale and proportion of existing structures in the Overlay Zone.

(c) Building Materials.

(i) A minimum of eighty percent (80%) of the exterior finish material of all building facades (excluding the roof) visible from one or more publicly accessible spaces (public streets, private streets, parking lots, other spaces as determined by the Planning Commission), or adjacent residentially zoned land, exclusive of window areas, shall consist of one or more of the following:

- Facing Brick
- Cut Stone
- Split Face Block
- Fluted Block
- Scored Block
- Native Field Stone
- Cast Stone
- Wood with an Opaque or Semi-Transparent Stain, or Bleaching Oil

Any other block, or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township.

(ii) Exterior Insulation and Finishing Systems (EIFS) materials shall not be the primary building material. However, the remaining maximum twenty (20%) percent of the I may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.

(iii) Front building facades shall provide a minimum 15% glass windows but shall not exceed 80% glass. Calculations are exclusive of the roof area.

(d) **Building Walls.** In order to create a building that is visually interesting and has depth and dimension, building walls over fifty (50) feet in length shall be broken up with items such as:

- Varying Building Lines,
- Recesses,
- Projections,
- Wall insets,
- Arcades,
- Windows,
- Architectural Accents, and
- Bands of Complementary Building Materials and Trees.

(i) Building rear facades shall be constructed to a finished quality comparable to the facade where visible to one or more publicly accessible spaces (public streets, private streets, parking lots, other spaces as determined by the Planning Commission).

(ii) **Existing Buildings.** Existing commercial, office or institutional buildings that do not comply with the above requirements may continue to use materials that do not conform to this section, including on additions or expansions. However, additions and expansions must include materials such as brick, stone or decorative block for architectural detailing, and must be designed to be architecturally consistent with the existing portion of the building

(e) **Roof.**

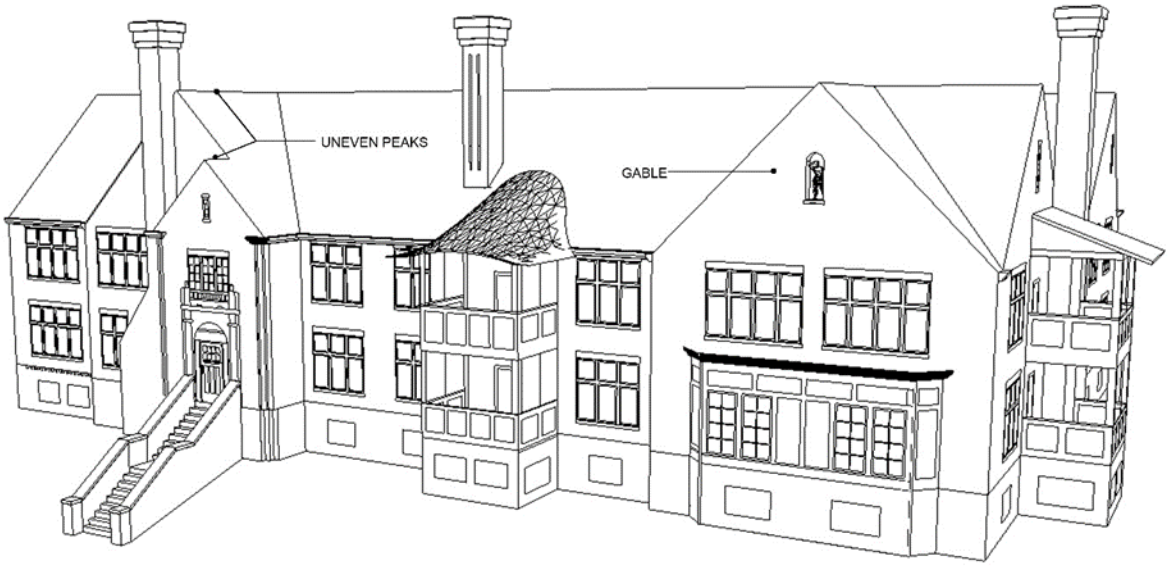
(i) Rooflines shall be varied using dormers, gables, uneven peaks, or other architectural features. Flat roofs are discouraged.

(ii) Roof shape and materials shall enhance the aesthetic appeal of the building. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.

(iii) Rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.

(f) **Entrances.** Building entrances shall utilize windows, canopies, and/or awnings to provide unity of scale, texture, and color, as well as provide a sense of place.

(g) **Overhead Canopies.** Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the main building such as peaked roofs, shingles, support structures that match or simulate materials of the main building, lighting fixtures fully recessed into the canopy and in neutral colors.



Section 8.09.A.3.d

(E) Industrial Standards. (Section 15A.12) The following standards shall apply to a lot with an I-1 underlying zoning district when the owner proposes to make one or more of the following improvements:

- Alteration of Existing Main Building Not Requiring Site Plan Approval
- Alteration of Existing Main Building Requiring Site Plan Approval
- New Construction (Including Tear Down Redevelopments)

(1) Buildings shall be consistent with the scale and proportion of existing structures in the Overlay Zone.

(2) Existing Buildings. Industrial buildings do not comply with the above requirements and which are being renovated or expanded, or which are simply being maintained on a site which is subject to site plan review, may continue to use materials that do not conform to this section, including on additions or expansions. However, additions and expansions must include materials such as brick, stone or decorative block for architectural detailing.

(3) New Construction.

(a) Building Walls. All new industrial buildings should be designed to blend harmoniously with site features and promote a high quality image to those traveling through the Township. To achieve this standard, building walls over fifty (50) feet in length shall be broken up with items such as:

- Varying Rooflines,
- Varying Building Lines,
- Recesses,
- Projections,
- Wall Insets,
- Arcades,
- Windows,
- Architectural Accents, and
- Bands of Complementary Building Materials and Trees.

The Planning Commission can waive this requirement for walls that are effectively screened from view by other buildings, landscaping, or Landmark Trees/other pre-existing vegetation.

(b) Building Materials.

(i) A minimum of eighty percent (50%) of the exterior finish material of all building facades (excluding the roof) visible from one or more publicly accessible spaces (public streets, private streets, parking lots, other spaces as determined by the Planning Commission), or adjacent residentially zoned land, exclusive of window areas, shall consist of one or more of the following:

- Facing Brick
- Cut Stone
- Split Face Block
- Fluted Block
- Scored Block
- Native Field Stone
- Cast Stone
- EIFS Materials
- Wood with an Opaque or Semi-Transparent Stain, or Bleaching Oil

Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of the adjacent landowners, blends

harmoniously with the natural features and promotes a high quality image to those traveling through the Township.

(F) **Multi-Family Residential Standards. (Section 15A.13)** The following standards shall apply to a lot with an R-3 underlying zoning district when the owner proposes to make one or more of the following improvements:

- Alteration of Existing Main Building Not Requiring Site Plan Approval
- Alteration of Existing Main Building Requiring Site Plan Approval
- New Construction (Including Tear Down Redevelopments)

(1) Garage locations shall be varied and/or recessed to reduce the emphasis on the garages along the street edge.

(2) Multi-Family residential units shall be varied using color, arrangement and/or materials to emphasize facade elements and provide the look of multiple buildings built over time, rather than a single design repeated several times.

(3) The planes of exterior walls shall be varied in height, depth or direction. Long facades shall include sufficient relief and landscaping to reduce the dominance of the building.

(4) Rear elevations that face either US-31 or another residential use or district shall utilize materials and design details similar to the front facade.

(5) The Planning Commission may permit a section of the building to encroach up to five (5) feet into the required side yard to provide improved views along the roadway upon a finding by the Planning Commission that all of the following exists:

(a) The size of the encroachment footprint can be up to 1/3 of the area of additional setback.

(b) The average setback along the building frontage shall meet or exceed the amount typically required.

(c) Sight distance is not affected.

(d) The variable setback shall improve views along the street or preserve woodlands.

(G) **Waivers and Modifications.** Any person claiming to be aggrieved by a decision of the Planning Commission pursuant to the architectural standards of this subsection (Section 8.09) may appeal that decision to the Township Board. Any such appeal shall be the exclusive remedy for the aggrieved person and must be filed with the Zoning Administrator within ten (10) days of the decision by the Planning Commission from which the appeal is taken. The appeal must be based on the same documentation previously submitted to the Planning Commission, not on any revised documentation. The Township Board shall then consider the appeal, applying the same standards set forth above and using the same procedure as was used by the Planning Commission (e.g., if the Planning Commission held a public hearing, the Township Board shall hold a public hearing with the same notice requirements as were used for the Planning Commission public hearing). The Township Board may affirm, reject or revise the Planning Commission decision. Requests for building design waivers or modifications must be submitted to the Township before any Planning Commission decision on a Special Land Use or Site Plan Approval. Township Board approval of architectural design shall not constitute approval of a Site Plan or Special Land Use approval, and those approvals will have to be obtained separately through the process described in this Ordinance.

(H) **Repairs After Disaster.** With respect to Major Amendment renovations due to disaster (fire, flood, tornado, etc.), the Planning Commission shall have the discretion to require less than full compliance with the architectural standards stated in this Section, based upon a consideration of the standards of Chapter 12 for Special Land Uses.

Section 8.12 Other Site Design Requirements.

(D) The following standards shall apply to a lot when the owner proposes to make one or more of the following improvements:

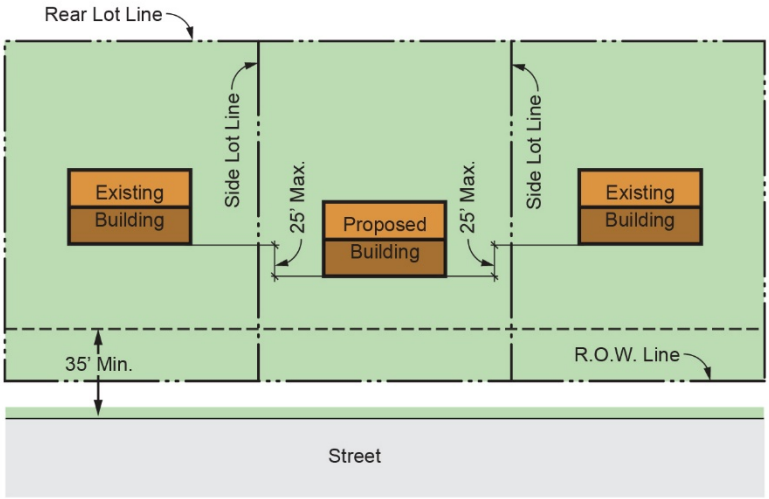
- Expansion of Parking Area by 10% or More Spaces
- Existing Building – New Permitted Use (No Exterior Renovations Except Signage)
- Existing Building – New Special Use (No Exterior Renovations Except Signage)
- Alteration of Existing Main Building Not Requiring Site Plan Approval
- Alteration of Existing Main Building Requiring Site Plan Approval
- New Construction (Including Tear Down Redevelopments)

(E) **Building Setbacks. (Section 15A.08.3)** The minimum front setback requirement for lots abutting US-31 shall be 100 feet for all buildings. Existing structures along US-31 not in compliance shall be considered legal non-conformities. Principal and accessory buildings on lots not abutting US-31 shall meet all setback requirements of the underlying Zoning District.

The Planning Commission may reduce the required front yard setback for lots abutting US-31 by up to fifty (50) feet upon a finding that the following conditions exist:

(1) The minimum depth of the driveway throat shall be at least thirty-five (35) feet or greater if warranted by projected traffic volumes.

(2) The setback shall not be greater than twenty-five (25) feet closer to the road right-of-way than the farthest forward main building on an adjacent lot. Further, the reduced setback shall not significantly reduce views to an existing adjacent business.



<u>In addition to the above</u>, at least three of the following conditions must exist:

(a) The applicant demonstrates the reduced setback will not increase the permitted building envelope on the site.

(b) The reduced front yard setback will accommodate construction of a shared access system, rear service drive or frontage road.

(c) The site frontage area lacks any significant natural features and the reduced setback will preserve important woodlands in the rear of the site.

(d) The building and site design utilize high quality materials and plant quantities in excess of what is otherwise required.

(e) No parking, loading, or bay doors are provided in the front of the building.

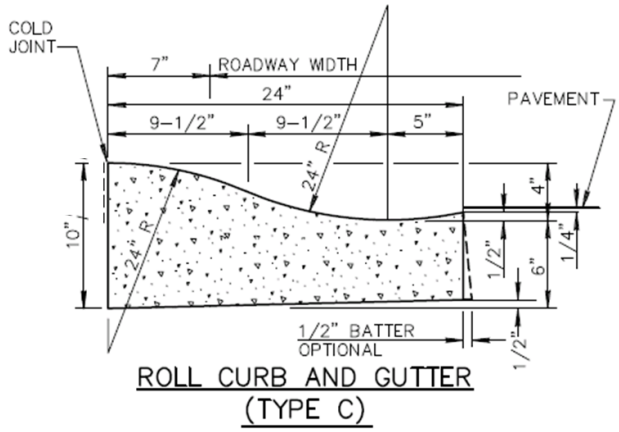
(F) **Signage. (Section 15A.05.12, 15A.10.8)** If a Ground or Pylon Sign is provided, the sign shall provide architectural features, details, or ornaments inspired by the building. The area of the sign may be increased 10% above that otherwise permitted if the Planning Commission determines that the sign is of exceptional design and aesthetic quality.

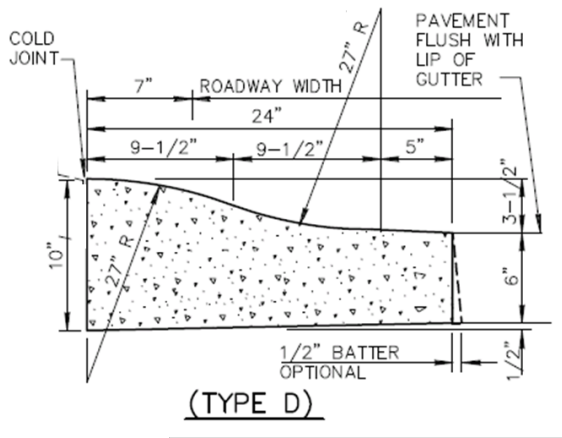
(G) **Utility Lines. (Section 15A.10.12)** All new utility lines, including but not limited to, electrical, phone, broadband, and fiber, must be buried and may not be strung overhead on poles. Existing utility lines may be re-located or left unchanged.

(H) **Utility Cabinets.** All utility cabinets (such as transformers) must be screened with evergreen trees or shrubs that meet the minimum size-at-planting requirements of this Ordinance.

~~**(I) Curbs. (Section 15A.10.7)** Generally, 6 inch standard curbs should be used throughout the parking lot and paved areas. The Township may grant an exception (including a full waiver of all curb requirements) upon finding that overall stormwater disposition and/or snow removal will be enhanced. Use of raingardens in exchange for curb waiver is highly encouraged.~~

(J) Curbs. Generally, mountable or rolled concrete curbs shall be used throughout the parking lot and paved areas. The Township may vary the specifications shown below based on the specific needs of that site. The use of concrete curbs around the paved areas creates a well-defined space, it will add strength to the edges of the pavement, assists in directing stormwater, and allows for efficient snow removal with a plow-only and does not require the use of a loader. The Township may consider a curb waiver if raingardens are utilized for stormwater disposition.





(K) Loading and Service Bay Doors. (Section 15A.10.6) Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted as long as additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact.

(L) Fences. (Section 15A.10.9) Any fence must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of chain link fence will be vinyl coated with additional landscaping provided to screen the view.

(M) Pathways. (Section 15A.10.13) The Planning Commission shall require pathways or sidewalks during the site plan review process, where they deem them to be necessary and efficient. Sidewalks or pathways shall be deemed to be required along all public and private roadways unless the applicant provides compelling evidence, in the opinion of the Planning Commission, that they are not necessary for pedestrian access or safety. Sidewalks shall terminate in an appropriate fashion consistent with the needs and safety of pedestrians. No sidewalk shall terminate into landscaping.

(N) Stormwater. (Section 15A.10.4) Storm sewers, drains, and retention and detention areas or natural water areas shall be located so as to properly accommodate storm water on the site and prevent runoff to adjacent properties. The design of storm water management systems and drainage facilities shall be consistent with best practices in low impact development and stormwater management, including, but not limited to, natural drainage solutions such as bio-swales and rain gardens, green roofs, rain barrels, permeable pavement, and other methods of infiltration. See Section 4.02.A.3.

Chapter 9 Reserved

Chapter 10 Sheds, Fences, Pools, and Porches

Section 10.01 Accessory Structures. (Section 20.03)

(D) Prohibited Accessory Buildings and Structures. The following shall not be used as an accessory structure on any residential lot:

(1) Shipping Containers, Include Semi-Trailers;

(2) Manufactured Mobile Homes;

(3) Inoperable Vehicles;

(4) Boats or Other Watercraft; and

(5) Recreational Vehicles (RVs)/Motor Homes/Travel Trailers.

(E) Exempt Accessory Buildings and Structures. The following residential accessory structures shall be exempt from the regulations of this section, except for the regulations listed below.

(1) Childhood Amenities. Playground equipment, treehouses, lemonade stands, playhouses, and other similar amenities shall be exempt from this section, except they must be setback at least three (3) feet from all side and rear lot lines.

(2) Structures without Walls. Gazebos, pergolas, and other permanent structures without walls shall be exempt from this section, except they must maintain the required setbacks for accessory structures. These structures shall not be used for storage.

(3) Elevated Walkways. Elevated walkways, along with decks or landings, that meet the standards of the Michigan Department of Energy, Great Lakes, and Environment to be constructed in a High Risk Erosion Area and/or Critical Dune Area shall be exempt from this section. Elevated walkways are permitted to be shared by two, or more, adjacent property owners, and does not have setback requirements, meaning it can cross lot lines.

(a) Landings, which shall be defined as flat areas of the walkway that are deeper than a stair but not wider than the stairwell they connect to, shall be considered part of the elevated walkway and shall not be required to be set back from property lines.

(b) Decks, which shall be defined as flat areas of the walkway that are deeper than a stair and wider than the stairwell they connect to, shall be required to be set back at least five (5) feet from all property lines. Decks shall also be subject to the following standards:

(i) There shall be no maximum size of a deck.

(ii) Decks shall not count against the maximum number of accessory structures.

(F) Residential Accessory Buildings and Structures. (Section 20.03.3)

(1) Zoning Districts. Accessory buildings and structures may be erected in any zoning district only as an accessory to an existing main building (which includes being built simultaneously with the construction of the main building).

(2) Main Building Requirement. Accessory buildings and structures may not be constructed, or if constructed may not remain, on a lot without a main building. The Zoning Administrator shall have the authority to grant a temporary exception to this prohibition, subject to reasonable conditions, if the Zoning Administrator finds the temporary exception is consistent with the purposes of this Ordinance, as described in Section 1.02.

(3) Elements of the Main Buildings. All buildings and portions of buildings connected to the main building shall be considered an element of the main building (e.g., an attached garage), and shall therefore comply in all respects with the requirements of this Ordinance that apply to the permitted main building, including but not limited to setback requirements, unless specifically stated to the contrary herein. The term "connected" shall mean the space shares a common wall with the main building or is connected by an enclosed breezeway.

(4) Permitted Uses. Permitted uses of residential accessory buildings include storage of utility trailers, personal vehicles, recreation vehicles or equipment, yard maintenance equipment and machinery; or greenhouses or workshops for personal use, enjoyment, and pleasure of the residents of the dwelling unit.

(5) Residential Purposes. All uses for residential accessory buildings and structures must be accessory to the use of the dwelling unit.

(6) Number of Accessory Buildings and Structures. The number of accessory buildings shall comply with the table below.

Lot Area in Acres	Maximum Number
Less than one (1) acre	2
One (1) acre, but less than ten (10) acres	3
Ten (10) acres, but less than twenty (20) acres	4
Every additional ten (10) acres	1 per 10 acres

(7) Size Requirements. The total floor area (defined below) of the allowed residential accessory building(s) 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(s)
Less than one-half (½) acre	720 square feet
One-half (½) acre, but less than one (1) acre	1,000 square feet
One (1) acre, but less than two (2) acres	1,500 square feet
Two (2) acres, but less than five (5) acres	2,000 square feet
Five (5) acres, but less than ten (10) acres	2,500 square feet
Ten (10) acres, but less than fifteen (15) acres	3,000 square feet
Fifteen (15) acres, but less than twenty (20) acres	3,500 square feet
Twenty (20) acres or more	4,000 square feet
Every additional five acres:	2,000 additional square feet

(8) 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 lean-to structure, or roof overhang greater than three (3) feet, or other similar sheltered area.

(9) **Height Restrictions.** An accessory building can be up to twenty-four (24) feet in height, or the height of the Main Building, whichever is greater. See Section 2.08 – Building Height, for measurement method.

(10) **Setbacks.**

(a) Setbacks shall be measured from the foundation of the accessory building or structure. A cantilever or overhang may extend no more than three (3) feet into the required setback.

(b) Accessory buildings and structures shall be setback in accordance with the following table:

Accessory Building or Structure Area (*interior sqft*)	SETBACKS Main Building, Side and Rear Lot Lines, and Other Accessory Structure(s)
200 or less	5 feet
201 – 600	10 feet
601 – 2,000	15 feet
2,001 or more	25 feet

Shall be setback at least twenty-five (25) feet from any road right-of-way

(11) Location Requirements.

(a) Accessory buildings and structures are not permitted in the front yard, or any required side yard.

(b) Accessory buildings and structures shall not occupy more than twenty-five (25%) percent of the rear yard.

(G) Non-Residential Accessory Buildings and Structures. (Section 20.03.4 *mistakenly shown as 2*)

(1) Zoning Districts. Non-residential accessory buildings and structures may be erected in any non-residential zoning district only as an accessory to an existing Main Building (which includes being built simultaneously with the construction of the Main Building).

(2) Main Building Requirement. Accessory buildings and structures may not be constructed, or if constructed may not remain, on a lot without a Main Building.

(3) Elements of the Main Building. If the function of an accessory building is integrated into the permitted Main Building, the space shall comply in all respects with the requirements of this ordinance that apply to the permitted Main Building, including but not limited to setback requirements, unless specifically stated to the contrary herein.

(4) Size Requirements.

(a) 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.

(b) The total floor area occupied by the accessory buildings shall not exceed the gross floor area of the Main Building on the lot.

(5) Height Restrictions. No accessory building or structure shall exceed the building height for Main Buildings in the district in which it is located.

(6) Location Requirements.

(a) 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.

(b) Accessory buildings and structures shall not occupy more than twenty-five percent (25%) of the rear yard.

(7) Setbacks.

(a) Setbacks shall be measured from the foundation of the accessory building or structure. A cantilever or overhang may extend no more than three (3) feet into the required setback.

(b) Accessory buildings shall comply with the setbacks of the underlying zoning district.

(c) An accessory building shall be setback at least:

(i) Twenty-five (25) feet from the Main Building.

(ii) Eighteen (18) feet from another accessory building.

(8) Canopy roofs.

(a) 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.

(b) The height of the canopy roof shall not exceed fourteen (14) feet and shall be open on all sides.

(c) The colors and design of the canopy shall be compatible with the Main Building on the lot.

(d) Lighting on, or within, the canopy shall comply with the requirements of Chapter 6 of this Ordinance.

(e) Signs on the canopy shall comply with the wall sign provisions of Chapter 11 of this Ordinance.

Section 10.02 Swimming Pools. (Section 20.15)

(D) Underground pools shall be set back five (5) feet from all lot lines.

(E) Above ground pools, including any surrounding decks, shall be setback ten (10) feet from all lot lines

(F) Hot tubs/spas shall be exempt from setback requirements.

(G) All swimming pools must meet the requirements of the Building Code.

Section 10.03 Fences and Walls. (Section 20.12)

(D) Fences on all lots in all districts are permitted in any yard following the issuance of a permit by the Zoning Administrator.

(E) 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, RP, RR, or I-1 districts, if the use of such wire is necessary for security for a permitted use or special land use of the property which is being utilized.

(F) Fences shall not extend into any street right-of-way.

(G) 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 be at least fifty percent (50%) transparent, meaning that at least 50% of the total area between grade and four feet vertically, and between the ends of the fence horizontally, must be see-through. 50% transparent fence designs may include, but are not limited to picket, split rail, and wrought iron.

(H) 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.

(I) The Zoning Administrator may permit the construction of customary or necessary fences, which may be needed due to the operation, or safety/security needs of the site, where such fences will not impede vision or unnecessarily block the view from any adjacent property.

(J) Beach access shall not be restricted by any adjacent property owner, and no structures, fences, or signage shall be permitted to be constructed below the Natural Ordinary High Water Mark, as defined by the State of Michigan as summarized in Section 3.01.

Section 10.04 Attached Porches, Decks, Patios and Entryway Stairs. (Section 20.20.4-6)

(D) Attached porches, entryway stairs, and decks do not count against the maximum area of detached accessory structures on the lot. Patios shall not be considered a structure and shall only be considered a paved area for purposes of this Ordinance.

(E) Patios that meet the definition in this Ordinance (i.e. they are no more than seven (7") inches higher than the surrounding grade and do not have a roof) shall have no required setback but shall be counted as impervious surface for the purpose of calculating the maximum lot coverage.

(F) Attached porches, entryway stairs, and decks shall be permitted to extend into the front or rear setback for the Main Building, provided the following are met:

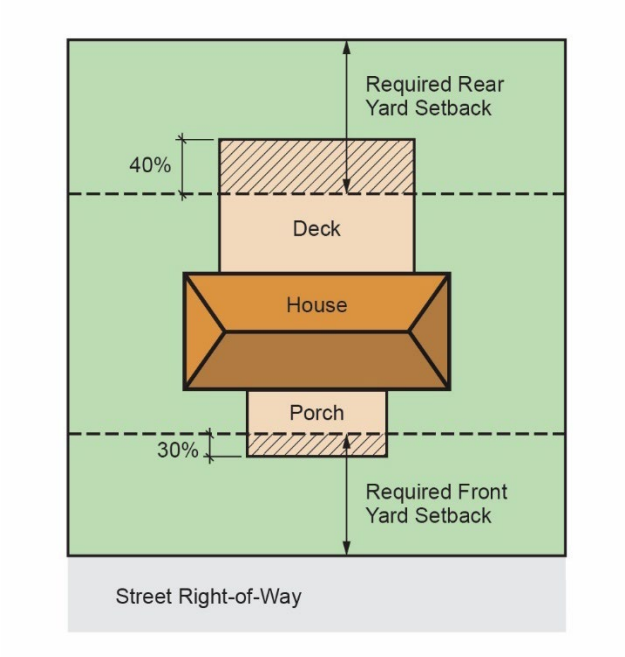
(1) Porches, entryway stairs, and decks may be built in a Waterfront Yard, but must comply with the relevant requirements in Section 3.01.

(2) Porches, entryway stairs, and decks may extend into the required front yard by up to 30%.

(3) Porches, entryway stairs, and decks may extend into the required rear yard by up to 40%.

(4) Porches, entryway stairs, and decks shall not extend into the required side yard setback.

(5) A minimum of twenty (20) feet of open space must be maintained between the property line and the porch, entryway stairs, and deck. If the projection allowance would result in a setback of less than twenty (20) feet from the lot line, then the structure must be reduced in size to maintain the setback.



Chapter 11 Signage

Section 11.01 Purpose and Intent. (Section 24.06)
This section is intended to protect and promote the health, safety, and welfare of the residents of Grand Haven Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs in the community. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, while protecting the First Amendment right to Freedom of Speech.

Section 11.02 Definitions. (Section 24.07)
For the purposes of this section, the following terms shall have the following meanings. For all terms not defined in this section, the definitions in Chapter 2 shall apply. For all terms not defined in Chapter 2, the definition in the most recently published version of the Merriam-Webster Dictionary shall apply.

(D) **Architectural Feature.** An integral element of a building that does not contain any discernible message.

(E) **Architectural Gateway Element.** A structure constructed at the entrance to a neighborhood, multi-family residential complex, business park, public park, or other similar complex that contains architectural features designed to attract attention to the entranceway.

(F) **Artwork.** Any decorative element that is not integral to a building and does not contain an immediately discernible message.

(G) **Awning.** A roof-like cover intended to shade a window or door opening or provide protection from the weather which is constructed of canvas or other opaque material stretched over a supporting frame attached directly to a building. Awnings may or may not be constructed so as to be raised or retracted to a position against the building when not in use. No structure that extends beyond a roofline shall be considered an awning for the purposes of this Chapter.

(H) **Building Frontage.** Any side of a building that either has a public entrance to the building or is visible from a public road or public parking lot.

(I) **Business.** Any non-residential use occupying physical space on a lot, regardless of whether the use operates for a profit or not, regardless of whether the use is in the public or private sector, and regardless of whether the use is open to the general public. This definition shall only apply within this section.

(J) **Canopy.** A structure with a roof and support posts, but no walls. This definition shall apply only within this section.

(K) **Commercial Signs.** Signs that contain advertising for a product, service, or a business that offers products and services, including graphics and representations which contain a discernible message connected to a business identity.

(L) **Digital Messaging.** The use of changing lights or video screen(s) to form a sign message or messages in text, graphic, or video display form wherein the messages and the rate of change can be modified by an electronic process.

(M) **Directional Signs.** Signs designed to direct pedestrian and/or automobile traffic through a site.

(N) **Drive-Thru Service Window.** A window used for serving a product directly from a building to a customer in a vehicle.

(O) **External Illumination.** Lights designed to illuminate a sign that are not located internally with in the sign cabinet.

(P) **Flutter Flag.** A piece of non-rigid cloth attached to a non-permanent pole and used as a temporary commercial sign.

Flutter Flags (Section 11.02.M)

(Q) **Flag.** A piece of non-rigid cloth that is not used as a commercial sign. This definition shall only apply within this chapter.

(R) **Foot Candles.** A unit of illuminance on a surface equal to one lumen per square foot.

(S) **Government Sign.** Signs erected by or on behalf of or pursuant to the authorization of a government body.

(T) **Ground Sign.** A sign supported by a base that is at least as wide of the sign itself and placed in or upon the ground and not attached to any building or other structure.

(U) **Internal Illumination.** Lights designed to illuminate a sign from within the sign cabinet.

(V) **Main Pedestrian Entrance.** An entrance to a building where the general public is welcome to enter. If a building has multiple entrances where the general public is welcome, then the applicant shall designate a Main Pedestrian Entrance on the application for a sign permit.

(W) **Mural.** See "Artwork."

