

WATSON TOWNSHIP
ZONING ORDINANCE

Allegan County, Michigan

*As amended through
December, 2007*

WATSON TOWNSHIP ZONING ORDINANCE

An ordinance to establish zoning regulations for the Township of Watson, Allegan County, Michigan including regulations governing nonconforming uses, structures and buildings, to provide for the administration, enforcement and amendment of such regulations, to prescribe penalties for the violation of such regulations, and to provide for conflicts with other ordinances or regulations, all in accordance with the provisions of Michigan Zoning enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended.

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CHAPTER 1

TITLE

SECTION 1.01 TITLE. This Ordinance shall be known and may be cited as the "Watson Township Zoning Ordinance."

CHAPTER 2

PURPOSE, SCOPE AND LEGAL BASIS

SECTION 2.01 PURPOSE. This Ordinance is based upon the Watson Township General Development Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 2.02 SCOPE AND INTERPRETATION. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 2.03 LEGAL BASIS. This Ordinance is enacted pursuant to This ordinance is adopted pursuant to the terms of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as it may be amended from time to time. (Amended Ord. 2007-1Z, effective 7-24-07)

CHAPTER 3

DEFINITIONS

SECTION 3.01 RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

- (a) The particular shall control the general.
- (b) With the exception of this Chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A "building" or "structure" includes any part thereof.
- (f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words "used" or "occupied", as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".
- (h) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 3.02 ACCESSORY USE OR STRUCTURE. A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

SECTION 3.02(a) AGRICULTURE. The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any hybrids thereof, including their breeding and grazing; bees and apiary products; fur animals; trees and forest products; fruits, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; aqua-culture; or lands devoted to a soil conservation or forestry management program. (*Amended Ord. 2000-4Z, 5/23/00*)

SECTION 3.02(b) AGRICULTURAL LABOR HOUSING. A tract of land and all tents, vehicles, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for five or more migratory workers engaged in agricultural activities including related food processing, as licensed under the provisions of PA 289 of 1965, as amended. (*Amended by Ord. 91-1, 3/21/91*)

SECTION 3.02(c) AGRICULTURAL SERVICE ESTABLISHMENT. Agricultural service establishments engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower, and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer, and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service, and repair; veterinary services; and facilities used in the research and testing of farm products and techniques. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 3.02(d) AIRPORT. Any location, either on land or water, that is used for the landing or take-off of aircraft, and includes the buildings and facilities, if any, on that location. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.03 ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

SECTION 3.03(a) APIARY. A place, including buildings, structures or land where bees are kept. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.04 AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstery; or vehicle steam cleaning and undercoating.

SECTION 3.05 AUTOMOBILE REPAIR - MINOR. Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair-Major".

SECTION 3.06 BASEMENT. A portion of a building, or a portion of a room, located wholly or partially below grade, but not including any part thereof not so located.

SECTION 3.07 (BILLBOARDS/SIGNS) A SIGN. A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service, or displaying or depicting other information. *(Amended by Ord.93-1, 10/28/93)*

(a) Sign Area - The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. Only the area of the largest face of a double faced sign is used in calculating sign area. The area of a wall shall be calculated by computing the area within a continuous polygon encompassing all associated letters, words, or graphics, or if the wall sign is back-lit, the entire illuminated surface. *(Amended by Ord. 93-1, 10/28/93)*

- (b) Billboard - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land. *(Amended by Ord. 93-1, 10/28/93)*
- (c) Business Sign - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land. *(Amended by Ord. 93-1, 10/28/93)*
- (d) Portable Sign - A sign not permanently affixed to the ground, a structure, or building. *(Amended by Ord. 93-1, 10/28/93)*
- (e) Development/Building Identification Sign - A sign which identifies a development or building by its recognized name, not including a product or service. *(Amended by Ord. 93-1, 10/28/93)*
- (f) Pole Sign - A freestanding sign mounted on a pole or poles, braces, or other support structure. *(Amended by Ord. 93-1, 10/28/93)*
- (g) Political Sign - A sign used in connection with a local, state, or national election or referendum. *(Amended by Ord. 93-1, 10/28/93)*
- (h) Real Estate Sign - A sign advertising the real estate upon which the sign is located for the purpose of offering the property for sale, lease or rent. *(Amended by Ord. 93-1 10/28/93)*
- (i) Wall Sign - A sign including painted, individual letter, and cabinet sign, and signs on a mansard which are attached, parallel to, and extending not more than fifteen (15) inches from the wall of a building. *(Amended by Ord 93-1, 10/28/93)*
- (j) Window Sign - A sign placed inside or upon a window facing the outside which is intended to be seen from the right-of-way or exterior. *(Amended by Ord. 93-1, 10/28/93)*

SECTION 3.08 BUILDING. Anything which is constructed or erected, including a mobile home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

SECTION 3.09 BUILDING HEIGHT. The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

SECTION 3.10 BUILDING SETBACK. The measurement from the property line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback. Porches are considered as part of the building or structure and may not be located within the building setback. For the purpose of this definition, the front property line shall mean the street right-of-way line. *(Amended 90-1 3/15/90)*

SECTION 3.10(a) CHILD CARE CENTER. A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child 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 center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where

children are in attendance for not greater than three (3) 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 three (3) hours, while persons responsible for the children are attending religious services. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.10(b) CHURCH. Shall mean a building, including a temple or other place of religious worship, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by an organized religious body. Rescue missions, tent revivals and other temporary assemblies are not included in this definition. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.10(c) COMMERCIAL AGRICULTURAL. The use of land and/or structures for the growing and/or production of farm products for income. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 3.10(d) CONTRACTORS YARD/EQUIPMENT STORAGE YARDS. An area, buildings or space established on a premises for the purpose of housing, storing, stacking, maintaining or parking of equipment, supplies and/or materials associated with the building trades, utility and road building, petroleum and well field operations or public works. Such yards may be characterized by open storage areas and structures providing enclosure of materials and equipment. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.11 CORNER LOT. A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the streets is one hundred thirty-five (135) degrees or less or a lot abutting upon a curved street or streets if tangents to the curve, at the two (2) points where the lot lines meet the curve, form an interior angle of one hundred thirty-five (135) degrees or less.

SECTION 3.11(a) DAY CARE HOME, FAMILY. A private residence in which the operator permanently resides as a member of the household 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 per 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. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.11(b) DAY CARE HOME, GROUP. A private residence in which the operator permanently resides as a member of the household 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) hour 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. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.12 DWELLING. Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins, or mobile homes.

- (a) Dwelling, Single Family - A building designed for use and occupancy by one (1) family only.
- (b) Dwelling, Two Family - A building designed for use and occupancy by two (2) families only.
- (c) Dwelling, Multi Family - A building designed for use and occupancy by three (3) or more families.

SECTION 3.13 DWELLING UNIT. One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purpose with housekeeping facilities.

SECTION 3.13(a) DWELLING UNIT, FARM. A dwelling unit located on a farm which is used or intended for use by the farm's owner, operator, or person employed thereon. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 3.13(b) DWELLING UNIT, NON-FARM. A dwelling unit located within the A-1 or A-2 District which is not a farm dwelling unit and which is designed for occupancy by a single family. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 3.13(c) ESSENTIAL SERVICES/PUBLIC UTILITIES. The erection, construction, alteration, or maintenance of utility systems whether underground, surface, or overhead. These systems include storm and sanitary sewer, water, electric, gas, telephone (including cellular) and cable television facilities and their required accessory facilities. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.13(d) EXEMPT PARCEL. For the purposes of Section 5.04 (d) of this ordinance an exempt parcel of land is any parcel or tract in the A-1 Conservation District containing a minimum of 40 acres. The use of an exempt parcel for a single family residence is not restricted by the maximum lot size provisions of Section 5.04 (d), paragraph (3). *(Amended Ord. 2000-4Z, 5/23/00)*

SECTION 3.13(e) FACTORY. A building or place in which raw material and semi- finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated or processed. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.14 FAMILY:

- (a) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principle occupants, with not more than one additional unrelated person who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- (b) A collective number of individuals domiciled together in one 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, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 3.14(a) FARM. A farm is a form of business enterprise intended for the production of raw agricultural products in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of agricultural products, as described herein, for sustenance or profit. A farm is further defined as all the contiguous, neighboring or associated land, along with the plants, animals, structures, ponds, machinery, equipment and other appurtenances which when taken collectively, functions as a single unit, for the commercial production of agricultural products. Stone quarries, gravel and sand pits, sawmills, retail sales, livestock auction houses, and meat and dairy processing plants are not considered farms or farm uses hereunder. *(Amended Ord. 2000-4Z, 5/23/00)*

SECTION 3.14(b) FARM /AGRICULTURAL PRODUCTS. Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber, fur or flora. *(Amended Ord. 2000-4Z, 5/23/00)*

SECTION 3.14(c) FARM OPERATION. A condition or activity which occurs on a farm in connection with the commercial production of agricultural products and includes, but is not limited to, marketed produce at roadside stands or farm markets, noise odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial spraying and seeding, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides and the employment of and use of labor. *(Amended Ord. 2000-4Z, 5/23/00)*

SECTION 3.15 FLOOR AREA. The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

SECTION 3.15(a) GAME OR WILDLIFE PRESERVE. An area in which wild animals are allowed to exist out of captivity and in their natural habitat. Within a game or wildlife preserve various forms of wildlife and wildlife management may be carried out by humans including but not limited to the release of game and the hunting of game for sport. Game and wildlife preserves may be public lands (government ownership) or private lands which use may be authorized or regulated by the state department of natural resources and or agricultural department and further limited by charter covenants or easements. A shooting range where facilities are made available for individuals to partake in firearm target practice, skeet, trap or other forms of sport shooting is not included in the term game or wildlife preserve. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.15(b) GREENBELT. A planting or buffer strip. Where required, a greenbelt shall be maintained in as good condition as when installed and shall be at least ten feet in width. *(Amended by Ord. 90-1, 3/15/90)*

SECTION 3.15(c) HATCHERY. A place, including buildings, structures or land for hatching poultry or fish eggs. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 3.16 HOME OCCUPATION. A gainful occupation traditionally and customarily carried out in the home or on the residential premise as a use that is incidental to the use of the home and premise as a place of residence. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 3.17 JUNKYARD. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, handled or recycled, including wrecked vehicles, used building materials, structural steel materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete. The term junkyard shall not apply to any solid waste processing facility that involves a process of site separation of material thereby requiring licensure under the provisions of act 641 of 1978 as amended, being the Solid Waste Management Act of Michigan. (*Amended by Ord. 90-1, 3/15/90*)

SECTION 3.18 KENNEL. Any land, building or structure where five (5) or more cats and/or dogs are boarded, housed, or bred.

SECTION 3.18(a) LANDING FIELD. Any location, either on land or water, that is used for the landing or take-off of aircraft. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 3.19 LOT(S). For the purpose of this Ordinance, a lot is a *measured, described and recorded continuous area* of land. *The word "lot" includes the word plot and parcel.* In the context of the Condominium Act, Act 59 of the Michigan Public Acts of 1978, the word "lot" shall also mean the same as building site and is that portion of a site condominium subdivision project designed and intended for separate ownership and/or exclusive use, as described in the site condominium subdivision project's Master Deed and which meets minimum zoning requirements for use, coverage accessibility, and area as required for the zoning district in which it is located.

In the context of the Condominium Act, lot may be further defined as:

- (a) A condominium unit consisting of the area under a building or building envelope and the contiguous area around the building or building envelope; or
- (b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit for the owner(s) exclusive use. (*Amended by Ord. 91-1, 3/21/91*)

For the purposes of this ordinance, a "building lot" is a lot, development site or building site that has been approved by the Township for development purposes and which has a measured, described and recorded continuous area of land with sufficient dimensions and area to meet the minimum and/or maximum requirements for configuration and area, as are required by this Ordinance for the support of building development.

LOT AREA CALCULATION - Lot area shall be calculated as the total area within lot lines of a lot. For building lots or parcels of less than forty (40) acres having property lines extending to the center line of a public or private streets, the minimum lot areas required by this ordinance shall be calculated and met by excluding all right-of-way and easement areas established for public or private street use. (*Amended Ord. 2000-4Z, 5/23/00*)

SECTION 3.20 MANUFACTURED HOME (MOBILE HOME). Movable or portable dwelling constructed to be towed on its own chassis, connected to utilities and designed with or without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity. Mobile homes are manufactured homes constructed to the United States Department of Housing and Urban Development requirements entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended. In contrast, modular homes are manufactured homes transported to the site in more than one section, are constructed to the adopted Township building code and are placed on a permanent foundation. *(Amended Ord. 95-2Z, 3/9/95)*

- (a) Single Wide - a mobile home with a longitudinal width of no greater than sixteen (16) feet for its entire length. *(Amended by Ord. 95-2Z, 3/9/95)*
- (b) Double Wide - a combination of two (2) mobile homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

SECTION 3.21 MANUFACTURED (MOBILE) HOME LOT. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

SECTION 3.22 MANUFACTURED (MOBILE) HOME PAD. That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures, or additions.

SECTION 3.23 MANUFACTURED (MOBILE) HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use.

SECTION 3.24 MANUFACTURED (MOBILE) HOME SUBDIVISION. A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

SECTION 3.25 MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

SECTION 3.26 MOTOR VEHICLE. Every vehicle which is self-propelled.

SECTION 3.26(a) NATURE PRESERVE. An area which human activities are very limited and where the natural environment is protected from manmade changes. Nature preserves may be public lands (government ownership) or private lands which use is restricted by charter,

covenants or by conservation easements. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 3.27 PARKING AREA, SPACE OR LOT. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

SECTION 3.28 PARKING BAY. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

SECTION 3.28(a) PASSIVE RECREATION - Passive recreation refers to non-motorized activities conducted on undeveloped land or minimally improved lands which may include landscaped area, natural area, ornamental gardens, non-landscaped green space, greenways picnic areas, water bodies or trails (*Amended Ord. 2007-3Z, effective 10-23-07*)

SECTION 3.29 PIER. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

SECTION 3.30 PLANNING COMMISSION. The Watson Township Planning Commission.

SECTION 3.31 PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

SECTION 3.31(a) RESIDENTIAL (FAMILY/GROUP/CONGREGATE) CARE HOME. A facility which provides resident services in a private residential setting to unrelated individuals. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation or are otherwise in need of adult supervision and are provided services in the home to meet their needs. This category includes facilities licensed or supervised by any care homes (all ages), halfway houses, resident schools, resident facilities, and adult foster care (small group and large group) homes or boarding homes. (*Amended by Ord. 95-2Z, 3/3/95*)

The following classifies residential care facilities by type of social concern, and by size:

- (a) Residential Care Homes, Class I: Licensed foster homes for children (not including nursing homes), homes for handicapped and physically disabled, and homes for those with developmental disabilities. Residential Care Homes, Class 1 are sub-classified as follows:
 - A Class I-A: a maximum of 6 residents.
 - B Class I-B: a maximum of 12 residents.
 - C Class I-C: a maximum of 20 residents.
- (b) Residential Care Homes, Class II: Group-care homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional or mental institutionalization and residential centers for alcohol and drug abusers. Residential Care Homes, Class II, involve the delivery of care or supervision for periods of time that exceed 16 hours in a 24-hour period and are sub-classified as follows:
 - A. Class II-A: a maximum of 6 residents
 - B. Class II-B: a maximum of 12 residents.

C. Class II-C: a maximum of 20 residents.

SECTION 3.32 ROADSIDE MARKET STAND. A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

SECTION 3.32(a) RUNWAY. The area utilized by aircraft for landing or take-off. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.32(b) SAWMILL. A factory where logs are sawed into boards. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.32(c) SPECIAL LAND USE. Include uses of land not essentially incompatible with the zoning of the land and the uses permitted in the zoning district where the land lies, but which uses require individual review by the Planning Commission according to the terms of this ordinance. Reference 16b State of Michigan Township Zoning Act, Public Act 184, 1943. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.32(d) STABLE, COMMERCIAL. A structure or place that is used for the shelter or care of horses or cattle. A commercial stable is a stable where the shelter, care, training or use of the animal is provided as a service to others for profit or without profit. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.32(e) STABLE, PRIVATE. An accessory building, structure or area designed, intended or used for the keeping of horses or other livestock for the exclusive use of the land owner or occupants of a dwelling located on the same lot. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 3.33 STREET. A publicly or privately owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley. *(Amended by Ord. 90-1, 3/15/90)*

SECTION 3.33(a) STREET, PRIVATE (PRIVATE ROAD). Any road or thoroughfare for vehicular traffic contained within a private road easement which is privately owned and maintained and which provides the principal means of access to three or more parcels abutting the private road easement. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 3.34 STRUCTURE. Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

SECTION 3.35 TOURIST HOME. A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

SECTION 3.36 TOWNSHIP BOARD. The Watson Township Board.

SECTION 3.37 TOWNSHIP. Watson Township, Allegan County, Michigan.

SECTION 3.38 TRAILER COACH PARK ACT. Michigan Act 243 of 1959, as amended.

SECTION 3.39 TRAVEL TRAILER. A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

SECTION 3.39(a) UNDEVELOPED STATE. A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or similar use or condition. Unless otherwise allowed or restricted by the specific terms of this ordinance land in a undeveloped state does not include a golf course but may include a recreational trail, picnic area, green way, or linear park. (Amended Ord. 2007-3Z, effective 10-23-07)

SECTION 3.40 USABLE FLOOR AREA. The floor area of a dwelling exclusive of garages, porches, basement or utility area.

SECTION 3.41 VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

SECTION 3.42 YARD. A required open space other than a court, unoccupied and unobstructed by any structure or portion structure from the ground upward except as provided otherwise in this ordinance. (*Amended by Ord. 93-1, 10/28/93*)

SECTION 3.43 YARD - FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

SECTION 3.44 YARD - REAR. A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

SECTION 3.45 YARD - SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

SECTION 3.46 ZONING ACT. The Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as it may be amended from time to time (*Amended Ord. 2007-1Z, effective 7-24-07*)

SECTION 3.47 ZONING INSPECTOR. The Watson Township Zoning Inspector or Zoning Administrator.

CHAPTER 4

MAPPED DISTRICTS

SECTION 4.01 ZONE DISTRICTS. The Township of Watson is hereby divided into the following zoning districts: *(Amended by Ord. 91-1, 3/21/91)*

- (a) A-1 Agricultural Conservation District
- (b) A-2 Rural Conservation District
- (c) R-1 Low Density Residential District
- (d) R-2 Medium Density Residential District
- (e) LRD Lake Residential District
- (f) C-1 Commercial District
- (g) I-1 Industrial District
- (h) DOS-Designated Open Space District *(Amended Ord. 2007-3Z, effective 10-23-07)*

SECTION 4.02 ZONING MAP. The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Watson Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot line shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.

SECTION 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT. In every case where land has not been included within a district on the zoning map, such land shall be in the A-2 Rural Conservation Zoning District.

CHAPTER 5

A-1 AGRICULTURAL CONSERVATION DISTRICT

(Adopted in its entirety by Ord. 91-1, 3/21/91, except as noted)

SECTION 5.01 STATEMENT OF PURPOSE. It is recognized that the public health and welfare of the citizens of Watson Township, Allegan County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. The regulations of the "A-1" District are intended to ensure that land areas within Watson Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

In establishing A-1 District, it is acknowledged that agriculture is a specialized form of industry characterized by the production, through biological and botanical processes, of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

Other specific purposes for which this district is established include:

- (a) To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the Township.
- (b) To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
- (c) To prevent the conversion of agricultural land to non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature divestiture in agriculture.
- (d) To protect farmland from speculative increases in land values.
- (e) To prevent loss of farmland.
- (f) To lessen conflicts between agricultural activities and residences.
- (g) To discourage encroachment of urban and suburban services into agricultural areas.
- (h) To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
- (i) To reduce the amount of land consumed in rural areas for nonagricultural use.
- (j) To prevent intrusion of uses into farm areas which are incompatible with general farming activities.
- (k) To permit services and uses which are necessary to support farming activities.
- (l) To provide for a limited amount of non-farm dwelling units in agricultural zones.

SECTION 5.02 PERMITTED USES. Land in the A-1 District may be used for the following permitted uses: *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) Commercial Agriculture
- (b) Game and Wildlife Preserves
- (c) Dairy Farms

- (d) Single Family Farm and Non-Farm Dwellings
- (e) Nature Preserves
- (f) Farm Buildings
- (g) Greenhouses, Nurseries, Orchards, Blueberries and Vineyards
- (h) Apiaries, Hatcheries
- (i) Poultry Operations
- (j) Essential Service utilities, poles and fixtures (Reference Section 22.04)
- (k) Private Stables and Commercial boarding, breeding and animal training stables not involving riding or riding and training lessons
- (l) Uses Customarily Accessory to Farm Operations
- (m) Customary residential accessory buildings and structures
- (n) Roadside market stands as defined in Section 3.32
- (o) Cemeteries, public and private
- (p) Real estate signs, name plate signs, identifying signs
- (q) The conversion of existing older single family dwellings for two (2) family purposes. Older shall be defined as dwelling units totally constructed prior to 1950, and which exceed fifteen hundred (1,500) square feet of usable floor area.
- (r) Home occupations, Type I (Ref. Section 22.15)
- (s) Day Care - Family and Group Homes.
- (t) Religious Institutions and Places of Religious Assembly subject to the following standards.
 - (1) Facilities shall be located on a lot or parcel of land having a minimum area of two (2) acres and a minimum lot width of two hundred (200) feet as measured at the front property line.
 - (2) There shall be side and rear yard building setbacks of at least fifty (50) feet and a front yard setback of at least one hundred (100) feet.
 - (3) All parking areas shall be setback at least ten (10) feet from each front, side and rear property line.
 - (4) The provisions of Chapter 18 "Parking and Loading" and Chapter 16 "Signs" shall apply.
 - (5) Site plan review and approval under the procedures and standards of Chapter 14 is required.
- (u) Open space preservation Projects as regulated under Chapter 12
- (v) Public Schools

SECTION 5.03 HEIGHT REGULATION. No residential building shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary height.

SECTION 5.04 AREA AND DENSITY REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following requirements are provided and maintained:

- (a) **FRONT YARD** - -For parcels on having frontage on a "state highway", "county primary" or "county local road", as classified on the Official Road Map of Allegan County, the minimum required front yard building setback shall be 50 feet. Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard building setback of less than 50 feet shall be permitted to expand, provided such expansion is no closer to the street right of way line than the existing building or structures. For all lots and parcels having frontage on any"

other road" as classified on the Official Road Map of Allegan County or on any private street, there shall be a front yard building setback of not less than thirty (30) feet except that the provisions of Section 20.04 (e) shall apply to lots developed on private streets Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11). (*Amended Ord. 2007-2Z, effective 12-25-07*)

- (b) **SIDE YARD** - For all principle buildings, there shall be a minimum side yard of seven (7) feet from any side lot line and a combined total of at least twenty (20) feet for the two side yards. Buildings on corner lots shall maintain a setback of thirty (30) feet from the right-of-way lines along each street.
- (c) **REAR YARD** - There shall be a rear yard of not less than twenty-five (25) feet.
- (d) **LOT AREA** - (*Amended Ord 2000-4Z, 5/23/00*)
 - (1) **Minimum lot area** - For all dwelling units in the A-1 District, the minimum lot area shall be 43,560 square feet (1 acre).
 - (2) **Exempt parcels** - Any parcel or tract of land containing a minimum of 40 acres may be used for a single family residence and permitted agricultural activities and is exempt from the maximum lot area requirements outlined in sub-paragraph 5.04(d) below.
 - (3) **Maximum lot area** - For non-exempt parcels intended to support residential dwellings, the maximum lot area shall be 87,120 square feet (2 acres). This maximum area requirement may only be exceeded under the following circumstances:
 - a) An increased lot area is needed to accommodate a septic system as required by the Allegan County Health Department, or
 - b) An increased lot area is a result of minor property line adjustments enabling the logical use of a natural or other existing physical feature as a property boundary. Such increased lot area may not be of sufficient size to enable the creation of an additional conforming and otherwise build-able lot by a subsequent land division
 - c) An increased lot area is necessary to achieve required yard areas and setbacks adjacent to a dwelling or outbuilding and/or a grouping of buildings such as a farmstead already existing as of the effective date of this amendment.
 - d) The tract is the remnant parent parcel.
 - (4) For all lots and parcels of less than 40 acres that are created after March 23, 2000, the calculation of minimum lot area as required herein shall exclude areas devoted to public street right of way or private streets easements.
- (e) **LOT WIDTH AND FRONTAGE** - Every lot created to support a dwelling unit, either farm or non-farm, shall have a minimum lot width throughout the entire parcel of two hundred (200) feet, provided that any lot existing as of March 21, 1991 may have a minimum lot width throughout the entire parcel of not less than one hundred fifty (150) feet. The required lot width and frontage shall abut a public road or street established and dedicated prior to the effective date of this amendment. (*Amended Ord. 2000-4Z, 5/23/00*)
- (f) **DRIVEWAYS** - The driveway serving a lot shall be at least eighty (80) feet from the intersection of two or more roads.
- (g) **STREETS** - Private streets and public streets constructed and dedicated for the express purpose of creating and providing access to non-farm residential parcels are prohibited in this district. The provision shall not be construed to prevent the extension of a County local road, as described in Section 4 of Act 51 of 1951, in existence as of the effective date of this ordinance. (*Amended Ord. 2000-4Z, 5/23/00*)

SECTION 5.05 MINIMUM FLOOR AREA. Single family dwelling units in the "A-1" District shall have a minimum of nine hundred sixty (960) square feet of usable floor area.

SECTION 5.06 SPECIAL LAND USES. The following uses may be permitted as special uses when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter 15 and all general and specific standards contained therein: *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) Agricultural service establishments such as feed and fertilizer sales, farm equipment sales, and services
- (b) Agricultural labor housing,
- (c) Self-storage, mini storage facilities
- (d) Tack shops
- (e) Essential service structures such as telephone exchange and/or repeater buildings, electrical sub-stations, gas regulator stations and buildings, subject to the provisions of Section 22.04.
- (f) Commercial stables that include riding and/or riding lessons
- (g) Home occupations, Type II (Ref. Section 22.15.)
- (h) Towers and communications facilities, subject to Chapters 15 and 21.
- (i) Kennels (5 or more animals)
- (j) Mineral extraction, sand, gravel, soil removal and processing subject to Chapters 15 and 17.
- (k) Animal hospitals, veterinary clinics
- (l) Airports and landing fields
- (m) Archery and firearm practice ranges, outdoor

SECTION 5.07 LAND DIVISIONS AND BUILDING LOTS. *(Added Ord. 2000-4Z, 5/23/00)*

- (a) The number of parcels that may be used for building development purposes shall be limited within the A-1 District based on the gross area of the tract of land to be divided as described below and as contained in Table 5-1.

The division of parent parcels and tracts of land may not result in a number of parcels that exceeds the sum of the following as applicable;

- (1) For the first 39.99 acres or fraction thereof that existed on or before March 21, 1991, 2 parcels.
- (2) For each whole 10 acres and any fraction thereof in excess of the first 40 acres, 1 additional parcel.

**Table 5 -1
Permitted Building Lots**

Parent Parcel size (acres)	Allotted Building Lots created by land divisions	Parent Parcel size (acres)	Allotted Building Lots created by land divisions
Less than 39.99	2	120.0 to 129.99	10
40 to 49.99	3	130.0 to 139.99	11
50 to 59.99	4	140 to 149.99	12
60 to 69.99	5	150.0 to 159.99	13
70 to 79.99	6	160.0 to 169.99	14
80 to 89.99	7	170.0 to 179.99	15
90 to 99.99	8	180.00 to 189.99	16
110.0 to 119.99	9	190.00 to 199.99	17

- (b) In addition to the building lots allowed under the above Section 5.07(a), any parent parcel existing on or before MARCH 21, 1991 that supported a single family dwelling as of that date may be divided to create one additional building lot provided that each shall comply with the lot size requirements for single family dwellings outlined in Section 5.04(d) above.
- (c) After a period of 10 years, commenced on the date of recording of the first split, a parcel created under the above requirements will be considered a new parent parcel. At such time, it and the remaining portions of the original parent parcel may again be split to create additional building lots in accordance with the above requirements, provided that such splitting complies with the minimum area requirements of this ordinance and the State Land Division Act.

SECTION 5.08 MONITORING OF BUILDING LOT SPLITS. *(Added Ord 2000-4Z, 5/23/00)*

The following procedures shall be followed to ensure the proper administration and monitoring of building lot splits within the A-1 District.

- (a) An official map indicating existing parcels, parcel numbers and land ownership along with an official register shall be created concurrent with the adoption of this ordinance.
- (b) An allotment of non-exempt lots possible under this ordinance shall be made for each tract in the A-1 district.
- (c) As allotments of non-exempt building lots are taken, the official map and register shall be updated.
- (d) The official map shall be maintained by the Township Clerk or an official designated by the Clerk and copies will be made available for inspection by the public.

SECTION 5.09 LAND DIVISIONS, PLATS AND CONDOMINIUM SUBDIVISIONS.

(Added Ord 2000-4Z, 5/23/00) In the A-1 Agricultural Conservation District, all parcels created exempt from platting, all lots platted under the State land Division Act as amended and all lots or building sites created under the Condominium Act ,PA 59 of 1978 as amended must have their required lot width on established public roadways which existed as of January 1, 2000.

CHAPTER 6

A-2 RURAL CONSERVATION DISTRICT

(Amended in its entirety by Ord. 91-1, 3/21/91, except as noted)

SECTION 6.01 STATEMENT OF PURPOSE. The A-2 Rural Conservation District is intended to complement to the Agricultural Conservation District. It is established as a means of preserving the integrity of the Agricultural Conservation area where farming activity is viewed as the primary and permanent use to be encouraged during the planning period.

This zoning district, while encompassing many active farms, is designed to serve as a buffer area between the more intensively developed residential districts and the Agricultural Conservation District. The lot sizes and uses allowed within this district are intended to accommodate the demand for rural residences while also recognizing that farming activity will remain a major use in the area. Within this area it is expected that the majority of persons desiring to reside in a rural setting on one to ten acres of land will be accommodated without negatively impacting the Township's most desirable and productive farmland.

The characteristics utilized in establishing the general boundaries and extent of the rural conservation district includes soils that are generally unsuitable to support intensive development due to severe septic system limitations, large areas of farm land and open space and a mixture of parcel sizes and soils that make the majority of the area suitable for farming but not to the same extent as the majority of the areas included in the agricultural conservation district.

The primary objectives of this District are:

- (a) To provide a buffer between the more exclusive agricultural conservation district and the areas intended to accommodate more intensive development.
- (b) To preserve woodlands and wetlands which are useful as water retention and ground water discharge areas and which have important aesthetic and scenic value.
- (c) To encourage the continued use of valuable farm land while accommodating rural estate types of residential development and to accommodate a wide variety of non-farm uses that require large land areas.
- (d) To provide a "land bank" for areas of land that could be allowed to develop more intensively when the Township determines that more intensive development is appropriate and when the necessary public facilities and infrastructure is in place to support it.

SECTION 6.02 PERMITTED USES. Land in this District may be used for the following permitted uses: *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) Commercial Agriculture
- (b) Game and Wildlife Preserves
- (c) Dairy Farms
- (d) Single Family Non-Farm Dwellings
- (e) Nature Preserves
- (f) Farm Buildings

- (g) Greenhouses, Nurseries, Orchards, Blueberries and Vineyards
- (h) Apiaries, Hatcheries
- (i) Roadside Market Stands as defined in Section 3.32
- (j) Essential Service utilities, poles and fixtures
- (k) Private Stables and Commercial Boarding, Breeding and Animal Training Stables not involving riding or riding or training lessons
- (l) Uses Customarily Accessory to Farm Operations
- (m) Uses Customarily Accessory to Non-Farm Dwellings
- (n) Cemeteries, Public and Private
- (o) Real Estate Signs, Name Plate Signs, Identifying Signs
- (p) The conversion of existing older single family dwellings for two (2) family purposes. Older shall be defined as dwelling units totally constructed prior to 1950, and which exceed fifteen hundred (1,500) square feet of usable floor area
- (q) Home Occupations, Type I (Ref. Section 22.15)
- (r) Day Care - Family and Group Homes
- (s) Religious Institutions and Places of Religious Assembly subject to the following standards.
 - (1) Facilities shall be located on a lot or parcel of land having a minimum area of five(5) acres and a minimum lot width of three hundred (300) feet as measured at the front property line. (*Amended Ord. 2007-3Z, effective 10-23-07*)
 - (2) There shall be side and rear yard building setbacks of at least fifty (50) feet and a front yard setback of at least one hundred (100) feet
 - (3) All parking areas shall be setback at least ten (10) feet from each front, side and rear property line
 - (4) The provisions of Chapter 18 "Parking and Loading" and Chapter 16 "Signs" shall apply
 - (5) Site plan review and approval under the procedures and standards of Chapter 14 is required
- (t) Open Space Preservation Projects as regulated under Chapter 12
- (u) Public Schools

SECTION 6.03 HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2-1/2) stories. All other buildings and structures shall not exceed their usual and customary heights.

SECTION 6.04 AREA REGULATIONS. No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements.

- (a) **FRONT YARD** - For parcels on having frontage on a "state highway", "county primary" or "county local road" as classified on the Official Road Map of Allegan County, the minimum required front yard building setback shall be 50 feet. Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard building setback of less than 50 feet shall be permitted to expand provided such expansion is no closer to the street right of way line than the existing building or structures. For all lots and parcels having frontage on any "other road" as classified on the Official Road Map of Allegan County or on any private street there shall be a front yard building setback of not less than thirty (30) feet except that the provisions of Section 20.04 (e) shall apply to lots developed on private streets.

Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11) (*Amended Ord. 2007-2Z, effective 12-25-07*)

- (b) SIDE YARD - There shall be a total side yard of not less than twenty (20) feet; provided however, that no yard shall be less than seven (7) feet.
- (c) REAR YARD - There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than fifty (50) feet.
- (d) LOT AREA - Unless a lot is an existing legal lot of record created prior to October 23, 2007 the minimum lot area for all uses created in this district shall be five acres (217,800 square feet) excluding area devoted to street right of way. (*Amended Ord. 2007-3Z, effective 10-23-07*)
- (e) LOT WIDTH - All lots shall have a minimum width of three hundred (300) feet as measured at the point of building setback and in any event within one hundred feet (100) of the street on which it has frontage. The minimum lot width required at the street frontage of a cul-de-sac or curvilinear street shall be seventy-five (75) feet. The required lot width shall about a public road or street. (*Amended Ord. 2007-3Z, effective 10-23-07*)
- (f) *EXISTING LOTS OF RECORD*. Any lot classified as a legal conforming lot of record prior to (the effective date) shall continue to be classified as a legal conforming lot of record even though its lot area, lot width and/or street frontage does not comply with the above lot area, lot width and street frontage requirements. (*Amended Ord. 2007-3Z, effective 10-23-07*)

(Editors note: Lots of record are considered conforming in lot area if the minimum lot area for lots a created between the above effective date and **May 23, 2000** is 43,560 square feet excluding area dedicated to public and private street right-of-way. The minimum required lot area for lots created between **May 23, 2000** and March 21, 1991 must be at least 43,560 square feet including area dedicated to public or private street right-of-way. Lots created prior to March 21, 1991 are considered conforming if they contain a minimum lot area of 15,000 square feet, excluding area dedicated to public or private street right-of-way. From a lot width standpoint, any lot created prior to May 23, 2003 having a lot width of at least 100 feet and lot frontage that is at least 50 feet, is considered conforming.

- (g) DRIVEWAYS - Driveways serving a lot shall be at least eight (80) feet from the intersection of two or more roads.

SECTION 6.05 MINIMUM FLOOR AREA. Single family dwelling units in the "A-2" District shall have a minimum of nine hundred sixty (960) square feet of usable floor area. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 6.06 SPECIAL LAND USES. The following uses may be permitted as special land uses when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter 15 and all general and specific standards contained or referenced therein: (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

- (a) Agricultural Service Establishments such as feed and fertilizer sales, farm equipment sales and services
- (b) Agricultural Labor Housing
- (c) Commercial Stables that include riding and/or riding lessons

- (d) Home Occupations, Type II (Ref. Section 22.15)
- (e) Towers and Communications Facilities subject to Chapters 15 and 21
- (f) Kennels (5 or more animals)
- (g) Animal Hospitals and Veterinary Clinics
- (h) Mineral Extraction, Sand, Gravel and Soil Removal And Processing subject to Chapters 15 and 17
- (i) Two Family/Duplex Dwellings
- (j) Archery and fire arm practice ranges, outdoor
- (k) Libraries, museums, art galleries, community centers and similar uses, when operated by a governmental agency or non-profit organization
- (l) Private Schools, Non-Profit
- (m) Post Office, Governmental, Administration, or Service Buildings when operated by a governmental agency or a non-profit organization
- (n) Campgrounds, recreation vehicle and travel trailer parks, public and private
- (o) Sawmills
- (p) Tack Shops
- (q) Self-storage, mini-storage facilities
- (r) Contractors Yards, Equipment Storage Yards
- (s) Towers and Communications Facilities, subject to Chapters 15 and 21
- (t) Essential Service Structures such as telephone exchange and/or repeater buildings, electrical sub-stations, gas regulator stations and buildings, subject to the provisions of Section 22.04
- (u) Public or private outdoor recreation uses such as parks, playgrounds, golf courses, athletic fields and educational, recreational or religious camps and retreats used for educational, recreational or religious purposes, including dormitory housing
- (v) Private Roads subject to Chapters 15 and 20
- (w) Airports and Landing Fields
- (x) Conservation Subdivision Planned Unit Developments subject to the additional provisions of Chapter 28. *(Amended Ord. 2007-3Z, effective 10-23-07)*

SECTION 6.07 RESERVED FOR FUTURE USE.