(X) **Non-Commercial Signs.** Signs that, (1) do not contain advertising for a product, service, or a business that offers products and services, and (2) also do not contain graphics and representations which contain a discernible message connected to a business identity.

(Y) **Non-Conforming Sign.** A sign that was legally installed and was existing prior to the adoption of this ordinance that does not comply with the provisions of this chapter.

(Z) **Off-Premises Signs.** Commercial signs that are not located on the same lot as the product, service, or business for which they are related. Non-Commercial signs shall never be considered off-premises.

(AA) **On-Premises Signs.** Commercial signs that are accessory to a product, service, or business located on the same lot.

(BB) **Permanent Sign.** Any sign constructed and intended to be displayed for an indefinite, long-term period of time. Any sign, regardless of construction and intention, that is in place for more than six months shall be considered a permanent sign.

(CC) **Permit.** A sign permit issued by the Community Development Department that must be obtained prior to the installation of a sign.

(DD) **Portable Sign.** A temporary commercial sign that is not permanently affixed to the ground.

(EE) **Projecting Signs.** A sign constructed as to be attached at one end to a building and to extend out from the building.

(FF) Pylon Sign. A sign supported by a base that is not as wide of the sign itself and placed in or upon the ground and not attached to any building or other structure.

(GG) Refacing. The act of changing the copy, graphic, or message of a sign without altering the sign structure.

(HH) Sign. A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of conveying an explicit message. Architectural features, architectural gateway elements, and artwork that do not contain an explicit message shall not be considered signs.

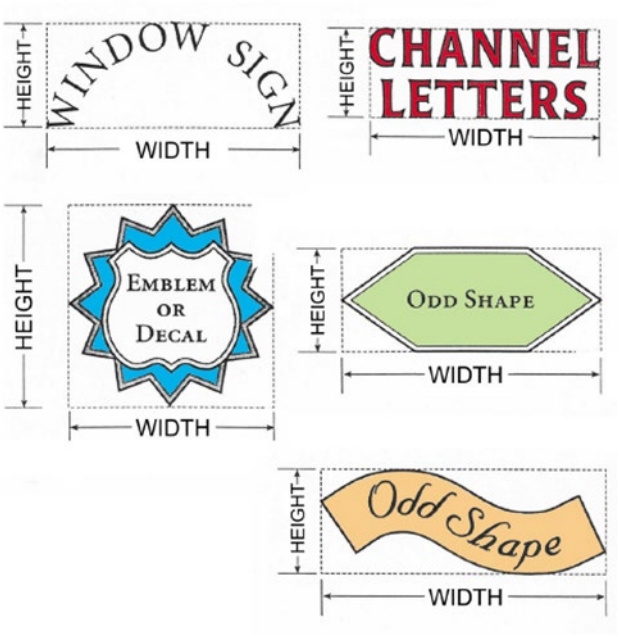
(II) Sign Area. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement. The cabinet surrounding a digital message sign shall not count as part of the sign area.

(JJ) Sign Height. The vertical distance from street grade abutting the property to the top of sign.

(KK) Storefront. An entrance open to the general public that allows direct access to a single ground floor business. A storefront is a subset of the building frontage that provides access to a single business only. This definition shall only apply to this section.

(LL) Temporary Signs. Any sign not constructed and intended to be displayed for an indefinite, long-term period of time.

(MM) Tube Lights. Any light fixture that has the appearance of a "tube" of light, including neon, LED, or other lighting types.



Computation of Sign Area

(NN) Wall Signs. Any sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building.

(OO) Window Signs. Any sign, located within a building or affixed upon a window, which is intended to be visible from the exterior of the building.

Section 11.03 Permit Process.

(A) Permits. (Section 24.08.1) It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless the type of sign is specifically listed in Section 11.04 (Exempt Signs), without first obtaining a permit in accordance with the processes set forth by the Township Board and Community Development Department.

(1) A Building Permit shall also be required for the foundation of any ground or pylon sign over six feet in height.

(2) An Electrical Permit shall be required for any illumination or digital message.

(B) Exceptions. A new permit shall not be required for refacing a previously-approved sign without altering the size, shape or backing material of the sign and without adding electronic capability. Permits shall also not be required for the cleaning or maintenance of a sign, nor for the types of signs listed in Section 11.04.

All sign permit applications must be signed by the property owner, which acknowledges an individual tenant is able to obtain a sign permit.

Section 11.04 Exempt Signs. (Section 24.09)
The following signs shall not require a permit to be installed:

(D) Government Signs, including those used to identify public facilities, government buildings, and parks.

(E) Flags, as defined in this ordinance.

(F) All signs under one square foot in area.

(G) All signs required to be erected by law.

(H) Signs that are not visible from a public road.

(I) Temporary banners covering a permitted and approved sign, provided that the banner does not exceed the size of the sign.

(J) **Architectural Features.** So long as such features do not contain an explicit message, words in any language, moving parts, or illumination.

(K) **Artwork.** So long as such works do not contain an explicit message, words in any language, moving parts, or illumination. Murals must be painted with the permission of the property owner.

(L) **Temporary Non-Commercial Signs.** Temporary non-commercial signs shall not require a permit in any zoning district provided that the following standards are met. Signs that do not meet these requirements shall require a permit and shall only be permitted if they meet the applicable standards of this Ordinance.

(1) The total area of temporary non-commercial signs on a single lot shall not exceed thirty-six (36) square feet. No individual sign may exceed sixteen (16) square feet.

(2) The maximum sign height of each temporary non-commercial sign shall be four (4) feet.

(3) Temporary non-commercial signs shall be located solely on private property outside of any street right-of-way or corner clearance area.

(4) Any temporary non-commercial sign in place for more than six months shall be considered a permanent sign and must meet all requirements of this Ordinance that apply to permanent signage, including applying for a permit. If the requirements are not met, the permit will not be issued, and the sign must be removed.

Section 11.05 Prohibited Signs. (Section 24.09A)

(D) The following shall be prohibited throughout the Township:

(1) Signs which incorporate in any manner flashing/moving lights.

(2) Any sign illumination that can:

(a) Shine directly into the eyes of any occupant of any vehicle on a nearby highway, driveway or parking area

(b) Shine into any window of any residence within 200 feet,

(c) Interfere with the visibility or readability of any traffic sign or device.

(3) Exterior pennant strings, Flutter Flags, spinners, and streamers.

(4) Any sign or object, including inflatable objects, which has any visible motion, moving or animated parts or image, whether movement is caused by machinery, wind, or otherwise, except for permitted digital message signs and exempt flags, as defined in this Chapter.

(5) Any sign erected on a tree or utility pole.

(6) Any sign structure or frame that no longer contains a sign.

(7) Roof signs or any sign which projects above the roof line or top of a canopy.

(8) Any sign projecting into the public right-of-way.

(9) Any sign erected on any property, public or private, without the consent of the property owner.

(10) Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers or motorized vehicles.

(11) Any sign which incorporates any open spark or flame.

(12) Off-premises commercial signage, including, but not limited to Billboards, except where the regulations of another jurisdiction (for example MDOT) take precedence over this Chapter.

(13) Tube lights, whether LED, neon, or any other type of light.

(14) Any sign which is structurally or electrically unsafe, in the opinion of the Zoning Administrator, or which obstructs any fire escape. “Structurally and electrically unsafe” shall include, but is not limited to, the following deterioration of the sign:

(a) Rust
(b) Non-functional wiring
(c) Leaning or in danger of toppling over
(d) Detaching from a wall, or in danger of falling off the wall
(e) Visible damage

(15) Any sign which, in the opinion of the Zoning Administrator, has deteriorated to the point where it has become a blight on surrounding properties. “Blight” shall include, but not be limited to, the following:

(a) Sign message deteriorated to the point of unreadability
(b) Peeling paint
(c) Burnt out lighting
(d) The aspects of deterioration listed in Subsection 15

(16) The Township Zoning Administrator shall have the authority to immediately remove or cause to be removed any sign which has been placed or located within the public right-of-way contrary to the provisions of the Ordinance or not authorized by the Ottawa County Road Commission or MDOT. The Township or its agents shall not incur any obligation to retain, store, or maintain any materials or salvage resulting from the removal of such signs.

(E) The Township Zoning Administrator shall have the authority to immediately remove or cause to be removed any sign listed as prohibited in this Ordinance, unless the sign existed prior to the effective date of this Ordinance and was permitted under the previously effective Ordinance.

Section 11.06 Temporary Commercial Signs.
Property owners must receive a permit as described in this Chapter prior to the erection of any temporary commercial signs and must follow all applicable requirements as described below. Portable ground signs shall be considered temporary commercial signs under this section.

(D) Temporary commercial signs shall be permitted in the AG, C-1, C-2 and I-1 Districts, and all PUDs that include non-residential uses.

(E) Temporary signs shall be limited to a total of sixteen (16) square feet.

(F) Only one temporary sign is permitted per business at any given time.

(G) The sign shall not be placed in the right-of-way.

(H) Signs shall not impede or endanger pedestrian or automobile traffic, including maintaining required clear corner vision.

(I) Portable temporary commercial signs (such as A-frames) can be placed outside only during the hours when the entrance is open to the general public and shall be stored indoors at all other times.

(J) The Zoning Administrator shall determine the permitted length of time that the sign may be displayed and shall state the length of time on the permit. No temporary commercial sign shall be permitted to be in place for more than six months.

Section 11.07 Lighting and Digital Messaging.

(D) Lighting of Signs. (Section 20A.5.1-2)

(1) External illumination shall be permitted in all zoning districts. Backlighting of opaque letters shall be considered external illumination.

(2) Internal illumination shall be permitted only in the following districts: C-1, C-2, and I-1, as well as non-residential or mixed use PUDs. All such signs shall have “dark” backgrounds (opaque or colored) and “light” lettering (white or lighter colored than the background) so as to minimize glare or luminous overload.

(3) Uplighting of signage shall be prohibited.

(4) All signs must comply with the relevant lighting requirements in Chapter 6.

(E) **Digital Messaging.** **(Section 24.12.12)** Digital message signs shall be permitted in the C-1, C-2, and I-1 Districts, as well as for approved or permitted non-residential uses in all other districts, subject to the following standards:

(1) Digital Messaging is only permitted on ground, pylon, or wall signage

(2) Only one digital message sign is permitted per lot.

(3) The maximum area of Digital Messaging shall be half the maximum permitted area of the sign in which the digital message board is placed.

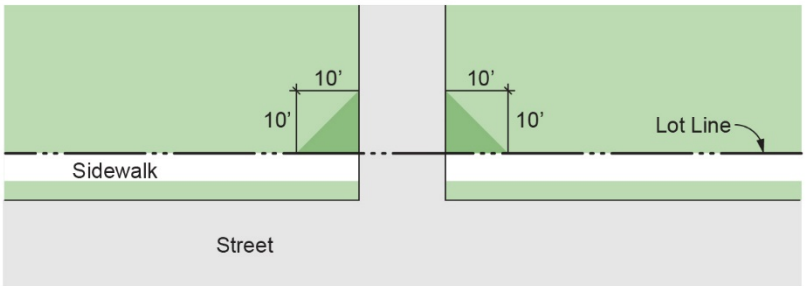
(4) Copy change shall be limited to once per 10 seconds in the C-1, C-2, and I-1 districts, and no more frequently than once per 5 minutes in all other districts.

(5) Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness, which shall not be manually overridden at any time. The maximum brightness of the sign shall not exceed 10,000 NITs. At night, the sign shall be set to no more than 1,000 NITs.

(6) Video display, animation, scrolling text, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.

Section 11.08 Clear Corner Vision and Setback.

(D) All signs in all zoning districts must allow clear corner vision, as described in the Township Clear Vision Ordinance for all street intersections and driveway entrances. Signs must be under two (2) feet tall within a triangle formed by two points, each ten (10) feet away from the intersection of the right-of-way line and the driveway, and the line connecting them, as displayed below:



Clear Corner Vision and Setback

(E) All signs must be setback at least ten (10) feet from all lot lines. The edge of the public right-of-way is considered the front lot line. See Chapter 21.

Section 11.09 Permitted Signs in Residential and Agricultural Districts. (Section 24.13)

(D) Residential and Agricultural Uses in districts AG, RP, and RR

	Wall Signs	Ground Signs and Pylon Signs	Window Signs
Number	One per lot containing a permitted Home Based Business One per Farm Building Prohibited in all other cases	One per 500 feet of road frontage on a lot used for agriculture	One per lot containing a permitted Home Based Business, in lieu of a wall sign
Location	Any wall	Must be set back at least 10 feet from all lot lines and rights-of-way	Any window
Size	Home Based Business – 6 sqft Farm Building – 8 sqft	Area – 32 sqft Height – 6 ft	6 sqft

(E) Residential Uses in R-1, R-2, R-3, and R-4. (Section 24.13)

	Wall Signs	Ground Signs and Pylon Signs	Window Signs
Number	One per lot containing a permitted Home Based Business Prohibited in all other cases	One per road frontage at an entrance to a residential subdivision, complex, or neighborhood Exception – R-4, where signs may be located at all entrances	One per lot containing a Home Based Business, in lieu of a wall sign
Location	Any wall	Must be set back at least 10 feet from all lot lines and rights-of-way	Any window
Size	6 sqft	Area – 24 sqft Height – 6 ft	6 sqft
Other	No illumination for a Home Based Business sign	May be affixed to an Architectural Gateway Element. The area of the sign shall only include the sign itself. The Architectural Gateway Element shall not be considered signage.	No illumination

(F) Non-Residential and Non-Agricultural Uses. Non-Residential Uses and Non-Agricultural Uses in the AG, RP, RR, R-1, R-2, R-3, and R-4 districts, including but not limited to churches and private schools shall be subject to the standards for the C-1, C-2 and I-1 districts in Section 11.10, except that internal illumination shall be prohibited. Nursing and convalescent homes shall not be considered non-residential uses for the purposes of signage, and shall be limited to the signage permitted for residential uses.

Section 11.10 Signs Permitted in the C-1, C-2, and I-1 Districts. (Section 24.13)

(D) Building Frontages. (Section 24.11.4) The following shall apply when determining which parts of a building are considered "building frontages" for purposes of this Ordinance:

(1) Where a business has multiple building frontages, the permitted wall signage shall be calculated separately for each building frontage. However, no building frontage shall have more square footage of signage than the building frontage with the main pedestrian entrance to the building, regardless of the width of any of the building frontages.

(E) Projecting Signs. (Section 24.07.25) The following shall apply to projecting signs:

(1) Maximum sign area of sixteen (16) square feet.

(2) The faces of the sign must be parallel to each other and no more than six (6") inches apart.

(3) The bottom of the sign must be at least nine (9) feet from grade.

(4) The sign shall not extend above the roof line of the building.

(5) Digital Messaging is prohibited on projecting signs.

(F) Drive-Thru Signage. Additional signage, above and beyond the signage described in Section D, shall be permitted adjacent to the drive aisles for a drive-thru service window, with the following standards:

(1) No more than six (6) signs shall be permitted.

(2) The maximum area of any sign shall be 48 square feet.

(3) The maximum height of any sign shall be ten (10) feet.

(G) Other Sign Types. (Section 24.13)

	Wall Signs	Ground Signs and Pylon Signs	Awning Signs	Directional Signs
Number	One per pedestrian entrance	1 Ground OR 1 Pylon	No limit, provided area standards are met refer back to 11.10.A	No limit
Location	Any building frontage	Setback at least 10 feet from any lot line or right-of-way	Any awning	As needed
Size	(1) (2) (3)	Ground Area – 48 sqft Height – 6 ft Pylon Area – 72 sqft Height – 20 ft	(4) (5)	Area – 6 sqft Height – 4 ft
Other	Canopies – Maximum 20 sqft per face visible from a road or parking lot		(6)	Drive Thrus: See Section C

(1) Total square footage of all wall signs: 1 sqft per linear foot of building frontage.

(2) Maximum square footage of wall signage for any one business: 100 sqft.

(3) Businesses that are setback more than 200 feet from the center line of the nearest adjacent roadway shall be entitled to the following square footage bonuses for wall signage:

(a) 200-299 feet: 25%
(b) 300-399 feet: 50%
(c) 400-499 feet: 75%
(d) 500+ feet: 100%

(4) Max Awning Area: 25% of awning, unless there is no wall sign, in which case 75% of awning

(5) Awnings cannot extend more than six feet in front of the building.

(6) Awnings may be externally illuminated if downcast and shielded. Back-lit or internally illuminated awnings are prohibited.

(7) Window signs are prohibited.

Section 11.11 Non-Conforming Signs. (Section 24.10)
A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a non-conforming sign shall not be structurally altered to change its shape, type or design unless such change shall make the sign totally conforming; nor shall a non-conforming sign be replaced by another non-conforming sign. The size of the sign may be reduced, but not enlarged.

Section 11.12 Waiver Process.
The Planning Commission shall have the ability to waive or modify any of the standards in this chapter, provided that the following criteria are met. A waiver granted under this section shall apply for only the lifespan of the sign in question and shall not be transferable to any other sign or lot. The waiver shall not be considered a variance and shall not run with the land. The Planning Commission's decision shall be specific to the particular application and shall not be precedent-setting.

(D) **Process.** Any applicant denied approval for a sign permit by the Zoning Administrator must apply for a waiver to the Planning Commission. The applicant shall notify the Zoning Administrator of their desire to apply for a waiver, and the Zoning Administrator shall note the waiver request, including whether or not it was approved, on the original sign permit application.

(E) **Approval Criteria.** All of the following must be met for the waiver to be granted by the Planning Commission.

(1) The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.

(2) The design of the sign is consistent with character of the surrounding area.

(3) The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.

(4) The sign will not be a nuisance to any residential uses.

(5) The need for the waiver was not self-created by the applicant.

(6) There is a unique circumstance on the site that prevents that applicant from installing a sign that meets the requirements of this Ordinance–-for instance, a sign meeting the required setback would not be visible from the road.

(7) There is no possible means of conveying the message of the sign without violating the ordinance AND the message of the sign is necessary to the operation of the site.

Chapter 12 Special Land Uses

Section 12.01 Purpose. (Section 19.01)
This Chapter provides a set of procedures and standards for Special Land Uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow practical latitude for the applicant, and at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Grand Haven Charter Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in this Ordinance, as applicable.

Section 12.02 Application Procedures. (Section 19.02)
Special Land Use Applications must be submitted to the Zoning Administrator, for review by the Planning Commission. All Special Land Use Applications must be accompanied by a Site Plan, which will be reviewed by the Planning Commission as described in Chapter 18. Prior to any decision, the Planning Commission shall hold a public hearing as described in the Michigan Zoning Enabling Act.

Section 12.03 Basis of Decision and Period of Validity. (Section 19.03)

(D) The Planning Commission may deny, approve, or approve with conditions, an application for a special land use.

(1) When approval of the Planning Commission is given for a use which is temporary in nature, a deadline shall be established for the use to cease operations. This expiration shall be stated in the meeting minutes.

(2) Except as provided in subsections 3 or 4 below, Special Land Use Permits shall expire one (1) year from approval unless substantial construction has commenced on the site in accordance with the approved site plan. The Zoning Administrator may grant an extension of the Special Land Use upon demonstration that construction is likely to commence within the following six months. The Zoning Administrator shall notify the Planning Commission of all approved extensions.

(3) The Planning Commission may, when presented with an application for a proposal to be constructed in phases, waive the one (1) year time limits set forth in subsection 2 above. The Planning Commission shall specify in its decision the period of validity for each phase. Should the applicant fail to timely complete any phase of an approved project, the decision of the Planning Commission for all subsequent phases shall be of no further validity.

(4) **Revocation.** Any permit issued under this Ordinance may be revoked by the Township Planning Commission for any violation of this Ordinance after notice of the violation is provided and a hearing before the Township Planning Commission is provided. If the violation involves an immediate danger to the public health, safety, or welfare, the permit may be revoked immediately, provided that the person holding the permit is provided with an opportunity for a subsequent hearing before the Township Planning Commission. A request for such a hearing shall be filed with the Township within five (5) days following the revocation. The hearing shall be noticed in accordance with the Zoning Act as required for special land uses.

(E) The Planning Commission's decision shall be incorporated in the approved meeting minutes, which shall also contain the conclusions specifying the basis for the decision and any conditions imposed.

Section 12.04 Special Land Use Criteria. (Section 19.05)
In order for a Special Land Use permit to be approved by the Planning Commission the following standards shall be affirmatively met:

(D) The proposed use shall be consistent with, and promote the, intent and purpose of this Ordinance.

(E) The proposed use shall be of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the zoning district in which it is located, as well as any adjacent zoning districts.

(F) The proposed use shall not have a substantially detrimental effect upon, nor substantially impair the value of, neighboring property.

(G) The proposed use shall be reasonably compatible with the natural environment of the subject premises and surrounding area.

(H) The proposed use shall not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.

(I) The proposed use shall not interfere, with or unduly burden, the water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services, nor shall the Township bear unreasonable costs to improve infrastructure to serve the proposed use.

(J) Traffic and assembly of people relating to the use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood.

(K) The proposed use shall be consistent with the health, safety, and welfare of the Township.

(L) The proposed use shall be such that traffic to, from, and on the premises and the assembly of persons relating to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and, the general character and intensity of the existing and potential development of the neighborhood.

The Planning Commission may, when considering an application for a Special Land Use, which includes an existing building, agree to grant a departure from access management requirements in this Ordinance if the Planning Commission finds the standards in this section can be met even if the departure is granted.

Section 12.05 Conditions on Special Land Uses. (Section 19.06)
The Planning Commission may impose reasonable conditions in conjunction with the approval of a special land use. Conditions imposed shall meet the requirements of the Zoning Act. The Township shall maintain a record of all conditions attached to a special land use approval, through the keeping of the Planning Commission meeting minutes.

Section 12.06 Expansion of a Non-Conforming Use by Special Use Approval. (Section 19.07.46)
A non-conforming use may be expanded, upon granting of Special Use Approval to the non-conforming use. In determining whether to approve the Special Use, the Planning Commission shall use the criteria in Section 15.08.

Section 12.07 Accessory Structures in Front Yards.

In determining whether to grant a Special Land Use permit for an accessory structure in a front yard, the Planning Commission shall determine whether or not the proposed structure meets the following criteria:

(D) The structure meets the minimum front setback requirement for the district it is located within or receive a variance from the ZBA for the front setback.

(E) The structure meets all requirements of Section 10.01, other than being located in the front yard.

(F) The accessory structure must be aesthetically compatible with the Main Building on the site and surrounding Main Buildings. Aesthetic compatibility shall include roof pitch, façade materials/siding, inclusion of windows, colors, and other factors deemed necessary by the Planning Commission.

(G) No buildings clad in metal shall be located in a front yard.

(H) The accessory structure cannot be located in the side or rear yards due to at least one of the following factors:

(1) Natural Features

(2) The dimensions of the lot.

(3) Existing structures.

(4) The stated purpose of the accessory structure, which must accessory to the principal use of the site.

Section 12.08 Agriculture. (Section 19.07.1)

(D) Special Land Use Agriculture shall not be operated on less than ten (10) contiguous acres although this acreage may be on more than one (1) lot, if all lots are in common ownership. If the use ceases to be operated on 10 acres or greater of land, the Special Land Use shall automatically be revoked.

(E) Any buildings directly related to an approved Agricultural use shall be considered Main Buildings (and therefore shall not count towards the maximum number of accessory buildings) and are exempt from the floor area requirements of this Ordinance. No building containing a dwelling unit shall be considered "directly related to the agricultural use."

(F) Livestock may be kept on a Special Land Use Agricultural Lot, but all relevant provisions of Section 14.02 must be met.

Section 12.09 Agri-Tourism.

(D) **Examples.** In combination with a conventional farm, the following activities may constitute agri-tourism: bakery, bonfires, carnival rides, cider mill, cooking demonstrations, corn mazes, fishing pond, food service; haunted barn/trails, petting farms, seasonal you-pick fruits and vegetables, animal displays, pony rides, wagon/sleigh/hay-rides, nature trails, picnic facilities, educational classes, historical agriculture exhibits, and playscapes. This list is not intended to be all inclusive of activities that may be considered agricultural tourism.

(E) **Impact on Surrounding Properties.** The location, layout, design and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties.

(F) **Buildings.** More than one (1) building may be permitted per parcel. All buildings open to customers or the public must meet all requirements of the Michigan Building Code.

(G) **Restrooms.** Permanent Agri-tourism uses shall provide public restroom facilities that comply with the Michigan Building Code. The Planning Commission may allow portable toilets for temporary Agri-tourism uses.

(H) Outdoor dining may be permitted, subject to the regulations in Section 12.32.

(I) Small-scale manufacturing of artisan goods or foodstuffs other than beer may be approved by the Planning Commission as an accessory use.

(J) **Parking.** All parking shall be provided in off-street parking lots, designed in accordance with the regulations in Chapter 5, except as follows:

(1) The number of parking spaces shall be determined on a case-by-case basis, upon consideration of the character of the specific agricultural tourism use being proposed.

(2) The Planning Commission may waive the requirement for parking lot paving, upon making the determination that a grass or gravel surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control.

(3) The Planning Commission may waive parking lot lighting requirements upon making the determination that the facility will be used only during daylight hours.

(4) The Planning Commission may waive parking lot landscaping requirements upon making the determination that existing vegetation to be retained on the site satisfies the objectives of the Ordinance and maintains the rural, non-commercial character of the site.

(K) **Hours of Operation.** The Planning Commission may require restrictions on the hours of operation of the facility.

(L) **Exclusions.** The provisions in this subsection do not apply to the following uses:

(1) Recreation facilities, which are regulated by Section 12.37

(2) Roadside farm stands, which are regulated by Section 12.39.

(3) Bed-and-breakfast establishments, which are regulated by Section 12.28

(4) Brewpubs, Distilleries, and Microbreweries, which are regulated by Sections 12.09 and 12.29.

(5) Any use for which, when it is associated with agritourism, zoning regulations are superseded by Generally Accepted Agricultural and Management Practices (GAAMPS).

Section 12.10 Brewpub.

(D) Brewpubs must obtain all required County, State, and Federal approvals.

(E) Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that:

(1) Any such accessory structure complies with the setback requirements for the district in which it is located

(2) Is compatible in color and materials with the Main Building.

(3) No outdoor storage of bottles, pallets, or other containers shall be permitted.

(4) Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.

(F) Brewpubs shall include a taproom or restaurant that provides full meal service for consumption by patrons while seated on the premises. Twenty-five percent (25%) of the gross sales of the restaurant shall be derived from the sale of food and nonalcoholic beverages. (The provision regarding "25% of the gross sales" is a State of Michigan requirement and would not be subject to local enforcement.)

(G) No more than fifty percent (50%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.

(H) Outdoor dining may be permitted, subject to the regulations in Section 12.32.

Section 12.11 Bus Terminals. (Section 19.07.4)

(D) The use shall be located on, and solely accessed by, a County Primary street.

(E) Passenger loading areas must be lit.

(F) The lot area used for parking or storage shall be paved and shall be graded and drained so as to dispose of all surface water.

(G) Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.

(H) The use shall be supported by certain infrastructure features, including paved roads, natural gas, municipal water supply, and sanitary sewer.

(I) Any outdoor storage or overnight bus parking areas must be screened by an opaque fence at least as tall as the equipment, materials, or vehicles it encloses.

Section 12.12 Cemeteries. (Section 19.07.5)

(D) Minimum lot size of three (3) acres is required.

(E) The proposed site shall front upon a public street.

(F) All grave sites, buildings and structures shall be setback at least fifty (50) feet from any street right-of-way, and at least twenty-five (25) feet from side and rear property lines.

(G) In addition to the requirements of Chapter 18, the site plan must show any on-site roads, and plot areas.

(H) The applicant must demonstrate approvals from Ottawa County and the State of Michigan prior to applying for the Special Land Use.

Section 12.13 Child Care Centers and Adult Daycare Centers. (Section 19.07.6)

(D) Outside activities shall take place at least fifty (50) feet from any residential district or use.

(E) For Child Care Centers, Appropriate fencing shall be provided for the safety of the children.

(F) The applicant must submit a copy of the State license for the facility.

(G) Child Care Centers provided onsite at a business where the parent or guardian of the children is present at all times during the time the child is being cared for shall not require a license from the State but must comply with subsections (A) and (B).

Section 12.14 Composting Operations. (Section 19.07.8)

(D) **Home Composting.** This section shall not apply to compost piles on residential lots where the materials composted consist entirely of waste from the residential use.

(E) At a minimum, the application for each level shall contain the following:

(1) All information set forth in this Chapter and in Chapter 18 (Site Plan Review) of this Ordinance;

(2) The following information shall be submitted in addition to the materials and information required for a site plan:

(a) All driving surfaces and a description of their composite materials (gravel, asphalt, concrete, or other material) shall be shown.

(b) An independent evaluation of the site to determine its suitability for composting operations. This evaluation shall include, at a minimum, a geo-hydrological study, the number of proposed monitoring wells and their locations (if required), and an environmental impact statement.

(c) A site plan shall be submitted showing the proposed end use and site restoration following the cessation of composting operations.

(d) A disclaimer releasing the Township from any and all liability associated with the establishment and operation of the composting operation.

(e) A brief description of the location and scope of the proposed composting operation.

(F) **Use by the Public.** Composting operations shall be available to the public during all hours of operation. In addition, during the spring and fall seasons, weekend hours and evening hours shall be provided at times to be specified in the special land use permit.

(G) **Volume.** No composting material being processed on the site shall exceed the lowest required site screening by more than two feet (2') and in no case shall such material exceed twelve feet (12') in total height.

(H) **Performance Bond.** The Planning Commission may, as a condition to the granting of a special land use permit to conduct composting operations, require the applicant to furnish a bond or other means of security, in a reasonable amount to be determined by said Commission, to insure that such operations shall not cause any harmful effects on the natural resources of the state, or the public health, safety, and welfare and to insure that the site can be restored to its original condition following the cessation of operations. Such post-closure conditions may include the cost of continued ground water monitoring.

Section 12.15 Concrete and Asphalt Plant. (Section 19.07.35)

(D) The following regulations apply to permanent concrete plants and concrete and asphalt crushing operations. These regulations do not apply to temporary portable batch plants and crushing operations related to a specific construction project.

(1) **Concrete Plants.** Concrete plants shall comply with the following regulations:

(a) **Minimum Lot Size.** Concrete plants shall have a minimum lot area of three (3) acres.