SECTION 6.08 LAND DIVISIONS AND BUILDING LOTS. *(Added Ord 2000-4Z, 5/23/00)*

(a) The number of parcels, lots or building sites created to support building development within the A-2 District shall be limited. ***Except as indicated below*** the maximum number created from or within any parent parcel or parent tract shall be less than or equal to the same number permitted under Section 108 of the State Land Division Act, PA 288 of 1967 as amended. This limitation extends to platted subdivision lots created under the State Land Division Act as well as lots or building sites created under the State Condominium Act (Act 59 of 1978). For the purpose of this ordinance, the parcels or building sites that are permitted shall be those which, together with any previous divisions of the same parent parcel or parent tract subsequent to March 31, 1997, result in a number of parcels or building sites no greater than the sum of the following, as applicable: *(Amended Ord. 2007-3Z, effective 10-23-07)*

- (1) Two (2) lots or parcels for the first 10 acres or fraction thereof in the parent parcel or parent tract, plus; *(Amended Ord. 2007-3Z, effective 10-23-07)*

- a) One (1) additional lot or parcel for each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, for up to a maximum of eleven (11) additional parcels.
- (2) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one (1) additional lot or parcel.
- (3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 lots or parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:
 - a) Because of the establishment of one or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.
 - b) One of the resulting parcels comprises not less than 60% of the area of the parent parcel or parent tract.
- (4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of lots or parcels permitted if the parcel is accessible.
- (5) A parcel or tract created by an exempt split or a division may be further partitioned or split if all of the following requirements are met:
 - a) Not less than 10 years have elapsed since the parcel or tract was recorded.
 - b) The partitioning or splitting results in not more than the following number of lots or parcels, whichever is less:
 - 1) Two lots or parcels for the first 10 acres or fraction thereof in the parcel or tract plus one additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.
 - 2) Seven lots or parcels, or if one of the lots or parcels resulting from the division comprises not less than 60% of the area of the parcel or tract being split then 10 parcels may be created.

CHAPTER 7

R-1 LOW DENSITY RESIDENTIAL DISTRICT

(Amended by Ord. 91-1, 3/21/91)

SECTION 7.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for low density residential uses together with required recreational, religious and educational facilities.

SECTION 7.02 PERMITTED USES. Land, buildings or structures in this Zoning District may be used for the following permitted uses: *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) Single family dwellings.
- (b) Two family/duplex dwellings.
- (c) Home occupations, Type I (ref. Section 22.15).
- (d) Real estate sign, identifying sign, nameplate.
- (e) Day Care - Family and Group Homes
- (f) Public schools.
- (g) Essential service utilities, pole and fixtures.
- (h) Roadside market stands as defined in Section 3.32.
- (i) Cemeteries, public and private.
- (j) Religious Institutions and Places of Religious Assembly subject to the following standards.
 - (1) Facilities shall be located on a lot or parcel of land having a minimum area of two (2) acres and a minimum lot width of two hundred (200) feet as measured at the front property line.
 - (2) There shall be side and rear yard building setbacks of at least fifty (50) feet and a front yard setback of at least one hundred (100) feet.
 - (3) All parking areas shall be setback at least ten (10) feet from each front, side and rear property line.
 - (4) The provisions of Chapter 18 "Parking and Loading" and Chapter 16 "Signs" shall apply.
 - (5) Site plan review and approval under the procedures and standards of Chapter 14 is required.
- (k) Open space preservation projects as regulated under Chapter 12
- (l) Nature preserves

SECTION 7.03 HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2-1/2) stories.

SECTION 7.04 AREA REGULATIONS. No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements.

- (a) Front Yard - For parcels on having frontage on a "state highway", "county primary" or "county local road", as classified on the Official Road Map of Allegan County, the minimum required front yard building setback shall be 50 feet. Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard building setback of less

than 50 feet shall be permitted to expand, provided such expansion is no closer to the street right of way line than the existing building or structures. For all lots and parcels having frontage on any "other road" as classified on the Official Road Map of Allegan County or on any private street, there shall be a front yard building setback of not less than thirty (30) feet except that the provisions of Section 20.04 (e) shall apply to lots developed on private streets. Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11). (*Amended Ord. 2007-2Z, effective 12-25-07*)

- (b) Side Yard - There shall be total side yards of not less than twenty (20) feet; provided, however, that no yard shall be less than seven (7) feet.
- (c) Rear Yard - There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than fifty (50) feet.
- (d) Lot Area (Single and Two Family)
 - (1) The minimum Lot Area for Single and Two-Family Dwellings which are not platted" (e.g. Land divisions governed by Section 108 of PA 288 of 1967 as amended) or by the Site Condominium Project regulations of this ordinance shall be 2 acres (exclusive of Street or Private Road rights-of-way) and the minimum lot width shall be 200 feet.
 - (2) The minimum Lot Area for Single and Two-Family Dwellings which are governed as platted subdivisions under PA 288 of 1967 regulations or by the Site Condominium regulations of this ordinance shall be as determined under the provisions of Chapter 12, Open Space Preservation Projects or Chapter 28 Conservation Subdivision Planned Unit Developments. (*Amended Ord. 2007-3Z, effective 10-23-07*)
- (e) Existing Lots Of Record. Any lot classified as a legal conforming lot of record prior to October 32, 2007 shall continue to be classified as a legal conforming lot of record even though its lot area, lot width and/or street frontage does not comply with the above lot area, lot width and street frontage requirements. (*Amended Ord. 2007-3Z, effective 10-23-07*)

SECTION 7.05 MINIMUM FLOOR AREA. Each dwelling unit shall have minimum usable floor area as follows:

- (a) Single Family Dwelling - nine hundred sixty (960) square feet. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)
- (b) Two Family Dwelling - six hundred fifty (650) square feet per unit.

SECTION 7.06 SPECIAL LAND USES. The following uses may be permitted as special land uses when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter 15 and all general and specific standards outlined or referenced therein: (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

- (a) Libraries, museums, art galleries, community centers and similar uses, when operated by a governmental agency or non-profit organization.
- (b) Post office, governmental, administration, or service buildings when operated by a governmental agency or a non-profit organization.
- (c) Public or private outdoor recreation uses such as parks, playgrounds, golf courses, country clubs and athletic fields and educational, recreational or religious camps and retreats, used for educational, recreational or religious purposes, including dormitory housing. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)
- (d) Private schools, non-profit

- (e) Campgrounds, Recreation vehicle and travel trailer parks, public and private
- (f) Home occupations, Type II (Ref. Section 22.15.)
- (g) Educational, recreational or religious camps and retreats, used for educational, recreational or religious purposes, including dormitory housing.
- (h) Private Roads subject to Chapters 15 and 20.
- (i) Essential service structures such as telephone exchange and/or repeater buildings, electrical sub-stations, gas regulator stations and buildings, subject to the provisions of Section 22.04.
- (j) Towers and communications facilities, subject to Chapters 15 and 21.
- (k) Roadside market stands as defined in Section 3.32.
- (l) Conservation Subdivision Planned Unit Developments subject to the additional provisions of Chapter 28 (*Amended Ord. 2007-3Z, effective 10-23-07*)

CHAPTER 8

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for medium density one and two family and low density multi family residential and related uses.

SECTION 8.02 PERMITTED USES. Land, buildings or structures in this Zoning District may be used for the following permitted uses: (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

- (a) Single family dwellings.
- (b) Two family/duplex dwellings.
- (c) Home occupations Type I (ref. Section 22.15)
- (d) Real estate sign, identifying sign, nameplate.
- (e) Day Care - Family and Group Homes.
- (f) Public schools.
- (g) Essential service utilities, pole and fixtures.
- (h) Roadside stands as defined in Section 3.32.
- (i) Cemeteries, public and private.
- (j) Religious Institutions and Places of Religious Assembly subject to the following standards.
 - (1) Facilities shall be located on a lot or parcel of land having a minimum area of two (2) acres and a minimum lot width of two hundred (200) feet as measured at the front property line.
 - (2) There shall be side and rear yard building setbacks of at least fifty (50) feet and a front yard setback of at least one hundred (100) feet.
 - (3) All parking areas shall be setback at least ten (10) feet from each front, side and rear property line.
 - (4) The provisions of Chapter 18 "Parking and Loading" and Chapter 16 "Signs" shall apply.
 - (5) Site plan review and approval under the procedures and standards of Chapter 14 is required.
- (k) Nature preserves.

SECTION 8.03 HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2-1/2) stories in height.

SECTION 8.04 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements.

- (a) Front Yard - For parcels on having frontage on a "state highway", "county primary" or "county local road", as classified on the Official Road Map of Allegan County, the minimum required front yard building setback shall be 50 feet. Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard building setback of less than 50 feet shall be permitted to expand, provided such expansion is no closer to the street right of way line than the existing building or structures. For all lots and parcels

having frontage on any" other road" as classified on the Official Road Map of Allegan County or on any private street, there shall be a front yard building setback of not less than thirty (30) feet, except that the provisions of Section 20.04 (e) shall apply to lots developed on private streets. Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11). *(Amended Ord. 2007-2Z, effective 12-25-07)*

- (b) Side Yard - There shall be total side yards as follows:
 - (1) For single and two family dwellings, the total side yards shall be not less than twenty (20) feet; provided, however, that no side yard shall be less than seven (7) feet.
 - (2) For multi family dwellings and all other permitted uses, each side yard shall be not less than twenty (20) feet.
- (c) Rear Yard - There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall not be less than fifty (50) feet.
- (d) Lot Area and Width (One Family Dwellings) Exclusive of public and private street right of way, the minimum lot area and width for the minimum lot area and width for a single family dwelling shall be eight thousand, five hundred (8,500) square feet and eight-five (85) feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be fifteen thousand (15,000) square feet and one hundred (100) feet, respectively. *(Amended by Ord. 95-2Z, 3/9/95) (Amended Ord. 2000-4Z, 5/23/00)*
- (e) Lot Area and Width (Two Family) - Exclusive of public and private street right of way, the minimum lot area and width for the minimum lot area and width for a two family dwelling shall be fifteen thousand (15,000) square feet and one hundred (100) feet, respectively; provided, however, that the minimum lot area and width for lots not served with public water and sewer shall be thirty thousand (30,000) square feet and one hundred (100) feet, respectively. *(Amended Ord. 2000-4Z, 5/23/00)*
- (f) Lot Area and Width (Other than One and Two Family) - The minimum lot width shall be one hundred (100) feet. The minimum lot area for multi family dwellings shall be four thousand five hundred (4,500) square feet per dwelling unit; provided, however, that the minimum lot area for multi family dwellings not served with public sewer and water shall be ten thousand (10,000) square feet per dwelling unit. The minimum lot area for all other permitted uses shall be fifteen thousand (15,000) square feet. *(Amended by Ord. 91-2, 5/16/91)*

SECTION 8.05 MINIMUM FLOOR AREA. Each single family and two family dwelling shall have minimum usable floor area as is required in the R-1 District. Each multi family dwelling shall have minimum usable floor area as follows: One bedroom unit, six hundred fifty (650) square feet per unit; two bedroom unit, seven hundred fifty (750) square feet per unit; three bedroom unit, nine hundred (900) square feet per unit; additional bedrooms shall require an additional one hundred (100) square feet of usable floor area for each additional bedroom.

SECTION 8.06 SITE PLAN REVIEW. Except for single family and duplex homes, all permitted and special land uses in the R-2 District, shall be required to submit a Site Plan in accordance with Section 9.17. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 8.07 SPECIAL LAND USES. The following uses may be permitted as a special land use when approval is obtained by the Planning Commission. Such uses are subject to the provisions of Chapter 15 and all general and specific standards outlined or referenced therein: *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) Multi-family dwellings subject to the Special Land Use Provisions of Chapter 15 and Sections 8.03, 8.04, and 8.05. *(Amended by Ord. 91-1, 3/21/91)*
- (b) Nursing homes, senior citizen housing, and similar group housing.
- (c) Manufactured home parks provided they are in conformance with all state regulations governing manufactured home parks, including Public Act 419 of 1976 as amended.
- (d) Residential Care Homes, Class II
- (e) Home occupations, Type II (Ref. Section 22.15.)
- (f) Roadside market stands as defined in Section 3.32.
- (g) Private Roads subject to Chapters 15 and 20.
- (h) Essential service structures such as telephone exchange and/or repeater buildings, electrical sub-stations, gas regulator stations and buildings, subject to the provisions of Section 22.04.
- (i) Public or private outdoor recreation uses such as parks, playgrounds, golf courses, country clubs and athletic fields and educational, recreational or religious camps and retreats used for educational, recreational or religious purposes, including dormitory housing.
- (j) Libraries, museums, art galleries, community centers and similar uses when operated by a governmental agency or non -profit organization.
- (k) Post offices, governmental, administration, or service buildings when operated by a governmental agency or a non-profit organization.
- (l) Towers and communication facilities, subject to Chapters 15 and 21

CHAPTER 9

LAKE (LRD) RESIDENTIAL DISTRICT

SECTION 9.01 STATEMENT OF PURPOSE. The intent of this district is to provide suitable regulations for residential developments occurring adjacent to lake waterfronts within the Township. The regulations recognize the value and desirability of existing lakefront lots and the desire of owners of existing lots to maintain and make improvements to existing structures. At the same time, these regulations are designed to control new development in an orderly manner which avoids the creation of development at densities which could lead to the unnecessary degradation of the surface water quality and associated natural lake environment. This district is intended to extend four hundred (400) feet from the waters edge in all mapped Lake Residential zoning districts, unless otherwise mapped to an identifiable property line.

SECTION 9.02 PERMITTED USES: *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) Single Family Dwellings
- (b) Essential Services Utilities, Poles and Fixtures
- (c) Public Schools
- (d) Home Occupations - Type I (Ref. Section 22.15)
- (e) Day Care, Family and Group Homes
- (f) Religious Institutions and Places of Religious Assembly subject to the following standards
 - (1) Facilities shall be located on a lot or parcel of land having a minimum area of two (2) acres and a minimum lot width of two hundred (200) feet as measured at the front property line
 - (2) There shall be side and rear yard building setbacks of at least fifty (50) feet and a front yard setback of at least one hundred (100) feet
 - (3) All parking areas shall be setback at least ten (10) feet from each front, side and rear property line
 - (4) The provisions of Chapter 18 "Parking and Loading" and Chapter 16 "Signs" shall apply
 - (5) Site plan review and approval under the procedures and standards of Chapter 14 is required
- (g) Open space preservation Projects as regulated under Chapter 12
- (h) Nature preserves

SECTION 9.03 HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2-1/2) stories. All other buildings and structures shall not exceed their usual and customary heights.

SECTION 9.04 AREA REGULATIONS. No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements.

- (a) Existing lots of record on or before March 21, 1991.
 - (1) FRONT YARD - There shall be a front yard of not less than ten (10) feet.

- (2) SIDE YARD - There shall be a total side for both yards of not less than fifteen (15) feet; provided however, that no yard shall be less than seven (7) feet.
 - (3) REAR YARD - There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than fifty (50) feet.
 - (4) LOT AREA - The minimum lot area for all uses in this district created after **May 23, 2000** shall be 43,560 square feet excluding area dedicated to public and private street right-of-way. The minimum lot area for all lots of record in this district prior to **May 23, 2000** and after March 21, 1991 shall be 43,560 square feet including area dedicated to public or private street right-of-way. (*Amended Ord. 2000-4Z, 5/23/00*)
 - (5) LOT WIDTH - Existing lots of record on or before March 21, 1991 shall be considered conforming if their lot width is a minimum of fifty (50) feet as measured at the street line.
- (b) Lots and parcels of record created after March 21, 1991 and constructed thereon shall be required to meet the following standards:
- (1) FRONT YARD - There shall be a front yard of not less than thirty (30) feet.
 - (2) SIDE YARD - There shall be a total for both side yards of not less than twenty (20) feet: Provided however, that no side yard shall be less than seven (7) feet.
 - (3) REAR YARD - There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than fifty (50) feet.
 - (4) LOT AREA - The minimum lot area for all lots created in this district after March 21, 1991 shall be 43,560 feet, including the area within the road right-of-way. (*Amended by Ord. 91-2, 5/16/91*)
 - (5) LOT WIDTH - All lots or parcels created after shall have a minimum lot width of one hundred fifty (150) feet as measured at the point of building setback and in any event within one hundred (100) feet of the street on which it has frontage. The minimum lot width required at the street frontage of a cul-de-sac or curvilinear street shall be seventy five (75) feet. The minimum width of any lot at the waters edge shall be fifty (50) feet.
- (c) DRIVEWAYS - Driveways serving a lot shall be at least eighty (80) feet from the intersection of two or more roads.

SECTION 9.05 MINIMUM FLOOR AREA. Single family dwelling units in the "LRD" District shall have a minimum of nine hundred sixty (960) square feet of usable floor area. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 9.06 SPECIAL LAND USES. The following uses may be permitted as a Special Land Use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter 15 and all general and specific standards contained or referenced therein: (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

- (a) Public or private outdoor recreation uses such as parks, playgrounds, golf courses, athletic fields, and educational, recreational or religious camps and retreats used for educational, recreational or religious purposes, including dormitory housing.
- (b) Home occupations, Type II (Ref. Section 22.15)
- (c) Campgrounds, recreation vehicle and travel trailer parks, public and private.
- (d) Private Roads subject to Chapters 15 and 20.

- (e) Essential service structures such as telephone exchange and/or repeater buildings, electrical sub-stations, gas regulator stations and buildings, subject to the provisions of Section 22.04.
- (f) Towers and communications facilities, subject to Chapters 15 and 21.

CHAPTER 9B

DOS-DESIGNATED OPEN SPACE DISTRICT

(Added in it's entirety by Ord. 2007-3Z, effective 10-23-07)

SECTION 9B.01 PURPOSE. The Designated Open Space district is intended to encompass land that has been preserved in a perpetually undeveloped state within Open Space Preservation Projects as approved under the provisions of Chapter 12 or as designated open space associated with a Conservation Subdivision approved under the provisions of Chapter 28. The DOS District may also be applied to independently held public and private lands meeting the eligibility requirements contained herein:

SECTION 9B.02 ELIGIBLE LANDS: The following types of and are eligible for inclusion within the DOS District.

- (a) Designated open space land required to be zoned DOS as part of Open Space Preservation project authorized under the provisions of Chapter 12.
- (b) Designated open space land required to be zoned DOS as part of a Conservation Subdivision authorized under the provisions of Chapter 28.
- (c) Undeveloped private or publicly owned parcels or land areas at least 10 acres in size which are not otherwise designated as open space as part of a development project under a or b above, which by means of recorded conservation easements and or deed restrictions will be preserved in a perpetually undeveloped state.

As a further condition of eligibility within a DOS district, all lands shall be protected by recorded easements and deed restrictions that run in perpetuity with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the restrictions will adequately preserve the natural features and regulate the use of the designated open space.

SECTION 9B.03 PERMITTED OPEN SPACE USES. Land buildings and structures in this district may be used for the following purposes only.