(b) **Setbacks.** In order to reduce the effects of airborne dust, dirt, and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than three hundred (300) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any property that is residentially zoned.

(c) **Access.** Concrete plants shall have direct access onto a paved public road. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

(d) **Outside Storage.** Outside storage of materials other than sand, gravel and other natural materials used in the concrete manufacturing process shall be prohibited. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed fifteen (15) feet in height.

(e) **Screening.** Concrete plant facilities, including parking and loading areas, shall be screened in accordance with Section 4.02(A)6.

(f) **Truck Traffic.** Trucks hauling concrete mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations.

(g) **Excess Concrete.** The proposed recovery system for excess concrete must be noted on the site plan and approved by the Township. Storage of excess concrete on the site shall not exceed the limits specified in the approved recovery plan. Excess concrete from other locations shall not be brought onto the site for recovery.

(2) **Concrete and Asphalt Crushing Operations.** Where permitted, concrete and asphalt crushing operations shall comply with the following regulations:

(a) **Setbacks.** Concrete and asphalt crushing operations shall be set back a minimum of 500 feet from any parcel occupied by a residential, commercial, or public assembly use.

(b) **Extraneous Materials.** All rubble shall be processed (mechanically and/or manually) to separate extraneous material, such as metal and plastic, before the concrete or asphalt is crushed. The extraneous material shall be removed to a properly-zoned disposal area for recycling.

(c) **Dust Control.** Material to be crushed or in the process of being crushed shall be watered so as to minimize the dust generated by the operation, when seasonal conditions permit. Interior haul routes and faces of rubble piles shall also be watered periodically for the purposes of dust control.

(d) **Screening.** Concrete and asphalt crushing operations shall be screened from abutting residentially-zoned property, pursuant to the regulations in Section 4.02(A)6, and subject to approval by the Planning Commission as part of the special land use approval process.

(e) **Hours of Operation.** Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday. Crushing operations shall not be permitted on Sundays and on legal holidays.

(f) **Annual Permit Review.** The special land use permit shall be reviewed annually to determine compliance with permit conditions and ordinance requirements, unless the annual review is waived by the Planning Commission.

Section 12.16 Conservation Area. (Section 19.07.44)

(D) The land and waterways of the parcel shall not be disturbed or altered.

(E) Prohibited uses of Conservation Areas:

(1) No wildlife shall be sold as a dressed product.

(2) No hunting shall be permitted in the area subject to the special land use.

(A) Walking paths may be maintained throughout the use and shall be trimmed/mowed a minimum of two (2) feet on either side of the pathway to prevent the spread of vector insects such as ticks.

Section 12.17 Drive-Thrus. (Section 19.07.10)

(D) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

(E) In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders. These spaces need not be marked but shall be in addition to the minimum parking requirement in Chapter 5.

(F) Parking areas shall have side and rear yard setbacks of at least ten (10) feet unless a greater setback is required by this Ordinance.

(G) Outdoor speakers shall comply with the Township's Noise Ordinance. Speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

Section 12.18 Gas Stations. (Section 19.07.12)

(D) Minimum lot area shall be one (1) acre and minimum lot width shall be two hundred (200) feet.

(E) All gasoline pumps shall be located at least fifty (50) feet from any lot line and shall be arranged so vehicles cannot obstruct any public sidewalk, pathway, right-of-way, or street. There shall be sufficient stacking space to prevent this from occurring.

(F) Canopy roofs.

(1) Canopy roofs shall have a minimum setback of at least fifteen (15) feet from any property line.

(2) The overall height of the canopy roof shall not exceed twenty (20) feet when measured from grade to roof peak. There shall be a minimum clearance height of 13'-6" from grade to bottom of roof decking.

(G) Any outdoor ancillary sales shall be stored in a designated area denoted on the site plan and shall be enclosed with a decorative fence.

(H) All parking and circulation areas shall be paved.

(I) The parking and circulation areas shall have 6" standard curbs throughout the site. The Planning Commission may waive a portion of this regulation if, in their opinion, it improves stormwater disposition or snow removal.

(J) A minimum of 10% of the total site area shall be landscaped, including required landscaping as described in Chapter 4. If the required landscaping does not equal 10% of the total site, then additional landscaping must be added to reach 10%.

(K) Rental or storage of trucks, trailers, etc. is prohibited.

(L) Best practices must be followed to reduce or eliminate tank leakage, groundwater contamination, soil contamination, and other long-term environmental impacts of the gas station. The applicant must propose practices, equipment, and site design to the Planning Commission to meet this requirement, and the Planning Commission shall determine whether the proposal is sufficient.

Section 12.19 Group Daycare Homes. (Section 19.07.15)

(D) The group day care home shall be licensed or registered under the Child Care Organization Act, being Act 116 of the Public Acts of 1973, as amended. A statement from the appropriate licensing agency that a license has been applied for by the special land use applicant and has been approved pending compliance with the Township's zoning requirements shall be sufficient.

(E) The group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following:

(1) An adult foster care small group home or foster care large group home, licensed under the Adult Foster Care Licensing Act, being Act 218 of the Public Acts of 1979, as amended

(2) A facility which offers substance abuse treatment and rehabilitation service to seven (7) or more people, licensed under Chapter 6 of the Public Health Code, being Act 368 of the Public Acts of 1978, as amended.

(3) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections or of the Ottawa County Sheriff

(4) Another group day care home licensed under the Child Care Organization Act, Act 116 of 1973, as amended. Provided, however, that the Planning Commission may approve the special land use application for the operation of no more than one (1) group day care home within one thousand five hundred (1,500) feet of another group day care home, if the application meets the following criteria:

(a) There are no other adult foster care small group homes or adult foster care large group homes within one thousand, five hundred feet (1,500) feet of either of the two (2) group day care homes;

(b) There are no facilities offering substance abuse and treatment services within one thousand five hundred (1,500) feet of either of the two (2) group day care homes;

(c) There are no community correction centers, resident homes, halfway houses, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections or the Ottawa County Sheriff within one thousand five hundred (1,500) feet of either of the group day care homes;

(d) The group day care homes must be separated by a distance of at least five hundred (500) feet, measured between the nearest property lines of the two (2) premises on which the group day care homes will be conducted, if the second one is approved;

(e) A group day care home will not cause unreasonable traffic problems or concerns, based upon an evaluation of existing and proposed parking, traffic patterns, the proximity of other family day care homes, and the traffic resulting from other land uses within the one thousand five hundred (1,500) feet separation requirement.

(f) For the purposes of this subsection, the separation requirements shall be measured from the driveway of the applicant to the driveway of the nearest licensed facility described above in paragraphs (1) through (4), along the shortest route from one to the other along a road, street or place maintained by the State of Michigan or any political subdivision of the State and generally open to use by the public as a matter of right for the purpose of vehicular traffic, but not including an alley. For the purpose of this subsection, a private street shall be treated as a public road, street, or place only for the purpose of making the measurement required by this subsection.

(g) A group day care home shall have appropriate fencing for the safety of the children in the group day care home. This fencing shall, at a minimum, meet the requirements of this Ordinance or any other Ordinance of the Township which pertains to fencing. Additional fencing may be required if it is determined to be reasonably necessary for the protection of the children. A statement from the applicant that fencing will be installed as required by the appropriate state agency as a condition of issuance by the agency of a license to the applicant shall be sufficient to meet this requirement. Provided, however, that any special land use permit granted shall require that the fencing be installed before children are actually receiving care at the applicant's home.

Section 12.20 Gun Ranges.

(D) Indoor Gun Ranges.

(1) **Ventilation System.** A supply air and exhaust ventilation system shall be installed that will provide clean air in the user's breathing zone and the exterior of the gun range building. The building housing the gun range and the ventilation system used in connection therewith shall be so constructed as to ensure that all noise, sounds and odors emanating from the building are kept from reaching the building exterior.

(2) **Sound Control.** Sound control and other systems shall be provided which will protect the users and employees of the range and will prevent all noise, sounds and confusion from reaching the building exterior. The range must comply with the Township Noise Ordinance at all times.

(3) **Disposal of by-products of the range.** In no case shall there be the disposal of rubbish, litter, or other by-products of the range in such a manner as to be obnoxious, offensive or in conflict with the general public health, safety and welfare.

(4) **Best management practices.** In all cases the range shall use best management practices in dealing with lead, lead dust and other lead byproducts of an indoor gun range.

(5) **Building materials.** The building materials and interior architectural systems used in the gun range shall be designed and constructed in a manner which will prevent projectiles from penetrating the walls or ceilings and ricochets or back splatter and contain all projectiles from reaching the outside of the building.

(6) **Commercial sale of guns or ammunition.** The indoor range may include a commercial operation area for the sale of guns or ammunition and ancillary equipment provided this area is ancillary to the primary use, an indoor gun range.

(7) **Permits and licenses.** All state, county or local permits or licenses must be obtained, and copies submitted to the Township.

(8) **As built verification.** Prior to the issuance of a Certificate of Occupancy the Applicant shall provide the Zoning Administrator with documentation certifying the building meets all requirements for safety, noise abatement, air quality and containment of projectiles.

(9) The hours of operation must be approved by the Planning Commission.

(E) Outdoor Gun Ranges.

(1) The entire property shall be enclosed with a minimum six (6) foot masonry wall or ten (10) foot high berm.

(2) No-trespassing or danger signs designating the hazard, not less than two (2) square feet nor more than four (4) square feet in area and spaced not more than two hundred (200) feet apart, shall be posted on the upper portion of the fence enclosing the range. The sign shall also be posted at each gate and other entry.

(3) Outdoor ranges may be operated only between 9:00 AM and 6:00 PM.

(4) Trap, skeet or other shotgun ranges shall be placed such that the firing positions are greater than nine hundred (900) feet from the nearest property line in the direction of fire. No backstop is required for such shotgun ranges.

(5) All outdoor pistol and rifle ranges shall be provided with a secondary backstop and a primary bullet-stop immediately behind the target line. The primary bullet-stop shall consist of inclined steel plates with sand pits, or heavy timbers backed with earth. The steel plates shall be backed with sand or other sound deadening material. The secondary backstop shall be constructed of earth and shall be of sufficient height to subtend an angle of not less than six (6) degrees above the horizontal when viewed from the firing line, shall be equal to or greater than its distance from the firing line plus the width of the firing line. This backstop may be a natural rise of ground if free of stone and exposed rock and lying entirely within the fenced area. Alternative construction affording equivalent protection and noise reduction may be allowed on petition to the Planning Commission.

(6) In addition to the primary and secondary backstops, all outdoor pistol and rifle ranges shall be enclosed on the remaining three (3) sides by a dense greenbelt of bushes, brush or trees not less than ten (10) feet in height and not less than two hundred (200) feet in width. As an alternative to the greenbelt, an earthwork may be constructed such that the top of the earthwork subtends an angle of not less than six (6) degrees from the horizontal when viewed from any point on the firing line, or not less than ten (10) feet in height, whichever is greater. In case of the earthwork, the two hundred (200) feet distance between the firing line and the property line shall be maintained. Alternative construction affording equivalent protection and noise reduction may be allowed on petition to the Planning Commission.

(7) All ranges shall only be used in the presence of competent supervision. A list of the responsible officers and of qualified range supervisors shall be registered each year in January with the Township Clerk.

(8) In order to protect the safety of properties surrounding an outdoor gun range, the following shall be the policy of the Township:

(a) In the event of any damage to property outside of the range or any injury to a person or domesticated animal that is suspected to be from fire at the range, the Zoning Administrator shall request information from the Ottawa County Sheriff, including any police reports, to ascertain the details of the incident.

(b) If the Zoning Administrator finds sufficient evidence that a bullet escaped the shooting range, the Planning Commission shall hold a public hearing. At the public hearing, the owner and/or operator of the gun range shall either accept responsibility and propose solutions to prevent future bullet escapes OR shall present evidence that the bullet did not originate from the gun range.

(c) Following the public hearing, the Planning Commission shall make a recommendation to the Township Board on corrective actions. Corrective actions may include, but shall not be limited to:

(i) Requiring physical improvements to the site, including, but not limited to, additional bullet-stop devices, improved lighting, or fencing.

(ii) Requiring operational improvements to the use, including, but not limited to, additional security, supervision by trained firearms specialists, or different hours of operation.

(iii) Prohibit certain types of firearms from being used at the range, either temporarily or permanently.

(iv) Require the temporary closure of the range while improvements are made.

(v) Revoke the Special Land Use permit.

a) This action shall only be undertaken if the Planning Commission determines that the bullet did, in fact, originate at the gun range AND EITHER:

i) The owner and/or operator refuse to make any physical or operational changes to improve safety OR

ii) The physical or operational changes proposed are insufficient in the opinion of the Planning Commission, and the owner and/operator refuse to propose additional actions.

b) If the Special Land Use permit is revoked, the facility shall cease operation for at least 365 days, and any new Special Land Use permit shall include site improvements designed to prevent the accident from recurring.

(d) The Township Board shall take final action on the matter, based on the findings of fact and recommendations of the Planning Commission.

Section 12.21 Home Based Businesses.

(D) Minor Home Based Businesses: See Section 14.03.

(E) The following standards shall apply to Major Home Based Businesses:

(1) The operation of a Home Based Business shall be conducted within the Dwelling Unit, attached or detached Accessory Building, or rear yard.

(2) The Home Based Business shall be conducted by the person or persons occupying the Lot as their principal residence and up to two (2) on-site employees. Additional employees may meet at the Main 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.

(3) One parking space per employee is required. Parking on grass is prohibited. Spaces for employees must be on a hard surface. On-street parking shall not be counted towards required parking space.

(4) The Home Based Business shall not create negative impacts on surrounding residential property, in the opinion of the Planning Commission.

(5) The floor area used for the Home Based Business shall not exceed fifty percent (50%) of the Gross Floor Area of the Dwelling Unit.

(6) No in-person retail sales may take place as part of the Major Home Based Business (online or mail order retail is permitted, as is wholesale). Additionally, no on-site service shall be provided to a customer on the site of the Major Home Based Business. It is the intent of these regulations to limit the number of customers visiting the site of the Major Home Based Business as much as possible.

(7) Outside storage must be located in the rear yard, and must be fully screened from surrounding properties by an opaque fence.

(8) In the event of complaints by surrounding property owners or occupants, the Planning Commission shall hold a public hearing and determine whether the Home Based Business is in violation of this Ordinance. Home based businesses found in violation of this Ordinance shall be subject to the voiding of their Special Land Use permit.

Section 12.22 Hospitals.

(D) **Frontage and Access**. Hospitals shall front onto a county primary road or state highway and the main means of access to the hospital for patients, visitors, and employees shall be via the primary road or highway. In no case shall access to a hospital be from a residential street.

(E) **State and Federal Regulations.** Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws, including provisions of the Michigan Hospital Survey and Construction Act, Public Act 299 of 1947, as amended.

(C) **New Construction.** Any new construction hospital shall be required to be approved through the PUD process, in order to ensure high quality site design, aesthetics, and function.

Section 12.23 Institutions of Higher Education. (Section 19.07.7A)

(D) The Lot shall front upon and be accessed from a County Primary Road.

(E) Parking must be provided in accordance with Chapter 5 for all component uses.

(C) **New Construction.** Any new construction institution of higher education shall be required to be approved through the PUD process, in order to ensure high quality site design, aesthetics, and function.

Section 12.24 Intensive Livestock Operations. (Section 19.07.18)

(D) Minimum lot size is 40 acres.

(E) Manure tanks, animal confinement structures or pads, holding areas and feeding areas (excluding grazing areas) shall have a minimum six hundred (600) foot setback from any property line.

(F) Manure generated from the Intensive Livestock Operation must be injected into the soil within the 600' setback described above, and not spread.

(G) In addition to the above setbacks, the ILO shall also be setback 500 feet from any pre-existing body of water, flowing street, county drain, etc. The area of the site upon which the proposed operation is located shall be setback a minimum of five hundred (500) feet from a pre-existing standing body of water or flowing stream.

(H) Stormwater runoff shall be infiltrated onsite for disposition, and in no case shall it impact an adjacent property. No stormwater runoff from the area of the site upon which the proposed operation is located shall be permitted to any adjacent property.

(I) The property must demonstrate compliance with all State regulations and must submit proof of ongoing compliance annually on the anniversary of the Special Use Approval. If State regulations specifically state that some or all of the provisions of this section are pre-empted, then the pre-empted sections shall not apply.

Section 12.25 K-12 Schools. (Section 19.07.32)

(D) Playground equipment may only be located in the side or rear yard of the lot and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from any side or rear property line.

(E) The off-street parking shall be arranged so the bus loading and unloading area will not be in the path of vehicular traffic.

(F) **New Construction.** Any new construction K-12 school shall be required to be approved through the PUD process, in order to ensure high quality site design, aesthetics, and function.

Section 12.26 Kennels. (Section 19.07.20)

(D) Any lot containing a kennel must be at least two (2) acres in gross area.

(E) One (1) dog is permitted for every one-quarter (¼) acre of land. In calculating the permitted number of dogs, the number of acres shall be rounded down to the nearest quarter acre.

(F) Buildings wherein dogs are kept, dog runs, and/or outdoor exercise areas shall be setback at least one hundred (100) feet from any lot line.

(G) All kennels must be operated in conformance with all applicable County and State regulations and must submit a copy of their licensure to the Township annually.

Section 12.27 Junkyards. (Section 19.07.19)

(D) All junkyards must be surrounded by an 8 foot high masonry wall, or a minimum of 1 foot above the tallest item that will be screened, whichever is greater.

(E) Junkyards must be setback at least 1,000 feet from the nearest residential use.

(F) Junkyards must be setback at least 100 feet from the front lot line.

(G) Storage area(s) must meet all side and rear setback requirements for Main Buildings as described in the design requirements for the zoning districts.

(H) Within all required setbacks, there must be a landscape area including one evergreen tree per 30 feet of frontage.

(I) All junkyards permitted under this Ordinance shall be operated in compliance with the following regulations and conditions:

(1) No junkyard shall be operated in a manner which creates a nuisance to the occupants of neighboring premises by reason of noise, vibration, disagreeable odors, fumes, filth, or loose debris;

(2) No junkyard shall be operated in a manner that results in any soil contamination by petroleum or chemical products;

(3) No junkyard shall be operated in a manner that results in the air of any property owner in the neighborhood being polluted by the burning of rubber of other substances;

(4) No junk shall be stored or processed in a location which is not completely and adequately screened or fenced from the view of any person upon any public street or highway;

(5) All persons securing a permit under this Ordinance shall comply with all rules, regulations, Ordinances, and statutes applicable to the operation of the business conducted at such junkyard.

Section 12.28 Lodging.

(D) Bed and Breakfast Establishments. (Section 19.07.2)

(1) No more than sixty-six percent (66%) of the floor area of the dwelling shall be devoted to the Bed and Breakfast Establishment. Floor area is devoted to the Bed and Breakfast Establishment if the guests can use or occupy the floor area, excluding hallways.

(2) Any room utilized for guest sleeping shall have a minimum floor area of one hundred (100) square feet, for a maximum occupancy of two people, and an additional 70 square feet for each additional person in the maximum occupancy.

(3) Separate cooking facilities shall not be provided for guests.

(4) The use shall not have an adverse impact on the surrounding neighborhood with regard to noise and traffic generation, appearance of excessive numbers of parked vehicles, method of garbage storage and disposal, and physical alterations to the structure that might change the single family residential character and appearance of the premises.

(5) Bed and Breakfast Facilities shall be confined to the lot which is the principal dwelling unit on the property but may include an Accessory Dwelling Unit occupied by the owner or operator of the Bed and Breakfast.

(6) No person shall change or alter the lot or the structure so that they differ from the site plan or floor plan initially submitted to the Community Development Department, unless the change or alteration has first been submitted to and approved by the Planning Commission.

(E) Hotels and Motels. (Section 19.07.16)

(1) Minimum lot area shall be two (2) acres and minimum lot width shall be one hundred fifty (150) feet.

(2) Accessory restaurants, lounges, or retail stores may be permitted. Additional off-street parking will be required for any such use.

(C) New Construction. Any new construction hotel or motel shall be required to be approved through the PUD process, in order to ensure high quality site design, aesthetics, and function.

Section 12.29 Marinas.

(D) Outdoor storage of boats shall be permitted. The requirements for Outdoor Storage in this Ordinance shall not apply – instead, the standards in this section shall govern the design and operation of marinas.

(E) Storage of boats within an enclosed building shall be permitted all year round.

(F) All dredging, construction or development shall be subject to the requirements of all applicable Grand Haven Charter Township, County, State and Federal laws, regulations and requirements.

(G) The flushing or discharge of boat toilets, discarding of waste or refuse from boats in marinas is prohibited. Facilities shall be provided at the marina for disposal of refuse from boating holding tanks in a sanitary manner.

(H) The general design, layout and locations of uses and support systems shall be developed in a manner which will enhance the waterfront property and the natural environment. Sufficient greenbelt (minimum 75 feet) shall be maintained between the shores edge and any marina development. The 75 foot greenbelt may be penetrated with pedestrian walks, etc. within the intent of this Section. The Planning Commission may approve alternatives as it deems necessary to accommodate unique circumstances to carry out the spirit and intent of this Section of the Chapter—maintenance of open space as the predominant waterfront character.

(I) Storage locations for boats shall be clearly delineated on the site plan. Access drives (for land vehicles) between boat storage spaces must meet the dimensional requirements of this Ordinance.

(J) All boats stored or docked at a marina must have current registration through the State of Michigan.

(K) All marinas must provide facilities for the safe disposal of ballast water and must provide power washing facilities for cleaning of boats.

(L) The following accessory uses are permitted as part of a marina and require no additional approvals. These accessory uses are permitted on marina sites in all zoning districts where marinas are permitted.

(1) Storage of Boats, as described in Subsections 1 and 2 above.
(2) Locker Room or Restroom Facilities.
(3) Private club or indoor recreation space that is open only to users of the Marina, and not the general public, and not including restaurants.
(4) Gas pumps or other boat fueling facilities (which may be made available to boats not parking at the marina).
(5) Outdoor Recreation Space

(M) The following accessory uses must be approved separately and must meet all requirements of this Ordinance separately from the Marina, including obtaining any required Special Land Use approvals. These uses shall be prohibited accessory to marinas if they are not permitted in the Zoning District the marina is located within.

(1) Restaurants
(2) Vehicle repair (including boats)
(3) Residential Uses
(4) Hotel/Motel or other Lodging
(5) Event or Indoor Recreation space open to the General Public

Section 12.30 Microbrewery.

(D) Microbreweries must obtain all required County, State, and Federal approvals. Copies of all approvals must be submitted to the Township. If an approval cannot be obtained prior to Special Land Use approval, then that approval will be a condition of the Special Land Use, and a copy of the approval must be submitted prior to the issuance of a building permit.

(E) Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that:

(1) any such structure complies with the setback requirements for the district in which it is located

(2) Is compatible in color and materials with the Main Building.

(3) No outdoor storage of bottles, pallets, or other containers shall be permitted.

(4) Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.

(F) No more than sixty-five percent (65%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.

(G) No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use.

(H) Outdoor dining may be permitted, subject to the regulations in Section 12.33.

(I) Small-scale manufacturing of artisan goods or foodstuffs other than beer may be approved by the Planning Commission as an accessory use.

Section 12.31 Mineral Mining. (Section 19.07.37)

(D) No topsoil, sand, gravel, clay, peat, mulch, or other naturally occurring material shall be removed from any land in any district unless a permit is issued authorizing such removal. The purpose of this section is to regulate bona fide mining operations, and this section shall not be used to regulate any other use. However, a permit under this section shall be required before ancillary spoils from the clearing of land for agricultural operations may be removed from the site or sold.

(E) Ancillary spoils from an approved construction site, including the construction of permitted ponds, are exempt, and shall not require a permit for removal. Such ancillary spoils may be sold.

(F) Applications shall be directed to, and permits may be issued by, the following dependent upon the indicated criteria:

(1) All applications for permits to remove up to two thousand five hundred (2,500) cubic yards of material or to disturb more than five (5) acres of surface area in order to extract material for below the surface during a period of three (3) months or less shall be directed to the Zoning Administrator who is authorized to issue such permits provided that such removal in conjunction with the stabilization program proposed will not result in sand blows, stagnant water pools, bogs, or injury to adjoining premises;

(2) All applications for permits to remove more than two thousand five hundred (2,500) cubic yards of material or for which the period of removal is longer than three (3) months shall be directed to the Planning Commission which may authorize the special land use pursuant to the standard set forth in D, below of this subsection;

(3) A series of applications for removal from the same premises within a one (1) year period which shall in total involve removal of more than two thousand five hundred (2,500) cubic yards of material or be effective for a period of longer than three (3) months shall be deemed a single application and shall require authorization as a special land use from the Planning Commission.

(4) Crushing, even when accessory to an extraction operation, shall be considered a separate use from extraction, and a second special use approval shall be required to engage in crushing.

(G) In addition to the materials required by this Chapter, the application for special land use approval shall include the following:

(1) A plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:

(a) Shading indicating the extent of land area on which mineral removal operations and activities will take place;

(b) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;

(c) Existing elevations of the lands at intervals of not more than five (5) feet;

(d) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;

(e) Mineral processing and storage areas;

(f) Roads for ingress to and egress from the lands,

(g) A map showing access routes between the subject lands and the nearest County Primary Arterial road; and

(h) Areas to be used for ponding

(2) A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods (including crushing), including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.

(3) The Planning Commission may require the applicant to submit a topographic map showing existing and proposed contour lines and elevations at elevation levels of not greater than five (5) feet, if the Planning Commission shall reasonably deem such map necessary to an understanding of the proposed removal project.

(H) Permits to remove natural resources which require authorization by the Planning Commission shall not be issued unless the following standards are met:

(1) The site after removal shall be compatible with adjacent uses of land;

(2) Such removal shall not cause or result in erosion, landslides, alteration of the ground water table, sand blows, stagnant water pools, bogs, or any other type of injurious condition on the removal site or adjacent premises;

(3) Such removal shall be accomplished by means which are consistent with public health, safety, and welfare;

(4) Such removal shall not cause traffic congestion because of trucks or other vehicles used to transport the resources to be removed;

(5) Such removal shall be accomplished in conjunction with an adequate soil stabilization program when required to prevent erosion, sand blows, or similar problems.

(I) No machinery shall be erected or maintained within fifty (50) feet of any property line or street right-of-way line. No cut, crush, or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublateral support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation.

(J) The Planning Commission shall recommend and may require truck movement routes to and from the site to minimize the wear on public streets and prevent hazards and damage to the community. Roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.

(K) Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling of excavated material and limitations on hours of crushing operations (or not approving the special use permit for crushing).

(L) A site rehabilitation plan shall also be submitted and approved. Such plan shall include, at a minimum, the following:

(1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;

(2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and

(3) A description of the proposed methods or features which will ensure that the end-use(s) are feasible, will ensure the ongoing economic and taxable value of the land, promote public safety, and will comply with the Township Master Plan and all applicable requirements of this Ordinance.

(M) The site rehabilitation plan shall comply with all of the following standards and requirements:

(1) Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.

(2) The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced, and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.

(3) Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.

(4) Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.

(N) The Planning Commission may, as a condition to the granting of a permit to remove natural resources, require the applicant to furnish a bond or other means of security, in a reasonable amount to be determined by said Commission, to insure that such removal will not cause the conditions described above, of this subsection, and that the soil stabilization program proposed by the applicant will be completed.

(O) The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.

(P) Applicants for permits to remove natural resources shall comply with all other applicable Ordinances and state and federal statutes.

Section 12.32 Nursing or Convalescent Homes. (Section 19.07.28)

(D) All bedrooms in the building shall have a minimum of two hundred (200) square feet.

(E) The site shall front upon a paved road. The ingress and egress shall be directly from said road.

(F) All ambulance access areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet in height.

(G) The site shall include walking paths that are at least five (5) feet wide providing access to outdoor recreation and relaxation areas.

Section 12.33 Outdoor Dining.

(A) Outdoor cafes or seating areas associated with an approved restaurant or other establishment which sells food for immediate consumption on the premises: shall be permitted on private property provided they meet the following standards in the opinion of the Planning Commission.

(B) Outdoor seating areas shall be required to be enclosed in instances where there is wait staff or alcohol service. For the purpose of this Section, an enclosure is a decorative wood or metal railing, or other decorative removable physical delineation approved by the Planning Commission.

(C) All roofs and other overhead structures must be shown on the site plan. A previously approved outdoor cafe may add a roof, subject to Planning Commission approval.

(D) The outdoor dining area must be connected to an entrance to the Main Building where food is prepared by a paved, barrier free path.

(E) The capacity and table/chair layout of the outdoor seating area shall be provided by the applicant. The outdoor dining area must be designed to allow the safe and efficient movement of customers and wait staff in between tables.

(F) The Outdoor Dining area shall meet all County, State, and Federal regulations, including but not limited to Americans with Disability Act, County Health Department, and Liquor Control Regulations.

Section 12.34 Outdoor Storage.

(D) Construction Material Storage and/or Landscape Contractor's Operations. (Section 19.07.9)

(1) All materials and equipment must be stored within an enclosed building(s) or within an area completely enclosed by a sight obscuring fence at least eight (8) feet in height., lined with evergreen trees planted three feet on center. Materials may not be stacked or piled so be visible above the fence. Equipment (including vehicles) may only be visible above the fence if the equipment is greater than 8 feet tall and cannot be dis-assembled for storage.

(2) The area in which vehicles, material, or equipment is stored must be kept in a smooth, dust free condition. The area must be swept daily to keep it free of loose materials.

(3) Materials shall be stored in a manner that prevents the material from blowing outside of the storage area or onto adjacent premises.

(4) A permanent Main Building of at least 500 square feet must be constructed on the property.

(5) The storage area shall be located in the rear yard (i.e. behind the rear building line of the Main Building), must meet setback requirements applicable to any Main Building in the District, and shall be setback at least 100 feet from any R-1, R-2, R-3, or R-4 district.

(6) Material may be displayed outdoors (rather than stored). Displayed material is designed to be viewed by customers of the facility. Display areas must be enclosed with a decorative fence at least four feet in height, and no display material shall exceed the height of the fence.

(7) Customer/display areas must be kept separate from storage areas, and no heavy equipment shall pass through the customer or display area.

(E) Gasoline, Petroleum, and Hazardous Material Storage. (Section 19.07.11)

(1) Best practices must be followed to reduce or eliminate tank leakage, groundwater contamination, soil contamination, and other long-term environmental impacts of the storage. The applicant must propose practices, equipment, and site design to the Planning Commission to meet this requirement, and the Planning Commission shall determine whether the proposal is sufficient, and may utilize the services of a qualified professional, at the expense of the applicant, if deemed necessary.

(2) Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway, both measured to the nearest edge of the access driveway. There shall be no more than one entranceway per street frontage, unless more are required by the fire department or other public safety entity.

(3) The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.

(4) The area used for parking, display, or storage shall be paved or treated so as to prevent dust.

(5) The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner.

(6) A sight obscuring buffer shall be provided between the subject use, and any adjacent residential uses.

(7) Signage shall be prohibited on tanks, except for safety signage required by a County, State, or Federal regulation.

(F) Storage Yard for Machinery, Trucks, RVs, Boats, or Mechanical Equipment. (Section 19.07.40)

(1) All vehicles including dismantled and inoperable vehicles and equipment must be stored within enclosed buildings or within an area completely enclosed by a sight obscuring fence at least eight (8) feet in height.

(2) The area in which vehicles, material, or equipment is stored must be hard surfaced and dust-free.

(3) If the site will be regularly accessed by trucks, ingress and egress shall be provided from a paved road. RV and boat storage facilities shall not be considered to be "regularly accessed by trucks," and therefore may be located on an unpaved road.

(4) The centerline of all access drives shall be at least one hundred (100) feet from the centerline of the nearest intersection.

(5) The storage or materials display areas shall meet all the yard setback requirements applicable to any Main Building in the district.

Section 12.35 Self-Storage Facilities.

(D) Accessory Use. In the C-2 District, mini-warehouse establishments must be accessory to a permitted use, or accessory to an approved special land use, and shall provide for storage only. All such storage must be contained within an enclosed building. Use of semi-trailers for storage is prohibited. Electrical service, except for lighting, is prohibited within storage units.

(E) Site Enclosure. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high masonry wall, decorative fence, landscaped wall, or opaque fence, constructed in accordance with Chapter 10. In lieu of a masonry wall or fence, the Planning Commission may approve a landscape screen, pursuant to Section 4.02(A)6.

(F) Exterior Appearance. The exterior of any mini-warehouse shall comply with the following minimum requirements:

(1) Storage buildings shall have pitched roofs with gables.

(2) Buildings shall be neutral colors.

(3) Buildings shall be oriented so that doors to storage units do not face toward the road, unless such doors will be completely screened from view from the road.

(4) Building facades facing a public road shall not be faced with metal. Brick, stone, wood, vinyl siding, and EIFS are acceptable options, unless otherwise prohibited by this Ordinance.

(5) If a manager's office is proposed, it shall be located in front to screen the storage units. Fences or walls shall project no closer to the front of the site than the front of any such office or residence

(G) Resident Manager. A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence, which shall be considered a permitted living quarters and residential use on the property, accessory to the self-storage, shall conform to the requirements in Section 10.01.

(H) On-Site Circulation and Parking.

(1) All one-way driveways shall be designed with at least two lanes. One ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane, for a total pavement width of at least 25 feet.

(2) All two-way driveways shall be designed with at least three lanes. One ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes, for a total pavement width of at least 34 feet.

(3) The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

(I) US-31 Screening Requirement. No self-storage building, except those approved prior to the effective date of this ordinance, shall be visible to traffic on US-31. Any self-storage building built in the vicinity of US-31 must be completely screened from view by landscaping or another building.

Section 12.36 Pet Daycare.

(D) Minimum of one (1) acre and cannot be in platted subdivisions; supervisors and assessor plats exempt. Recycle regulations from chickens.

(E) All pet daycare operations must be operated in conformance with all applicable County and State regulations for kennels, including that all dogs cared for on-site must be licensed and up to date on vaccinations.

(F) Each pet must be kept in a safe, sanitary, and humane manner. The applicant shall submit the proposed maximum number of various types of animals proposed to be cared for in the facility, and shall demonstrate how safe, sanitary, and humane conditions can be maintained at maximum capacity.

(G) Buildings wherein dogs are kept, dog runs, and/or outdoor exercise areas shall not be located nearer than fifty (50) feet to any lot line.

(H) A duly qualified attendant shall be stationed on-site at all times when animals are on site.

(I) No overnight boarding shall be permitted. All dogs must be picked up by their owners by 7 p.m. each day.

(J) All outdoor play areas must be surrounded by a six (6) foot tall fence.

(K) Animal waste must be cleaned up daily. The waste clean-up and removal plan must be submitted to the Planning Commission.

Section 12.37 Recreation, Indoor. (Section 19.07.17)

(D) The use shall include a designated pickup and drop-off area for all patrons, providing safe and clearly designated access to the site and building.

(E) In determining the number of required parking spaces, the Planning Commission may take into account the hours of operation and types of activities conducted on the site. A parking-demand study, provided by the applicant, may be required to determine parking requirements.

(F) Tournaments, which include spectators and players, shall only be conducted during evenings and weekends. Parking related to such activities shall be accommodated on the site and not on other adjacent properties or streets.

(G) The Planning Commission may determine days and hours of operation to ensure that impacts to neighboring uses are minimized and traffic congestion is avoided.

(H) Accessory facilities that are clearly in support of the primary use, such as sporting goods shop, food service and party/banquet facilities, spectator accommodations, changing/locker rooms and shower areas may also be allowed, so long as the appropriate off-street parking accommodates are met.

(I) The following provisions shall apply to Indoor Recreation, Exercise, and Athletic Facilities sited in the C-1 Commercial District.

(1) A minimum of 70% of the exterior finish material of all Building facades (excluding the roof) visible from the Public Street, Private Street, Parking Lot, or adjacent residentially zoned land, exclusive of window areas, shall consist of Facing Brick, cut stone, split face block, fluted block, scored block, native field stone, cast stone, or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block, or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township.

(2) Landscaping shall be provided along 30% of walls visible from the Public Street, Private Street, parking lot, or adjacent residentially zoned land to reduce the visual impact of the Building mass.

(3) All vehicles, materials, and equipment must be stored within enclosed Buildings or within an area completed enclosed and screened by a wood or masonry Fence or solid wall which is at least six (6) feet in height, or one (1) foot above the object which it is screening, whichever is greater. If the enclosed storage area includes a gate it must be opaque and constructed from metal or wood.

(4) On a corner Lot, all provisions applicable to front Yards shall be applied to the yards abutting a street.

Section 12.38 Recreation, Outdoor.

(D) Golf Courses. (Section 19.07.13)

(1) Minimum lot size of forty (40) acres is required for a regulation golf course, or twenty (20) acres for a par-3 style course.

(2) Golf driving ranges shall be sufficient in size to retain balls within the site by means of landscaping, berms or a six (6) foot high fence.

(3) All structures, except fences, shall be at least one hundred (100) feet from any property line. Netting along any property lines shall be prohibited unless the Planning Commission determines that it would be compatible with surrounding uses.

(4) Accessory uses like pro shops, restaurants or lounges, and golf driving ranges may be permitted, regardless of Zoning District.

(E) Outdoor Recreation Facilities. (Section 19.07.29)

(1) The proposed site shall front upon a paved road. All ingress and egress shall be from said road. There shall be a maximum of one entranceway per road frontage, and entranceways must meet Ottawa County Road Commission spacing standards.

(2) Go-cart tracks, or any other similar motorized vehicle recreation and storage areas shall be setback at least one hundred (100) feet from any residential use or district.

(3) All Indoor Recreational Facility requirements in Section 12.37 shall apply to Outdoor Recreational Facilities as well.

Section 12.39 Religious Institutions. (Section 19.07.7)

(D) There shall be a maximum of one entranceway per road frontage, unless permitted by the Ottawa County Road Commission. Entranceways must meet Ottawa County Road Commission spacing standards.

(E) Accessory uses that are only open to members of the religious institution (i.e. gathering spaces, clergy residences, recreational facilities) must be included in the Special Land Use application but may be approved in any zoning district. Accessory uses that are open to the general public (i.e. event halls, private schools, etc.) may only be approved if they are permitted in the zoning district where the religious institution is located. This provision shall not prevent temporary events that are open to the general public from taking place on the site of religious institutions, provided that all requirements of this Ordinance are met for the temporary event.

Section 12.40 Roadside Farm Stands. (Section 19.07.22)

(D) **Temporary vs Permanent Farm Stands.** A farm stand intended to be used for fewer than 90 consecutive days shall be considered temporary and shall require a Zoning Permit in order to operate. A farm stand intended to be used for more than 90 consecutive days shall be considered a permanent use and shall require Site Plan Approval from the Planning Commission.

(E) The following shall apply to all roadside farm stands:

(1) All produce must be grown or raised on the premises where it is being sold.

(2) Products not grown or raised on premises may also be sold in the market if they are related to the other products sold at the market, and if the total sales of such items is less than 25% of the total sales of the farm stand. The Zoning Administrator may request sales reports to verify compliance.

(3) The market, sales area, and any outdoor display areas shall be setback thirty (30) feet from the road right-of-way, and ten (10) feet from the side and rear property lines

(4) **Compliance with GAAMPS.** All Roadside Farm Stands must comply with the State of Michigan's Generally Accepted Agricultural Management Practices.

(5) **Buildings.** More than one (1) building may be permitted per parcel. All buildings open to customers or the public must meet all requirements of the Building Code. Buildings used as farm stands shall be considered accessory structures. However, in the event of a conflict between this section and the accessory structure standards in Section 10.01, this section shall apply.

(6) **Restrooms.** All roadside farm stands must provide restroom facilities. Permanent roadside farm stands shall provide public restroom facilities that comply with the commercial Michigan Building Code. Temporary roadside farm stands may provide portable toilets.

(7) **Waste Containers:** Suitable containers for rubbish shall be placed on the premise for public use.

(8) **Hours of Operation.** Any stand located within two hundred (200) feet of any dwelling on an adjacent lot shall close not later than 10:00 p.m.

(F) The following shall apply to permanent roadside farm stands only:

(1) **Parking.** All parking shall be provided in off-street parking lots, designed in accordance with the regulations in Chapter 5, including the provision of barrier-free parking spaces designed in accordance with that chapter (including pavement). However, the following shall also apply to parking at Roadside Farm Stands.

(a) The number of parking spaces shall be determined on a case-by-case basis, upon consideration of the character of the specific agricultural tourism use being proposed.

(b) The Planning Commission may waive the requirement for parking lot paving, upon making the determination that a grass or gravel surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control.

(c) The Planning Commission may waive parking lot lighting requirements upon making the determination that the facility will be used only during daylight hours.

(d) The Planning Commission may waive parking lot landscaping requirements upon making the determination that existing vegetation to be retained on the site satisfies the objectives of the Ordinance and maintains the rural, non-commercial character of the site.

(G) The following shall apply to temporary roadside farm stands only:

(1) Off-street parking shall be provided but need not be paved. Said parking shall not be located nearer than twenty-five (25) feet to the road pavement. Egress / ingress shall be limited to in and out driveways. Direct access to parking spaces from the roadway shall not be permitted. The parking and driveways need not be paved but must be designed and maintained to control dust.

(2) The temporary structure housing the roadside farm stand must be removed outside of the 90 (or fewer) days that the stand is operation.

Section 12.41 Sexually-Oriented Businesses. (Section 19.07.38)

(D) No sexually oriented business shall be permitted on a lot or parcel which is within one thousand (1,000) feet of a principal or accessory structure of another sexually oriented business.

(E) No sexually oriented business shall be located in any principal or accessory structure which already contains a sexually oriented business.

(F) No sexually oriented business shall be located on a lot or parcel within five hundred (500) feet of any parcel which is zoned:

- Rural Preserve
- Rural Residential,
- R-1, R-2, R-3, R-4,
- Planned Unit Development (PUD) which contains residences.

And shall not be within five hundred (500) feet of any:

- Public Park
- Library
- School
- Child Care Facility
- Government Building
- Church, or Place of Worship.

(G) The proposed use for a sexually oriented business shall otherwise comply with all requirements of the C-2 District; with all requirements of this Ordinance regarding off-street parking, loading, and storage areas; and with all requirements of this Ordinance pertaining to landscaping.

(H) Any sign(s) proposed for the sexually oriented business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of specific anatomical areas, specified sexual activities, or obscene representations of the human form, nor may such sign include any animated, or flashing, illumination.

(I) Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:

(1) "Persons under the age of 18 years are not permitted to enter the premises." and,

(2) No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.

(J) No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.

(K) All off-street parking areas shall be illuminated for at least sixty (60) minutes before open and at least sixty (60) minutes after closing.

(L) A six foot masonry wall shall be required surrounding the site on the side and rear lot lines. All landscape requirements in Chapter 4 shall apply, unless they specifically conflict with the masonry wall requirement.

(M) No sexually oriented business shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.

(N) Except in the case of an adult motel, any booth, room, or cubicle available for use by a patron of a sexually oriented business for the purpose of viewing any entertainment characterized by the showing or depiction of Specified Anatomical Areas or Specified Sexual Activity must comply with the following requirements:

(1) It must have barrier-free accessibility to the extent required by the Building Code.

(2) It must be unobstructed by any door, lock, or other entrance/exit control device;

(3) It must have at least one side which is totally open to a public, lighted aisle, so that there is an unobstructed view of any occupant at all times from the adjoining aisle;

(4) It must be illuminated so that a person of normal visual acuity could look into the booth, room, or cubicle from its entrance adjoining the public aisle and clearly determine the number of persons within; and

(5) It must have no holes or openings in any side or rear walls, unless such holes or openings are for the purpose of providing utilities, ventilation, or temperature control services to the booth, room or cubicle, or unless such holes or openings are otherwise required by building code requirements.

(O) No undue delay shall occur after a complete special land use application has been received.

(P) **Nudity.** Nudity shall mean the knowing or intentional display of any individual's genitals, anus, or of a female individual's breast. An individual's genitals or anus shall be considered to be displayed if it or they are visible; an individual's genitals or anus shall not be considered to be displayed if they are covered by a fully opaque covering. A female individual's breast shall be considered to be displayed if the nipple or areola is visible; a female individual's breast shall not be considered to be displayed if the nipple and areola are covered by a fully opaque covering.

Section 12.42 Small Distilleries.

(D) Small distilleries must obtain all required County, State, and Federal approvals.

(E) Grains and other products used in the distilling process may be stored in a detached structure, provide that:

(1) Any such structure complies with the setback requirements for the district in which it is located

(2) is compatible in color and materials with the Main Building

(3) No outdoor storage of bottles, pallets, or other containers is permitted.

(F) Small distillers may sell spirits to consumers for consumption on the manufacturing premises and for off-premises consumption.

(G) Small distilleries shall provide food service for consumption by patrons while seated on the premises. The term "food service" does not imply the need for a full-scale restaurant. Outdoor dining may be permitted by the Planning Commission.

Section 12.43 Temporary Outdoor Events.

(A) **Parcel Size.** Outdoor Events shall be permitted only on parcels that are five (5) acres or larger.

(B) **Hours of Operation.** Outdoor Events shall not begin before 10:00 a.m. nor extend later than 10:00 p.m., unless otherwise permitted by the Township upon finding that longer hours will have no impact on use of surrounding property.

(C) **Noise Control.** Sound or noise resulting from the Outdoor Event, when measured at the property line, shall not exceed the normal ambient sound level on adjacent property between the hours of 10:00 p.m. and 10:00 a.m. At all other times, the sound or noise level produced by the Outdoor Event shall not exceed normal ambient sound level on adjacent property by more than five (5) decibels. Furthermore, no sound or noise shall be produced that causes annoyance to or a threat to the health and safety of the occupants of the adjacent property.

(D) **Fencing.** The premises shall be completely enclosed by a fence of sufficient height and strength to preclude persons in excess of the maximum permissible from gaining access and to aid in crowd control. Sufficient gates shall be provided to allow safe ingress and egress.

(E) **Parking.** Adequate parking spaces shall be provided for persons attending the Outdoor Event by motor vehicle. At minimum, one (1) off-street parking space shall be provided for every three (3) persons expected to attend or be employed at an Outdoor Event. Parking along the shoulder of any road shall be prohibited. Properly-marked barrier-free spaces shall be provided in accordance with the schedule in Section 9.01. A plan illustrating the proposed parking layout, including method of delineating spaces and drive aisles, shall be submitted for approval. The parking layout shall comply with the dimensional and other applicable requirements in Chapter 5 of the Zoning Ordinance, although paving shall not be required for a temporary Outdoor Event.

(F) **Traffic Circulation and Control.** A plan for traffic circulation and control shall be submitted for review. The plan shall include provisions for emergency vehicle access at all times. Provisions shall be made for an adequate number of traffic control officers to provide for the safe, orderly, and expeditious movement of traffic, prior to, during, and after the Outdoor Event. The adequacy of the plan shall be subject to approval by the Township Police and Fire Departments. The sponsors of the Outdoor Event shall pay for the cost of such traffic control.

(G) Security Guards. A minimum of two (2) security guards shall be provided. One (1) additional security guard shall be provided for each two hundred (200) people (or fraction thereof) expected to be in attendance above the initial two (200) people, unless the Ottawa County Sheriff's Office determines that greater or fewer guards are needed to preserve order and protection property on and around the site of the Outdoor Event.

(H) Toilet Facilities. A minimum of ten (10) toilet facilities shall be provided per five hundred (500) people anticipated to attend the Outdoor Event. In addition, two (2) toilet facilities shall be provided for each additional two hundred fifty (250) people. Public or common use toilets shall comply with Federal Americans with Disability Act (ADA) guidelines, which require that five percent (5%) of the total number, and not less than one (1) toilet facility per cluster of toilet facilities, shall be barrier-free. All toilet facilities shall be provided with soap and paper towels and shall comply with applicable County and State laws and regulations.

(I) Liquid Waste Disposal. Proper liquid waste disposal from the premises shall be provided so as to prevent a nuisance or menace to public health. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with County and State laws and regulations.

(J) Solid Waste Disposal. Proper solid waste storage and removal shall be provided so as to prevent a nuisance or menace to public health. Storage shall be in covered containers having a minimum capacity of thirty-six (36) gallons, provided at a rate of one (1) container per one hundred (100) persons expected to attend the Outdoor Event. The sponsor of the Outdoor Event shall provide the Township with a true copy of an executed agreement with a licensed solid waste disposal firm, which agreement shall provide for proper removal of solid waste from the premises within twenty-four (24) hours following the Outdoor Event. For multiple day events, solid waste shall be removed from the premises every day.

(K) Electrical Service. A plan for providing electrical service to the site shall be submitted, which plan shall be subject to approval by the Zoning Administrator. All electrical wiring shall be installed in compliance with the Michigan Building Code.

(L) Illumination. Electrical illumination shall be provided to all areas that are intended to be occupied after dark. A lighting plan shall be submitted showing the location and types of lighting fixtures and level of illumination for open areas reserved for spectators, stage areas, parking areas, and restroom and concession areas.

(M) Communications Facilities. An emergency communication system shall be provided and maintained for the duration of the Outdoor Event, which system shall be subject to approval by the Township Fire/Rescue Department after conferring with the Ottawa County Sheriff's Office.

(N) Overnight Facilities. Those who attend an Outdoor Event shall not be allowed to remain on the premises overnight. Overnight use of the premises by performers or employees of the Outdoor Event may be permitted, however, subject to review of detailed plans for the accommodations for overnight use, such as camper or trailer parking, sanitation facilities, and bathing facilities.

(O) Signs. Signs shall comply with the standards in Chapter 11.

(P) Food Service. If food service is made available, it shall be delivered only through businesses and structures licensed and operated in accordance with State and County laws and regulations.

(Q) **Medical Facilities.** If determined necessary by the Township Fire/Rescue Department after conferring with the Ottawa County Sheriff's Office, emergency medical facilities shall be provided on the premises for the duration of the event.

(R) **Prohibited Activities.** It shall be unlawful to conduct or permit any obscene display or entertainment; to cause or create a disturbance by obscene or disorderly conduct; to permit consumption or use of or make available liquor, narcotics, or narcotic drugs.

(S) **Fire Protection.** Adequate fire protection shall be provided in accordance with guidelines provided by the Township Fire Department. Flammable vegetation and other fire hazards shall be removed from the site of the Outdoor Event. Equipment to extinguish fires, as required by the Township Fire Department, shall be provided. Open fires are prohibited.

(T) **Performance Guarantee.** A performance guarantee shall be deposited with the Township to assure proper clean-up of the site in accordance with the clean-up plan that is required with the application.

(U) **Insurance.** The applicant shall acquire and maintain, at its sole expense, public liability insurance, naming the Township as an additional insured. The insurance shall be purchased from companies approved by the Commissioner of Insurance of the State of Michigan, and shall cover bodily injury, property damage and personal injury in amounts specified by the Township Attorney. The applicant shall furnish and deliver certificates of insurance demonstrating the existence of the insurance in the minimum amounts required by the Township. Each certificate shall provide that the Township shall receive not less than thirty (30) days written notice of cancellation, expiration, or termination.

Section 12.44 Vehicle Repair. (Section 19.07.25)

(D) All entrance driveways must meet Ottawa County Road Commission spacing requirements.

(E) All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building.

(F) Any accessory gasoline pumps shall comply with the applicable requirements for Gas Stations.

(G) Parking and storage areas for disabled, wrecked, or partially dismantled vehicles awaiting repair shall be paved. Vehicles waiting for repair overnight shall be stored behind or within a building, or within a fenced in storage area meeting the requirements of Section 12.34.C, and shall not be stored for more than 30 days.

All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence.

(H) Vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles. This requirement may be waived by the Planning Commission upon determination that it is not practical given previously existing design features on the site, or because the queuing spaces would cause inefficient or unsafe circulation patterns on the site.

(I) No such use shall be open for business prior to seven o'clock (7:00) a.m., nor after eight o'clock (8:00) p.m.

(J) All buildings, structures, and equipment shall be located at least seventy-five (75) feet from any right-of-way line, and shall comply with the following setbacks:

(1) Property located in the Industrial zoning district shall be setback at least ten (10) feet from any interior side lot line, and shall be setback at least twenty-five (25) feet from any side street lot line;

(2) Property located in the C-1 zoning district shall be setback at least thirty (30) feet from any side or rear lot line; and

(3) Property that abuts a residential zoning district shall be setback at least fifty (50) feet.

Section 12.45 Vehicle Sales. (Section 19.07.26)

(D) **Major and Minor Vehicle Sales.** A "Minor Vehicle Sales" operation shall be one where no more than ten (10) vehicles are available on the site for sale at any time. A "Major Vehicle Sales" operation shall be one where eleven (11) or more vehicles are available for sale at any given time.

(E) The following shall apply to all Vehicle Sales operations:

(1) The outside vehicle display areas shall be setback 50 feet from the front lot line and thirty (30) feet from all other property lines.

(2) Inoperable vehicles left on the site shall be stored within an enclosed building or in an area surrounded by a six (6) foot sight-obscuring wall or fence.

(3) Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.

(4) All vehicles must remain on a paved surface at all times.

(F) **Major Vehicle Sales.** The following shall apply to Major Vehicle Sales operations ONLY.

(1) Outdoor vehicle display areas in the front yard shall be paved with decorative pavers, stamped concrete, brick, or permeable pavement.

(2) The display area must be equipped with curbs where it abuts landscaping, grass, and other impervious surfaces.

(3) All vehicles displayed in the front yard must be displayed on the approved display area.

(4) Only one vehicle of each model sold at the dealership may be displayed in the front yard display area.

Section 12.46 Vehicle Wash. (Section 19.07.47)

(D) Sufficient stacking capacity or queuing space for the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the Lot.

(E) Vacuuming and other detailing activities, if outdoors, shall be at least fifty (50) feet from the nearest residential district.

(F) The use must be connected to public sanitary sewer.

(G) The applicant must submit a plan to control the runoff of soap, grime, wax, oil, and other contaminants into the sanitary sewer, storm sewer, or nearby waterways. The Planning Commission shall review the plan, and may retain the services of a qualified professional, at the expense of the applicant, in order to determine whether the plan should be approved.

(H) Vehicle Wash Establishments which offer the retail sale of gasoline shall also comply with the provisions for gasoline stations in Section 12.18.

Section 12.47 Veterinary Clinics. (Section 19.07.42)

(D) All veterinary clinic operations must be operated in conformance with all applicable County and State regulations.

(E) Buildings wherein animals are kept and/or outdoor exercise areas shall not be located nearer than fifty (50) feet to any Residential use or district. If animals are kept in trailers overnight, the site plan must show the overnight trailer parking area, and it must be located at least 50 feet from any residential use or district.

(F) All veterinary clinics must be staffed by at least one licensed veterinarian.

(G) Veterinary clinics may include pet daycare or kennels if those uses are permitted in the district where the veterinary clinic is located. Further, the pet daycare or kennel must be approved separately and must meet all relevant standards in this Ordinance.

(H) All outdoor play areas must be surrounded by a six (6) foot tall fence and shall not be visible from adjoining properties.

(I) Animal waste must be cleaned up daily. The waste clean-up and removal plan must be submitted to the Planning Commission.

Section 12.48 Wineries.

(A) Wineries must obtain all required County, State, and Federal approvals.

(B) Grapes and other products used in the winemaking process may be stored in the Main Building, or in a detached structure, provided that:

(1) Any such structure complies with the setback requirements for the district in which it is located.

(2) Is compatible in color and materials with the Main Building.

(3) No outdoor storage of bottles, pallets, or other containers is permitted.

(C) Wineries may sell wine to consumers for consumption on the manufacturing premises and for off-premises consumption.

(D) Wineries may provide food service for consumption by patrons while seated on the premises. The food service does not have to be provided by a full-service restaurant. The Planning Commission may permit outdoor seating.

(E) Small-scale manufacturing of artisan goods or foodstuffs other than wine may be approved by the Planning Commission as an accessory use.

Section 12.49 Wireless Telecommunications. (Section 19.07.45)

(D) **New Facilities.** New wireless telecommunications facilities, as defined in the Michigan Zoning Enabling Act, shall be permitted by Special Land Use approval in all Zoning Districts, regardless of whether a new support structure (tower) will be constructed or not, subject to the following standards. Distributed Antenna Systems (DAS) shall be subject to this section, and each individual node must meet all requirements, unless otherwise noted.

(1) Before constructing a new facility, the applicant must demonstrate that they cannot achieve the needed service improvement by co-locating at an existing facility.

(2) The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Township, to demonstrate the needed service improvement and why co-location is not possible.

(3) If an owner or operator of an existing tower refuses to allow a co-location, written evidence of the denial of the co-location request must be submitted to the Township and must include the reason for the denial.

(4) To the extent practical, all ground equipment associated with the facility must be enclosed within a locked building or cabinet.

(5) Information must be submitted showing that the facility is in compliance with all applicable FCC regulations regarding radio frequency emissions.

(6) Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.

(7) Signage notifying the public of potential high voltage and radio frequency emissions and giving the contact information for the facility owner and the operators of all equipment on the site must be posted on the exterior fence or DAS pole.

(8) If a new tower is to be constructed for the facility, it shall meet the following standards:

(a) The tower must be setback from all property lines by a distance equal to 1.5 times its height. DAS installations shall be exempt from this requirement.

(b) Lighting on the tower shall be prohibited unless required by the Federal Aviation Administration.

(c) The tower must be a monopole design. Guyed and lattice towers are prohibited.

(d) No signage shall be placed upon the tower structure, except for required signage installed on DAS poles.

(e) The tower must be the shortest possible height required to provide the service desired by the applicant. The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Township, to demonstrate the needed service improvement and why the requested height is necessary. The Township may request further information, including propagation maps, demonstrating the service at lower heights, in order to determine for itself whether the requested height is necessary.

(f) The base of the tower and all associated equipment must be surrounded by a locked, opaque screening fence meeting the standards of the zoning district that the tower is located within. DAS installations shall be exempt from this requirement.

(g) The applicant must demonstrate the number of co-location sites that will be available on the tower. DAS installations shall be exempt from this requirement.

(9) If a generator is to be constructed for the facility, it shall meet the following standards:

(a) Must have a sound enclosure that ensures that the generator is not audible within the nearest dwelling unit.

(b) Must comply with Township Ordinance No. 341, the Noise Control Ordinance.

(c) The generator must be powered by natural gas. If natural gas is not available, diesel-powered generators may be installed, but the entire facility, including the generator, must be set back an additional 50 feet from all property lines, and must be set back at least 100 feet from the nearest dwelling unit or residential zoning district.

(10) **Small Cells.** Small cells, which shall be defined as wireless equipment located within an enclosure of not more than 6 cubic feet in volume, and attached to a freestanding structure not more than 40 feet in height, shall not require special land use approval, but shall require zoning approval if not exempted from zoning requirements by State Law. In addition, the following shall apply to small cells:

(a) They shall be permitted to locate within a public right-of-way, provided all standards of the Ottawa County Road Commission and the State of Michigan have been met.

(b) They shall be exempt from Sections 12.48.A.1-4 and 12.48.A.8.

(E) **Co-Locations and Modifications to Existing Facilities**. Co-locations and modifications to existing facilities shall not require Special Land Use or Site Plan Approval, except as described in Subsection 1, below. The Zoning Administrator shall have the authority to approve all co-locations and modifications that meet the standards of this Section. Modifications to small cells, which shall be defined as wireless equipment located within an enclosure of not more than 6 cubic feet in volume and attached to a freestanding structure not more than 40 feet in height, shall require zoning approval if not exempted from zoning requirements by State Law, but shall not require Special Use approval.

(1) Under the following circumstances, co-locations and modifications shall require Special Land Use approval, regardless of the zoning district they are located in.

(a) The applicant proposes to increase the height of an existing tower by more than 20 feet, or ten percent of its original height, whichever is greater.

(b) The applicant proposes to increase the width of the tower by more than the minimum necessary for structural stability given existing and proposed antennae.

(c) The applicant proposes to increase the ground-level compound to more than 2,500 square feet in area.

(2) Co-locations and modifications must meet the following standards in order to be approved, either administratively or by Special Land Use.

(a) The applicant must submit a structural analysis, signed and sealed by a licensed engineer, demonstrating that the tower, in its present condition, has the structural capacity to support any proposed new antennae or other tower-mounted equipment.

(b) The applicant must submit the results of an inspection of the condition of the tower and equipment compound, noting any potential problems with the facility that could impact the health, safety, and welfare of the surrounding area, or the effective provision of service from the facility. Any concerns raised by the inspection must be corrected during construction of the modification of the co-location.