- (a) Nature, game or wildlife preserves.
- (b) Agricultural activities including the production or maintenance of plants including but not limited to: forages and sod crops; grains and seed crops; trees and timber; fruits, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, products; aqua-culture; lands devoted to a soil conservation or forestry management program, the grazing or training of large animals and the keeping of bees. When such use is within an Open space Preservation Project or Conservation Subdivision Development, the use may be limited by the recorded conditions of approval imposed at the time of development plan approval. Confined livestock and poultry production and greenhouse facilities are not permitted in this district.
- (c) Natural areas, non-motorized recreational trails, picnic areas, children's play areas, community buildings and other passive recreational facilities, as may be specifically permitted and approved, as part of an Open space Preservation Project or Conservation Subdivision Development under the provisions of Chapters 12 or 28.
- (d) Golf courses as may be approved and regulated as part of Conservation Subdivision Development under the provisions of Chapter 28.
- (e) Accessory structures and buildings customarily associated with farming operations or

residential dwellings, the location, size appearance and use of which has been approved by the Planning Commission as a condition of approval of the special use permit or development plan approved under the provisions of Chapters 12 or 28.

SECTION 9B.04 SPECIAL LAND USES. The following may only be permitted by the Planning Commission as a special land use within a DOS district that is part of a development project approved under the provisions of Chapters 12 or 28. Such uses are subject to the provisions of Chapter 15 and the general standards outlined therein:

- (a) Accessory structures, buildings and parking areas associated with a principle permitted passive recreation area, nature, game or wildlife preserve or agricultural activity. In addition to meeting the general standards of Section 15.03, the location, size and use of such buildings, structures or parking areas shall be found by the Planning Commission to be integral and necessary to the particular principle open space use and of a scale and design which shall not significantly diminish or alter the integrity of the designated open space.

SECTION 9B.05 PUD ELIGIBILITY AND DEVELOPMENT RIGHTS TRANSFER. DOS District zoned property that has been independently established outside of an approved Open Space Preservation Project or a previously approved Conservation Subdivision PUD shall remain eligible for ultimate inclusion within a subsequently approved Conservation Subdivision PUD as non-contiguous open space (ref. Section 28.02). For the purpose of determining the Conservation Subdivision PUD project's lot yield, the lot yield applied to the DOS property and considered transferable to the development parcel, shall be based upon the zoning district provisions that applied to the land prior to its rezoning to the DOS District.

CHAPTER 10

C-1 COMMERCIAL DISTRICT

SECTION 10.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for commercial enterprises and related uses.

SECTION 10.02 PERMITTED USES. Land, buildings, or structures in this zoning district may be used for the following purposes only: *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) The cultivation of field and orchard crops, blueberries, nursery stock and vineyards. Such activity is a use permitted by right and exempted from the provisions of Chapter 14 - Site Plan Review. This provision shall not be interpreted as permitting the erection of farm buildings or other farm structures or the keeping or grazing of farm animals. (Amended by Ord. 90-1, 3/15/90)
- (b) Stores and shops for the conducting of retail business, except that the storage of lumber and other building supplies or similar materials for retail sale shall be housed within a building having four (4) side walls and roof; open storage of this or similar materials may only be permitted by the Planning Commission as a Special Land Use.
- (c) Garden centers
- (d) Medical offices Professional and Business offices
- (e) Office and showroom of a plumber, electrician, decorator, or similar trade.
- (f) Personal service shops, such as barber shops, beauty parlors, shoe repair shops, laundry pickup shops, dry cleaning pickup shops, messenger or telegraph service stations, and any similar service, businesses and uses.
- (g) Taxidermy shops
- (h) Printing shops
- (i) Radio and television , computer and electronic sales and repair.
- (j) Tire, brake and muffler repair shops
- (k) Banks, credit unions
- (l) Restaurants, hotels, motels, motor courts,
- (m) Dressmaking and tailor establishments, millinery shops, photographic shops, studios, sales and show rooms,
- (n) Funeral homes,
- (o) Dance halls, theaters, lodge and recreation halls.
- (p) Religious institutions and places of religious assembly subject to the following standards:
 - (1) Facilities shall be located on a lot or parcel of land having a minimum area of two (2) acres and a minimum lot width of two hundred (200) feet as measured at the front property line.
 - (2) There shall be side and rear yard building setbacks of at least fifty (50) feet and a front yard setback of at least one hundred (100) feet.
 - (3) All parking areas shall be setback at least ten (10) feet from each front, side and rear property line.
 - (4) The provisions of Chapter 18 “Parking and Loading” and Chapter 16 “Signs” shall apply.

- (5) Site plan review and approval under the procedures and standards of Chapter 14 is required.
- (q) Establishments within buildings or structures for the repair alteration, finishing, assembling, fabrication, or storage of goods primarily for the residents of the locality or for sale at retail on the premises, provided there is not in connection therewith the operation of any activity or the storage or display of goods in such manner as to be obnoxious or offensive by reason of the emission of odors, fumes, dust, smoke, waste, noise or vibration, and further provided that no commercial enterprise shall employ more than five (5) mechanics or workers on the repair, conversion, alteration, finishing or fabrication of goods and no such repair, conversion, alteration, finishing or fabrication may occupy more than fifty percent (50%) of the floor area of the buildings or structures.
 - (r) Gasoline and oil service stations and garages,
 - (s) Commercial cleaning establishments.
 - (t) Food catering establishments.
 - (u) Exercise clubs and gyms.
 - (v) Massage therapists, licensed.
 - (w) Tack shops.
 - (x) Essential service utilities, poles and fixtures.
 - (y) Public museums, libraries, art galleries, community centers and similar public and institutional uses.
 - (z) Post offices, governmental, administration and service buildings
 - (aa) Animal hospitals and veterinary clinics provided the site contains a minimum of three acres with a width of three hundred (300) feet and further provided that buildings or structures used for the housing of animals shall be located a minimum of one hundred feet from any side or rear property line. Such premises may include kennels as accessory uses and shall include adequate storage for the disposal of manure and refuse, including adequate insect control, and shall be suitably fenced.
 - (bb) Billboards as regulated by Chapter 16, Section 16.05.

SECTION 10.03 SPECIAL LAND USES. The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter 15 and specific standards outlined or referenced within: (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

- (a) Miniature golf establishments.
- (b) Amusement parks and go cart rides.
- (c) Archery and firing ranges, indoor
- (d) Campgrounds, recreation vehicle and travel trailer parks public and private. except that the minimum acreage standard enumerated in Chapter 15, Section 15.04(a) shall not apply to such uses in the "C-1" District.
- (e) Racing facilities, motorized and non-motorized.
- (f) Private schools, non-profit
- (g) Towers and Communications facilities subject to Chapters 15 and 21.
- (h) Residential Care Homes, Class II facilities.
- (i) Licensed commercial day-care - non-residential building.
- (j) New and used auto and recreational vehicle sales and showroom.
- (k) Auto and truck washes.

- (l) Self service / mini storage establishments.
- (m) Contractors yards, equipment storage yards.
- (n) Building supplies, lumberyards.
- (o) Automobile, heavy truck or equipment, farm equipment sales and service.
- (p) Auto, truck or equipment, farm equipment rental.
- (q) Painting, auto body shops.
- (r) Private Roads subject to Chapters 15 and 17.
- (s) Essential service structures such as telephone exchange and/or repeater buildings, electrical sub-stations, gas regulator stations and buildings, subject to the provisions of Section 22.04.
- (t) Mineral extraction, sand, gravel and soil removal and processing subject to Chapters 14, 15 and 17.

SECTION 10.04 BUILDING HEIGHT. Height limit of buildings in the "C-1" Commercial District shall be thirty-five (35) feet. The foregoing limit, however, shall not apply to water towers, smoke stacks, or other such appurtenances.

SECTION 10.05 LOT AREA. Every lot in Commercial Districts, used as a business, shall have an area sufficient in size to supply an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the State or County Health Departments' rules and regulations. A business lot shall have a minimum of 40,000 square feet of lot area, exclusive of public or private street right of way area, and 200 feet of street frontage. *(Amended Ord 2000-4Z, 5/23/00)*

SECTION 10.06 RESIDENCES IN COMMERCIAL DISTRICTS. No dwelling may be erected in the Commercial District except as an accessory use to a principal commercial structure for one of the uses defined in Sections 10.02 and 10.03. Such a dwelling shall be a single family dwelling only and meet all requirements of Section 10.07 and regulations, (a), (b), and (c). This section is intended to provide for owner occupancy only and shall not be rented to anyone other than the operator of the commercial use. Any expansion of the commercial use in the residential portion of the structure shall be considered a change of use and the requirements of Chapter 14 shall apply as well as the building codes for a commercial structure. A dwelling shall have a minimum useable floor area of 960 square feet. *(Amended Ord. 97-3Z, 9/4/97 and Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

SECTION 10.07 AREA REGULATIONS. No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements: *(Amended Ord 95-2Z, 3/9/95)*

- (a) Front Yard - There shall be a front yard of not less than eighty (80) feet.
- (b) Side Yard - For residential buildings and structures, there shall be total side yards of not less than fifty (50) feet; provided, however, that no side yard shall be less than twenty (20) feet. For all other buildings, there shall be two (2) side yards of not less than fifty (50) feet each.
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Size of Buildings - No commercial or business building shall hereafter be erected or altered hereafter in a Commercial District having a first floor area of less than four hundred (400) square feet.

SECTION 10.08 SITE PLAN REVIEW. For all permitted and special land uses in the "C-1" District, a Site Plan shall be submitted in accordance with Chapter 14. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 10.09 SPECIAL CONTROLLED USES. Please reference Chapter 13, Special Controlled Uses, for provisions relating to certain adult and sexually oriented uses and activities.

SECTION 10.10 SIGNS. As regulated by Chapter 16.

SECTION 10.11 PARKING AND LOADING SPACES. As regulated by Chapter 18.

CHAPTER 11

I-1 INDUSTRIAL DISTRICT

SECTION 11.01 DESCRIPTION AND PURPOSE. The purpose of this district classification is to establish a zone where designated trades and industries may locate which produce a minimum amount of adverse effect on surrounding premises of a higher use classification and which provides for a high quality of industrial land use. Those uses designated as permitted uses are intended to include uses and operations which, by their general nature, do not cause a nuisance or annoyance to adjacent property owners and occupants in higher use district classifications. Those uses designated as special land uses are intended to include uses which require additional conditions and limitations in their operations which, after implementation, will similarly provide a minimum of nuisance or annoyance to adjacent property owners and occupants in higher use district classifications. In this regard, no building or premises shall be used and no buildings shall hereafter be erected or altered within an "I-1" Industrial District unless hereinafter specifically permitted as a principal permitted use or a special land use. Subject to the conditions and limitations imposed upon the same.

SECTION 11.02 PERMITTED USES. The following designated uses shall be considered principal permitted uses provided they are contained within completely enclosed buildings or within areas enclosed on all sides by a wall or fence consisting of material judged suitable by the Township Planning Commission not less than 6 feet in height. All such uses shall have ingress and egress from an all-season industrial road meeting Allegan County Road Commission specifications, and shall be operated in a manner that will not negatively impact upon adjacent properties in higher classifications. All chemical storage shall be within containers of a material approved by the State Fire Marshall for the storage of a particular chemical involved and supplied with a monitoring device to detect any leakage to the atmosphere or ground. In addition, a warning device may be required in proper circumstances by the Planning Commission to further control any leakage and protect the environment. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) Businesses which perform the manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, perfumes, toiletries, and food products, except the rendering or refining of fats and oils.
- (b) Businesses which perform the manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, and tobacco, wood and yarn.
- (c) Businesses which perform the manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
- (d) Bottling plants and dairies.
- (e) Crating and packing service.
- (f) Machine shops.
- (g) Printing shops.
- (h) Post office, government, administration and service buildings.
- (i) Public schools.
- (j) Religious institutions and places of religious assembly subject to the following standards:
 - (1) The place of assembly must be located within an existing building having at least one

additional and distinct tenant occupying at least 50% of the building space that is either used for or is available for use by one or more other uses (other than assembly uses) permitted in the Zoning District.

- (2) The tenant space occupied by the assembly use shall meet all applicable health, safety and building codes relating to public assembly.
 - (3) The requirements of parking spaces shall be met independent of spaces required for other tenants of the building. A parking plan delineating the spaces shall be provided along with the application for occupancy permit. One parking space for each three (3) seats or six feet of pew, based upon the maximum seating capacity of the assembly area shall be required.
 - (4) The assembly use shall not include living quarters.
- (k) Business offices.
 - (l) Commercial cleaning establishments.
 - (m) Central dry cleaning plants.
 - (n) Research facilities and laboratories
 - (o) Tool and die shops.
 - (p) Metal bending and welding shops.
 - (q) Painting and auto body shops.
 - (r) Sign painting and servicing shops.
 - (s) Warehouses and storage facilities including self-serve and mini-storage
 - (t) Wholesale sales and distribution establishments.
 - (u) Light industrial uses which the Township Planning Commission judges to be of the same general character as the above permitted uses.
 - (v) Billboards in accordance with Chapter 16, Section 16.05
 - (w) Essential service utilities, poles and fixtures.
 - (x) Taxidermy shops

SECTION 11.03 SPECIAL LAND USES. The following uses may be permitted subject to the conditions set forth in Chapter 15 and all general and specific standards contained or referenced therein. All Special Land Uses shall have ingress and egress from an all-season industrial road meeting Allegan County Road Commission specifications. All chemical storage shall be within containers of material approved by the State Fire Marshall for the storage of a particular chemical involved and supplied with a monitoring device to detect any leakage to the atmosphere or ground. In addition, a warning device may be required in proper circumstances by the Planning Commission to further control any leakage and protect the environment.

- (a) Auto and truck washes.
- (b) Wholesale storage facilities for petroleum and chemicals.
- (c) Contractors yards; equipment storage yards.
- (d) Essential service structures such as telephone exchange and/or repeater buildings, electrical sub-stations, gas regulator stations and buildings, subject to the provisions of Section 22.04.
- (e) Mineral extraction, sand, gravel and soil removal and processing subject to Chapters 15 and 17.
- (f) Towers and communications facilities subject to Chapters 15 and 21.
- (g) Showrooms for plumbers, electricians, decorators and similar trades.
- (h) Retail sales where such use is clearly incidental to an established principal use by way of floor area, traffic generation, exterior building appearance and signage.
- (i) Resource recovery and disposal facilities for Type II and Type III wastes.

- (j) Animal rendering plants.
- (k) Automobile, recreational vehicles, heavy truck or farm equipment sales and service.
- (l) Auto, truck, recreational vehicles or equipment rental.
- (m) Private roads subject to Chapters 15 and 20.
- (n) Salvage yards/junk yards

SECTION 11.04 TOXIC AND RADIOACTIVE WASTE. No toxic or radioactive waste shall be stored or disposed of on any site, above or below ground, in Watson Township.

SECTION 11.05 PERFORMANCE STANDARDS. Any permitted or special land use established in the I-I Industrial District shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant to the sensory perceptions greater than the standard measures for safeguarding human safety and welfare.

- (a) NOISE: No operation or activity shall be carried out in the I-I Industrial District which cause or create measurable noise levels exceeding the maximum sound pressure levels prescribed in Table A, as measured on or beyond the property lines of the operation or activity.

Table A
Maximum Permitted Sound Pressure Levels in Decibels
(Post-1960 Preferred Frequencies)

Center Frequency (Cycles/Second)	Day	Night
31.5	85	77
63	80	73
125	75	67
250	70	62
500	65	55
1,000	60	51
2,000	50	44
4,000	45	37
8,000	40	33

 * Sound level meter set on the "C" or "Flat" scale, slow response.

Where street traffic noise directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises. For those areas in which the existing background noise levels exceed the maximum permitted levels, the noise levels at the boundary line may not exceed the background noise levels.

Sounds of an intermittent nature or characterized by pure tones may be a source of complaints even if the measured level does not exceed that specified. In such cases, the complaints shall be investigated to determine the nature of and justification for the

complaint and possible corrective action. If the complaints are not resolved within sixty (60) days, the Building Inspector may then proceed to take steps to enforce the terms of the Zoning Ordinance in accordance with the remedies provided herein.

Application for variance from the sound level provisions may be submitted to the Board of Appeals. In such cases, the owner or operator of equipment on the property in the specific district shall submit a statement regarding the effects of noise from his equipment on the noise levels in the surrounding area. This statement will include a study of background noise levels, predicted levels at the boundary lines due to equipment operation and justification for the variance. The requests for variance will be reviewed by the Board of appeals and granted where unnecessary hardship would otherwise be imposed upon the applicant and where no basic injury to the surrounding area will result. The Board of Appeals may impose conditions of operation in granting a variance.

- (b) **DUST, SOOT, DIRT, FLY ASH, and PRODUCTS OF WIND EROSION:** The regulation of smoke, dust, soot, dirt, fly ash, and products of wind erosion shall be subject in all respects to the State of Michigan Air Pollution Control Act. The Township Planning Commission shall have the right to monitor any emissions which are part of the production or manufacturing activity and which are suspect of disturbing the ambient air quality of Watson Township.
- (c) **VIBRATION:** Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following Tables B and/or C, as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former.

For purposes of this Ordinance, steady vibrations are vibrations which are continuous, or vibrations in measurable impulses more frequent than sixty (60) per minute. Measurable impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

Between the hours of 8:00 p.m. and 6:00 a.m. all of the above maximum vibration levels, as measured on or beyond the boundary line of residentially used or zoned areas adjacent to an Industrial District, shall be reduced to one-half (1/2) the indicated permissible values.

TABLE B

MAXIMUM PERMITTED STEADY VIBRATION IN INCHES

Frequency (Cycles Per Second)	
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

TABLE C

MAXIMUM PERMITTED IMPACT VIBRATION IN INCHES

Frequency (Cycles Per Second)	
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

- (d) **ODOR:** The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.
- (e) **GLARE AND HEAT:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.
Bare bulbs used in signs in or near a residentially used area shall be no greater than ten (10) watts. Within five hundred (500) feet of a residentially used area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts.
- (f) **FIRE AND SAFETY HAZARDS:** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the Township of Watson, Allegan County, and with all State rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, Public Acts of 1941, as amended.
- (g) **LIGHT:** Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect

light away from any residential use. In no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground into a Residential District.

Illumination levels shall be measured with a foot-candle meter or sensitive photometer and expressed in foot-candles.