(c) Information must be submitted showing that the facility is in compliance with all applicable Federal Communications Commission regulations regarding radio frequency emissions.

(d) Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.

(e) No lighting may be added to the tower unless required by the Federal Aviation Administration.

(f) No landscaping shall be removed from the site, except for dead or diseased plantings, which must be replaced by an equivalent species and size of planting, to be approved by the Zoning Administrator.

(g) Signage notifying the public of potential high voltage and radio frequency emissions and giving the contact information for the tower owner and the operators of all equipment on the site must be posted on the exterior fence. No signage shall be placed upon the tower structure.

(h) Any generator added to the facility must comply with Section 12.49.A.9.

(3) Small Cells.

(F) **Abandonment and Removal.** At the time of application for a new tower structure, the applicant shall, at its cost and expense, be required to execute and file with the Township a bond in an amount of at least $75,000.00. If the tower is not used for as a wireless telecommunications facility for any period of six consecutive months, it must be removed at the expense of the property owner and/or owner of the tower. If the property owner and/or owner of the tower fail to remove the tower, the bond shall be forfeited, and the bond amount shall be used by the Township to remove the tower.

Chapter 13 ~~Short Term Rentals~~

~~**Section 13.01 Rental Regulations.**~~

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

~~**(E)** However, the Township also recognizes the potential benefits of tourism and additional lodging opportunities for visitors, as well as the financial benefit that Short Term Rentals can bring to property owners in the Township. Therefore, the Township wishes to achieve a balance between these considerations by providing that Short Term Rentals are allowed as special land uses, based upon a consideration of the standards in Section 12.03, in all zoning districts.~~

~~**(F)** Regulatory provisions for Short Term Rentals can be found in Ordinance No. ###~~

~~**(G)** Although the Township permits Short Term Rentals as special land uses in all zoning districts, the Township also wants to preserve the expectations of those persons who purchase lots or other ownership interests in any subdivision (including a supervisor plat), planned unit development, or site condominium ("Prohibited Developments" for purposes of this Section). Thus, Short Term Rentals are not permitted in Prohibited Developments by the Township, even as special land uses, unless Short Term Rentals are specifically provided for and allowed according to the restrictive covenants or master deed provided to the Township during the application process for the Prohibited Development, which restrictive covenants or master deed is approved by the Township and recorded with the Ottawa County Register of Deeds.~~

~~**(H)** Limited Short Term Rentals, because of the time limitations placed upon them, are permitted by right in all zoning districts, as long as the use of the rented property is permitted by the terms of this Ordinance.~~

~~**(I)** Rentals that are longer than and thus do not qualify as Short Term Rentals are permitted by right in all districts, as long as the use of the rented property is permitted by the terms of this Ordinance.~~

~~**(J)** Nothwithstanding any other provision in this Section or in this Ordinance, all rental property in the Township must comply with all other Township ordinances, all Ottawa County requirements, and all applicable State and Federal laws.~~

Chapter 14 General Regulations

Section 14.01 Large Scale Developments. (Section 20.24)
Developments in the RR, R-1 or R-2 Districts containing more than eight (8) dwelling units shall be developed only as Planned Unit Developments in accordance with Chapter 7 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.

Section 14.02 Keeping of Animals. (Section 20.16)

(D) All domesticated animals must be kept in safe and sanitary conditions appropriate to their species and in compliance with all County, State, and Federal standards.

(E) The following domesticated animals may be kept on a residentially zoned lot.

(1) **Pets.** Up to 5 pets may be kept in any dwelling unit. Animals under six months in age shall not be counted towards the limit. Approved kennels and pet daycares may exceed those limits. Landlords, homeowners' associations, or similar entities may regulate the number of pets per dwelling unit but shall not permit more than five total pets (over six months in age) per dwelling unit. Pets may only reside permanently on non-residential property in approved kennels, pet daycares, and retail operations that sell pets. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered a pet under this ordinance, based on the definition in Chapter 21. Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.

(2) **Livestock.**

(a) A Zoning Permit shall be required to keep livestock on a lot, except in the AG district, where no permit shall be required. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered livestock under this ordinance, based on the definition in Chapter 21. Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.

(b) Intensive Livestock Operations shall require Special Land Use Approval in the AG district and are prohibited in all other districts. If approved, Intensive Livestock Operations shall be exempt from the limits in Subsection (f) below.

(c) All structures for the keeping of livestock shall be set back at least sixty (60) feet from all lot lines and be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties.

(d) All manure shall be stored at least one hundred (100) feet from any property line and the all manure handling must follow the State of Michigan's Generally Accepted Agricultural Management Practices.

(e) Horses shall be provided with a covered shelter and an outdoor fenced area of adequate size to accommodate all horses kept on the premises.

(f) In the AG District, there shall be no maximum number of livestock on a lot, provided that the lot meets the relevant GAAMPs.

(g) Livestock and other farm-type animals listed in the table below are prohibited in the R-3, R-4, C-1, C-2, and I-1 Districts.

(h) The following number of livestock shall be allowed on a given lot.

	RP and RR	**R-1 and R-2**
Cattle, Horses, Sheep, Goats, etc. (i)	1 per acre, in any combination.	Prohibited on lots under 3 acres. On lots over 3 acres, 1 per acre, in any combination.
Pigs	Prohibited	Prohibited
Chickens	1 per 0.1 acres **(ii)**	**(ii)**
Poultry and Livestock Birds, Other than Chickens	Prohibited	Prohibited

(i) "Cattle, Horses, Sheep, Goats, etc." may include all other fur-bearing livestock not specifically listed at the discretion of the Zoning Administrator.

(ii) Chickens in the RP, RR, R-1, and R-2 districts shall be subject to the following:

a) In the R-1, and R-2 districts, all lots except those in platted subdivisions (other than assessor's plats and supervisor's plats) or site condominiums may have up to four chickens. Lots over two (2) acres may have an additional chicken per quarter of an acre (0.25 acres), up to 15 chickens. In calculating the permitted number of birds, the number of acres shall be rounded down to the nearest tenth of an acre.

b) Roosters shall not be permitted.

c) The slaughtering of any chicken is prohibited.

d) 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.

e) The enclosed area where the chickens are kept shall be located within the rear yard and shall be setback at least twenty (20) feet from any side or rear lot line.

f) The enclosed area where the chickens are kept shall be maintained in a clean and neat manner at all times.

g) Materials used to construct the enclosed area shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

h) Chicken feed must be kept in rodent-proof, sealed containers.

(F) **Exotic or Wild Animal.** The keeping of exotic or wild animals shall be prohibited on all lots, except where a human occupant of the lot has a valid permit or license from the State of Michigan to keep the animal. An up-to-date copy of the permit or license must remain on file with the Township at all times, and all provisions and conditions of the permit or license must be met at all times. An exotic or wild animal permitted to be kept as described in this section shall count towards the maximum number of pets permitted on a site. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered exotic or wild under this ordinance, based on the definition in Chapter 21. Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.

(G) **Waivers.** The Planning Commission may approve a property owner to keep animals that would not otherwise be permitted by this section, provided that:

(1) The animal does not meet the definition of "Exotic or Wild Animal" in Section C.

(2) The animal(s) are unlikely to cause negative impacts on neighboring properties, either because of the character of the animals, or the physical layout of the site in question.

(3) The site has appropriate facilities for the keeping of the animal(s), and is an appropriate size.

(4) At least one of the following criteria is met:

(a) The property owner can show a legitimate need for the animal(s) to be on the property, such as a medical or service need,

(b) The owner could not practically keep the animal(s) on another site; or

(c) Removing the animal(s) from the site would cause harm to the animal(s).

Section 14.03 Minor Home Based Businesses. (Section 20.14)

(D) The operation of a Home Based Business shall be conducted solely within a Dwelling Unit and not within any detached Accessory Building located upon the Lot, except for incidental storage of equipment or materials.

(E) The Home Based Business 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 Main 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.

(F) The Dwelling Unit shall have no exterior evidence, to indicate the Dwelling Unit is being utilized for a Home Based Business.

(G) The floor area used for the Home Based Business shall not exceed twenty-five percent (25%) of the Gross Floor Area of the Dwelling Unit.

(H) Only goods produced as part of the Home Based Business, or goods clearly incidental to the operation of the Home Based Business may be sold on the Lot, and the goods shall not be visibly on display from outside the Main Building, nor shall any Sign or device be permitted advertising such sale.

(I) No outside storage of equipment is permitted on the Lot.

Section 14.04 Medical Marijuana. (Section 20.14.8)

(D) A registered primary caregiver, in compliance with the General Rules, the MMMA and the requirements of this Section, shall be allowed in any Zoning District. 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 Marijuana 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 Marijuana 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.

(1) The Medical Use of Marijuana 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

(2) 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.

(3) Not more than one (1) registered primary caregiver shall be permitted to service qualifying patients from a Dwelling Unit or other building or yard.

(4) All building, electrical, plumbing and/or mechanical permits, if required, shall be obtained for any portion of the growing area or building in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of Marijuana are located.

(5) If a room with windows is utilized as a growing location for Marijuana, any lighting between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, to prevent ambient light spillage that may create a distraction for adjacent properties.

(6) 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.

(7) The permitted Sign for the Medical Use of Marijuana shall not include a pictorial representation of the product provided at that building, nor any references to Marijuana, alternate spellings of Marijuana or slang terms for Marijuana, 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).

(8) In a letter or email, the applicant shall indicate plans for the operation and maintenance of the caretaker facilities, the nature of the caretaker grow area, and specify how the applicant will comply with the standards outlined in this Section.

(9) The Zoning Administrator may deny or approve the facility. 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.

(E) **Uses Permitted Under Public Act 281 of 2016 (Commercial-Scale Medical Marijuana).** Nothing in this section shall be taken to authorize or permit Marijuana uses regulated under Public Act 281 of 2016 within Grand Haven Charter Township.

(F) **Uses Permitted Under Initiated Law 1 of 2018 (Recreational Marijuana).** Marijuana establishments, as authorized by, and defined in, the Michigan Regulation and Taxation of Marijuana Act ("MRTMA"), are prohibited in all zoning districts, and shall not be permitted as home based businesses under this Ordinance.

No use that constitutes or purports to be a Marijuana grower, Marijuana safety compliance facility, Marijuana processor, Marijuana microbusiness, Marijuana retailer, Marijuana secure transporter, or any other type of Marijuana related business authorized by the MRTMA, that was engaged in prior to the enactment of this Section in the Ordinance, shall be deemed to have been a legally established use under this Ordinance; that use shall not be entitled to claim legal nonconforming status.

This Section does not supersede rights and obligations with respect to the transportation of Marijuana by Marijuana secure transporters through the Township to the extent provided by the MRTMA and does not supersede rights and regulations with respect to medical Marijuana facilities established pursuant to the Michigan Medical Marijuana Act.

Nothing in this act shall be deemed to prohibit the personal growing of Marijuana for personal, non-commercial use, on private property, provided that the grower is in compliance with all State laws and regulations.

Section 14.05 Number of Main Buildings on a Lot. (Section 20.02)

(D) In RP, RR, R-1, and R-2 districts, only one Main Building shall be located on a given lot.

(E) In all other districts, the Planning Commission may allow more than one Main Building to occupy the same lot.

Section 14.06 Prohibited Dwelling Units. (Section 20.08)

(D) The following shall not be used as dwelling units:

(1) Recreational vehicles, except as provided in Section 5.04.

(2) Any structure that does not meet Building Code requirements to contain a dwelling unit.

Section 14.07 Residential Entranceway Structures. (Section 20.05)
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 be clearly visible and comply to all codes of the municipality and shall be approved by the Zoning Administrator and a permit issued prior to erection. Clear corner vision shall be maintained as described in Section 11.08.

Section 14.08 Regulations Applicable to All Dwellings. (Section 20.06)

(D) In addition to the requirements of other Sections of this Ordinance, 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) Manufactured homes shall be allowed in all districts in which conventional site-built single or multiple family dwellings are allowed, provided, that such manufactured homes or prefabricated housing must comply with the design and manufacturing standards of the U.S. Department of Housing and Urban Development in effect at the time of manufacture. If the above-mentioned federal standards are not applicable, then the dwelling must comply with the regulations of the State of Michigan.

(3) The dwelling must be firmly attached to a permanent foundation constructed on the site in accordance with the applicable building codes 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.

(4) The dwelling shall be compatible in design and appearance with the design and appearance of other dwellings in the general vicinity of its proposed location.

(a) The Zoning Administrator or designee 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 comparison area shall be the area within a one-half (½) mile radius of the proposed location.

(c) A proposed dwelling shall be considered compatible in design, appearance and condition if it satisfies all of the following:

(i) **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 housing park);

(ii) **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 housing park); and,

(iii) **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 housing park).

(iv) The decision of the Zoning Administrator shall be appealable to the Zoning Board of Appeals as in the case of any other appealable decision.

Section 14.09 Moved Buildings or Structures. (Section 20.18)

(D) This section shall apply only to permanent structures designed to be affixed to a permanent foundation that are proposed to be relocated from one permanent foundation to another permanent foundation. This section shall not apply to any temporary structure, including, but not limited to, construction trailers and manufactured housing.

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

(1) Manufactured homes shall be exempt, except that they must meet all requirements of the zoning district they are located within.

(2) Temporary construction trailers shall be exempt from this section, but shall meet the following requirements instead:

(a) Must be set back at least fifteen (15) feet from all lot lines.

(b) Must not obstruct clear corner vision.

(3) 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.

(4) 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.

(5) All inspection reports and records shall be filed with the Township's Zoning Administrator and shall become a part of the permit file.

(6) 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.

(7) 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 Zoning Administrator has made a final inspection of the same, and the Building Official has issued a certificate of occupancy.

Section 14.10 Water and Sanitary System Requirements. (Section 20.07)
No 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 applicable 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 sewage disposal system and water system.

Section 14.11 Portable Storage Units. (Section 20.09)

(D) A Zoning Permit must be obtained from the Township prior to the placement of any Portable Storage Unit (PSU) if the unit will be on-site in excess of five (5) consecutive days.

(E) A Portable Storage Unit shall not exceed 200 sqft in area or ten (10) feet in height.

(F) A Portable Storage Unit may remain on a lot or parcel of land not longer than thirty (30) 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, extensions may be requested, in writing, to the Zoning Administrator.

(G) A maximum of one (1) PSU may be placed on a lot in all residential districts, unless the Zoning Administrator specifically authorizes more PSUs based on the unique circumstances of the situation.

(H) A Portable Storage Unit shall be secured in a manner that does not endanger the safety of persons or property in the vicinity.

(I) 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.

(J) 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.

Section 14.12 Antennas and Satellite Dishes. (Section 20.17)

(D) Unless attached to a Main Building, an antenna shall meet all applicable requirements for accessory structures. However, the antenna shall not count as an accessory structure for the purpose of calculating the maximum number of permitted accessory structures on a site.

(E) All antennas shall be appropriately anchored or attached to the ground or a permanent structure in order to prevent them from falling down or being blown down.

(F) Antennas larger than 18 inches in diameter must be affixed to a permanent foundation. All antennas larger than two meters in diameter are prohibited.

Section 14.13 Retaining Walls. (Section 20.22)

(D) Retaining walls shall require a Zoning Permit, if a Building Permit is not required. If a Building Permit is required, then the following standards shall be reviewed in the process of reviewing the Building Permit (in addition to all applicable building codes), and a Zoning Permit shall not be required.

(E) Retaining walls shall be designed in such a way that they do not alter drainage patterns. Discharge pipes may be used to preserve pre-existing drainage patterns.

(F) **Height.** No portion of a Retaining Wall may exceed eight (8) feet in height. The height of a Retaining Wall shall be measured from the ground level at the base (at the lowest side of the wall) to the top (at the highest point on the wall).

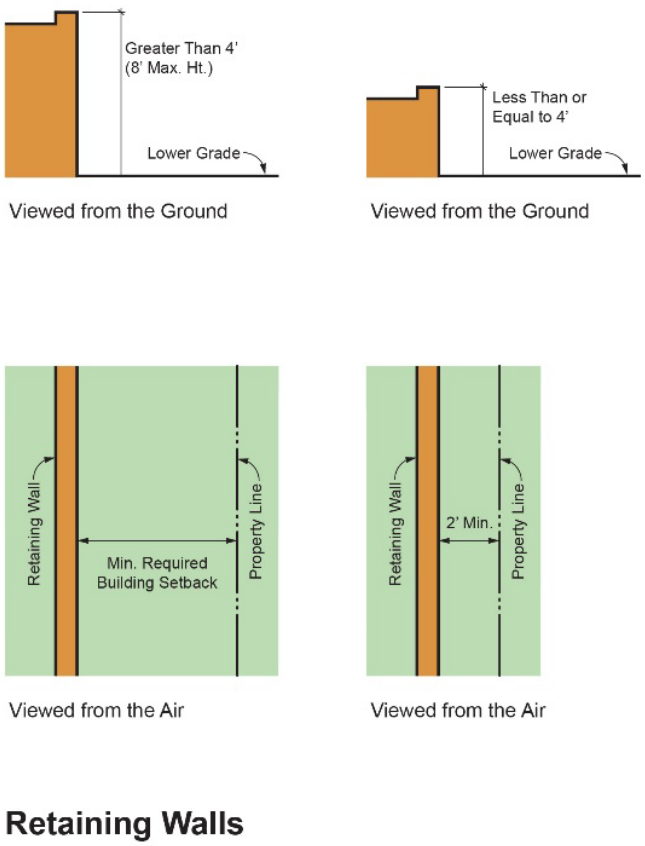
(1) In the case of a series of retaining walls within close proximity to one another (i.e., less than ten (10) feet from one another) that serve as one retaining wall system, the height shall be measured from the ground level at the base of the lowest retaining wall (at the lowest side of the wall) to 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. Retaining walls spaced greater than ten (10) feet from one another shall be considered individual retaining walls.

(2) 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.

(3) For any portion of a Retaining Wall which exceeds four (4) feet in height, such portion must meet the applicable rear Setback and side Setbacks for the Lot in the designated Zoning District. Retaining walls may project into the required front setback area by up to 30% of the required front setback.

(4) The minimum Setbacks described above apply whether the Retaining Wall is attached to a Building or other Structure or is freestanding.



Retaining Walls

Section 14.14 Voting Place (Section 20.20.1)
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.

Section 14.15 Cluster Development. (Section 20.21)

(D) The purpose of this Section is to adopt open space preservation provisions 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.

(E) **Qualifying Conditions.** Land may be developed under the provisions of this Section only if each of the following conditions is satisfied:

(1) 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 and RR, 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.

(2) 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.

(3) 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.

(4) The open space preservation option shall not have previously been exercised with respect to the same land.

(F) **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.

(G) **Application.** The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Chapter 18 of this Ordinance, governing site development plans, except as otherwise provided in this Section. In addition to the application materials required by Chapter 18 of this Ordinance, an application for the development of land under the provisions of this Section shall include the following:

(1) 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:

(a) Dates drawn and revised, north arrow and scale, which shall not be more than one inch equaling one-hundred feet (1" =100'), and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed open space preservation development.

(b) Location of street rights-of-way, driveways and all easements

(c) Location of all lots, illustrating lot area and width to demonstrate compliance with the minimum requirements of the applicable zoning district

(d) Required building setback lines on all lots to demonstrate the availability of sufficient buildable land to make the lot usable

(e) Location of all utilities that would be necessary to serve a development under the Parallel Plan and which would not be located within any 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.

(f) If development under the Parallel Plan would require the use of septic tanks and drain fields, the Parallel Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Ottawa County Health Department.

(g) The topography of the land, 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.

(2) The site development plan for the open space preservation development shall include the following minimum information, in addition to that required by Chapter 18 of this Ordinance:

(a) The portion(s) of the land proposed to remain in a perpetually undeveloped state and the portions of the land to be used for clustered development.

(b) Total number of acres of land proposed to remain in a perpetually undeveloped state, the total number of acres of land proposed to be used for clustered development, and the area contained within rights-of-way or easements for streets. The percentage of each, as compared to the total site acreage, shall be indicated.

(c) Lots and proposed building envelopes, showing the lot area, 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.

(d) 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.

(e) 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.

(3) A copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, used to perpetually preserve the open space in an undeveloped state. Such legal instrument shall be reviewed by the township attorney, and shall be subject to the approval of the Township Board, consistent with the terms of this Section, prior to recording the legal instrument with the Ottawa County Register of Deeds. The legal instrument shall:

(a) Indicate the proposed permitted use(s) of the undeveloped open space.

(b) Require that the open space be perpetually preserved in an undeveloped state, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that may be approved by the Planning Commission.

(c) Require that the open space be maintained by parties who have an ownership interest in the property.

(d) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.

(4) If the development is to be served by public streets, written proof that the Ottawa County Road Commission has approved the design, layout and construction of the proposed public streets.

(5) Written proof that the Ottawa County Water Resources Commissioner 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.

(6) 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.

(H) Review Procedure.

(1) When reviewing an application submitted under the terms of this Section, the Planning Commission shall determine whether the Parallel Plan accurately reflects the number of dwelling units that could otherwise be developed on the land under its existing zoning. If the Planning Commission determines that the number of dwellings illustrated on the Parallel Plan exceeds the number of dwellings that could be permitted on the land if it were developed under its existing zoning, the applicant shall submit a revised site development plan for the open space preservation development reflecting the permitted number of dwellings, as determined by the Planning Commission.

(2) If a site development plan for an open space preservation development satisfies all applicable requirements of Section 7.10 of this Ordinance, and all requirements of this Section 14.15, 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.

(3) 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.

(I) Development Requirements.

(1) **Required Open Space**. At least fifty percent (50%) of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "open space"), as provided in Section 7.10. The following areas shall not be considered as open space:

(a) All areas within all public street rights-of-way.
(b) All areas within all private road easements.
(c) Any easement for overhead utility lines, unless adjacent to open space.
(d) The area within a platted lot or site condominium unit.
(e) Off-street parking areas.
(f) Detention and retention ponds.
(g) Community drain fields.
(h) Areas devoted to community water supply or sanitary sewer treatment systems.
(i) Marinas.
(j) Club houses and swimming pools.
(k) Golf courses.

(2) **Standards for Open Space.** The following standards shall apply to the open space required pursuant to this Section:

(a) The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, natural area, agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.

(b) The open space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably usable by such residents for passive recreation such as hiking and picnicking. The open space may be, but is not required to be, dedicated to the use of the public.

(c) Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided.

(d) A portion of the open space shall be located along the perimeter street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.

(e) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

(f) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water. The Planning Commission may also impose reasonable restrictions on access to and the use of riparian properties having common access rights.

(3) **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.

(4) **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.

(5) **Uniform Lot Size.** Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.

(6) **Building Envelopes.** The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.

(7) **Required Frontage.** Each lot shall have a minimum frontage measured at the public street right-of-way or private road easement line 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.

(8) **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.

(9) **Maximum Number of Lots.** The clustered portion of the development shall contain no more than the maximum number of lots that could otherwise be developed, as determined from the Parallel Plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in Section 14.15.F.11

(10) **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.

(11) **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:

(a) 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.

(b) 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.

(12) **Perimeter Lots.** Notwithstanding any other provision of this Section, the Planning Commission may require that the open space preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).

(13) **Grading.** Grading within the development shall comply with the following requirements:

(a) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.

(b) All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.

(c) Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.

(14) **Private Roads.** Private roads within an open space preservation development shall conform to the requirements of the Private Roads and Driveways Ordinance.

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

(J) Amendments to an Approved Site Plan.

(1) An approved open space preservation development plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a Minor Amendment.

(2) Changes to an approved development plan shall be permitted only under the following circumstances.

(a) The holder of an approved plan shall notify the Zoning Administrator of any desired change.

(b) Minor Amendments 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 Amendments shall include the following:

(i) Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;

(ii) Internal rearrangement of a Parking Lot which does not affect the number of parking spaces or alter access locations or design;

(iii) Changes required or requested by the Township, Ottawa County, or other State or Federal regulatory agency in order to conform to other laws or regulations.

(iv) Changes which will preserve natural features of the land without changing the basic site layout.

(v) 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 Amendments approved by the Zoning Administrator shall be submitted in writing to the Planning Commission for informational purposes.

(3) The Planning Commission may require performance guarantees for any public improvements associated with the open space preservation development. 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.

(K) Time Limitation on Development.

(1) 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.

(2) 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.

Chapter 15 Non-Conforming Uses, Structures, and Lots

Section 15.01 Non-Conforming Uses of Land. (Section 25.01)
Where, at the effective date of adoption or amendment of this Ordinance, a previously permitted use of land exists that is no longer permitted by this Ordinance, the use may be continued so long as it remains otherwise in compliance with this Ordinance, subject to the following provisions:

(D) No non-conforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, unless:

(1) Any enlargement or increase or extension is no greater than twenty-five percent (25%) of the area of the original non-conforming use; AND

(2) The enlargement or increase or extension is approved as a special land use pursuant to the criteria in Section 15.08 and the procedures provided in Chapter 12 (Special Land Uses).

(E) No non-conforming use shall be moved in whole or in part to any other portion of the lot occupied by the use at the effective date of adoption or amendment of this Ordinance.

(F) No non-conforming use shall be re-established after it has been changed to a conforming use.

(G) A building, structure, or premises used for a non-conforming use may be converted to another use which is less intensive, in the opinion of the Planning Commission. The less intensive use need not be a permitted or Special Land Use in the Zoning District.

(H) This Section shall be applied in compliance with the policy of the State of Michigan that non-conforming uses should gradually be eliminated, and that non-conforming uses should be restricted to the same area of land and level of intensity as involved at the effective date of adoption or amendment of this Ordinance.

Section 15.02 Non-Conforming Buildings and Structures. (Section 25.02)
Where a lawful Building or Structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of dimensional regulations, the Building or Structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No such Building or Structure may be enlarged or altered in a way which increases its non-conformity. However, such Building or Structure may be enlarged or altered in a way which does not increase its non-conformity. For the purposes of this Ordinance, increasing the height of a structure with a non-conforming setback IS considered increasing the non-conformity, and is not permitted.

(B) Should the Building or Structure be destroyed by an action not caused by the property owner (i.e. an Act of God, not intentional demolition) to an extent of more than fifty percent (50%) of its current replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.

(C) Should the Building or Structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(D) This Section shall be applied in compliance with the policy of the State of Michigan that non-conforming Buildings or Structures should be gradually eliminated, specifically by not allowing them

to exist longer than their natural life. However, if the following criteria are met, a non-conforming building or structure shall be exempt from this section.

(1) The Lot on which the non-conforming Building or Structure is located must be unable to meet the Lot area or Lot Width requirements of the zoning district.

(2) The non-conforming Building will not be expanded through its reconstruction, but rather simply reconstructed according to its current size in its current location or reconstructed at a reduced size in its current location.

(3) The non-conforming Building, after its reconstruction, will not violate this Ordinance to any greater extent than it did before its reconstruction.

(4) There is no location on the Lot where the non-conforming Building could be reconstructed at the requested and allowed size in compliance with this Ordinance.

Section 15.03 Non-Conforming Uses of Structures and Land. (Section 25.03)
If a permitted use, or special land use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, which is non-conforming in the district, such use may be continued so long as it remains otherwise in compliance with this Ordinance, subject to the following provisions:

(D) No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a conforming use.

(E) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

(F) A building, structure, or premises used for a nonconforming use may be converted to another use which is less intensive, in the opinion of the Planning Commission. The less intensive use need not be a permitted or Special Land Use in the Zoning District.

(G) Where a non-conforming use of a structure, or structure and land in combination, is replaced by a conforming use, the non-conforming use may not thereafter be resumed.

(H) Removal or destruction of structure shall eliminate the non-conforming status of the structure. If a structure has been removed intentionally and with the permission of the property owner, any replacement for that structure must be built in compliance with this Ordinance.

Section 15.04 Non-Conforming Lots. (Section 25.04)

(D) In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. However, all structures on the lot must meet all required setbacks.

(E) **Contiguous Nonconforming Lots in Common Ownership.** For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:

(1) Are in common ownership;
(2) Are adjacent each other or have continuous frontage, and;
(3) Individually do not meet the lot width or lot area requirements of this Ordinance.
(4) Are combined into a single lot prior to the issuance of a Building Permit for any improvement that would not be in compliance if one of the contiguous lots was sold.

Section 15.05 Completion of Pending Projects. (Section 25.05)
To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Section 15.06 Change of Tenancy or Ownership. (Section 25.07)
A change of tenancy, ownership, or management of any existing non-conforming uses of land, or structure, or of structures and land in combination, shall be permitted.

Section 15.07 Single Family Dwelling Exception. (Section 25.08)
Notwithstanding any other provisions of this Chapter, a single family dwelling located in a district which does not permit the same may be altered, expanded or rebuilt, as long as it complies with the districts design requirements such as setbacks and lot coverage.

Section 15.08 Expansion of a Non-Conforming Use by Special Use Approval. (Section 19.07.46)
A non-conforming use may be expanded, upon granting of Special Use Approval to the non-conforming use. In determining whether to approve the Special Use, the Planning Commission shall use the following criteria:

(A) The enlargement or increase or extension is reasonable based upon a consideration of the area of the original non-conforming use.

(B) The enlargement or increase or extension shall not substantially interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned, or with the use of such other properties in compliance with the provisions of this Ordinance.

(C) The enlargement, increase or extension shall not significantly compromise the ability of the Township to effectuate the goals and purposes of its Master Plan. The Planning Commission shall consider the extent of the incompatibility of the enlargement, increase or extension with the Master Plan and shall, if it grants an enlargement, increase or extension at all, use the extent of the incompatibility for determining the percentage of allowable enlargement, increase or extension. A correspondingly lesser percentage of enlargement, increase or extension may be granted when the extent of incompatibility is greater. A correspondingly greater percentage of enlargement, increase or extension may be granted (but no more than 25 percent) when the extent of incompatibility is less.

(D) Non-Conforming Uses Lawfully Approved Under Previous Ordinance. (Section 19.07.46)

(1) Applicant shall demonstrate the proposed enlargement, increase, or extension was lawfully approved under a prior ordinance.

(2) Applicant shall demonstrate that ownership in the real property has been retained since the original application was approved.

(3) The non-conforming use made part of the application shall be in existence and still present on the original parcel of land.

(4) Applicant shall demonstrate that no other feasible alternatives exist on the subject property to obtain the highest and best use.

(5) Planning Commission shall consider the cohesiveness with the surrounding area, subsections B and C above, and shall have discretion to increase the percentage allowed to enlarge, increase, or extend the non-conforming use, beyond twenty-five (25%) percent, notwithstanding the limits in Section 15.01.A.1.a of this Ordinance.

Chapter 16 Administration

Section 16.01 Zoning Administrator. (Section 27.01)
Except as otherwise provided herein, the duties of administering the provisions of this Ordinance shall be vested in the Zoning Administrator or such deputies of his/her department as he/she may delegate.

Section 16.02 Eligibility for Office. (Section 27.02)
To be eligible to be hired to the office of Zoning Administrator, a person shall be generally familiar with this Ordinance and informed in matters of building construction, fire safety and prevention, and the proper installation of safety, health, and sanitary facilities.

Section 16.03 Conflicts of Interest. (Section 27.02)
In the event that the Zoning Administrator has a financial interest in the construction of a building or development of a lot within the Township, the Zoning Administrator shall recuse themselves from all aspects of the approval process for the project in question. If there is a question as to whether or not the Zoning Administrator has a conflict of interest, then the Zoning Board of Appeals shall determine whether or not recusal is required.

Section 16.04 Zoning Permits. (Section 27.03)

(D) Zoning Permits.

(1) Except as provided below, no structure shall be erected, altered, or moved unless a zoning permit has been issued by the Zoning Administrator.

(a) In the event that a proposed alteration to a structure requires a Building Permit, then a separate Zoning Permit shall not be required. Instead, the Zoning Administrator shall determine whether all zoning requirements are met and shall sign the Building Permit application to demonstrate approval.

(b) Permits, when required, shall be non-transferable and must be obtained before any work, excavation, erection, alteration, or movement is begun.

(i) However, a permit may be transferred if a request is made in writing by both the permittee and the requester and property owner. An additional fee of up to half of the original fee may be required. Only the Zoning Administrator, Superintendent/Manager, or Building Official can authorize a transfer.

(c) The Zoning Administrator may determine that the work proposed has no impact on zoning (i.e. interior work with no change of use) and waive the Zoning Permit requirement.

(2) Each application for a Zoning Permit or Zoning Review portion of a Building Permit shall include the following information, unless waived by the Zoning Administrator:

(a) A general description of the proposed work.

(b) The location and actual dimensions of the lot or premises to which the permit is to apply.

(c) The type of buildings or structures to which the permit is to apply, and the proposed use of each.

(d) A drawing or sketch showing the area, size, and location of all buildings or structures to which the permit is to apply including the location of right-of-way lines of abutting streets and any easements on the property.

(e) The estimated value of the work or activity to which the permit is to apply including the value of uncompensated labor to be performed by applicant or other.

(f) Any other information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance. The Zoning Administrator may require additional information as part of any application for a Zoning Permit, or as part of the Zoning Review portion of a Building Permit application.

(3) Accessory buildings or structures, when erected or moved, placed, reconstructed, extended, enlarged or altered, at the same time as the Main Building on the same lot or premises and when shown on the application for permit for the Main Building, shall not require the issuance of a separate permit. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged, or altered separately or at a different time than the Main Building on the same lot or premises.

(E) Within ten (10) business days after receipt of any complete application, the Zoning Administrator shall either (1) issue a permit if the proposed work is in compliance with the provisions of this Ordinance, or (2) deny issuance of a permit and advise the applicant in writing of the reasons for such denial. If the application is approved, the Zoning Administrator shall issue a permit over their signature and a copy thereof to the applicant. The permit will provide a work description of project along with any stipulations in place as a condition of the approval. The permit shall be displayed in a prominent place and remain on the premises during the progress of the work authorized.

(F) Any permit issued shall become invalid if the authorized work is not commenced within one (1) year after issuance of the permit.

(G) A permit which has expired pursuant to this paragraph may be renewed for a further period of one (1) year upon re-application and payment of one-half (1/2) of the original fee, subject, however, to the provisions of this Ordinance in effect at the time of renewal. The Zoning Administrator shall have the ability to waive this fee at their discretion.

(H) The Zoning Administrator shall have the power to revoke any permit in the event of failure to comply with this Ordinance, or in the event of any misrepresentation in the application for the permit. Notice of such revocation shall be posted at the premises that is the subject of the permit and such posting shall be deemed notice to the permit holder.

(I) No permit shall be issued, until the applicant has paid the application fee.

Section 16.05 Inspections. (Section 27.04)
The Zoning Administrator may make such inspections of work authorized by a permit as deemed reasonably necessary to determine compliance with the provisions of this Ordinance

Section 16.06 Zoning Administrator Duties. (Section 27.06)

(D) Except as otherwise expressly provided herein, the Zoning Administrator shall have no power to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.

(E) The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant. despite violations of contracts such as covenants or private agreements which may occur upon the granting of said permit, unless those covenants or private agreements reflect requirements of this Ordinance or other Township Ordinances.

(F) The Zoning Administrator shall maintain a permanent record of all conditions imposed by the Planning Commission and/or Township Board pertaining to site plans, rezoning, special land uses, planned unit developments, or variances.

At a minimum the record shall include all documents submitted by an applicant, the action of the Planning Commission and/or Township Board, and any other pertinent document(s). The approved minutes of the Planning Commission, Zoning Board of Appeals or Township Board meeting where the conditions were approved shall be considered sufficient record under this section.

Section 16.07 Floodplain Management Administrative Duties. (Section 27.07)

(D) With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in Section 3.06 (Flood Hazard Areas), the duties of the Zoning Administrator shall include, but are not limited to:

(1) Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the FEMA; and

(2) Maintaining a record of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed.

(E) All records and maps pertaining to the National Flood Insurance Program shall be maintained in the Township Offices and shall be open for public inspection.

(F) It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the FEMA.

Section 16.08 Violations and Penalties. (Section 27.09)

(D) Violations of Ordinance a Municipal Civil Infraction. Any violation of this Ordinance shall constitute a municipal civil infraction. Any person, firm, or corporation who violates any provision of this Ordinance is responsible for a municipal civil infraction, and subject to payment of a civil fine, as well as any other action by the Township to abate the violation. The fine for a municipal civil infraction under this Ordinance shall be Fifty Dollars ($50.00), for the first violation, Two Hundred Fifty Dollars ($250.00) for the second violation, and Five Hundred Dollars ($500.00) for the third violation, or any subsequent. Costs and other sanctions may also be levied. Increased civil fines shall be imposed for repeated offenses by the same person. As used in this section, the term "repeated offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance which is committed by a person, firm, or corporation within twelve (12) months of a prior municipal civil infraction for which the person, firm, or corporation admitted responsibility or was determined to be responsible, and for which the person, firm or corporation admits responsibility or is determined to be responsible. Each day on which a violation of this Ordinance continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.

(E) Persons Authorized to Issue Municipal Civil Infraction Citations. The Township Supervisor, the Manager/Superintendent, the Zoning Administrator, the Code Enforcement Officer, Building Inspector, and the Township Attorney are hereby authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations of this Ordinance. All such citations shall be issued in accordance with all of the requirements of Chapter 87 of the Revised Judicature Act of the State of Michigan, as amended from time to time (MCLA 600.8700, et seq).

(F) Violations are a Nuisance per se. Any violation of this Ordinance shall constitute a nuisance per se. The Township is authorized to take any and all actions appropriate to prevent, abate, enjoin, or remove any such violation.

(G) Rights and Remedies Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 16.09 No Vested Rights. (Section 27.10)
Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 16.10 Township Board of Trustees.
The Township Board of Trustees shall have the following responsibilities and authority pursuant to this Ordinance.

(D) Adoption of Zoning Ordinance and Amendments. Pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended (MCL 125.3101 et seq.), the Township Board of Trustees shall have the authority to adopt this Ordinance, as well as amendments, including map amendments and Conditional Rezoning Agreements, previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.

(E) Review and Approval of Planned Unit Developments. Township Board review and approval shall be required for all Planned Unit Developments, in accordance with Section 18.04.

(F) Setting of Fees. In accordance with Section 18.09 and Section 19.01 of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

(G) Approval of Planning Commission Members. In accordance with Michigan Public Act 33 of 2008, as amended (MCL 125.3801 et seq.), members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.

(H) Adoption of a Master Plan. In accordance with Michigan Public Act 33 of 2008, as amended (MCL 125.3801 et seq.), the Township Board may approve a Master Plan. The Planning Commission shall formulate and recommend the Plan to the Board for adoption.

Section 16.11 Township Planning Commission.
The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

(D) Creation. The Township Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, and Township Ordinance.

(E) Membership and Operation. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Michigan Public Act 33 of 2008, as amended, and the Township Ordinance.

(F) Jurisdiction. The Planning Commission shall discharge the following duties pursuant to this Ordinance:

(1) Formulation of Zoning Ordinance and Amendments. The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.

(2) Site Plan Review. The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Section 18.02.

(3) Special Land Use Review and Decision. The Planning Commission shall be responsible for holding hearings and making a determination to approve, approve with conditions, or deny a proposed Special Land Use.

(4) Planned Unit Development Review. The Planning Commission shall be responsible for holding hearings and review of all applications for planned unit development in accordance with Section 18.04. The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Unit Development proposal.

(5) Formulation of a Master Plan. The Planning Commission shall be responsible for formulation and recommendation of a master plan to guide the development of the Township, in accordance with Michigan Public Act 33 of 2008, as amended.

(6) Review of Matters Referred by the Township Board. The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.

(7) Report on Operation of the Zoning Ordinance. In accordance with Section 308(2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Township Board of Trustees a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

Section 16.12 Fees

The Township Board shall establish fees to accompany applications for approvals listed in this Ordinance. Fees must be paid at the time of application.

Chapter 17 Site Condominiums

Section 17.01 Purpose and Scope. (Section 18.01)
Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of surface or sub-surface vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, Ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Lots or condominium units should be supported by certain infrastructure features, including paved roads, natural gas, municipal water and sanitary sewer, if available.

This Chapter requires preliminary review by the Zoning Administrator and Planning Commission followed by final review and approval by the Zoning Administrator and Township Board of site condominium project plans to ensure that site condominium projects comply with all applicable laws, Ordinances, and regulations, including, without limitation, this Zoning Ordinance, and the Condominium Act, Public Act 59 of 1978, as amended. Site condominium projects may be approved as provided by this Chapter in any zoning district for the uses permitted by the Zoning Ordinance in the zoning district in which the project is located.

Section 17.02 Definitions. (Section 18.02)

(D) For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitations, height, area, yard, and density requirements) or with other applicable laws, Ordinances, or regulations, a "building site" shall be considered to be the equivalent to a "lot".

(E) Except as otherwise provided by this Ordinance any words or phrases used in this Chapter which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act.

(F) The following terms, as used in this Section, shall have the following definitions common elements; condominium documents; condominium unit; contractible condominium; convertible area; expandable condominium; general common elements; and master deeds.

(G) Other terms specific to Site Condominium Projects (Building Envelope; Building Site; Condominium Act; Limited Common Element; Site Condominium Project; Site Condominium Project Plan; and Site Condominium Unit) are defined in Chapter 21 (Definitions).

Section 17.03 Standards for Approval.

(D) All site condominium projects must meet all requirements of this Ordinance, including but not limited to landscaping, lighting, parking, signage, and resiliency requirements.

(E) All site condominium projects must meet all requirements of the Township Subdivision Ordinance.

(F) Site Condominiums including eight (8), or more, residential units must be approved as Planned Unit Developments, in addition to the approval described in this chapter, and must meet all requirements for Planned Unit Developments.

Section 17.04 Contents of Site Condominium Project Plans. (Section 18.06)
A condominium project plan shall include the documents and information required by Section 66 of the Condominium Act (commonly known as "Exhibit B Documents") and by this Chapter of this Ordinance as determined necessary by the Planning Commission for review of a preliminary plan or by the Township Board for review of a final plan and shall also include the following.

(D) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.

(E) Storm drainage and a stormwater management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.

(F) A utility plan showing all municipal water and sanitary sewer lines and easements granted to the appropriate municipality for installation, repair, and maintenance of all utilities.

(G) A narrative describing the overall objectives of the proposed site condominium project.

(H) A narrative describing the proposed method of providing potable water supply, waste disposal facilities, and public and private utilities.

(I) A street construction, paving, and maintenance plan for all private streets within the proposed condominium project.

Section 17.05 Preliminary Staff Review.

(D) Application for review and approval of a site condominium project plan shall be initiated by submission to the Zoning Administrator of a minimum of four (4) hard copies and an electronic copy of a preliminary site condominium project plan which complies with the requirements of Section 17.04 of this Chapter, and an electronic copy of the proposed Master Deed and Bylaws for the condominium.

(E) The Zoning Administrator and other Township staff and consultants as deemed necessary shall review the proposal and provide comments within 10 business days of receipt of a complete application.

(F) The application shall not be placed on the Planning Commission agenda until the Zoning Administrator has determined the requirements of this Ordinance have been met substantially.

Section 17.06 Preliminary Plan Review by the Planning Commission. (Section 18.03)

(D) Prior to final review and approval of a site condominium project plan by the Township Board, a preliminary site condominium project plan shall be reviewed by the Zoning Administrator and the Planning Commission in accordance with the procedures, standards, and requirements provided by this Section.

(E) The applicant shall provide fourteen (14) hard copies and an electronic copy of the preliminary plan to the Zoning Administrator who shall review the preliminary plan to determine its completeness and to provide any comments to the Planning Commission regarding the plan. The Zoning Administrator may alter the number of required copies based on the needs of the Planning Commission and Board of Trustees.

(F) The Planning Commission shall review the preliminary site condominium project plan in accordance with the standards and requirements of this Ordinance for Site Plan Review, and in accordance with the following additional standards and requirements:

(1) In its review of a site condominium project plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner, or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed project, and compliance of the proposed project with all requirements of the Condominium Act or other applicable laws, Ordinances, or regulations.

(2) The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, side, and rear yards, and maximum building height.

(a) For detached single family homes with dedicated yards that are not part of the common element, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side, and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site to the closest respective front, side, or rear boundary of the building envelope.

(b) For multiple family or attached single family dwelling units that do not have dedicated yards, the area and width of the entire parcel shall be used to determine compliance with minimum lot area and lot width requirements. Compliance with required front yard shall be determined by measuring from the edge of the pavement of the nearest roadway to the building. Compliance with the required side, and rear yards shall be determined by doubling the required side and rear yard requirements and ensuring that all buildings are separated by the resulting distance. Multiple family and attached single family developments must also comply with the maximum density requirement in Section 2.08, footnote G.

(c) With regard to building height, the condominium documents shall expressly provide that no building shall exceed the maximum building height permitted by the applicable zoning district regulations.

(d) All Master Deeds, Covenants, Bylaws, or other similar internal regulations of a condominium or site condominium shall encourage the use of the native species listed in Section 4.02.A.1, in order to support the Township Master Plan's goals of conserving groundwater resources, reducing the need for irrigation and maintenance, drought and flooding resiliency, and overall cost savings.

(3) If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Ottawa County Road Commission. All private streets in a site condominium project shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements and any other applicable standards of the Township's Private Roads Ordinance.

(4) The site condominium project shall be connected to the Township's water and sanitary sewer facilities, if available. The Township's water and sanitary sewer facilities shall be determined to be available if there is municipal water supply main or sanitary sewer line to which connection can be made within two thousand, seven hundred (2,700) feet of the site condominium's nearest common element and the connection can be constructed, based on an analysis by a professional engineer. If public water and sanitary sewer facilities are not available, the Site Condominium Project shall either be served by a private central system designed for connection to a public system when and if a public system is made available, or shall have a well, septic tank, and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Ottawa County Department of Health and the Township in accordance with applicable standards. Further, any Site Condominium that is not currently served by public sewer and water shall have a mandatory condition of approval to execute a Public Utility Future Connection Agreement. This Agreement would require all properties to be a "yes" vote if any Special Assessment District is ever proposed that would provide public sewer and/or water to the development.

(5) The Planning Commission shall require the plan to be submitted to the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Water Resources Commissioner, Michigan Department of Natural Resources, Michigan Department of Energy, Great Lakes, and Environment, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies or their successors ("the Agencies") having direct authority over any aspect of the proposed site condominium project.

Section 17.07 Planning Commission Recommendations. (Section 18.04)

(D) The Planning Commission shall hold a public hearing on the preliminary site condominium project plan. The public hearing shall be noticed in accordance with requirements of the Zoning Act.

(E) After reviewing the preliminary site condominium project plan, and after holding a public hearing, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

Section 17.08 Final Plan Review and Approval by the Township Board. (Section 18.05)

(A) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Zoning Administrator a minimum of ten (10) hard copies and an electronic copy of a final site condominium development plan which complies with the requirements of this Section and of Section 18.06 of this Chapter. The Zoning Administrator may alter the number of required copies based on the needs of the Planning Commission and Board of Trustees. The Zoning Administrator shall determine if all revisions required by the Planning Commission have been made. If they have, the application shall be placed on the Township Board agenda. If they have not, then the applicant must revise the application prior to appearing on a Township Board agenda.

(B) The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission as provided by this Chapter prior to approval of the plan by the Township Board.

(C) After receiving the Planning Commission's recommendations on the site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny, or approve with conditions, the plan in accordance with the standards provided by Section 20.03, and other applicable procedures, standards, and requirements provided by this Chapter.

Section 17.09 Construction in Compliance with Approved Final Project Plan. (Section 18.07)
No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium project plan as approved by the Township Board, including any conditions of approval.

Section 17.10 Commencement of Construction; Issuance of Permits. (Section 18.08)
No construction or other site improvements or changes shall be commenced by any person and no building permits shall be issued by the building inspector for a site condominium project until:

(D) A final site condominium project plan has been approved by the Township Board;

(E) All conditions to commencement of construction imposed by the Township Board have been met; and

(F) All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

Section 17.11 Expandable or Convertible Condominium Projects. (Section 18.09)
Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Township Board in compliance with the procedures, standards, and requirements of this Chapter.

Section 17.12 Revision of Approved Final Site Condominium Project Plan. (Section 18.010)
Changes to an approved Site Condominium plan shall be approved using the same process as amendments to Planned Unit Developments, as described in Section 7.13.

Section 17.13 Incorporation of Approved Provisions in Master Deed. (Section 18.11)
All provisions of a final site condominium project plan which are approved by the Township Board as provided by this Chapter shall be incorporated, as approved, in the master deed for the site condominium project. A copy of the master deed as filed with the Ottawa County Register of Deeds for recording shall be provided to the Township within ten (10) days after filing the plan with the County.

Section 17.14 Expiration of Approval. (Section 18.12)

(D) Approval of the site condominium shall expire and be of no effect unless at least utility and earthwork has commenced within one (1) year of the date of approval of the Final Site Plan of the Site Condominium or any phase thereof. An extension for a specific period may be granted by the Planning Commission upon good cause shown, only if such request is made in writing to the Township prior to the expiration date.

(E) In the case of a site condominium proposed to be completed in phases, the expiration of approval shall only be effective for each phase after approval of the Final Site Plan for that phase. The rezoning shall include the entire proposed Site Condominium.

(F) If construction of a site condominium falls more than two (2) years behind the approved building schedule, the Township shall send notification in writing to the developer which explains that the Planning Commission will consider revocation of the site condominium. Sixty (60) days after the notification, the Planning Commission may either initiate action to revoke the Site Condominium or extend such schedule upon good cause shown.

Section 17.15 Exemption of Existing Projects. (Section 18.13)

(D) This Chapter shall not apply to a site condominium project which is determined by the Township Board to have met the following conditions as of the effective date of this Ordinance (an "existing project"):

(1) A condominium master deed was recorded for the project with the Ottawa County Register of Deeds in accordance with the requirements of the Condominium Act and other applicable laws and Ordinances; and

(2) The existing project fully complies with all other applicable requirements under Township Ordinances in effect on the date when the condominium master deed was recorded.

(E) The exemption provided by this Section shall apply only to an existing project precisely as described in the condominium master deed recorded for the existing project on the effective date of this Chapter, and not to any subsequent expansion, conversion, or replatting of the existing project or subsequent modification or amendment to the master deed which shall be fully subject to the review and approval requirements as provided by this Chapter.

Chapter 18 Site Plan Review

Section 18.01 Purpose and Intent.
The site plan review procedures, standards, and required information in this Section are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, including the Michigan Building Code, as amended, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Township and applicant so as to facilitate development in accordance with the Township's land use objectives.

Section 18.02 Planning Commission Approval. (Section 23.01)
A permit shall not be issued for the establishment of any use as outlined in Section 18.03 or for the construction of any structure to be used in conjunction, until the Planning Commission has issued its written approval following its review of a submitted site plan.

Section 18.03 Scope. (Section 23.02)
Except as provided elsewhere in this Ordinance, site plan approval under this Chapter is required for the following. A permit shall not be issued for any of the following activities until the Planning Commission has approved a site plan for the application.

(D) Any use or development for which the submission of a site plan is required by any other provision of this Ordinance.

(E) Any use or development for which approval of a special land use is required under this Ordinance.

(F) Any use, except single family residential, for which off-street parking area is required by this Ordinance. However, if the only alteration of the site is the expansion of parking, the parking expansion may be approved by the Zoning Administrator.

(G) Any use, except single family or two-family residential, in an R-3, R-4, C-1, C-2, or I-1 district.

(H) All uses permitted in residential districts, except single family residential.

(I) Planned Unit Developments.

(J) Site Condominium Projects.

Section 18.04 Exemptions. (Section 23.03)
The following uses are exempt from site plan submission and approval provisions of this Section:

(D) Accessory Structures
(E) Signage
(F) Single Family Homes
(G) Minor alterations to an approved site, as determined by the Zoning Administrator

Section 18.05 Pre-Application Conference. (Section 23.04)

(D) In order to facilitate review of a Site Plan proposal in a timely manner, the applicant shall request an informal pre-application conference with either Township staff, or a pre-application presentation before the Planning Commission, or both. The purpose of such conference/presentation is to exchange information and provide guidance to the applicant that will assist in preparation of application materials.

(E) At least five (5) business days prior to the pre-application conference with Township staff, the applicant shall submit four (4) copies of:

(1) A concept plan of the proposed Site Plan (drawn to scale);
(2) A location map of the proposed development;
(3) The total land area of the project;
(4) The approximate number of residential units to be constructed;
(5) The gross and usable floor area of non-residential uses;
(6) Areas to be designated as common areas or open spaces; and
(7) A project narrative.

(F) At least seven (7) business days prior to the pre-application presentation before the Planning Commission, that applicant shall submit fourteen (14) copies and one (1) electronic copy of the following shall be submitted. The Zoning Administrator may alter the number of required copies based on the needs of the Planning Commission and Board of Trustees.

(G) There shall be no fee for a pre-application conference or presentation. No formal action will be taken at a pre-application conference or presentation nor will statements made at the pre-application conference or presentation be considered legally binding commitments.

Section 18.06 Application Procedures. (Section 23.05)
Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. Prior to submission of the site plan to the Planning Commission the site plan shall be reviewed by the Zoning Administrator, the Fire/Rescue Department, and the Public Services Department to determine whether the site plan complies with the requirements of all applicable state and federal laws and regulations, and with the requirements if all applicable Township Ordinances, resolutions, regulations and policies.

Section 18.07 Final Site Plan Review. (Section 23.06)

(D) Every final site plan submitted must be signed and sealed by a licensed professional, be drawn to a scale of not less than 1” = 50’ if the subject property is less than three (3) acres in size, and 1” = 100’ if the subject property is three (3) acres or larger is size and contain the following minimum information:

(1) All information listed in Section 18.05.B, in a level of detail sufficient to determine compliance with this Ordinance.
(2) A photometric plan and cut sheets of all proposed light fixtures.
(3) Species and planting size of all landscaping.
(4) Information on all utilities, color coded by utility for ease of understanding the plan.
(5) Demolition Plan
(6) SESC/Grading Plan
(7) Details of Fences, Dumpster Enclosure, and other elements requiring significant specific information.
(8) Circulation Plan
(9) Size and location of all proposed signage.
(10) Architectural Renderings
(11) Stormwater Management Plan

(E) Information shall also be submitted indicating whether the site plan has been approved by any other person or agency that has authority to approve the site plan, including but not limited to: Ottawa County Road Commission, Ottawa County Water Resources Commissioner, and Ottawa County Health Department.

(F) The site plan shall also show any portions of the property, if any, which are affected by applicable state, federal, county or township regulations, statutes, ordinances, etc.

(G) The site plan or other materials shall also include any additional information which may be requested by the Planning Commission to assist it in its review of the proposed use and the effect of the proposed use on neighboring uses, structures, and public facilities, public utilities, and public infrastructure.

(H) Site plans relating to uses and structures for which Planning Commission approval as a special land use is granted pursuant to Chapter 12 (Special Land Uses) shall not be approved unless the site plan submitted by the applicant complies with the approval of the special land use and any conditions imposed as a requirement of approval of the special land use.

(I) At the consideration of the site plan, the Planning Commission shall have authority to inquire of the applicant into any matter that is required to be shown.

(J) Site plans which relate to all uses or structures (permitted and special land uses) shall not be approved unless the Planning Commission affirmatively determines that each of the following standards have been fulfilled:

(1) The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

(2) Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

(3) The arrangement of public or private vehicular and pedestrian connections to existing or planned street in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township.

(4) Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

(5) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

(6) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.

(7) All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire/Rescue Department.

(8) All streets and driveways shall be developed in accordance with the Township Subdivision Control Ordinance, the Ottawa County Road Commission, and/or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance or any other Township Ordinance. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing.

(9) Sidewalks or pathways shall be deemed to be required along all public and private roadways unless the applicant provides compelling evidence, in the opinion of the Planning Commission, that they are not necessary for pedestrian access or safety. Sidewalks shall terminate in an appropriate fashion consistent with the needs and safety of pedestrians. No sidewalk shall terminate into landscaping.

(10) Appropriate measures shall be taken to ensure that removal of surface water will not adversely affect neighboring properties of the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

(11) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.

(12) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts of public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.

(13) Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits must comply with this Ordinance and the requirements of the Ottawa County Road Commission and/or the Michigan Department of Transportation.

(14) Site plans shall conform to all applicable requirements of county, state, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary county, state, Federal, and Township permits before final site plan approval or an occupancy permit is granted.

(15) Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.

(16) The general purposes and spirit of this Ordinance and the Master Plan of the Township shall be maintained.

Section 18.08 Special Conditions. (Section 23.07)

(D) Approval of site plans may be made subject to conditions imposed by the Planning Commission which are designed to assure the safety and convenience of both vehicular and pedestrian traffic within the site and in relation to abutting streets, and in furtherance thereof such conditions my, by way of illustration and not of limitation, regulate the number, location, and design of curb cuts, driveways, walkways, and parking lots.

(E) The approval of site plans may be conditioned upon the installation of public water or public sewer utilities, or both, to the property, when such utilities are necessary in order to facilitate adequate and efficient provision of water and sewage disposal, or both.

(F) The approval of site plans may be conditioned upon other requirements deemed reasonably necessary by the Planning Commission.

Section 18.09 Conformity to Approved Site Plan. (Section 23.08)

(D) Property, which is the subject of site plan approval, must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the Planning Commission.

(E) If construction and development does not conform to the approved plan, the approval of the site plan shall be revoked by the Zoning Administrator by written notice of the revocation being posted upon the premises involved and mailed to the owner at their last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has, upon proper application of the owner, approved a modification in the site plan to coincide with the owner's construction, or altered plans for construction to be in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose, and intent of this Ordinance.

(F) Approval of the site plan shall be valid for a period of one (1) year. If a building permit has not been obtained and on-site development actually commenced within one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

Section 18.10 Amendment to Approved Site Plan. (Section 23.09)
Amendments shall be reviewed based on the process described in Section 7.13.

Chapter 19 Zoning Board of Appeals

Section 19.01 Creation and Membership. (Section 26.01)

(D) The Township shall have a Zoning Board of Appeals which shall be constituted and appointed as provided in the Michigan Zoning Enabling Act.

(E) The Township Board of Appeals shall consist of five (5) members, including one (1) member of the Township Board, one (1) member of the Planning Commission, and three (3) additional members. The Township Board member and Planning Commission member must be two separate people.

(F) All members shall be appointed by the Township Board. The members that are not members of the Planning Commission or Township Board shall not be elected officers or employees of the Township.

(G) The non-Planning Commission or Township Board members shall be appointed for three (3) year terms. The Planning Commission and Township Board representatives shall only serve while holding membership on those bodies.

(H) Up to two (2) alternate members may be appointed by the Township Board for three (3) year terms. One or both alternate members may be called to sit as regular members of the Board of Appeals in the absence of a regular member or for the purpose of reaching a decision on a case in which the regular member has declared a conflict of interest. The alternate member appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

(1) Alternate members shall be expected to regularly attend Zoning Board of Appeals meetings as if they were regular members rather than alternates.

(2) Alternate members shall be allowed to participate in the discussion of a case by the Board of Appeals, up until the time a motion has been made, has been seconded, and is ready for a vote. Alternate members shall not participate in the vote, unless they have been appointed to replace regular members of the Zoning Board of Appeals.

(3) To facilitate their participation in the discussion of a case, alternate members shall sit with the regular members during a meeting of the Board of Appeals.

Section 19.02 Jurisdiction and Power. (Section 26.02)
The Zoning Board of Appeals shall have the following jurisdiction and powers:

(A) To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or the Planning Commission. The Township Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify such order, requirement, decision, or determination, and to that end shall have the power to direct the issuance of a permit. The exceptions to this power shall be the approval or denial of Special Land Uses by the Planning Commission and the approval or denial of Planned Unit Developments by the Township Board. Those decisions shall be considered final and not appealable.

(B) To act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the Zoning Map and Ordinance text.

(C) To authorize a variance or modification of this Ordinance, upon determination that the criteria in Section 19.05 have been met.

(D) Pursuant to Section 19.04 of this Ordinance, the Township Zoning Board of Appeals shall not have jurisdiction to reverse decisions involving Special Land Use or Planned Unit Development.

Section 19.03 Rules of Procedure. (Section 26.03)
The Zoning Board of Appeals may fix rules and regulations governing its procedures as the Board deems necessary, provided they are in compliance with the Michigan Zoning Enabling Act and this Ordinance.