- (h) GASES: The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. SO₂ gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 ppm, H₂S likewise shall not exceed 1 ppm, Fluorine, chlorine, and bromine shall not exceed 0.1 ppm, Nitrous fumes shall not exceed 5 ppm, and Carbon Monoxide shall not exceed 15 ppm; all as measured during any 24-hour sampling period.
- (i) ELECTROMAGNETIC RADIATION: Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.
- (j) DRIFTED AND AIR-BORNE MATTER, GENERAL: The drifting of air-borne transmission beyond the lot line of dust, particles or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.
- (k) Any power production or combustion process which burns any material or fuel other than natural gas, fuel oil or propane which will or may create, smoke, odor, dust, particulate, fly ash or other emission routinely or sporadically to the atmosphere, which alters the ambient air quality as presently exists in Watson Township, shall be prohibited.
- (l) Where determination of violation of performance standards will likely entail the use of highly skilled personnel and expensive or unusual instrumentation not ordinarily available to the Township and when, in the considered judgment of the Building Inspector a violation exists, the procedure will be as follows:
 - (1) NOTICE: The Building Inspector shall give written notice, by certified mail (return receipt requested or other means insuring a signed receipt for such notice) to those owners or operators of subject use deemed responsible for the alleged violations. Such notice shall describe the particulars of the alleged violation and the reasons why the Building Inspector believes there is a violation in fact, and shall require an answer or a correction of the alleged violation to his satisfaction within a reasonable time limit set by him. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Building Inspector within the time limit set constitutes admission of violation. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in the appropriate portions of this Ordinance will be made, and that if the violation as alleged is found to exist in fact, costs of the determinations will be charged against those responsible in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists, then the costs of this determination will be paid by the Township.
 - (2) CORRECTION OF VIOLATION WITHIN TIME LIMIT: If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Building Inspector, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records, taking such other action as may be warranted by the circumstances of the case.
 - (3) NO CORRECTION; NO REPLY: If there is no reply within the time limits set (thus establishing admission of violation as provided in "a" above). and the alleged violation

is not corrected to the satisfaction of the Building Inspector within the time limit set, he shall take or cause to be taken such action as warranted by continuation of an admitted violation after notice to cease.

- (4) **REPLY REQUESTING EXTENSION OF TIME:** If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the administrative official, but that more time is required than was granted by the original notice, the Building Inspector may grant an extension of time, if he deems such extension is warranted in the circumstances in the case, and if such extension will not, in his opinion, cause imminent peril to life, health, or property. In acting on such requests for extension of time, he shall in writing state his reasons for granting or refusing to grant the extension and shall transmit the same by certified mail (return receipt requested or other means insuring a signed receipt) as provided in subsection "a" above, to those to whom the original notice was sent.
- (5) **REPLY REQUESTING TECHNICAL DETERMINATION:** If a reply is received within the time limit set requesting technical determinations as described in the appropriate provisions of this Ordinance and if the alleged violations continue, the Building Inspector may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards do exist in fact, the costs of the determinations shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance. If no substantive violation is found, costs of the determination shall be paid by the Township.
- (m) If, after the conclusion of the time granted for compliance with the performance standards, the Building Inspector finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.
- (n) **APPEALS:** The Building Inspector's action with respect to the performance standards procedure may be appealed to the Zoning Board of Appeals within thirty (30) days following receipt of notice of said action by the violator or property owner. In the absence of such appeal, the Building Inspector's determination shall be final. Appeals may be taken by adjoining property owners or occupants as well as by the applicant.

SECTION 11.06 AIR AND GROUNDWATER QUALITY - LOCAL ABILITY TO MONITOR, AND OBSERVE INDUSTRIAL ACTIVITIES WITH EMERGENCY SHUTDOWN AUTHORITY:

- (a) Any process that produces dust or ash like material must make provisions to collect and transport the same in approved closed containers.
- (b) The Watson Township Building Inspector, Zoning Administrator, Constable, Planning Commission, or other authorized and designated officials or qualified persons, shall have full access to any facility including, but not limited to, the operational records, air pollution control equivalent, groundwater monitoring equipment and shall have authority to shut down any facility on an emergency basis, if toxic or radioactive waste are found, or if solid hazardous or liquid hazardous wastes are being disposed of in the Township, or where state permits, or operational license requirements are not being followed, or a violation of this ordinance or any state or federal regulations are occurring, or the air or ground water quality is being diminished.

- (c) The operator of any process that may adversely impact the environmental quality shall, at no cost to Watson install, maintain and routinely operate "State-of-Art" monitoring devices which monitor groundwater and air quality. The number and location of monitors shall be determined by the Watson Township building inspector, zoning inspector, constable, or other authorized and designated official or qualified person. Monitoring may require the installation of test well(s) with water samples taken from the well(s) periodically to insure the protection of groundwater quality.

SECTION 11.07 SITE PLAN REVIEW. For all permitted and special land uses allowed in the I-I District, a site plan shall be submitted in accordance with Chapter 14.

SECTION 11.08 HEIGHT REGULATIONS. No building shall exceed three (3) stories or forty-five (45) feet, whichever is lesser, in height. Height limits shall not apply to water towers, smoke stacks, or other such appurtenances.

SECTION 11.09 AREA REGULATIONS. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure, or enlargement.

- (a) Front Yard - There shall be a front setback of not less than seventy-five (75) feet. No off-street parking may be permitted in the required front yard. A seventy-five (75) foot landscaped area shall be provided in the required front yard.
- (b) Side Yards -
 - (1) Where the side yard of a lot abuts the side of a lot in the Industrial Zone, there shall be a side yard of not less than twenty (20) feet.
 - (2) In all other cases, there shall be a side yard of not less than fifty (50) feet.
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Lot Area and Width - Exclusive of public and private street right of way the minimum lot area shall be fifteen thousand (15,000) square feet and the minimum lot width shall be one hundred (100) feet. (*Amended Ord. 2000-4Z, 5/23/00*)

SECTION 11.10 SPECIAL CONTROLLED USES. Please reference Chapter 13, Special Controlled Uses for provisions relating to certain adult and sexually oriented uses and activities.

SECTION 11.11 SIGNS. As regulated by Chapter 16.

SECTION 11.12 PARKING AND LOADING SPACES. As regulated by Chapter 18.

CHAPTER 12

OPEN SPACE PRESERVATION PROJECTS

(Chapter Added by Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

SECTION 12.01 PURPOSE AND APPLICABILITY. Act No. 177 of the Public Acts of Michigan of 2000 (“Act 177”) requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit “open space preservation” developments.

Under these regulations, a landowner has the option to retain at least 50% of the property as open space and to place dwellings on the remaining portion. The number of dwellings cannot be more than the number which would be permitted on the land without the open space preservation regulations. The purpose of this Article is to adopt open space preservation provisions consistent with the requirements of Act 177.

Unless otherwise amended, this Chapter shall only apply to single family residential open space preservation projects in the A-1, A-2, LRD and R-1 Zoning Districts.

SECTION 12.02 REVIEW PROCEDURE. REVIEW BY PLANNING COMMISSION. An open space preservation development shall be reviewed by the Planning Commission according to the requirements and general standards for site plan review contained in Chapter XIV of this Ordinance except as otherwise provided in this Chapter.

SECTION 12.03 ITEMS SUBMITTED FOR REVIEW

(a) The applicant shall submit an application for an open space preservation project along with a review fee as established by the Watson Township Board.

(b) *Open Space Preservation Plan.*

The applicant shall submit three (3) sets of the Open Space Preservation Plan drawn at a minimum scale of 1”= 200’ which shall include information required by Section 14.03 of this Ordinance as appropriate for single family residential developments, and the following information:

- (1) The areas devoted to preserved open space.
- (2) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission.
- (3) The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
- (4) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
- (5) If the open space development will not be served by public sanitary sewer, the applicant shall submit documentation from the Allegan County Health Department that the soils are suitable for on site septic systems.

- (c) If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Watson Township Subdivision Control Ordinance or the Watson Township Site Condominium Subdivision requirements of this Ordinance, as applicable.

(d) *Existing Zoning Plan.*

In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan. This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan may be conceptual in nature but shall include at least the following information:

- (1) Date, north arrow and scale, which shall not be more than 1" = 200 '.
- (2) Location of streets and utility right-of-way adjacent to and within the site.
- (3) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
- (4) Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
- (5) If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit documentation from the Allegan County Health Department that the soils on each proposed lot are suitable for on site disposal systems.
- (6) The Existing Zoning Plan shall illustrate all environmentally sensitive land and unbuildable land, which shall include slopes of 20% or greater, regulated and unregulated wetlands, lakes, ponds, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads. No more than 50% of the area of designated wetlands, streams, flood plains, slopes in excess of 20%, existing ponds or lakes or other bodies of water may be included in calculating the number of developable lots in an existing zoning plan.

SECTION 12.04 DETERMINATION OF NUMBER OF LOTS. The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the open space preservation option provided by this Chapter were not exercised.

The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the Existing Zoning Plan in this Section.

SECTION 12.05 OPEN SPACE REQUIREMENTS:

- (a) A minimum of fifty percent (50%) of the land proposed for development under the provisions of this Chapter shall remain in a perpetually undeveloped state (i.e., "open space") by means of restrictions and other legal instruments that runs with the land.
- (1) Common Ownership of Preserved Areas. Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated and described by means of a distinct legal description on the site plan and shall be protected by restrictions running with the land. The restrictions shall be

reviewed and approved as to wording by the Township Attorney to assure the following: (Amended Ord. 2007-3Z, effective 10-23-07)

- (a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
 - (b) That a permanent organization for maintenance and management of such area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
 - (c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
 - (d) That the restrictions could be enforced by all property owners and by the Township.
- (2) Preserved Areas Not Owned in Common. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan *and described by means of a distinct legal description* and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following: (Amended Ord. 2007-3Z, effective 10-23-07)
- a. That the proposed manner of holding title to the preserved open land is acceptable to the Township.
 - b. That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
 - c. That the restrictions could be enforced by all property owners and by the Township.
- (b) *Areas Not Counted as Open Space.*
- (1) The area within all public or private road rights-of-way.
 - (2) Golf courses.
 - (3) Any easement for overhead utility lines and underground gas lines.
 - (4) The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
 - (5) Off street parking areas.
 - (6) Detention and retention ponds created to serve the project.
 - (7) Proposed community drain fields.
- (c) *Standards for Open Space.* The following standards shall apply to the preserved open space required by this Chapter:
- (1) Features To Be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
 - a. Significant natural stands of trees.
 - b. Natural habitat for wildlife.
 - c. Unusual topographic features.
 - d. Productive farmland.
 - e. Water or wetland areas.
 - (2) Not less than 60% of the minimum required open space shall be held in common.

- (3) The open space may include recreational trails, picnic areas, children’s play areas, community buildings or other use which, as determined by the Planning Commission, is substantially similar to these uses.
- (4) The open space held in common shall be available for all residents of the development, subject to reasonable rules and regulations and shall, where possible, be contiguous with other preserved or public open space.
- (5) 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.
- (6) A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
- (7) Small, disassociated open space fragments of less than 10,000 square feet may not be calculated in the minimum required open space unless it is characterized as unique or special by way of its ecological or recreational value. Open space held in common shall be located so as to be reasonably accessible to the residents of the open space development and where possible, shall be intertwined in a continuous fashion with the residential cluster. Safe and convenient pedestrian and emergency access points to the open space from the interior of the development shall be provided.
- (8) 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.

SECTION 12.06 DEVELOPMENT REQUIREMENTS:

- (a) *Water and Sanitary Sewer.* Open Space Preservation projects shall be served by either public or community water and sanitary sewer OR by private wells and septic systems subject to the approval of the Allegan County Health Department or Michigan Department of Environmental Quality (DEQ).
- (b) *Minimum Lot Sizes and Setbacks.* In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning Plan, the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located.
 - (1) The minimum lot sizes shall be required unless it is demonstrated that a waiver is required:

	<u>Target*</u>	<u>Minimum Lot Width*</u>
<u>Minimum Lot Size</u>		
A-1, A-2, R-1 and LRD Districts	20,000 square feet	90 feet

* Conventional lot size requirements are reduced by more than 50% in order to allow the developer to achieve the same number of lots as allowed under the existing zoning and still set aside 50% of the parcel as open space. Where it is shown by soil borings that the allowed number of lots could meet Health Department approval but the above target minimums cannot be achieved on each lot, the Planning Commission may waive the minimum lot size or lot width requirement on a lot- by-lot basis.

(Amended Ord. 2007-3Z, effective 10-23-07)

- (2) The minimum front, side and rear yard setback standards are as follows:

Front Yard:	30 feet
Side Yard:	7 feet minimum one side/20 feet total for both sides
Rear Yard:	25 feet

Accessory Buildings: The setback requirements for accessory buildings shall be the same as the requirements established for the underlying District.

- (c) *Access to New Streets.* Unless specifically waived by the Planning Commission, all lots created within an Open Space Preservation Project must have frontage on a new public or private street created for the development or an adjacent residential development. Creation of strip or linear lots along existing public primary and secondary roads will be discouraged within Open Space Preservation Projects. Exceptions may be granted for adjacent corner lots and double frontage situations where each lot also has frontage and access on an internal public street or a private street constructed to Township standards.
- (d) *Compliance with Zoning District.* Unless otherwise permitted by the provisions of this Chapter, the development of land under this Chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located.
- (e) *Maximum Number of Lots.* The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission under Section 12.03.
- (f) *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 or open space buffers on the perimeter that will create transitional net densities reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- (g) *Sidewalks.* The Planning Commission may require sidewalks in accordance with the Township's Site Condominium Ordinance and Subdivision Control Ordinance.
- (h) *Grading.* Grading shall comply with the following requirements:
 - (1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
 - (2) All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.
- (i) Subsequent Rezoning of Designated Open Space areas: Subsequent to the approval of an Open space Preservation Project under this Chapter, the Township shall rezone the designated open space areas accordingly (*Amended Ord. 2007-3Z, effective 10-23-07*).

CHAPTER 13

SPECIAL CONTROLLED USES

(Chapter Added by Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

SECTION 13.01 PURPOSE. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential area or community and neighborhood shopping areas, thereby having a deleterious effect upon such areas. It is also recognized that the controlled uses have legitimate rights under the United States constitution as well as locational needs similar to many other retail establishments. Special regulation of these uses within the C-1 Commercial is therefore necessary to ensure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's neighborhood business areas. At the same time, these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious. The controls do not legitimize activities that are otherwise illegal under this Ordinance or various other local, state, and federal statutes.

Uses subject to these controls are as follows:

- (a) Adult Motion Picture Theaters
- (b) Adult Book and Video Stores
- (c) Adult Cabarets
- (d) Nude Artist and Photography Studios
- (e) Massage Parlors
- (f) Host or Hostess Establishment
- (g) Sauna, Hot Tub, or Other Similar Health or Body Improvement or Enjoyment Enterprise
- (h) Open Dance Hall
- (i) Adult Smoking or Sexual Novelty and Paraphernalia Store
- (j) Adult Motel
- (k) Escort Agency
- (l) Sexual Encounter Center
- (m) Any Combination of the Foregoing

SECTION 13.02 DEFINITIONS. As used in this section, the following terms shall have the indicated meanings:

- (a) Adult Motion Picture Theater. Any establishment used for presenting motion pictures, videos or live performances distinguished or characterized by an emphasis on matter or actions depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.
- (b) Adult Book or Video Store. Any establishment or part thereof having as a substantial or significant portion of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- (c) Specified Sexual Activities. Specified sexual activities are defined as:
 - (1) Human genitals in a state of sexual stimulation or arousal;

- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Erotic fondling or other erotic touching of genitals, pubic region, buttock or female breast.
- (d) Specified Anatomical Areas. Specified anatomical areas are defined as:
 - (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region, and
 - b. Female breast below a point immediately above the top of the areola; and
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (e) Cabaret. A cafe, restaurant, night club or bar where patrons are entertained by performers who dance or sing or play musical instruments.
- (f) Adult Cabaret. A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- (g) Massage. A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- (h) Massage Parlor. An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. This definition shall not be construed to include a hospital, nursing home, medical clinic, office of a physician, surgeon, osteopath, sports medicine clinic, or physical massage therapist duly licensed by the State. This definition shall also not be construed to include a barber shop or beauty salon in which massages are administered to the scalp, the face, the neck or the shoulder. This definition shall also not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreation and athletic facilities for the welfare of the residents of the area.
- (i) Nude Artist and Photography Studios. Any building, structure, premises or part thereof which offers as a principal or secondary activity the providing of models to display "specified anatomical areas" as defined herein for artists, photographers or other persons for a fee or charge.
- (j) Adult Smoking or Sexual Novelty and Paraphernalia Store. An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug related substances.
- (k) Open Dance Hall. An establishment where open public dancing by patrons is available with partners furnished by the establishment.
- (l) Host or Hostess Establishment. Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- (m) Sauna, Hot Tub or Other Similar Health or Body Improvement or Enjoyment Enterprises. Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and/or female customers with supervision or participation by employees or independent contractors of the business. This definition shall not be construed to include a hospital, nursing home, medical clinic, office of a physician, surgeon, osteopath, sports medicine clinic, or physical massage therapist duly

licensed by the State. This definition shall also not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreation and athletic facilities for the welfare of the residents of the area.

- (n) Adult Motel. A hotel, motel or similar commercial establishment that:
 - (1) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
 - (2) offers a sleeping room for rent for a period of time that is less than twenty- (20) hours; or
 - (3) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than twenty-four (24) hours.
- (o) Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (p) Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (q) Nudity or State of Nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- (r) Semi-Nude. A state of dress in which clothing covers not more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state.
- (s) Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SECTION 13.03 PERMITTED USE. Any of the regulated uses enumerated herein are permitted only after a public hearing. Notice for the hearing shall be provided in the manner set forth in Section 24.04 of the zoning ordinance. (*Amended Ord. 2007-1Z, effective 7-24-07*)

- (a) The building or structure housing the use is located a minimum of 250 feet from the boundary of all A-1, A-2, R-1, R-2, and Lake Residential Zoning Districts and 500 feet from a residential use, regardless of the zoning for the residential use.
- (b) That the property is located a minimum of 1000 feet from the property line of any public, private or religious primary or secondary school, public park, library or museum, any public or licensed private day care or nursery school or site of religious assembly or worship.

- (c) The use is not located within 750 feet of any other adult or special controlled use except that such restriction may be waived, if the following findings are made by the Planning Commission.
- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
 - (2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - (3) That the establishment of such use, or an additional use regulated under these provisions, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.

SECTION 13.04 CONDITIONS AND LIMITATIONS. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment's location, construction, maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will act to immediately terminate any permit or license given.

SECTION 13.05 APPLICATION. Application for approval of a special controlled use shall be made on a form as provided by the Township and submitted to the Zoning Administrator along with a review fee in the amount established by the Township Board by resolution. The application shall be placed on the next available agenda of the Planning Commission, at such time the required public hearing date shall be set. The Planning Commission shall have 75 days from the date of submittal of a complete application to act on the application.

SECTION 13.06 APPEALS. An appeal of any decision by the Planning Commission to deny an application, wholly or in part, may be made to the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

SECTION 13.07 LIMIT ON REAPPLICATION. No application for such a use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

CHAPTER 14

SITE PLAN REVIEW

(Chapter Added by Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

SECTION 14.01 INTENT AND PURPOSE. The intent of this Section is to provide for consultation and cooperation between land developers and the Township in order that the developer may accomplish his or her objectives in the utilization of his or her land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity. Prior to the issuance of a building permit, for the creation of a use or the erection of a building in the district and under the conditions cited below, a site plan shall be submitted in accordance with this Section to the Township Planning Commission for approval.

An approved site plan shall be effective for a period of one (1) year, or the life of a building permit obtained pursuant to the approved site plan, whichever is longer. If construction is not commenced within the period that the site plan is effective, no construction shall take place unless there has been an extension approved by the Planning Commission and before the extension is granted, there is compliance with all applicable site plan requirements that are in effect at the time of the extension. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 14.02 REQUIRED SITE PLAN. Site Plan Approval shall be required for all uses except the following:

- (1) Single and two family dwelling units on individual lots.
- (2) Residential and agricultural accessory buildings *(Amended by Ord. 91-1, 3/21/91)*

SECTION 14.03 SITE PLAN CONTENT. The site plan shall contain the following information except that for special uses located on residential lots with a principal single family building, or other uses when specified under the provisions of this ordinance, one or more of the provisions contained in items a) through m) below may be waived. Such waiver(s) may be made by the Planning Commission if in its discretion the site plan has been drawn to a legible scale and contains sufficient other data necessary to accurately reflect existing and proposed conditions remain to the proposed use or operation.

At a minimum, the site plan shall illustrate at least that portion of the subject property relevant to the proposal to meet the intent of item, (3) below in addition to the requirements of items, (a), b), and g). *(Amended by Ord. 91-1, 3/21/91)*

- (a) The date, north arrow and scale. The scale shall be not less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
- (b) All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
- (c) The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.

- (d) The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, park areas (show dimensions of a typical parking space). unloading areas and recreation areas.
- (e) The location and the pavement and right-of-way width of all abutting roads, streets or alleys.
- (f) For those buildings, uses or facilities which will be used or which will be available for use by the public for the purposes of education, employment, housing (other than a privately owned one-or two-family dwelling), transportation or recreation and for the purchase, rental or acquisition of goods and services, the name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of his professional seal).
- (g) The name and address of the property owner or petitioner.
- (h) The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- (i) Size and location of existing and proposed utilities.
- (j) A summary schedule should be affixed, if applicable, which gives the following data:
 - (1) The number of dwelling units proposed, to include the number, size and location (by code if necessary) of one-bedroom units, two-bedroom units, mobile home sites, etc.
 - (2) The residential area of the site in acres and in square feet, including breakdowns for any sub-areas or staging areas (excluding all existing rights-of-way).
- (k) Size and location of all surface drainage facilities.
- (l) Existing and proposed contour shall be shown on all site plans (two (2) foot intervals minimum) as may be required by the Planning Commission.
- (m) For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.

SECTION 14.04 SUBMITTAL. The site plan and all related information specified above shall be presented to the Planning Commission in thirteen (13) copies by the property owner or petitioner at least one week prior to that meeting of the Planning Commission at which the plan will be reviewed.

- Nine (9) copies to the Secretary of the Planning Commission
- One (1) copy to the Township Fire Chief
- One (1) copy to the Township Engineer
- One (1) copy to the Township Attorney
- One (1) copy to the Township Supervisor

SECTION 14.05 APPROVAL. The Township Planning Commission shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with certain modifications or conditions, the site plan in accordance with the standards contained in and referenced by this Zoning Ordinance. No action shall be taken by the Planning Commission until a hearing shall be held in accordance with its rules and regulations. In reviewing the application and site plan and in approving, disapproving or modifying the same, the Township Planning Commission shall be governed by the following standards:

- (a) That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.

- (b) That the buildings, structures and entryways thereto proposed to be located upon the premises are situated so as to minimize adverse effects there from upon owners and occupants of adjacent properties and the neighborhood in general.
- (c) That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
- (d) That any adverse effect of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures. and entryways thereto.
- (e) That all applicable standards of the Township Zoning Ordinance are complied with unless an appropriate variance there from has been granted by the Zoning Board of Appeals.
- (f) That all buildings and structures are accessible to emergency vehicles.
- (g) That the site plan, as approved is consistent with the intent and purpose of zoning in promoting public health, safety, morals and general welfare; encouraging the use of lands in accordance with their character and adaptability; avoiding over-crowding of population; controlling congestion on the public roads and streets; reducing hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements and conserving the expenditure of funds for public improvements and services.

SECTION 14.06 STREET ACCESS STANDARDS. The Planning Commission shall review site plans according to the following standards relating to vehicle access and circulation. The purpose of specific access standards is to promote traffic safety, minimize congestion, provide adequate access, promote community character, and ensure orderly development. (*Amended Ord. 95-2Z, 3/9/95*)

- (a) The Planning Commission shall have the authority to require a frontage road or service drive for contiguous parcels along M-222 and elsewhere as deemed necessary for the protection of health and safety and for the preservation of the public roadway capacity and efficiency. The Planning Commission shall also have the authority to:
 - limit the number of driveways for a site
 - require that parking lots on contiguous parcels be connected
 - require that driveways for contiguous parcels be shared, and
 - require that opposite driveways be directly aligned

In determining the degree of access control measures necessary, the following factors shall be considered:

- (1) The type and location of uses on the site.
- (2) The location, size and design of existing and proposed parking areas.
- (3) The existing and projected traffic volume on adjacent roadways.
- (4) Compatibility between adjacent land uses.
- (5) Land ownership and location of lot lines.
- (6) Topography and sight distance along adjacent roadways and on the site.
- (7) Distance from intersections.
- (8) Location of driveways opposite the site.
- (9) Width of roadway and number of lanes.

(b) For Uses along M-222, and other streets as deemed necessary by the Planning Commission at the time of Site Plan Review, the following regulations shall apply: (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

- (1) A parcel shall not be denied reasonable access.
- (2) Cross easements connecting parking lots of contiguous parcels and/or front or rear service drives providing access between parcels shall be required where appropriate. Such cross access shall be illustrated on approved site plans.
- (3) Driveways for a parcel shall be permitted based on the amount of road frontage for that parcel as follows, except that the Planning Commission may modify this in the interest of public safety based on the criteria in the preceding section.

<u>FRONTAGE</u>	<u>DRIVEWAYS PERMITTED</u>
Less Than 300 Feet	1
300 To 600 Feet	2
More Than 600 Feet	3

Additional driveways shall not be provided upon the dividing of a parcel(s) which has an existing driveway(s) unless anticipated traffic volumes are projected to be more than six hundred (600) vehicles per day and/or anticipated to cause traffic congestion during the morning or afternoon peak hour of roadway travel. Traffic projections and peak hour analysis shall be based on a professional traffic study and accepted trip generation rates.

- (4) A right turn lane and taper shall be required for driveways with anticipated right-turn inbound traffic volumes in excess of forty (40) vehicles during the hours of 4:00 p.m. and 6:00 p.m. or one thousand (1,000) vehicles per day. The lane shall be constructed in accordance with the requirements of the Allegan County Road Commission.
- (5) The placement of a driveway shall be determined by the following criteria if it is to be located near an intersecting street.
 - a) The tangent point of the driveway radius along the highway shall be at least one hundred thirty five (135) feet from the tangent point of an intersecting street's curve radius, or 146 feet to the centerline of the intersecting street if such street is not hard surfaced.
 - b) At no time shall a driveway be located in the clear vision area of an intersection as established by the Allegan County Road Commission or Michigan Department of Transportation.
 - c) A driveway serving a multi-family, commercial, office, or industrial use shall be spaced at least two hundred seventy-five (275) feet from another driveway serving the same or similar use.
- (6) The Planning Commission shall have the authority to waive or modify these requirements when strict adherence to them would result in unreasonable access to the site. In waiving or modifying the spacing requirements, the factors of 14.06 Subsection (a) above shall be considered. (*Amended Ord 95-2Z, 3/9/95*)

SECTION 14.07 MODIFICATIONS. Any modifications of the site plan desired by Township Planning Commission shall be so stated in writing to the applicant. Site plan approval may be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Planning Commission. If any part of the site plan is in conflict any section of this Ordinance in terms of setbacks, parking, maneuvering lanes, etc., a variance must be granted by the Board of Appeals. Six (6) copies of the final approved site plan, with its modifications shall be on record

in the Township offices. Each copy shall have the signature of the Chairman of the Planning Commission. If variances are required and have been secured, the site plan shall also show the signature of the Chairman of the Board of Appeals.

SECTION 14.08 DISPOSITION. If approval is granted by the Planning Commission, the following conditions shall apply:

- (a) In those instances in which platting is required by law, the owner or owners shall thereafter submit preliminary and final plat for the proposed development for approval in compliance with Act 288, Public Acts of 1967, as amended, and with all ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the Township Board.
- (b) Such plats shall be in strict conformity with the approved site plan, the conditions attached thereto, and the provisions of this Ordinance.

SECTION 14.09 FEES. An application for site plan approval shall be accompanied by such fees the Township Board, by resolution, considers necessary for the processing of the application. Such fee may be utilized by the Township to obtain the services of one or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable Township Ordinances, policies and standards and for investigation and report of any objectionable elements. Such consultants shall report as promptly as possible.

CHAPTER 15

SPECIAL LAND USES

(Chapter Added by Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

SECTION 15.01 DESCRIPTION AND PURPOSE. In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Land Uses within the various zoning classifications set forth in the Ordinance. Such Special Land Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in Such zoning district and accordingly detrimental thereto.

SECTION 15.02 GENERAL STANDARDS. Special Land Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Township Planning Commission, in its discretion, is satisfied that the use under the conditions, controls, limitations, circumstances and safeguards proposed and imposed by the Commission, will:

- (a) be compatible with the other uses expressly permitted within the district, with the natural environment and
- (b) be consistent with the capacities of public services and facilities affected by-the land use;
- (c) not be detrimental or injurious to the use or development of adjacent properties or to the occupants thereof or to the general neighborhood;
- (d) promote the public health, safety, morals and general welfare of the community;
- (e) encourage the use of lands in accordance with their character and adaptability;
- (f) the standards required by the Commission for the allowance of this Special Land Use can and will in its judgment, be met at all times by the applicant or its assigns.

The burden of proof of facts which might establish a right to a Special Land Use Permit under the general standards and any specific standards contained herein shall be upon the applicant.

SECTION 15.03 SPECIAL LAND USE PERMIT PROCEDURE:

- (a) Application - All applications for Special Land Use Permits shall be filed with the Township Clerk and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Land Use Permit. Site plans shall be prepared to the specifications outlined in Chapter 14.
- (b) Notices - All special land use applications and required supporting documentation shall be promptly transmitted to the Planning Commission. The Planning Commission shall hold at least one public hearing on all special land use requests it receives and shall provide notice for said hearing in the manner provided in Section 24.04 of the zoning ordinance. *(Amended Ord. 2007-1Z, effective 7-24-07).*
- (c) Decisions and Conditions - Following such hearing, the Township Planning Commission shall either grant or deny a permit for the Special Land Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such

permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Building Inspector. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; be consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

- (d) Enforcement - The Planning Commission may limit the duration of a Special Land Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of the Township Planning Commission after a hearing upon application of any aggrieved party.
- (e) Site Plans - The site plan and specifications and all conditions, limitations, and requirements imposed by the Planning Commission shall be recorded with the Township and shall be incorporated as a part of the special land permit. Violations of any of these at any time shall cause revocation of said permit and said special land use shall cease to be a lawful use.
- (f) Expiration without Commencement - Any property which is the subject of a special land permit which has not been used for a period of six (6) months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Township Planning Commission) for the purposes for which such special exception was granted or which use failed to commence within six (6) months of the date of permit approval, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special land uses shall thereupon terminate.
- (g) Performance Guarantee - To insure compliance with the zoning ordinance and any conditions, limitations, or requirements imposed by the Township Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check, or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six (6) months to be completed, the Township Planning Commission may authorize a rebate of any case deposit in reasonable proportion to the ratio of the work completed as the work progresses.

SECTION 15.04 ADDITIONAL STANDARDS FOR SPECIFIC SPECIAL LAND USES. The specific requirements set forth in this section are requirements which must be met by certain uses when permitted as special uses. These requirements are in addition to the general standards outlined or referenced in the above Section 15.02.

(a) Campground, R.V., Travel Trailer Parks

- (1) The minimum lot size shall be twenty (20) acres.
- (2) No commercial enterprises shall be permitted to operate within the park except that a convenience goods shopping building not to exceed two thousand five hundred (2,500) square feet of floor area may be provided in a park containing more than fifty (50) campsites.
- (3) No building or campsite shall be located within fifty (50) feet of any property line. A house used only for purposes of residence by a park manager or owner shall conform to the requirements of the zoning district. Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a river or lake, and the Planning Commission shall find that no useful purpose would be served by the stipulated setback.
- (4) All parks shall afford direct vehicular access of a public road with no opening closer than one hundred (100) feet to a side property boundary line.
- (5) One identification sign, not exceeding one hundred (100) square feet in area, is permitted.
- (6) All campgrounds shall be approved by the Michigan Department of Public Health.

(b) Class II - Residential Care Homes

Class II Residential Care Homes as defined in Chapter III, Section 3.31 (a) involving the care, supervision and/or treatment of more than six (6) individuals and in which the delivery of such care or supervision is provided for periods of time that exceed 16 hours in a 24 period. (*Amended Ord. 95-2Z, 3/9/95*)

- (1) The minimum lot size shall be 3 acres with a minimum of 250 feet of continuous public street frontage so as to insure the secure and safe provision of ingress and egress to the site without adversely impacting adjoining properties.
- (2) The site shall be situated on and access via a paved public road.
- (3) Appropriate fencing, lighting and security for the safety of adjoining residents and the persons on premises shall be provided as determined necessary by the Township. Exterior lighting shall not reflect onto adjacent property owners.
- (4) The facility shall provide adequate off-street parking for visitors and employees.
- (5) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- (6) All principal and accessory buildings shall be located a minimum of 75 feet from adjoining property lines. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas in accordance with Chapter 18, Section 18.05.
- (7) Such facilities shall be located a minimum of 1,000 feet from a school, church or child day care facility and no closer than 1,500 feet from another Class I or Class II Residential Care Home.

- (8) All structures shall be designed, constructed and maintained in a manner consistent with the visible characteristics of conventionally built housing units and accessory buildings in existence within a one-mile radius of the site.
- (9) A minimum of 1,500 square feet of usable open space, excluding parking areas, drives, buildings and unusable or inaccessible portions of a site (e.g. wetland areas or areas isolated by water) shall be provided for each bed within the facility.

(c) Public or Private Outdoor Recreation Uses

Public or private outdoor recreation uses such as golf courses, parks with athletic fields, and fixed or moveable target shooting facilities such as rifle, skeet, trap, and archery ranges, educational, recreational and religious camps and retreats and similar facilities, EXCEPT amusement parks, miniature golf establishments, motorized and non-motorized vehicle racing facilities and campgrounds, RV and travel trailer parks, subject to the following being reviewed by the Planning Commission. The above exceptions being addressed by separate provisions contained herein. (*Amended Ord. 95-2Z, 3/9/95*)

- (1) The size and nature of the proposed use and its effect on adjacent properties and land uses
- (2) The amount of traffic to be generated by the proposed use and the effects on traffic circulation, existing road conditions and whether the proposal would require the installation of traffic control devices.
- (3) The ability of the proposed use to utilize natural features such as topography and vegetation to naturally screen or shield adjacent uses from the proposed use as a means of preserving the rural qualities of the Township.

In addition to the above general provisions, the following specific standards shall apply to the outdoor recreational uses enumerated below:

(1) Golf courses, country clubs.

- a) The minimum area shall be 40 acres for a par 3 course, 65 acres for a 9-hole course, and 120 acres for an 18-hole course.
- b) No building or non-golfing use, with the exception of parking, shall be located within 200 feet of the front line or 400 feet of the side and rear property lines.
- c) A greenbelt shall be required if parking is located less than 50 feet from a property line.
- d) Parking shall be provided at a minimum of 5 spaces per hole plus one space for each square feet of combined dining rooms and bar area.
- e) Signs shall be subject to the regulation applicable to signs in commercial districts.
- f) All lighting shall be shielded or designed so as not to extend beyond the property lines.
- g) There shall be not more than two driveways.

(2) Outdoor recreational uses and education, recreation and religious camps and retreats, and similar uses except parks, playgrounds, golf courses, racing facilities, miniature golf, amusement parks, and campgrounds. (*Amended Ord. 95-2Z, 3/9/95*)

- a) The minimum lot area shall be 20 acres.
- b) All lighting shall be shielded or designed so as not to cause glare upon adjacent properties.
- c) A greenbelt shall be required if parking is located less than 50 feet from a property line.

- d) No building or use shall be located within 50 feet of any property line except that parking may be excluded from this requirement. Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a lake or river.
- e) Signs be subject to the regulations applicable to signs in commercial districts.
- f) Use of the premises shall be limited to the use approved.
- g) Adequate off-street parking shall be provided.
- h) Structures and procedures shall be required so that litter will not be placed, by means, onto adjacent property or public roads.
- i) Facilities utilizing firearms, bows, arrows, etc., shall have the site plan approved by the Allegan County Sheriff to ensure adequate safety. *(Amended by Ord. 90-1, 3/15/90)*

(d) Non-profit Schools, Public Libraries, Museums, Art Galleries and Similar Public or Non-Profit Uses

In considering such authorization, the Planning Commission, shall consider the following:

- (1) The size, nature and character of the proposed use;
- (2) The proximity of the proposed use to adjoining properties;
- (3) The parking facilities provided for the proposed use;
- (4) Any traffic congestion or hazards which will be occasioned by the proposed use;
- (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

(e) Playgrounds, Community Centers, Governmental, Administration, Post Offices or Service Buildings Owned and Operated by a Governmental Agency or a Non-Profit Organization

In considering such authorization, the Planning Commission shall consider the following:

- (1) The necessity for such use for the surrounding neighborhood;
- (2) The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;
- (3) The size, nature and character of the propose use;
- (4) Potential traffic congestion which might be occasioned by the intended use;
- (5) Parking facilities to be provided for the proposed use; and
- (6) The effect of proposed use on adjoining properties and the surrounding neighborhood.

(f) Amusement Parks, Go-Cart Rides and Miniature Golf

In considering such authorization, the Planning Commission shall consider the following:

- (1) The Planning Commission shall find that the use will not adversely offset existing or future development in the area.
- (2) The parcel location shall be such that at least one property line shall have access to a state highway or paved road. Primary access to the facility shall be directly from said streets.
- (3) All lighting shall be shielded and designed so as not to cause glare upon adjacent properties.
- (4) All amusement park facilities except parking shall be located a minimum of two hundred fifty (250) feet from any adjoining property or road.
- (5) A greenbelt shall be required along each side or rear property line.