Section 19.04 Majority Vote. (Section 26.04)
The concurring vote of a majority of the membership of the Township Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the appellant or applicant on any matters appealed or presented.

Section 19.05 Variances. (Section 26.05)

(D) **Dimensional Variance. (Section 26.05.1)** Except as otherwise provided, to authorize a non-use or dimensional variances from the strict applications of the provisions of this Ordinance, the Zoning Board of Appeals shall apply the following standards and shall make an affirmative finding as to each of the matters set forth in each of such standards:

(1) That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning classification: Exceptional or extraordinary circumstances or conditions include:

(a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance, or amendment thereto;

(b) Exceptional topographic conditions;

(c) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or

(d) By reason of the use or development of the property immediately adjoining the property in question

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, provided that possible increased financial return shall not of itself, be deemed sufficient to warrant a variance.

(3) That authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

(4) That the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation, a part of this Ordinance.

(E) Use Variance. (Section 26.05.2) A use variance may be allowed only in cases where two-thirds of the members of the Board of Appeals approve the use variance after finding there is reasonable evidence of unnecessary hardship in the official record of the hearing and that all of the following conditions are met.

(1) The building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zoning district in which it is located.

(2) There are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

(a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of the applicable provision(s) of this Ordinance;

(b) Exceptional topographic conditions;

(c) Any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary; or

(d) The use or development of the property immediately adjoining the property in question

(3) The proposed use will not alter the essential character of the neighborhood.

(4) The variance is not necessitated as a result of any action or inaction of the applicant.

(5) Prior to the Board of Appeals granting a request for a use variance, the Board of Appeals shall request that the Planning Commission consider the request and forward a report to the Board of Appeals as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification (i.e., without a use variance), and whether or not the request may alter the essential character of the neighborhood if granted. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and any other detrimental effects for the neighborhood which would result from the granting of the request.

(6) In some instances, the Zoning Board of Appeals may be asked to consider a variance for a proposal which will subsequently require approval by the Planning Commission (e.g. site plan review, special land use review, Planned Unit Development review, etc.). Prior to the Zoning Board of Appeals granting a request for such a variance, the Zoning Board of Appeals may request that the Planning Commission consider the request and forward a report to the Zoning Board of Appeals. This report should list any specific concern(s) that the Planning

Commission may have with the implications of the requested variance on the Planning Commission's decision to grant approval on the subsequent request.

Section 19.06 Exemptions to Rear Yard Setbacks in Certain Circumstances.

(D) Authority of Zoning Board of Appeals. In some circumstances, Main Buildings extending into the required rear setback may be authorized by the Zoning Board of Appeals pursuant to Section 603 of the Michigan Zoning Enabling Act.

(E) Approval Criteria. In order to qualify for an authorization under this Section, the application must meet the following criteria. The criteria for approving a variance shall not apply to these requests, and any approval by the ZBA shall not be considered a variance from this Ordinance.

(1) The lot in question must be in the R-2 zoning district.

(2) The lot in question must be 15,000 square feet or less in area.

(3) The square footage of the footprint of the portion of the Main Building extending into the required rear yard, plus the total square footage of the footprints of all Accessory Structures on a Lot shall not be more than the amount of square footage of Accessory Structures allowed by right. Once constructed, the square footage of the Main Building extending into the required rear yard shall be included in the calculation of total square footage of Accessory Structures, when determining whether a new Accessory Structure may be constructed on the lot.

(a) See Section 10.01.C.7 for the maximum square footage of Accessory Structures permitted on a given lot.

(b) The ZBA will require a restrictive covenant, such as a deed restriction, recorded with the Ottawa County Register of Deeds, indicating the restriction on the size (and potentially, the number of) accessory structures on the lot, based on the requirements of this Section.

(4) The portion of the Main Building within the required rear setback shall meet the required side setback for a Main Building, and no less than 40% of the required rear yard setback. Further, the requirements of Section 10.04.C.4 shall still apply to any deck extending from the projection into the required yard, so no deck may extend closer to the rear lot line than 40% of the required rear setback.

(5) The footprint of the portion of the Main Building within the required rear yard shall not exceed 25% of the footprint of the Main Building that is not within the required rear yard.

(6) The Board of Appeals shall have the authority to require landscaping when deemed appropriate when considering the nature of the area.

(7) All of the Buildings and Structures on the Lot shall not exceed the Lot Coverage standards of the underlying Zoning District.

(8) The portion of the Main Building within the required rear yard shall generally be compatible with the architecture style and Building form of the Main Building, as well as generally compatible with the architecture style of the surrounding buildings on adjacent lots.

(9) The area, height, and massing of the proposed Accessory Building or Structure shall be proportional to the overall area of the Lot upon which it is placed and consistent with other residential Buildings or Structures in the surrounding neighborhood. The building height shall not exceed the maximum height in the R-2 district for Main Buildings.

(10) The Accessory Building or Structure shall be located in such a manner as to not cause a storm water runoff nuisance on adjacent property.

Section 19.07 Flood Hazard Area Zone Variances. (Section 26.06)

(D) Variances from the provisions of Section 3.06 (Flood Hazard Areas) shall only be granted by the Township Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this Ordinance and each of the following specific standards:

(1) A variance shall not be granted within a regulatory floodway where the result would be any increase in flood levels during a base flood discharge, except upon certification by a registered professional engineer or the Department of Natural Resources that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with applicable State law shall be required, provided that the allowable increase, including the increase used as the design standard for delineating the floodway, shall not exceed one (1) foot.

(2) A variance shall be granted only upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) A determination that the granting of a variance will not result in flood heights in excess of those permitted by this Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or Ordinances.

(3) The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

(E) The Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this Ordinance.

(F) Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites or any other state register of historic places without regard to the requirements of this section governing variances in flood hazard areas.

Section 19.08 Conditions. (Section 26.07)

(D) The Township Zoning Board of Appeals may impose reasonable conditions in conjunction with the approval of a variance. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility needs caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land, in a socially and economically desirable manner. Conditions imposed shall meet the requirements of the Michigan Zoning Enabling Act.

(E) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township Zoning Board of Appeals and the landowner. The Township Zoning Board of Appeals shall maintain a record of conditions which are changed.

Section 19.09 Period of Validity. (Section 26.08)

(D) When approval of the Zoning Board of Appeals is given for a use which is temporary in nature, the period for which such use is authorized shall be stated in the written decision of said Board and upon the expiration of such period such authorization shall cease and be of no further effect.

(E) No decision of the Zoning Board of Appeals permitting the erection of a structure shall be valid for a period longer than one (1) year, unless a zoning permit for such erection or alteration is obtained within such year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(F) No decision of the Zoning Board of Appeals permitting a use of a structure or premises shall be valid for a period longer than one (1) year unless such use is established within such year; provided, however, that where such use permitted is dependent upon the erection or alteration of a structure such decision shall continue in force and effect if a zoning permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(G) The Zoning Board of Appeals may grant an extension of a variance upon the demonstration, to the satisfaction of the Board that the delay in obtaining building permits was not caused by the action or negligence of the applicant.

Section 19.10 Fees. (Section 26.09)
All appeals or applications to the Township Zoning Board of Appeals shall be accompanied by payment of such fees as shall from time to time be established by resolution of the Township Board.

Chapter 20 Amendments

Section 20.01 Purpose. (Section 27.08)
Amendments or supplements to this Ordinance may be initiated by the Township Board by motion or resolution, by the Township Planning Commission, or by any interested person(s) by application to the Township Planning Commission.

Section 20.02 Application Procedures. (Section 27.08.1)

(D) The applicant shall propose the amendment to the Ordinance text and map on a form to be provided by the Township. The applicant shall clearly state the proposed amendment, either by clearing stating the parcel to be rezoned and the proposed new zoning district, or by providing proposed ordinance text.

(E) The applicant may request that the revised text be drafted by the Zoning Administrator and Township Attorney, in pursuit of a clearly stated policy goal requested by the applicant. The Township may impose a fee or hourly rates for the drafting of the amendment or may hire an outside consultant to draft the amendment, with the cost of the consultant paid by the applicant.

(F) Proposed amendments or supplements to this Ordinance shall be considered and acted upon as provided in the Zoning Enabling Act.

(G) If a Conditional Rezoning Agreement is proposed, it must be submitted by the applicant in writing at the time of application, as required by the Zoning Enabling Act.

Section 20.03 Basis of Decision and Criteria.

(D) **Recommendation to the Township Board. (Section 27.08.3)** After the public hearing, the Planning Commission shall make a recommendation to the Township Board regarding the proposed amendment or supplement to the Ordinance, including but not limited to requests or recommendations to change the zoning district classification of property situated in the Township. Before making a recommendation, the Planning Commission shall consider the following:

(1) The purpose, intent, policies, goals, objectives, and action plan of the Township Master Plan, Strategic Plan, and other Township planning documents, and applicable state and federal statutes;

(2) The adequate and efficient provision of utilities and public services for property which is or will be affected by the proposed amendment or supplement to the Ordinance; and

(3) The uses permitted in the proposed zoning district, including the permitted density of dwelling units, and the potential impact of those uses on the surrounding area.

(4) The impact of the potential developments under the new zoning district on the environment, economy, health, safety, welfare, and quality of life of residents and visitors to Grand Haven Township.

(E) Action by the Township Board. (Section 27.08.4) Upon the receipt of the Planning Commission's recommendation, the Township Board shall act upon the proposed amendment or supplement to the Zoning Ordinance as provided by the Township Zoning Act, as amended from time to time.

Chapter 21 Definitions

Section 21.01 Rules of Construction. (Section 2.01)
The following rules of construction apply to the text of this Ordinance:

(D) The particular shall control the general.

(E) In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

(F) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(G) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(H) A "building" or "structure" includes any part thereof.

(I) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

(J) The word "person" includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.

(K) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:

(1) "And" indicates all the connected items, conditions, and provisions shall apply.

(2) "Or" indicates the connected items, conditions, and provisions shall apply.

(3) "Either...or" indicates the connected items, conditions, provisions, or events shall apply singly but not in combination.

(L) Except as otherwise provided herein, all provisions in this Ordinance requiring a determination of whether a district is higher or lower, or more restrictive or less restrictive, than another district shall be resolved by construing the several districts to possess a relative degree of highness and a relative degree of restrictiveness in the same sequence as the districts are set forth in Section 2.01 (Districts Established) with the AG district being the highest and most restrictive district and the I-1 district being the lowest and least restrictive district.

Section 21.02 Definitions. (Section 2.02-2.27)

(D) The following definitions shall apply throughout the Zoning Ordinance.

(1) **Accessory Dwelling Unit.** A second dwelling unit associated with the principal dwelling, which cannot be sold or leased separately from the principal dwelling unit.

(2) **Accessory Structure.** A structure subordinate to, and on the same lot as, a main building and devoted exclusively to an accessory use related to the use of the main building.

(3) **Alterations.** Any change in the supporting member of a building including, but not limited to, bearing walls, columns, posts, beams, girders, and similar components.

(4) **Amateur Radio Antenna.** Any combination of materials or equipment used exclusively for the purpose of sending or receiving electromagnetic waves for amateur radio services.

(a) **Amateur Radio Antenna Support Structure.** Any structure, such as a mast, pole, tower or any combination thereof, whether ground or roof mounted, ground or guyed, used exclusively for supporting one (1) or more amateur radio antenna.

(b) **Dish Antennas.** A parabolic-type of antenna designed to receive radio, television, or microwave communication signals and which may be of solid (totally opaque), transparent or mesh-type construction.

(5) **Architectural Elements and Building Materials.**

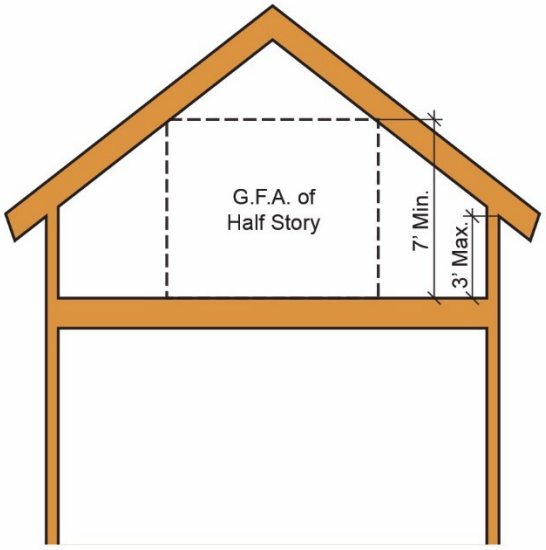
(a) ~~**Basement.** The portion of a building where 51% or more of the floor to ceiling height is below the average grade surrounding the building. A basement shall not be counted as a story.~~

(b) **Basement.** A story that is not a story above grade plane. A basement shall not be counted as a story.

(c) **Enclosed Breezeway.** A covered passageway, including a roof, between a main building and detached garage that is enclosed on all sides by rigid, permanent walls, the exterior of which is finished with building materials that are architecturally compatible with the exterior building materials of the main building.

(d) **Ground Floor.** The lowest floor in elevation where at least 50% of the story height is above the average exterior grade.

(e) ~~**Story.** The distance between the floor and the ceiling in a part of a building comprising all of the rooms on the same level.~~



(f) **Story.** That portion of a building included between the upper surface of the floor or roof next above. A story is measured as the vertical distance from the top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, when there is not a ceiling, to the top of the roof rafters.

(g) **Story, Half.** The highest story under a sloping roof where the line of intersection of roof decking and wall is not more than three (3) feet above the top floor level, and the gross floor area of the half story is not more than fifty percent (50%) of the gross floor area of the story directly below it.

(6) **Airport.** An area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft. For the purposes of this ordinance, helipads accessory to another use (such as a hospital) shall not be considered airports. Nor shall any site that includes only a single aircraft accessory to a principal that is not solely dedicated to the takeoff and landing of aircraft.

(7) **Agriculture.** Commercial farming in all its branches, including cultivation of the soil, growing, and harvesting of any agricultural, horticultural, or floricultural commodity, dairying, raising of livestock, bees, fur bearing animals, or poultry, turf and tree farming, and any practices performed as an incident to or in conjunction with such farming operation.

(a) **Animals.** Any member of the kingdom animalia, except human beings. "domesticated animals" shall refer to animals taken care of in their day-to-day needs by humans. Specific categories of animals include:

(i) **Domesticated animals.** animals taken care of in their day-to-day needs by humans.

(ii) **Pets.** a domesticated animal kept solely for companionship, recreation, and pleasure, regardless of the use of the property where the animal resides. Any animal may be considered a pet, provided that it meets this definition, and it is not listed as "livestock" or an "exotic or wild animal." 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.

(iii) **Livestock.** domesticated animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor, breeding, or the production of milk, eggs, manure, wool, or other animal-based products. The following animals shall be considered livestock in all instances: cattle, horses, pigs, sheep, goats, and chickens.

(iv) **Exotic or Wild Animals.** any animal not commonly (in Michigan) domesticated, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans. The following animals shall be considered exotic or wild animals in all instances: big cats, venomous snakes, birds of prey, primates, deer, racoons, and opossums.

(b) **Intensive livestock operation.** An agricultural facility including the number of animals necessary to be considered an intensive livestock operation under the generally accepted agricultural management practices (GAAMPs) adopted by the state of Michigan.

(c) **Kennel.** Any lot or premises on which more than five (5) pets reside permanently and which is engaged in a commercial or rescue/rehabilitative operation. Kennels may also include facilities for overnight animal boarding.

(d) **Pet daycare.** Any lot or premises providing for temporary pet care (not overnight), which may include obedience classes, training, grooming, or behavioral counseling.

(8) **Agri-Tourism.** A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm owners. Examples include, but are not limited to, cider mills, wineries, and farm-based entertainment facilities.

(9) **Art Studio.** A facility for the creation and sale of artwork.

(10) **Bank.** A financial institution dedicated to accepting monetary deposits and providing loans. Credit unions shall be considered banks for the purposes of this ordinance.

(11) **Barber Shop/Beauty Shop.** A personal service establishment offering any of a variety of health and beauty services including hair, nails, make-up, and other related services.

(12) **Brewpub.** An eating or drinking establishment that includes the brewing of beer or ale as an accessory use for sale on the same premises of not more than five thousand (5,000) barrels per year (a barrel is equivalent to thirty-one (31) U.S. Gallons).

(13) **Building.** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind.

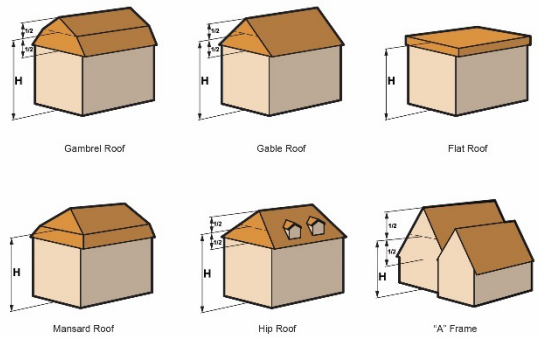
(a) **Accessory Building.** A building subordinate to, and on the same lot as, a main building and devoted exclusively to an accessory use related to the use of the main building.

(b) **Main Building.** A building in which is conducted the principal use of the lot on which it is situated.

(c) **Building Envelope.** The area of a lot where buildings can be constructed, which excludes non-buildable areas such as setbacks and right-of-way's.

(d) **Building Footprint.** The footprint of the building is equal to the area of the building's foundation. The area is measured from the exterior faces of the foundation walls. Any overhanging roof or cantilevered floor shall be included in the footprint if the roof or floor extends three (3) feet or more beyond the exterior face of the foundation walls.

~~**(e) Building Height.** The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck-line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.~~



Building Height
H = Height of Building

(f) Building Height (Story Above Grade Plane). Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is more than 6 feet above grade plane. Height is measured as the vertical distance established from grade plane to the highest point of the roof surface for flat roofs; to the deck-line for mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

(g) Building Site. The lot on which a building is constructed.

(14) Building Appurtenances.

(a) Deck. A raised platform, commonly, but not necessarily, constructed of wood, which does not have a roof and is typically attached to or abuts a house and used for outdoor leisure activities.

(b) Patio. A paved area, seven (7) inches or less above grade at any portion of the structure, which does not have a roof and is typically attached to or abuts a house and used for outdoor leisure activities.

(c) Porch. A covered entrance to a building or structure which projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

(d) Entryway Stairs. A raised platform that meets the definition of deck, but is located in the front yard, and is less than fifty (50) square feet in area. Required per building code for buildings with elevated entryways.

(e) Elevated Walkway. A raised platform that may or may not be attached to a building or structure and is used for traversing difficult landscapes such as those located in the Critical Dune Areas, floodplains, and wetlands. Only platforms that comply with the Michigan Department of Energy, Great Lakes, and Environment's "Part 353 – Activities Not Constituting a Contour Change or Use" policy and procedure for stairways, boardwalks, and/or trams shall be considered elevated walkways for the purposes of this Ordinance.

(15) Building Permit. A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this zoning ordinance and the building code.

(16) Bus Terminal. A premise for the housing or parking of motor driven buses, and the loading and unloading of passengers.

(17) Campground. A parcel or tract of land which is licensed by the State of Michigan as a campground in which sites are offered for the use of the public or members of an organization for the establishment of temporary recreational living quarters.

(18) Canopy Roof. An elevated roof structure, open on at least three sides, supported by one (1) or more beams or columns, to provide protection over gas pump islands, drive-in restaurants, banks, and other similar nonresidential uses.

(19) Cemetery. Land used for the burial of the dead, including columbarium, crematory, and mausoleum.

(20) Composting. The controlled, intentional, and monitored decomposition of organic material.

(a) Home-Based Composting. A composting operation utilizing organic material produced solely from the residential use that the composting is accessory to.

(b) Commercial Composting. A composting operation utilizing organic material from off-site.

(21) Concrete and Asphalt Plants. A manufacturing facility dedicated to the creation of concrete or asphalt, including temporary facilities created for that purpose.

(22) Condominium Development. A development that is created under PA 59 of 1978, as amended—the Condominium Act—in which some combination of buildings, units, and/or land will be sold to private owners; while some other combination of buildings, units, and/or land will be kept in common ownership among the owners.

(a) Condominium Building Site. An area within a site condominium development on which a building is, or may be, constructed.

(b) General Common Element. An area owner jointly by, and designated for use by, all owners within the condominium development.

(c) Limited Common Element. An area which is accessory to a site condominium unit and which is reserved in the master deed for the exclusive use of the owner of that site unit. For the purposes of this ordinance a site condominium unit's limited common element, when combined with the condominium building site, shall be considered the equivalent of a lot.

(d) Site Condominium Plan. The plans, drawings, and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this ordinance for review of the project by the zoning administrator, Planning Commission, and the Township Board.

(e) Site Condominium Unit. A condominium unit established in compliance with the condominium act which consists of an area of vacant land, designed and intended for separate ownership and use as described in the master deed, and within which a building or other improvements may be constructed.

(23) Conservation Area. Contiguous open space, including habitats, wildlife corridors, trails, and nature reserves.

(24) Day Care Services (Licensed).

(a) Child Care Center. A facility, other than a private residence, licensed by the State of Michigan, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available. Childcare or day care center includes a facility, which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care or day care center does not include those operated in a private residence, Sunday school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

(25) Day Care.

(a) Day Care Home. A facility, operated within a private residence, licensed by the State of Michigan, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available except children related to an adult member of the family by blood, marriage, or adoption. Childcare home includes a facility, which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

(b) Family Day Care Home. A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

(c) Group Day Care Home. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

(26) Foster Care. A residential care facility licensed by the State of Michigan under PA 287 of 1972 as amended, or PA 116 of 1973, as amended, which provides resident care services under twenty-four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

(a) **Family Foster Care Facility.** A state licensed residential facility providing resident services to six (6) or fewer persons.

(b) **Group Foster Care Facility.** A state licensed residential facility providing resident services more than six (6) persons

(c) **Adult Foster Care Facility.** A residential structure that is licensed to provide adult foster care, but not continuous nursing care, for unrelated adults over the age of 17. An 'adult foster care facility' does not include any of the following: a licensed child caring institution, children's camp, foster Family home, or foster Family group home; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; a hotel or rooming house that does not provide or offer to provide foster care; or a veterans' facility.

(27) **Development.** A man-made improvement to a lot, including, but not limited to, constructing a building(s), renovating or expanding a building(s), installing impervious surface such as a parking lot, establishing an agricultural activity, or extractive use such as mining, excavating, and drilling.

(28) **Distillery.** An establishment licensed by the State of Michigan to manufacture spirits.

(29) **Dock.** A structure, anchored to the shore and/or bottomlands of a waterway, extends into said waterway, and is designed to provide access to the waterway, including the tying up of boats.

(30) **Drive-Thru.** A facility designed to serve customers in their cars from a window in the building. drive-thrus may serve any type of permitted business but are generally associated with food service and banking.

(31) **Dwelling Unit.** A building, or portion thereof, designed to provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A manufactured home which complies with the requirements of Section 14.08 (Regulations Applicable to All Dwellings) of this Ordinance shall be considered as a dwelling unit.

(a) **Dwelling, Single Family.** A building containing one (1) dwelling unit.

(b) **Dwelling, Two Family.** A building containing two (2) dwelling units.

(c) **Dwelling, Multiple Family.** A building or portion thereof, containing three (3) or more dwelling units.

(d) **Housing for Farm Labor.** A dwelling unit or cluster of dwelling units which are located on a lot otherwise used for agriculture and used as living quarters for five or more migratory laborers engaged in agricultural activities.

(32) **Erected.** Includes built, constructed, reconstructed, moved, or any physical operation on premises required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

(33) Erosion. The process of the gradual wearing away of land masses. Erosion can occur along coasts and rivers and streams.

(34) Essential Service Facilities. Those buildings or structures that are necessary for the operation of the public utility providing essential services to the community, including but not limited to electricity, water, and sanitary sewer.

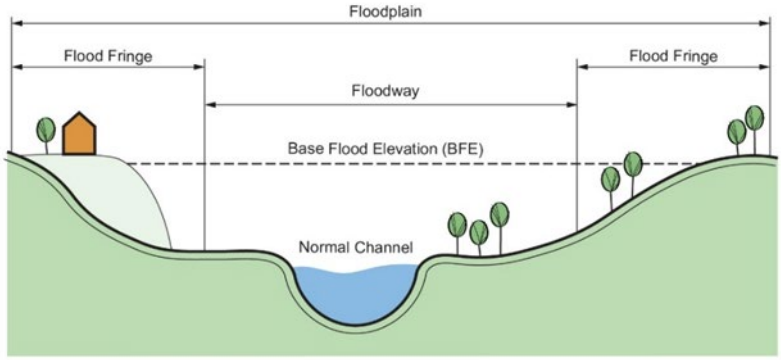
(35) Family. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.

This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of s school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

(36) Fence. A structure of definite height and location constructed of wood, masonry, concrete, stone, wire, metal, or other similar material or combination of, intended to preventor control entrance, confine within, or mark a boundary. Plant material shall always be considered landscaping, not a fence.

(37) Fence, Ornamental. A fence not necessarily used for enclosure, but is part of an overall landscape plan, and is typically constructed of natural or decorative materials such as wood, brick, or stone. Such fences may also be constructed on decks, and other such structures for privacy purposes.

(38) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source. A flood inundates a floodplain. Most floods fall into three major categories: riverine flooding, coastal flooding, and shallow flooding.



Characteristics of a Floodplain

(a) Special Flood Hazard Area (SFHA). The land area covered by the floodwaters of the base flood. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where

the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.

(b) **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood." The base flood is the national standard used by the National Flood Insurance Program (NFIP) and all Federal agencies for the purposes of requiring the purchase of flood insurance and regulating new development. Base Flood Elevations (BFEs) are typically shown on Flood Insurance Rate Maps (FIRMs).

(c) **Base Flood Elevation (BFE).** The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

(d) **Community Rating System (CRS).** The CRS recognizes and encourages community floodplain management activities that exceed the minimum NFIP standards. Depending upon the level of participation, flood insurance premium rates for policyholders can be reduced up to 45%. Besides the benefit of reduced insurance rates, CRS floodplain management activities enhance public safety, reduce damages to property and public infrastructure, avoid economic disruption and losses, reduce human suffering, and protect the environment.

(e) **Flood Insurance Rate Map (FIRM).** The official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

(f) **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(g) **Letter of Map Amendment (LOMA).** A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

(h) **National Flood Insurance Program (NFIP).** A Federal program providing insurance against damaging from flooding for properties within the FEMA-defined floodway.

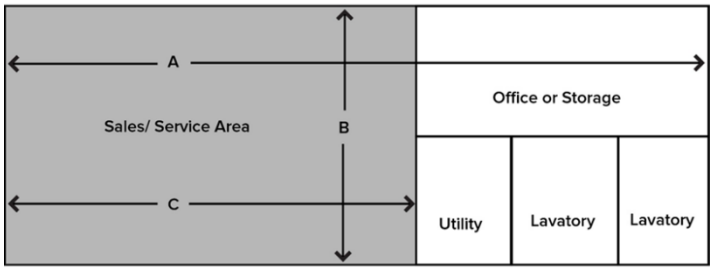
(i) **Freeboard.** Freeboard is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. Freeboard is not required by NFIP standards, but communities are encouraged to

adopt at least a one-foot freeboard to account for the one-foot rise built into the concept of designating a floodway and the encroachment requirements where floodways have not been designated. Freeboard results in significantly lower flood insurance rates due to lower flood risk.

(39) Floor Area, Gross. The total area of a Building measured by taking the outside dimensions of the Building at each floor level intended for occupancy or storage, measured from the exterior faces of the exterior walls.

(40) Floor Area, Usable. The gross floor area, minus the area used for or intended to be used for storage, hallways, vestibules, elevators, stairs, mechanical equipment, sanitary facilities or for utilities (see illustration).

Floor Area Terminology



Gross Floor Area = A x B
Useable Floor Area = B x C

(41) Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

(42) Gas Station. A facility designed or used for the retail sale of fuel, to be stored in underground tanks and dispensed directly into automobiles or approved containers.

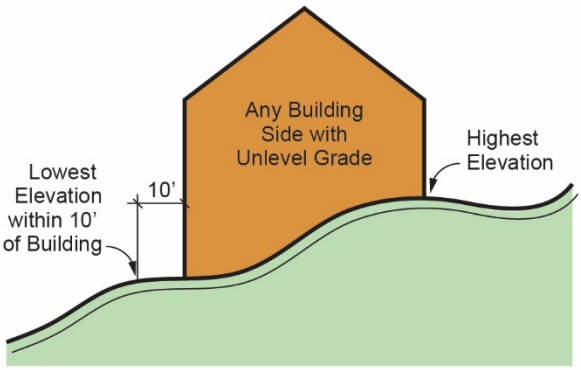
(43) Greenhouse/Nursery. An open or enclosed structure used for the growing and cultivation of flowers, shrubbery, vegetables, trees and other horticultural goods. The term "greenhouse" shall not include any facility that grows marijuana.

(44) Government Building. Buildings used primarily and specifically by public entities, including but not limited to Grand Haven Township, Ottawa County, the State of Michigan, and the United States Federal Government. K-12 Schools shall not be considered Government Buildings, but administrative offices of public school districts shall be considered Government Buildings.

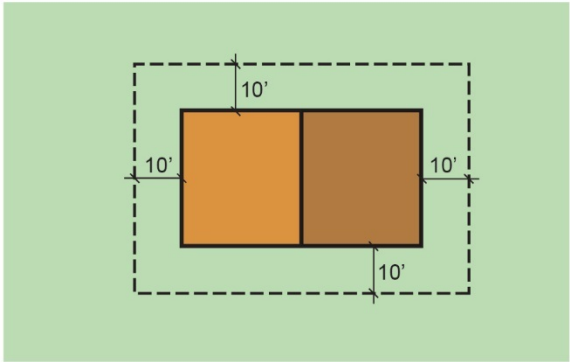
~~(45) **Grade.** The ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the highest point adjacent to the building and the lowest point within ten (10) feet of the building.~~

(46) **Grade (Grade Plane).** A reference plane representing the average finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points wherein the building and the lot line, or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

(47) **Greenbelt.** A strip of land maintained with plants, trees, and/or shrubs, to screen or obstruct the view of the use, structures, and/or buildings on the property, by persons passing by, in a vehicle or on foot, or by persons on neighboring property.