(g) Motorized and Non-Motorized Racing Facilities

- (1) The Planning Commission shall find that such use will not adversely affect existing or future development of the area.
 - (2) There shall be a minimum of eighty (80) acres and the parcel location shall be such that at least one property line abuts a state highway or paved road. Primary access to the facility shall be directly from said streets.
 - (3) One sign shall be permitted on each road from which there is a driveway to the track. Such signs shall be subject to the regulations applicable to signs in commercial districts.
 - (4) The safety of participants, spectators and all other persons on the scene is provided for within the general safety practices and precautions of race tracks.
 - (5) The track and all spectator areas shall be at least five hundred (500) feet from any adjoining property or road.
 - (6) Off-street parking shall be provided at a ratio of at least one (1) space for three (3) seats or six (6) feet of benches in the spectator area.
 - (7) All lighting shall be shielded or designed so as not to cause glare upon adjacent properties.
- (h) Sawmills
- (1) The minimum lot area shall be ten (10) acres.
 - (2) All structures and storage yard areas shall be setback a minimum of one hundred (100) feet from the street right-of-way and fifty (50) feet from any side or rear property lines
 - (3) Stockpiles of sawdust, slab-wood and other wood products shall be held to a minimum so as not to create a fire hazard or public nuisance.
 - (4) To reduce noise emissions, the sawmill, including carriage, headgear, and power source, shall be in an enclosed structure and the outlets of blower pipes shall be oriented downward and away from habitable structures located on adjacent properties.
(Amended by Ord. 90-1, 3/15/90)
- (i) Auto and Truck Wash Establishments
- (1) Minimum lot size shall be ten thousand (10,000) square feet.
 - (2) All washing activities must be carried on within a building.
 - (3) Vacuuming activities may be carried out in the rear yard and at least one hundred (100) feet from any adjacent residentially used or zoned property line.
 - (4) The building entrances and exists of the facility shall be free within the lot and not directly to or from an adjoining street.
 - (5) Adequate off-street space shall be provided for waiting vehicles so as to prevent lining up on any public road.
- (j) Wholesale Storage Facilities for Petroleum
- (1) All facilities shall be located at least one thousand (1,000) feet from any residentially used or zoned property.
 - (2) All Department of Natural Resources regulations be met.
 - (3) An analysis of potential impact on groundwater supplies be submitted.
 - (4) A minimum site size shall be ten (10) acres.
 - (5) The operation comply with all regulations established by the Fire Prevention Act, Act 207, P.A. 1941 as amended.
- (k) Contractor Yards/Equipment Storage Yards

- (1) Outdoor storage of junked, or inoperable equipment shall be limited to 3,000 square feet.
 - (2) The site shall be screened along its frontage by a landscaped buffer and/or a six (6) foot wall or fence of an approved material. A fence or wall shall be provided along an adjacent residentially used or zoned property line.
- (l) Dry Cleaning and Laundry Facilities
- (1) Plan for liquid and solid waste disposal shall be submitted.
 - (2) All regulation of the Department of Natural Resources be met and permits secured.
 - (3) All facilities shall be located at least one thousand (1,000) feet from any adjacent residentially used or zoned property line.
 - (4) An analysis of potential impact on groundwater supplies shall be submitted.
 - (5) The minimum site size shall be five (5) acres.
- (m) Drive-in Theaters
- (1) The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least five hundred (500) feet from any residential district.
 - (2) The premises shall be enclosed with a solid screen fence seven (7) feet in height.
 - (3) All points of entrance or exit shall be located no closer than two hundred and fifty (250) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
 - (4) The interior of the premises shall be designed with respect to lighting, drainage, and the like, to the satisfaction of the Planning Commission.
 - (5) Space shall be provided, on premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.
 - (6) The theater screen shall not face, directly or obliquely by less than seventy-five (75) degrees, a major thoroughfare or any residential zoning district.
- (n) Resource Recovery and Disposal Facilities
- Facilities for Type II and Type III wastes as those terms are defined in the rules promulgated under Act 641 of 1978, as amended, provided that:
- (1) The minimum site size shall be one (1) acre with a minimum of a 150-foot frontage on an all-season industrial road meeting Allegan County Road Commission specifications.
 - (2) All driveways, parking areas, and unloading areas shall be paved with either concrete or plant mixed bituminous asphalt material and shall be maintained in good condition at all times.
 - (3) Any and all debris from the operation on the site shall be picked up and disposed of no less frequently than daily.
 - (4) The entire perimeter of the site shall have a fence not less than seven (7) feet in height, the material of which shall be approved by the Township Planning Commission.
 - (5) The resource recovery facility shall be located no nearer than one thousand (1,000) feet from any adjacent residentially used or zoned property line.
 - (6) There shall be no outdoor storage of solid waste.
 - (7) There shall be a transfer station located on-site which shall not store waste longer than forty-eight (48) hours, unless the facility is involved in the Allegan County Household Recycling Program.
 - (8) A management plan be developed and submitted which indicates alternate operation options in case of plant shutdown.

- (9) The facility compares favorably with the standards contained in Section 11.03 relating to Unclassified Industrial Uses.
 - (10) An environmental impact statement (EIS) shall be submitted detailing the overall impact on the community and the immediate environment so that the Planning Commission can exercise proper judgment. The EIS shall contain, but not be limited to, information on the natural environment (soils aquifer, water supply, plants, animals, geology), the local economy (taxes generated, services required, jobs created, infrastructure required), and the social environment (effects of odors, dust, noise, emissions). The EIS shall be prepared by an unbiased professional firm with recognized credentials and with no vested interest in the proposed development.
- (o) Animal Rendering Plants
- (1) All facilities shall be located at least one thousand (1,000) feet from any adjacent residentially used or zoned property line.
 - (2) A minimum site size of ten (10) acres shall be provided.
 - (3) Off-street parking and loading areas along with interior vehicular drives shall be paved.
 - (4) All outdoor storage including refuse storage shall be within a completely enclosed building.
- (p) Airports and Landing Fields as may be Permitted in the A-1 and A-2 Districts subject to the following:
- (1) The land area for all runway approaches shall be under the ownership or control of the owner or operator of the airport. Ownership or control shall extend a minimum of 1,200 feet from each end of the runway and laterally 500 feet in each direction from the centerline of the runway. These requirements may be modified if the landing area is intended solely for the use of ultra-light aircraft or rotary winged aircraft.
 - (2) All runways will be of turf construction and airport facilities shall otherwise limit the normal use of runway to a single engine, basic utility aircraft or smaller.
 - (3) The airport must be of a size and location that will not require or cause the imposition of limitations on the height of structures located on land that is not controlled by the airfield operation.
 - (4) Commercial activities or operations, including commercial passenger businesses, flight training or lessons, sales of fuel, aircraft maintenance businesses, or aircraft sales, shall not be permitted.
 - (5) All airport activities, including take-offs and landings, shall be limited to daylight hours only.
 - (6) Areas upon which aircraft taxi shall be at least two hundred feet (200') from any property line.
 - (7) Any fuel storage facility shall be above ground and approved by the Township fire chief.
 - (8) Aircraft storage facilities shall be limited to one hanger per individual parcel, having direct access to the airfield.
 - (9) Any residential parcel associated with the airport shall be limited to one aircraft.
 - (10) Private airport development shall be limited to a maximum of ten (10) residential parcels and ten (10) potential users of the airport.
 - (11) All residential parcels associated with any airport development shall be a minimum lot size of three (3) acres.

- (12) Any airport development must be located within a contiguous forty (40) acre parcel. This may include the individual residential parcels associated with the airport development.
- (13) No residential structure shall be built within 150 feet of the runway centerline.
- (14) No residential structure shall be built within the approach zones of any runway.
- (15) Each end of any airstrip or runway shall be marked with FAA approved monuments.
- (16) The site plan, as required by Chapter 14 shall include the following additional information.
 - a) The location of residential structures within two thousand feet (2,000') of the boundaries of the property on which the airport or airport expansion would be located.
 - b) The location and height of any trees, groups of trees, mounds of earth, buildings, or other structures within one thousand feet (1,000') of the proposed airport.

CHAPTER 16

SIGNS

(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

SECTION 16.01 DESCRIPTION AND PURPOSE. This chapter is intended to regulate the size, number, location and manner of display of signs in Watson Township in a manner consistent with the following purposes.

- (a) To protect and further the health, safety and welfare of residents, property owners and visitors.
- (b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract, or confuse drivers, or are improperly secured or constructed.
- (c) To conserve and enhance community character.
- (d) To promote uniformity in the size, number or placement of signs within districts.
- (e) To promote the economic viability of commercial areas by minimizing visual clutter, and allowing for proper placement of signs to safely direct motorists to their destination.
- (f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communication.
- (g) The purpose of this ordinance does not include the regulation of the content or any information included on the sign.

SECTION 16.02 GENERAL SIGN REQUIREMENTS:

- (a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.
- (b) Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.
- (c) All signs shall be maintained in good condition and repair.
- (d) No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit there for by the Zoning Inspector.
- (e) Illumination shall be so arranged as to direct the light away from residential premises and in such a manner so as not to cast glare on residentially used or zoned land. Internal lighting is recommended. No sign may be illuminated by flashing, oscillating or intermittent lighting. Revolving beacons are prohibited. *(Amended by Ord. 93-1, 10/28/93)*

SECTION 16.03 EXEMPT SIGNS. The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

- (a) Highway signs erected by the State of Michigan, County of Allegan or the Township;

- (b) Governmental use signs erected by the governmental agencies to designate house of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings;
- (c) Directional signs erected in conjunction with private off-street parking area, provided any such sign does not exceed four (4) square feet in area and is limited to traffic control functions only;
- (d) Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
- (e) Placards posted to control or prohibit hunting within the Township
- (f) Subdivision signs not exceeding thirty-two (32) square feet in area; provided, however, that such signs shall be removed at such times as fifty (50) percent or more of the lots in such subdivisions are sold or after five (5) years, whichever shall first occur .
- (g) One (1) construction sign per project of no more than thirty (30) square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings, provided such signs do not exceed one (1) per project and thirty (30) square feet in area.
- (h) Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
- (i) Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
- (j) Special Decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized as a special use by the Planning Comm. In considering such authorization, the Planning Commission shall consider the following:
 - (1) the size, character and nature of the display or sign;
 - (2) the duration or time period during which the display or sign will be utilized;
 - (3) the purpose(s) for which the sign display is to be erected;
 - (4) the arrangements made for the removal of the sign or display after the termination of its usefulness;
 - (5) the effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display;
 - (6) whether or not the sign or display will constitute a traffic hazard; and
 - (7) the effect of the sign or display on the surrounding neighborhood.
- (k) Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.
- (l) Temporary real estate signs are permitted in all zoning districts. The total area of a temporary real estate sign or signs advertising on (1) lot shall not exceed twelve (12) square feet in area. The total area of a temporary real estate sign or signs advertising more than one (1) lot shall not exceed twenty four (24) in area. *(Amended by Ord. 93-1, 10/28/93)*

SECTION 16.04 SIGNS IN THE C-1 AND I-1 DISTRICTS. Up to four (4) business signs for each non-residential use are permitted in the C-1 District. If a sign is free standing, no part of the sign shall extend closer than five (5) feet to the street right-of-way, or obstruct visibility at street intersections. In addition, the following conditions shall apply.

- (a) The combined surface area of all sign located on the premises shall be limited to two hundred (200) square feet. No single sign surface shall exceed one hundred (100) square feet.
- (b) As measured from the ground at the base of the supporting structure to the top of the sign, no free standing signs shall exceed the height of the tallest building located on the premises by more than five (5) feet and in no case shall such sign exceed twenty five (25) feet in height.
- (c) In addition to the signs and total square footage of sign area permitted above, gasoline service stations and public garages may display the following under the limits outlined:
 - (1) Not more than two (2) temporary signs located inside the property line and specifically advertising special season servicing of automobiles or gasoline prices; provided, however, that no such sign shall exceed nine (9) square feet in area.
 - (2) Directional signs or lettering displayed over individual entrance doors or bays, consisting only of the words, "washing", "lubrication", "repairs", "mechanic on duty", or other words closely similar in import; provided however, there shall not be more than one (1) sign over each entrance or bay, the letters therein shall not exceed fifteen (15) inches in height, and no such sign shall exceed six (6) square feet in area.
 - (3) Customary lettering on or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three (3) square feet on each pump. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets and intersections.
 - (4) A non-illuminated credit card sign not exceeding two (2) square feet in area, when placed on or near the gasoline pump.

SECTION 16.05 REGULATION OF BILLBOARDS. Billboards may be established in the C-1, Commercial and I-1, Industrial district classifications provided they meet the following conditions. (*Amendment Ord. 93-1, 10/28/93*)

- (a) Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. The linear mile measurement shall not be limited to the boundaries of the Township of Watson where the particular street or highway extends beyond structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "b" below.
- (b) No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
- (c) No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.

- (d) No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.
- (e) The surface display area of any side of a billboard along US 131 may not exceed 672 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 672 square feet. On all other roads in Watson Township the surface display area of a billboard shall not exceed 72 square feet. In the case of a billboard structure with tandem or stacked billboard faces the combined surface area of both faces may not exceed 72 square feet. (*Amended Ord. 97-3Z, 9/4/97*)
- (f) The height of a billboard shall not exceed 30 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
- (g) No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- (h) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (i) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- (j) A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated there under, as such may from time to time be amended.
- (k) No person, firm or corporation shall erect a billboard within Watson Township without first obtaining a site plan from the Watson Township Planning Commission, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. Permits shall be issued for a period of one (1) year, but shall be renewable annually upon inspection of the billboard by the Watson Township Zoning Administrator confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereafter shall be established by resolution of the Watson Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness. (*Amended Ord 97-3Z, 9/4/97*)

CHAPTER 17

EARTH REMOVAL, QUARRYING, MINING AND RELATED MINERAL EXTRACTION ACTIVITIES

(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

SECTION 17.01 INTENT AND PURPOSE, EXCEPTIONS, MAJOR AND MINOR OPERATIONS. Earth Removal, Quarrying, Gravel Processing, Mining and Related Mineral Extraction Businesses. Prior to the approval by the Planning Commission of a special land use for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township, the Commission shall be satisfied that the following conditions and limitation are, or shall be, strictly complied with, in addition to any other requirements contained in the Township zoning ordinance or in any other Township ordinance controlling such operation.

- (a) Exempt Operations- Governmental, Site development and Farm Excavations Not Involving Off Site Removal Of Material. These provisions do not apply to the following excavation and grading operations:
- (1) Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
 - (2) Excavation which by its nature is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for the purposes of building construction, septic tanks, swimming pools, graves, etc.
 - (3) Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including grading and reshaping in preparation of cultivation agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, if no material is removed from the property. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*
- (b) Minor Operations Requiring Site Review - Operations involving removal of material from the property. At a minimum, all operations that involve the removal of soil or mined material off the property from which it originates via a public roadway or a private street serving more than one private interest must undergo site plan review and approval under Chapter 14 and receive a permit under the provisions of this Chapter. Subsequent to such application and preliminary review, the Planning Commission, may in its discretion determine that the request is minor. If such determination is made, the Planning Commission may waive one or more of the site plan content requirements of Chapter 14, as well as one or more of the standards and requirements itemized under Sections 17.02, 17.03, 17.06, 17.07 and 17.08 of this Chapter. An operation entailing off site removal of material may be classified as a minor mining operation if it meets at least two the following conditions and a written commitment to reclamation requirements of Section 17.05b is provided.
- (1) The operation is not commercial in nature (the sale or delivery of material is restricted to a limited number of nearby individuals or sites) and does not involve on-site processing

such as crushing, washing or grinding. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

- (2) The area of the removal operation or volume of material removed is limited to a maximum of one (1) acre in size or 15,000 cubic yards, whichever represents the lesser amount of material.
 - (3) The duration of operation is limited to a continuous twelve (12) month period of time.
- (c) Major Mining Operations Requiring Special Use Permit Review and Approval. Any operation that is determined to initially exceed or subsequent to approval as a minor operation, is found to exceed the above limits, is required to undergo special use permit authorization under this Chapter and Chapter 15. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 17.02 LOCATION:

- (a) All such operations shall be located on a primary road, as defined by the County, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- (b) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150) feet to interior boundary lines of the property except that the Planning Commission may reduce such setback to fifty (50) feet if reclamation of the land is promptly effected to increase the setback to at least one hundred fifty (150) feet. Such reduction shall be in accordance with the reclamation plan approved by the Commission and adequate lateral support at all times maintained.
- (c) No such excavation operation shall be permitted within fifty (50) feet of an adjoining public right-of-way except for the lowering of land adjoining said rights-of-way to the gravel level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
- (d) A processing plant and its accessory structures shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
- (e) No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

SECTION 17.03 SIGHT BARRIERS. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

- (a) earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass, trees or shrubs.
- (b) plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6) feet in height.
- (c) masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six (6) feet and maintained in good repair.

SECTION 17.04 NUISANCE ABATEMENT:

- (a) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- (b) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- (c) Hours. The operation shall be restricted to the daylight hours between dawn and dusk.
- (d) Fencing. All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

SECTION 17.05 RECLAMATION OF MINED AREAS:

- (a) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area effected. Substantial completion of reclamation and rehabilitation shall be accomplished within one year after termination of mining or excavation activity. Inactivity for one 12-month consecutive period shall constitute justification for the Planning Commission to evaluate the operation for the purpose of determining whether the operator has terminated mining activity.
- (b) The following standards shall control reclamation and rehabilitation:
 - (1) All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-flammable and non-combustible solids to insure:
 - a) that the excavated area shall not collect stagnant water and not permit the same to remain therein; or
 - b) that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

- (2) The banks of all excavation shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - (3) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
 - (4) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - (5) Upon cessation of mining operations by abandonment or otherwise as determined by the Planning Commission, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- (c) A performance guarantee may be required to be furnished to the Township Clerk in an amount as determined by the Planning Commission. Said guarantee shall be used to guarantee rehabilitation and reclamation of mining the operation. The Planning Commission shall base its decision on whether to require the posting of surety and the amount of surety to be posted, on the size and extent of the mining operation. Any financing guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township and the Township Planning Commission. The surety shall be in the form of a letter of credit or bond. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 17.06 SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission showing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

- (a) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
- (b) The number of acres and the location of the same proposed to be operated upon within the following 12-months' period after commencement of operations.
- (c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- (d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- (e) Soil tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site, said soil tests shall disclose conditions satisfactory for lateral support of adjacent

premises as determined by the an engineer acceptable to the Township . The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the within Ordinance to the boundaries of the site.

- (f) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

SECTION 17.07 HEARING:

- (a) After receiving an application for the grant of a special exception permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner preceded by the same notice as set forth in Section 24.04 of this Ordinance. (*Amended Ord. 2007-1Z, effective 7-24-07*)
- (b) Opportunity shall be given to all present to be heard at such hearing
- (c) Following such hearing, said Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such recommendation shall be based upon the criteria set forth within the Ordinance and shall be based, in addition, on a consideration of the following:
 - (1) the most advantageous use of the land, resources and property
 - (2) the character of the area in question and its peculiar suitability, if any, for particular uses
 - (3) conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area
 - (4) the protection and preservation of the general health, safety and welfare of the township
 - (5) the scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations
 - (6) whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations
 - (7) in making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time that the special exception permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special exception permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of

such revocation or denial or renewal and not less than 30 days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually.