Average Grade = $\frac{\text{Highest + Lowest}}{2}$



Calculate using all four sides

Average Grade

Employ Average Grade for any building side with unlevel grade, computed individually

(48) **Gun Range.** A facility used for the discharge of firearms for the purpose of target practice.

(49) **Home Based Business.** A business operating within a dwelling by the resident(s), subject to the conditions and limitations of this Ordinance.

(a) **Major Home Based Business.** A home based business that may be evident to the surrounding area and/or involve the resident utilizing an accessory building for the operations.

(b) **Minor Home Based Business.** A home based business that is wholly contained within the main building and not generally evident to the surrounding area with the exception of a permissible sign.

(50) ~~**Hospital.** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which~~

~~may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.~~

(51) **Hospital.** Means a facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician. Hospital does not include a mental health hospital licensed or operated by the department of health and human services or a hospital operated by the department of corrections.

(52) **Institution of Higher Education.** A facility offering educational activities and classes to persons who have achieved a high school diploma or equivalent, including but not limited to, universities, colleges, community colleges, vocational schools, tech schools, and art schools.

(53) **Junk Yard.** Any land or structure without a roof used for storage or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including garbage disposal facilities such as landfills. May also be referred to as salvage yard.

(54) **K-12 School.** A facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

(55) **Loading Zone.** A designated off-street space on the same lot with a building(s) for the temporary parking of a vehicle while loading and unloading merchandise or materials.

(56) **Lodging.**

(a) **Hotel.** A building occupied as a more or less temporary abiding place for individuals who are lodged, with or without meals, in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and desk service, the use of furniture, a dining room and meeting rooms.

(b) **Motel.** A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

(c) **Bed and Breakfast.** A dwelling unit where the owners or live-in operators provide or offer overnight accommodations for temporary guests for compensation, including provisions for a morning meal for overnight guests only. In order to be considered a Bed and Breakfast, a facility must have at least three separate guest rooms, in addition to the rooms occupied by the owners or live-in operators.

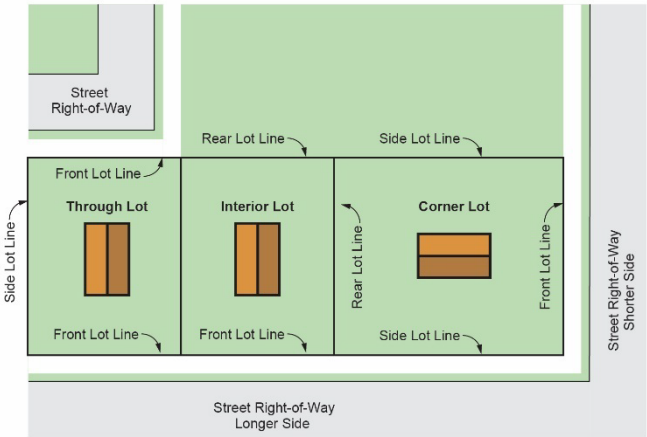
Anything with fewer than three separate guest rooms shall be considered a Home Stay.

(d) **Campground.** A facility for overnight stays in non-permanent structures, cabins, or recreational vehicles.

(57) **Lot.** Legally defined real property that may be owned, leased, used, developed, improved, platted, or condominiumized.

(a) **Corner Lot.** A lot bounded along more than one lot line by roads (public or private) that intersect adjacent to the lot.

(b) **Gross Lot Area.** The total area of land contained within the boundaries of a lot.



Corner and Through Lots

(c) **Front Lot Line.** The boundary of the public or private street right-of-way abutting a lot, except in the following situations. See graphic in Section 2.08.

(i) On a corner lot, the front lot line shall be the line separating the narrowest street frontage from the street.

(ii) On a through lot, the front lot line shall be determined as follows:

a) If the predominant orientation of neighboring properties is in a consistent direction, then that orientation shall be the front lot line.

b) If (a) is not true, then public safety officials shall determine whether on road frontage is preferable as the front lot line.

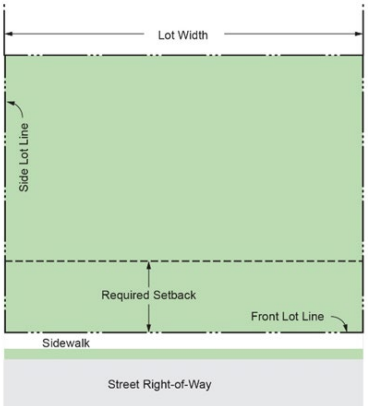
c) If public safety officials have no preference, then the owner shall choose a front lot line and designate the front lot line on the building permit application.

(iii) In the case of a lot that abuts a regulated waterway (such as Lake Michigan, the Grand River, Pottawatomie Bayou, or Millhouse Bayou), the front lot line shall be the ordinary high-water mark of the regulated waterway.

(d) **Interior Lot.** A lot that abuts a road (public or private) along only one lot line.

(e) **Lot Depth.** The mean horizontal distance from the front lot line to the rear lot line. See graphic in Section 2.08.

(f) **Lot Width.** The horizontal straight line distance between the side lot lines measured between the two (2) points where the front setback line intersects the side lot lines. See Section 2.08 (including graphic) for cul-de-sac widths.

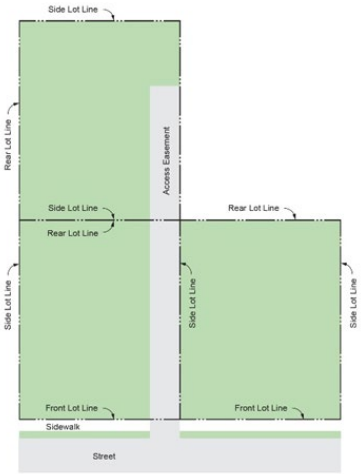


Lot Width
Frontage

(g) **Net Lot Area.**

(h) **Rear Lot Line.** That line which is opposite and farthest from the front lot line. In the case of an irregular-shaped lot, a line twenty (20) feet in length entirely within the lot and parallel to and at the maximum distance from the front line shall be considered the rear lot line for determining required rear yard setbacks. See graphic in Section 2.08.

(i) **Side Lot Line.** Any lot line that is not the front or rear lot line. A side lot line separating a lot from another lot or lots, shall be known as an interior side lot line. On a corner lot, the wider street frontage shall be considered a side lot line.



Lots Served by Easements

(j) **Through Lot.** A lot bounded along more than one lot line by roads (public or private) that do not intersect adjacent to the lot.

(58) **Lumber Yard.** An outdoor sales operation dedicated to the retail and wholesale sale of wood.

(59) **Manufactured Housing Park.** Any lot used as a location for mobile homes for dwelling purposes including manufactured home sales lots upon which unoccupied units are parked for the purpose of inspection and sale.

(a) **Manufactured Home.** A structure manufactured off-site, and designed for use as a dwelling unit, which are transportable in one (1) or more sections, built on a permanent chassis, and designed for use with or without a permanent foundation. The utility systems (heat, air, water, sewage, electricity) in a manufactured mobile home are not self- contained. The term does not include travel trailers, or recreational vehicle, as defined in this Ordinance. Manufactured homes are regulated by the State of Michigan and subject to the rules of the Michigan Manufactured Housing Commission.

(b) **Manufactured Home Site.** A portion of a manufactured housing park set aside and designed for occupancy (through ownership or lease) by, and accommodation of, an individual manufactured mobile home.

(60) **Manufacturing.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, including but not limited to oils, plastics, resins, etc. Manufacturing shall include, but not be limited to, the following:

(a) Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils);

(b) Electrical machinery, equipment and supplies, electronic components and accessories;

(c) Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods;

(d) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products;

(e) Apparel and other finished products including clothing, leather goods, and canvas products;

(f) Lumber and wood products including mill work, prefabricated structural work products and containers;

(g) Paper and paperboard containers and products;

(h) Biological products, drugs, medicinal chemicals and pharmaceutical preparations;

(i) Glass products;

(j) Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays;

(k) Pottery and figurines and other ceramic products using only previously pulverized clay; and

(l) Fabricated metal products, except the production of heavy machinery and transportation equipment.

(61) **Marijuana.** Also known as Marihuana, also known as Cannabis; shall mean all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including Marijuana concentrate and Marijuana-infused products.

(a) For purposes of this Ordinance, Marijuana does not include:

(i) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

(ii) industrial hemp; or

(iii) any other ingredient combined with Marijuana to prepare topical or oral administrations, food, drink, or other products.

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

(c) **MMMA.** The Michigan Medical Marijuana Act; Public Act 2008, Initiated Law, as amended.

(62) **Marina.** A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owner, crews, and guests.

(63) **Master Plan.** A document designed to protect the public health, safety, and general welfare of the community along with planning for the appropriate trend and character of land, building, and population development; and shall be adopted under the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) to serve as the Master Plan for Grand Haven Charter Township.

(64) **Medical or Dental Clinic.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A "medical clinic" may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients but may not include facilities for overnight patient care or major surgery.

(65) **Microbrewery.** A brewery that produces less than thirty thousand (30,000) barrels of beer or ale per year, as allowed by state law (a barrel is equivalent to thirty-one (31) U.S. gallons). A microbrewery may also include retail sales, and/or a restaurant, bar, or tasting room.

(66) **Mineral Mining.** All or part of the process involved in the extraction and processing of mineral materials, but shall not include removal of gravel, sand, clay, stone aggregate and soil from a single parcel of land during any calendar year of:

(a) Less than 1,000 cubic yards of materials when such removal is NOT attendant to development in accordance with an approved land balancing operation subject to the requirements of this Ordinance or pursuant to a site plan or plat which has been approved in accord with all rules and regulations of the Grand Haven Township Zoning Ordinance; or

(b) Less than 10,000 cubic yards of material when such removal is attendant to development in accordance with an approved land balancing operation subject to the requirements of this Ordinance or pursuant to a site plan or plat which has been approved in accord with all rules and regulations of the Grand Haven Township Zoning Ordinance.

(67) Municipal Water. Potable water services provided through a public system, including a treatment plant and pipes, managed by a public or quasi-public entity.

(68) Municipality. The Charter Township of Grand Haven, Ottawa County, Michigan.

(69) Non-Conformity. Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located.

(70) Non-Conforming Lot. A lot or record lawfully existing at the effective date of this Ordinance, or amendments hereto, that does not conform to the provisions of the Ordinance for the district in which it is located. Example: a lot that is narrower than the minimum lot width for the zoning district it is within.

(71) Non-Conforming Structure. A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments hereto, that does not conform to the provisions of the Ordinance for the district in which it is located. Example: a structure with a side setback smaller than the minimum side setback for the zoning district is located within.

(72) Non-Conforming Use. A use, which lawfully occupied a lot at the effective date of this Ordinance, or amendments hereto, that does not conform to the use regulations of the district in which it is located. Example: an apartment building in a C-2 district.

(73) Nursing or Convalescent Home. A state-licensed facility with sleeping rooms, where persons in need of long-term 24-hour nursing care reside and are furnished with meals, nursing and medical care. Homes may also include short-term rehabilitation services.

(a) Assisted Living Home. A private facility, which is not required to be state-licensed. The facility has sleeping rooms and residents with varying levels of need including meals, nursing and medical care, which are typically purchased in an a la carte fashion based upon the needs of the resident.

(74) Occupied Building. A building with an active ongoing use.

(75) Office Building. Offices for the use of a person or persons in professional or service occupations or agencies, including but not limited to, architects, engineers, doctors, dentists, accountants, and the like.

(76) Outdoor Storage. The keeping of materials or equipment (that are not being displayed for retail sale) for more than 24 hours outside of a structure with walls and a roof. Any outdoor storage facility meeting the definition of Junk Yard shall be considered a Junk Yard.

(77) Parking Garage. A multi-story structure designed primarily for parking vehicles.

(78) Parking Lot. A hard-surfaced, dust-free facility providing PARKING SPACES, along with adequate drives, maneuvering areas, and aisles, for the parking of vehicles.

(79) Parking Space. An area clearly marked with painted stripes designated specifically for the parking of a single vehicle.

(80) Personal Service. Businesses that perform services on the premises, including, but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self- service laundries and dry cleaners or pick-up stations.

(81) Planned Unit Development (PUD). A development process that is designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. Planned Unit Developments are designed to encourage innovative site design and high quality development that may not be possible under strict compliance with the regulations of the underlying zoning district.

(82) Pond. Any outdoor body of standing water accumulated in a natural or artificially constructed basin or depression in the earth, capable of holding water to a depth of greater than five (5) feet when filled to capacity

(83) Power Plant. A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, or nuclear power, into electrical energy or steam.

(84) Public Park. An outdoor recreational facility owned and operated by the Township, Ottawa County, or another public entity.

(85) Public Utility. A person, firm, corporation, municipal department, board, or commission duly authorized under Federal, State, or municipal law or regulations to engage in the furnishing to the public of gas, electricity, steam, fuel, water, communications (except cellular telephone or wireless telecommunication towers and antennas), or systems for the collection and disposition of storm waters and sewage.

(86) Playground Equipment. A non-commercial accessory structure that is designed primarily for recreation, exercise, and play for children.

(87) Recreational Vehicle. Shall include the following:

(a) Travel Trailer. A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

(b) Pickup Camper. A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

(c) Motor Home. A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being

moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

(d) **Folding Tent Trailer.** Also known as a pop-up trailer. A canvas folding structure, mounted on wheels and designed for travel and vacation use.

(e) **Boats and Boat Trailers.** "Boats" and "boat trailers" shall include boats with engines or sails, plus the normal equipment to transport them on the highway.

(f) **Non-Boat Watercraft.** Vessels designed to float upon the water that do not have engines or sails.

(g) **Utility Trailers.** Vehicles without engines designed to be hitched to another vehicle and to carry small recreational vehicles, including boats, non-boat watercraft, and small land-based recreational vehicles.

(h) **Other Recreational Equipment.** Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, plus the normal equipment to transport them on the highway.

(88) **Recreation, Indoor.** Indoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.

(89) **Recreation, Outdoor.** Outdoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.

(90) **Recycling Station.** A facility dedicated to the collection and/or processing of recyclable materials.

(91) **Religious Institution.** Any structure wherein persons regularly assemble for religious activity, including a church, synagogue, temple, mosque, or similar religious facility.

(92) **Research and Development.** Engineering and testing laboratory that does not involve the mass manufacture, fabrication, processing, or sale of products.

(93) **Residential Entranceway Structures.** Walls, columns, and gates marking entrances to a single family subdivision or multiple housing project at the point where a road from the neighborhood meets a thoroughfare.

(94) **Restaurant/Bar.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.

(95) **Retail.** The selling of goods or merchandise directly to the public.

(96) **Retaining Wall.** An outdoor wall designed prevent soil collapse and soil erosion, or otherwise retain the grade of the land behind and above it.

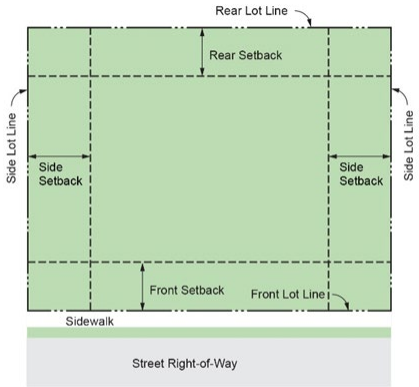
(97) **Roadside Farm Stand.** A building operated on an agricultural lot for the purpose of retail sales, accessory to the principal agricultural use.

(98) Sanitary Sewer. Public sewer services provided through a public system, including a treatment plant and pipes, managed by a public or quasi-public entity.

(99) Self-Storage. Enclosed space for rent to the general public for use to store non-perishable goods.

(100) Service Establishment. Establishments consisting of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.

(101) Setback. The minimum horizontal distance measured from a lot line to the foundation of the main building. Where a public or private easement or right-of-way is part of any required yard, setbacks are measured from the right-of-way or easement line closest to the foundation line of the principle building, rather than the property line. When there are two main buildings on a lot, the minimum setback shall be measured to the nearest wall of the nearest building to the lot line.



Setback

(102) Sexually Oriented Business. A business or commercial enterprise that conducts or engages in any of the activities defined in Article VIII Section 6-180 of the Township Code of Ordinances.

(103) Short Term Rental, Limited. The rental of any dwelling for any one (1) or two (2) rental periods of at least six (6) days but not more than fourteen (14) days, not to exceed fourteen (14) days total in a calendar year. This definition absolutely prohibits rentals of less than six (6) days.

(104) Short Term Rental. The rental or subletting of any dwelling for a term of at least six (6) days but less than twenty-eight (28) days. This definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, other health-care related clinic, or housing for farm labor. This definition absolutely prohibits rentals of less than six (6) days.

(105) Sign. See Section 11.02.EE.

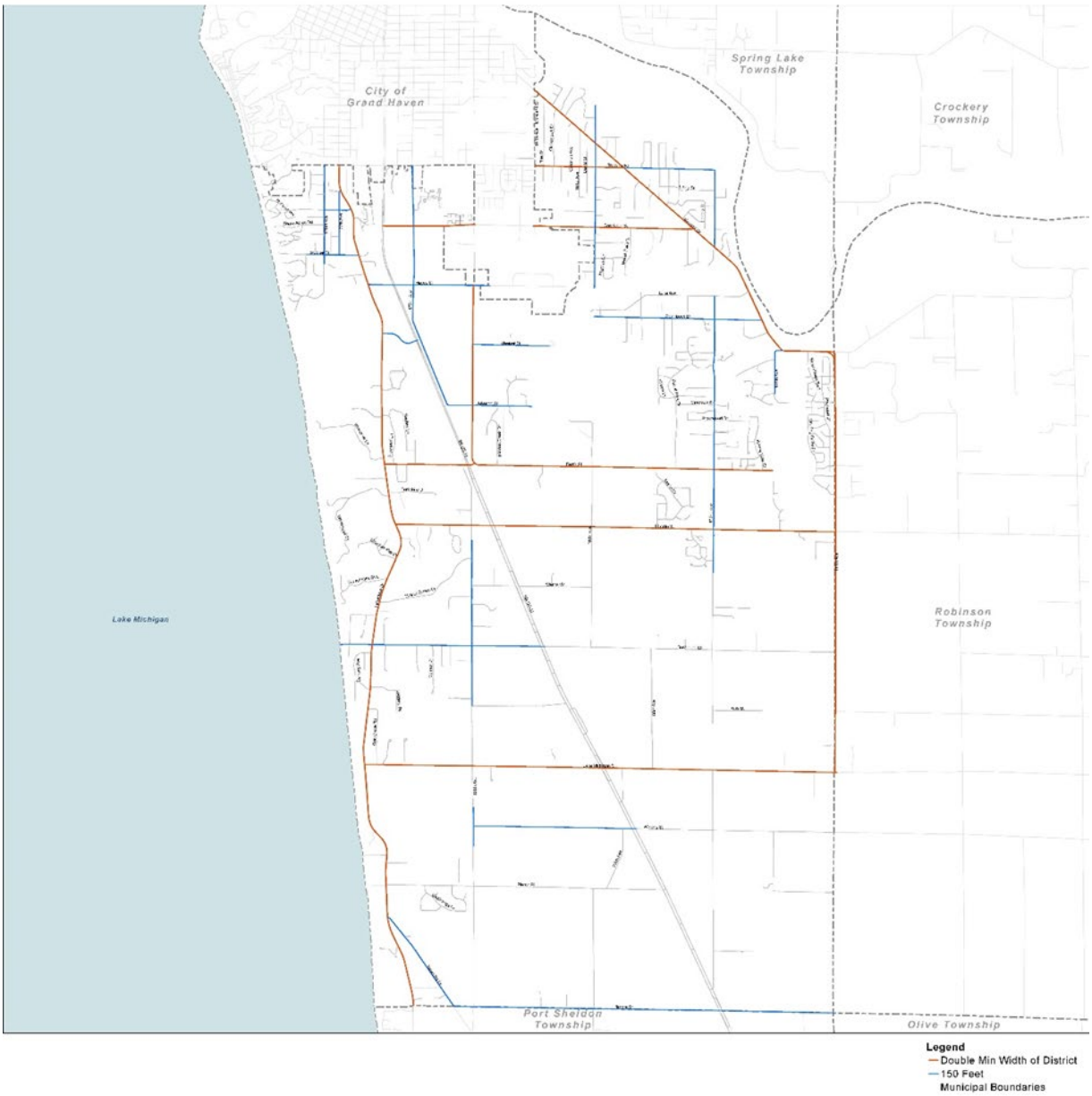
(106) Solar Energy Facility. Solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, or power generation.

(107) State Trunkline, County Primary or County Local. Means certain public streets, roads or highways as delineated by MDOT or the Ottawa County Road Commission. For the purposes of determining lot width, the map on the following page shall apply. Each of the terms above shall be defined as follows:

(a) **State Trunkline.** A public street, road, or highway owned, operated, and maintained by the Michigan Department of Transportation.

(b) **County Primary Road.** A public street, road, or highway owned, operated, and maintained by the Ottawa County Road Commission, and designated as "Primary" by that entity.

(c) **County Local Road.** A public street, road, or highway owned, operated, and maintained by the Ottawa County Road Commission, and designated as "Local" by that entity.



(108) Street. Any thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare.

(a) **Cul-de-Sac.** with a single, common ingress and egress, with a turnaround at the end.

(b) **Private.** A privately owned and maintained thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare. A private street shall include any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two (2) or more existing parcels and/or main buildings.

(c) **Public.** A public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, owned and maintained by the Ottawa County Road Commission or the Michigan Department of Transportation.

(109) Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls and signs. The following shall never be considered a structure:

(a) Inoperable vehicles.
(b) Boats.
(c) Airplanes.
(d) Trailers of Any Kind, including Semi-Trailers, Horse or Utility Trailers.
(e) Other types of vehicles and trailers.

(110) Substantial Improvements. Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either,

(a) before the improvement or repair is started, or

(b) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether that alteration affects the external dimensions of the structure.

(111) Substantial Construction. The time in a construction process when the installation of underground infrastructure has begun.

(112) Surface, Impervious. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including but not limited to asphalt, concrete, and all building roofs. Pervious pavement and gravel surfaces shall not be considered impervious surface.

(113) Surface, Pervious. A surface that permits full or partial absorption of storm water, including but not limited to grass, dirt, mulch, gravel, wooden decks with space between the slats, and pervious pavers.

(114) Temporary Outdoor Events. Any musical concert, festival, fair, carnival, show, or similar gathering at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free.

(115) Theater. A building or room for the presentation of performances or motion pictures.

(116) Use. An ongoing activity on a lot, including the buildings, structures, utilities, and outdoor spaces where the ongoing activity takes place.

(a) Accessory. A use lot which is customarily incidental and subordinate to the principal use of the lot.

(b) Permitted. Uses permitted by right in the zoning district in which the lot is located.

(c) Principal. The main use to which the premises are devoted and the main purpose for which the premises exist.

(d) Special. Uses with particular characteristics that require specific regulations because their unique condition, and therefore must be approved through the Special Land Use Process described in Chapter 12 before they can commence.

(e) Temporary. A use that is ongoing for only a limited period of time.

(117) Vehicle, Inoperable. A motor vehicle that is unplatted, unregistered, dismantled, immovable, and not legally permitted to be driven on the road.

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

(119) Vehicle Repair Business. An enclosed building where the following services may be carried out: general repairs, engine re-building, reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and, similar vehicle repair activity.

(120) Vehicle Sales. A building or premises used primarily for the sale of new or used automobiles, boats, and/or other motor vehicles.

(121) Vehicle Service Station. A use including the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats).

(122) Vehicle Wash Establishment. Also called a car wash. A site used in whole or in part for the washing of motor vehicles (including automobiles, trucks, busses, or any other vehicle). This definition is not intended to include temporary car washes for the purposes of raising funds for charitable, non-profit or sports organizations.

(123) Veterinarian Clinic. An establishment for the care, observation, and medical treatment of animals.

(124) Warehouse. A building or buildings used primarily as a commercial business for the storage of goods and materials.

(125) Warehousing. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

(126) Wholesale. On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

(127) Wind Energy Facility. A facility that converts wind energy to electricity by means of wind turbines. Also, commonly referred to as a wind energy conversion system, wind energy turbine, wind generating tower, wind turbine, windmill, or wind-powered generator.

(a) Anemometer. A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a Wind Energy Facility at a given site. This includes the Tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

(b) Anti-Climbing Device. A piece(s) of equipment that is either attached to the supporting structure of a facility or is freestanding and designed to prevent people from climbing the Structure. These devices may include but are not limited to squirrel-cones (i.e., a plastic or metal disc cone around a pole which impedes climbing), the removal of climbing pegs on the pole, or other approved devices, but excluding the use of barbed or razor wire.

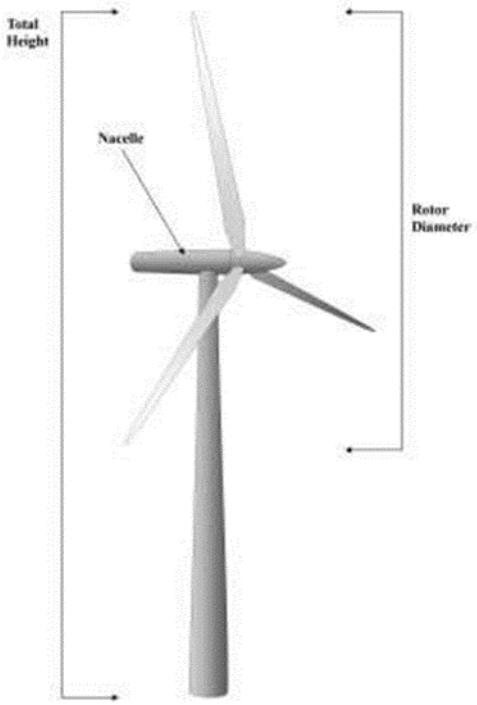
(c) Decibel. A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

(d) **Decommissioning.** The process of terminating operation and completely removing a Wind Energy Facility and all related buildings, structures, foundations, access roads, and equipment.

(e) **Nacelle.** The encasement which houses all of the generating components, gear box, drive tram, and other equipment in a Wind Energy Facility.

(f) **Net-Metering.** A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

(g) **Operator, Wind Energy Facility**. The entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility.



(h) **Owner, Wind Energy Facility**. The individual or entity, including their respective successors and assigns, with equity interest in or ownership of a Wind Energy Facility.

(i) **Rotor Diameter.** The cross-sectional dimension of the circle swept by the rotating blades of a Wind Energy Facility.

(j) **Shadow Flicker.** The moving shadow, created by the sun shining through the rotating blades of a Wind Energy Facility. The amount of Shadow Flicker created by a Wind Energy Facility is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, the location of all structures, wind activity, and sunlight.

(k) **Total Height.** The vertical distance measured from the average grade at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of a Wind Energy Facility.

(l) **Tower.** A ground monopole that supports a Wind Energy Facility.

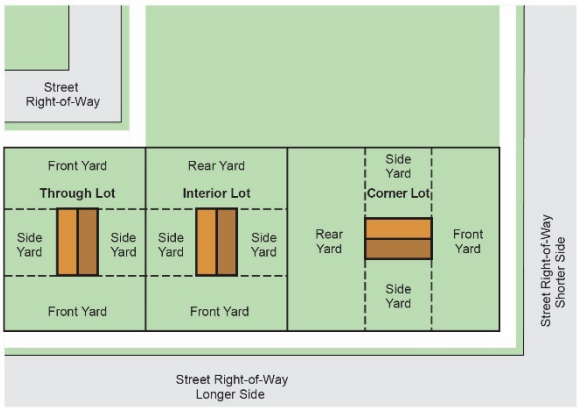
(128) Winery. An agricultural operation dedicated to the growing of grapes for fermentation into wine. A winery may be a component of an agri-tourism operation.

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

(a) Distributed Antenna System (DAS). A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

(130) Xeriscape. A landscaping philosophy that uses as many native, drought-resistant plants as possible and arranges them in efficient, water-saving ways.

(131) Yards. The open spaces on the same lot with a main building:



(a) Front Yard. Open space extending the full width of the lot, the depth of which is the setback between the front lot line and the nearest point of the main building.

(b) Rear Yard. Open space extending the full width of the lot, the depth of which is the setback between the rear lot line and the nearest point of the main building.

(c) Side Yard. Open space extending the full width of the lot, the depth of which is the setback between a side lot line and the nearest point of the main building.

(d) Waterfront Yard. Open space extending the full width of the lot, the depth of which is the setback between the following bodies of water and the nearest point of the main building: Lake Michigan, the Grand River, Pottawattomie Bayou, and Millhouse Bayou.

(132) Youth Center. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary educational programs, subject to the requirements of Public Act 116 of the Public Acts of 1973, as amended.

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

(134) Zoning Administrator. The person designated by the Township Board to administer the provisions of this Grand Haven Charter Township Zoning Ordinance.

(135) Zoning Permit. Permit issued for compliance with the Zoning Ordinance that authorizes an improvement and/or commencement of a use on a given site

(136) Zoning District. A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

(137) Zoning Ordinance. The Zoning Ordinance of Grand Haven Charter Township.

(E) Terms not herein defined shall have the common meaning assigned to them.

Chapter 22 Severability, Repeal, Effective Date, Adoption

Section 22.01 Severance Clause. (Section 27.11)
Each portion of this Ordinance shall be deemed to be severable. Should any chapter, section, subsection, paragraph, subparagraph, sentence, or clause hereof be declared by a court to be unconstitutional, invalid, or be rejected by referendum or similar process, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional, invalid, or rejected.

Section 22.02 Repeal of Existing Ordinances (Section 27.12)
The Zoning Ordinance adopted by the Township of Grand Haven on February 22, 1999, and all amendments thereto, and the Ordinance entitled Access to Subdivided or Split Properties Ordinance, adopted by the Township of Grand Haven on January 9, 1978, and known as Ordinance No. 20 of the General Ordinance of the Township of Grand Haven, are repealed as of the effective date of this Ordinance. The repeal of the above Ordinances and amendments does not affect or impair any act done, offense committed, or liability incurred prior to the effective date of such repeal.

Section 22.03 Administrative Liability. (Section 27.13)
No officer, agent, employee, or member of the Planning Commission, Township Board or Township Board of Appeals shall be personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 22.04 Effective Date. (Section 27.14)
This Ordinance was approved and adopted by the Township Board of Grand Haven Charter Township, Ottawa County, Michigan, on DATE, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended, and after introduction and a first reading on DATE and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on DATE, which date is the eighth day after publication as is required by Section 11a of Act 184, as amended, provided that the effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.