- (d) Conditions. In making a decision to approve a special use permit for earth removal, quarrying, mining or mineral extraction, the Planning Commission may impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the Township and of the adjoining residents and property owners. It may also limit the length of time that the special use permit is to be effective. *(Amended Ord. 2007-3Z, effective 10-23-07)*
- (e) Annual Review - Renewal and Revocation The Planning Commission shall review each permitted operation annually under the provisions of Section 17.09 to ascertain compliance with the all standards and conditions imposed. The Planning Commission shall renew the special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. *(Amended Ord. 2007-3Z, effective 10-23-07)*
- (f) Review and Inspection Fees.
 - (1) The operator shall be required to pay renewal and inspection fees to cover the cost of inspections and the review efforts of staff and the Planning Commission as may be established by the Township Board.
 - (2) No permit shall be revoked or not renewed until the operator has been given written notice of a violation forming the basis of such revocation or denial of renewal and not less than 30 days have elapsed to correct the said violation. *(Amended Ord. 2007-3Z, effective 10-23-07)*
- (g) Obligation to Restore. Revocation of a permit or failure to obtain permit renewal or extension shall not release the applicant from the duty of restoration and reclamation of said mined or disturbed area. *(Amended Ord. 2007-3Z, effective 10-23-07)*
- (h) Insurance. Liability Insurance shall be a pre-condition to commencement of operations, and maintenance in full force and effect of insurance shall be a pre-condition to the right to continue operations. The applicant shall provide binders for personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times which any reclamation is left to be done, and during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to contain a hold-harmless clause regarding liability of the Township during any reclamation phase. *(Amended Ord. 2007-3Z, effective 10-23-07)*

SECTION 17.08 REVIEW PROCEDURE AND REQUIRED INFORMATION. Application for the issuance of a permit to operate a mining or soil removal operation under the standards of this Chapter shall be made under the provisions of Chapter 15 Special Land Uses. The site plan content requirements of Chapter 14, Section 14.03 as applicable shall be relied on as the minimum informational requirements for site plans submitted as part of such application. In addition to the content requirements of Section 14.02, the Planning Commission may require the

applicant to provide all or a portion of the following additional information and documentation prior to reaching its decision. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

(a) Documentation of Need for the Resource Material.

The need for the material being excavated and/or processed shall be quantified and verified so that the Planning Commission can weigh the value of the material being made available against the potential negative impacts of the operation in the proposed location. The types of information may include:

- (1) A characterization as to the expected service area of the mining operation.
- (2) The type and quantity of material to be mined, as supported by soil borings.
- (3) The location, ownership and temporal (short and long term) availability of existing mining operations that produce the same material within the same service area.
- (4) Projections as to the volume of material that will be needed in the service area as compared to the volume available.
- (5) A listing of known or existing “local” projects that will be in need of the materials, or 5 to 10 year projections based on past usage. If possible such estimates and projections should be supported by expert testimony or signed letters from third parties or published reports.
- (6) Any expert or third party opinions as to the financial or other positive or negative impacts on the construction industry if the proposed operation is or is not allowed.

(b) Existing and Projected Roadway Conditions and Traffic.

A written and graphic characterization of the expected haul routes and the proposed access to the site should be presented. This shall include:

- (1) An identification of expected primary and secondary routes that truck traffic will use when traveling to and from the site.
- (2) A characterization of the routes including:
 - a) Types of surface
 - b) Number of lanes and typical roadway width
 - c) Typical roadway speeds or speed limits
 - d) Known or potential trouble spots for heavy truck traffic including street intersections, hills, and curves
 - e) Number and location of homes and other land uses along the routes including schools, day care operations, churches and businesses.
- (3) Existing traffic volumes along appropriate segments of the anticipated primary and secondary haul routes.
- (4) Projected traffic increases by type and route.
- (5) Characterization of projected truck traffic by size, type and weight of trucks and direction of travel, empty and full on average and extreme daily and average annual basis.
- (6) Expert analysis and testimony as to the adequacy of the routes in general for truck traffic.
- (7) Identification of documented or potential problems such as, inadequate clear vision, roadway width, steep grades, surface condition, maintenance or land use and traffic conflicts.
- (8) Expert analysis and identification of potential solutions to identified or documented problems in the form of roadway improvement, extra maintenance, traffic control devices, use or speed limitations or combinations of the above.

(c) Characterization of the proposed operation and site access in relation to the public street and street right of way

- (1) Indicate the proposed location of proposed access (driveway or driveways) and their width, type of surface and other design features such as surface, deceleration and acceleration tapers, culverts, etc.
- (2) Indicate minimum site distances.
- (3) Accurately depict the roadway conditions and width within 500 feet of each access drive including right of way width, roadway elevation and roadway location within the right of way.
- (4) A written statement from the County Road Commission officials as to whether the proposed access to the site will meet or exceed their standards and if extraction operations or other operations will be allowed to occur within the road right of way, if requested or proposed and under what types of limitations.

The above informational needs are in addition to the information required to address the evaluation of the proposal's on-site operational and reclamation components. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)

SECTION 17.09 ANNUAL RENEWAL AND PROJECT EXTENSIONS: (*Added Ord. 2007-3Z, effective 10-23-07*)

Annual renewal of special use permits granted under this Chapter is mandatory and an annual application for review and renewal of the permit shall be required. Renewal shall be granted upon receipt of a properly completed application and positive findings by the Planning Commission as required in this section. Failure to make application for renewal within the specified time period may result in the revocation of the permit and the issuance of a stop work order by the Township. Requests for permit extensions beyond the time period originally granted by a permit may also be requested under this Section.

During its annual review, the Planning Commission shall review compliance of the operation with the operational conditions of the permit, the progress of the operation and any requests by the applicant to commence operations within a subsequent phase.

- (a) Applications. To avoid uninterrupted operations, applications for renewal or an extension shall be made to the Township Clerk, no sooner than February 1 and no later than April 1, of each year following the calendar year in which operations were originally commenced. The application shall be made on a form provided by the Clerk. Unless specifically waived by the Planning Commission prior to the required period of application, the application must also include an inspection and review fee as established by the Township Board, "as-built" site plans and site photographs detailing:
- (1) Site entrances and the locations and spot elevations of required berming and of areas already excavated and reclaimed,
 - (2) Well log information(if required as a condition of initial approval or a prior renewal)
 - (3) The location and extent of where excavation will occur during the upcoming season, and
 - (4) The locations of existing and proposed processing areas and equipment.

- (5) The estimated volume of material to be removed in the coming year.
- (6) The status and locations of reclamation and restoration activities.

Upon receipt of a complete and accurate application, the Clerk shall forward copies of same to the Planning Commission, Township Building Inspector and the Township Planner.

- (b) Report. Prior to consideration of an application for renewal or extension, the Township Building Inspector or other designated Township official shall inspect the land and submit to the Planning Commission a report on compliance of the operation during the prior period for which the permit is valid. Included in the report shall be the status and recommendations regarding the adequacy of any posted or deposited performance guarantees for rehabilitation and reclamation as may have been required under Section 17.05 (c), and the status of the inspection and review fees and liability insurance that are required to be in place under Section 17.10.
- (c) Standards. In determining whether to approve a renewal or extension, the Planning Commission shall apply the standards and conditions of approval that are applicable under this Chapter, taking into consideration, the report of the Zoning Administrator (or other designated Township Official), current land use considerations, the operation's history under the current permit and any complaints, comments or other information that has been received concerning the operation.
 - (1) Renewals. If there has been compliance in all respects with the terms of this ordinance and the conditions of the permit as detailed in the public record, a renewal of the license shall be granted. If the applicant is found to be in non-compliance, the Planning Commission shall advise the applicant of the specific items of non-compliance, and may in its discretion either deny the renewal or suspend renewal of the permit and grant a temporary renewal for a reasonable period of time to allow the applicant to correct the non-compliance.
 - (2) Extensions. Approval of an extension shall be at the discretion of the Planning Commission and shall take in to consideration such addition factors as the quantities of remaining material and the time frame of the requested extension.
- (d) Public Hearing. The consideration of any renewal or extension shall take place after due notice has been made and a public hearing held in accordance with Section 24.04. The Planning Commission may modify or add to the requirements of the original permit upon such evidence and findings of need.

CHAPTER 18

PARKING AND LOADING SPACES

SECTION 18.01 GENERAL. In all Zoning Districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

Use	Required Number of Parking Spaces	Per Each Unit of Measure as follows
1) Animal Hospital and Kennels	1	Four hundred (400) square feet of usable floor area, <u>plus</u>
	1	Two (2) employees
2) Auditorium, Theaters, and Assembly Halls	1	Three (3) seats based on maximum seating capacity in the main place of assembly therein, <u>plus</u>
	1	Two (2) employees
3) Auto Repair Shops, Bump Shops, Service Garages	2	Service stall, <u>plus</u>
	1	Eight hundred (800) square feet of usable floor area, <u>plus</u>
	1	Two (2) employees
4) Auto salesrooms, Wholesale stores, Machinery Sales, Showrooms of a plumber, electrician, or other similar trade	1	One thousand (1,000) square feet of usable floor area, <u>plus</u>
	1	One (1) employee
5) Banks	1	Two hundred (200) square feet of usable floor area, <u>plus</u>
	1	One (1) employee
6) Barber Shop	2	Barber
7) Beauty Parlor	3	Beauty shop operator
8) Bowling Alleys	8	Bowling lane, <u>plus</u> amount required for accessory uses
9) Business & Professional Offices	1	Two hundred (200) square feet of gross floor area

Use	Required Number of Parking Spaces	Per Each Unit of Measure as follows
10) Carry-out, Drive-in Restaurant	1	Two hundred (200) square feet of gross floor area <u>plus</u> Two (2) employees, with a minimum total of eight (8) parking spaces
11) Child Care Center, Day Care Centers, Nursery Schools	1	four hundred (400) square feet of usable floor area, <u>plus</u> Employee
12) Churches	1	Three (3) seats or six (6) feet of pews, based on maximum seating capacity in the main unit of worship
13) Drive-in Bank	4	Teller window
14) Drive-in Establishments (see also Item 20 below)	1	Two (2) employees
15) Drive-in Restaurants	1	fifty (50) square feet gross floor area <u>plus</u> Three (3) employees, with a minimum total of forty (40) parking spaces
16) Drive-in Theater	1	Outdoor speaker facility, <u>plus</u>
17) Elementary Schools, Junior High Schools, Trade Schools	1	Two (2) employees Teacher, employee and administrator in addition to the requirements of the auditorium or assembly hall. If no auditorium or assembly hall exists, then one (1) space per classroom is required in addition to that for each teacher, employee or administrator in the school.

Use	Required Number of Parking Spaces	Per Each Unit of Measure as follows
18) Establishments (other than drive-in restaurants) for sale and consumption on the premises of beverages, food or refreshments (e.g., standard restaurants)	1 1 1	Three (3) persons allowed within the maximum capacity load as established by local, State or County fire, health or building codes, <u>plus</u> Three (3) employees, <u>or</u> One hundred (100) square feet of gross floor area, <u>plus</u> Three (3) employees
19) Fast-food, Drive-in Restaurants	1 1	One hundred and twenty-five (125) square feet gross floor area, <u>plus</u> Two (2) employees, with a minimum total of twenty-five (25) parking spaces
20) Filling station, Automobile Service Station	2 1 1	Service stall, <u>plus</u> Employee, <u>plus</u> Service vehicle
21) Furniture and appliance, household equipment repair shops, hardware stores, similar stores	1 1	Eight hundred (800) square feet of usable floor area, <u>plus</u> Two (2) employees
22) Golf course open to the public	5 1	Hole, <u>plus</u> Employee, <u>plus</u> the amount required for accessory uses
23) High Schools	1 1 1	Teacher, <u>plus</u> Employee or administrator, <u>plus</u> requirements of the auditorium or assembly hall therein. <u>plus</u> ten (10) students

Use	Required Number of Parking Spaces	Per Each Unit of Measure as follows
33) Multiple-family dwelling	2	Dwelling unit
34) Open air business uses including mobile home sales and used car sales lot	1	Each eight hundred (800) square feet of gross lot area used for open air sales or display plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores (Item 41 below)
35) Personal service establishment. not otherwise provided for herein	1	Three hundred (300) square feet of usable floor area, <u>plus</u>
	1	Two (2) employees
36) Retail stores except as otherwise provided herein	1	One hundred and fifty (150) square feet of gross floor area, <u>plus</u>
	1	Two (2) employees
37) Roadside stands	6	Establishment
38) Sanitariums, convents, homes for the aged, convalescent homes, nursing homes, and children's homes	1	Four (4) beds, <u>plus</u>
	1	Staff doctor, <u>plus</u>
	1	Two (2) employees
39) Single or Two-family dwelling	2	Dwelling unit
40) Warehouse and storage buildings	1	Two (2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night, or
	1	Fifteen hundred (1,500) square feet of gross floor space (whichever is greater)

SECTION 18.02 JOINT USE OF FACILITIES. Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

SECTION 18.03 LOCATION OF FACILITIES. Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve.

- (a) For all residential buildings and for all nonresidential buildings and uses in residential Zoning Districts, required parking shall be provided on the lot with the building or use it is required to serve.
- (b) For commercial and all nonresidential buildings and uses in Commercial and Industrial Zoning Districts, required parking shall be provided within three hundred (300) feet.

SECTION 18.04 SIZE OF PARKING SPACE. The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54° to 74°	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75° to 90°	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

The graphic entitled "Parking Layouts" is included for illustration purposes only and is not drawn to scale.

SECTION 18.05 REQUIREMENTS FOR PARKING AREAS. Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- (a) The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any R or A Zoning District. A greenbelt ten (10) feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees which are a minimum of five (5) feet in height or other suitable screening device.
- (b) The parking lot and its driveway shall be: (1) designed to provide adequate drainage; (2) surfaced with concrete, asphalt pavement, or six inches of stabilized gravel, and (3) maintained in good condition, free of dust, trash, and debris.
- (c) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.

- (d) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
- (e) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- (f) No part of any public or private parking area regardless of the number of spaces provided shall be closer than ten (10) feet to the street right-of-way.

SECTION 18.06 OFF-STREET LOADING SPACES. For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses require the receipt or distribution in vehicles of materials or merchandise and shall be provided and maintained on the same lot with such building or addition (1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and (2) off-street loading spaces in relation to floor areas as follows:

- (a) Up to twenty thousand (20,000) square feet - one (1) space;
- (b) Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces; and,
- (c) One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any residential use or any lot in any R Zoning District.

CHAPTER 19

REVIEW AND APPROVAL OF SITE CONDOMINIUM PROJECTS

(Added Ord. 2000-4Z, 5/23/00)

SECTION 19.01 PURPOSE AND SCOPE. Site Condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of 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 requirement 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.

This Chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium project plans to ensure that site condominium projects comply with this Zoning Ordinance. Site condominium projects may be approved as provided by this Chapter only for the support of land uses that are permitted in the zoning district in which the project is proposed.

SECTION 19.02 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION:

- (a) 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 Planning Commission in accordance with the procedures, standards and requirements provided by this Chapter.
- (b) Application for review and approval of a site condominium project plan shall be initiated by submitting to the Township Clerk:
 - (1) A minimum of thirteen (13) copies of a preliminary site condominium project plan which complies with the requirements of Chapter 14 Site Plan Review, Section 14.03 and;
 - (2) An application fee in accordance with the fee schedule established by resolution of the Township Board. The Township Clerk shall forward the copies of the preliminary plan to the Planning Commission.
- (c) The full Planning Commission shall review the preliminary site condominium project plan in accordance with the standards and requirements contained in Chapter 14 Site Plan Review, Section 14.03, Subsection (b), (c), and (d) of this Ordinance, and in accordance with the following additional standards and requirements:
 - (1) In its review of a site condominium project plan, the Planning Commission may 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 layout and design, or other aspects of the proposed project.

- (2) Prior to acting on a preliminary site condominium project plan, the Planning Commission shall hold a public hearing upon such project plan in the same manner preceded by the same notice as set forth in Section 24.04 of this Ordinance. (Amended Ord. 2007-1Z, effective 7-24-07)
- (3) 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. For example, 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.
- (4) 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 Allegan County Road Commission. All private streets in a site condominium project shall be reviewed for compliance with, and shall be developed to the minimum design, construction, inspection, and maintenance requirements of Chapter 20 Private Roads. Notwithstanding the provisions of Chapter 20, attachment "A", all private streets within a site condominium project shall be paved. A private street reviewed and approved as part of a site condominium project under the provisions contained in this Chapter is exempt from the special land use procedures outlined in Chapter 14.
- (5) The site condominium project shall be connected to the Township's water and sanitary sewer facilities, if available. If public water and sanitary sewer facilities are not available, each condominium unit 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 Allegan County Department of Health and the Township Board in accordance with applicable standards.
- (6) The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Allegan County Health Department, Allegan County Road Commission, Allegan County Drain Commission, Michigan Department of Environmental Quality, Michigan Department of Public Health and other appropriate state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium project.

SECTION 19.03 PLANNING COMMISSION RECOMMENDATION. After reviewing the preliminary site condominium project plan, 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 19.04 REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD:

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of ten (10) copies of a final site condominium development plan which complies with the requirements of this Section and of Chapter 14 Site Plan Review, Subsection (b). The Township Clerk shall forward the copies of the final plan to the Planning Commission.
- (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 that 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 preliminary plan and a final 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 19.05 and other applicable procedures, standards and requirements provided by this Chapter.
- (d) As a condition of approval of a final site condominium project plan. The Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township as provided by Section 16(f) of the Township Rural Zoning Act.

SECTION 19.05 CONTENTS OF SITE CONDOMINIUM PROJECT PLANS. A condominium project plan shall include the documents and information required by Section 66 of the Condominium Act and by Chapter 14 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:

- (a) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- (b) Street and site grading and storm drainage and a storm water management plans, including all lines, swales, drains, basins and other facilities and easements proposed to be granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
- (c) A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- (d) A narrative describing the overall objectives of the proposed site condominium project.
- (e) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- (f) A street construction, paving and maintenance plan for all public and private streets within the proposed condominium project.

- (g) A complete list of other review and approval agencies and copies of any comments, recommendations or letters of approval of any agencies of the County, State or Federal government having jurisdiction over any element of the plan or its construction.

SECTION 19.06 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT PLAN. 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 19.07 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS. No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced by any person and no building, construction or grading permits shall be issued by the building inspector for a site condominium project until (1) a final site condominium project plan has been approved by the Township Board, (2) all conditions to commencement of construction imposed by the Township Board have been met, and (3) all applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

SECTION 19.08 EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS. 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 19.09 REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECTS. Any change proposed in connection with a project for which the Township Board has previously approved a final site condominium project plan shall be subject to review as provided by this Section:

- (a) Any change that constitutes a major change shall be reviewed by the Planning Commission and reviewed and approved by the Township Board as provided by this Chapter for the original review and approval of preliminary and final plans.
- (b) Any change that constitutes a minor change shall be reviewed and approved by the Planning Commission alone, without the need for a public hearing.
- (c) Any change which constitutes an exempt change shall not be subject to review by the Township under this Chapter, but a copy of the changes proposed (and of the changes made, if different than proposed) shall be filed with the Township Clerk.

SECTION 19.10 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED. All provisions of a final site condominium project plan which are approved by the Township Board as provided by this Chapter shall be incorporated by reference in the master deed for the site condominium project. Further, all major changes to a project shall be incorporated by reference in the master deed. A copy of the master deed as filed with the Allegan County Register of Deeds for recording shall be provided to the Township within ten (10) days after filing the plan with the County.

SECTION 19.11 APPROVAL EFFECTIVE FOR ONE (1) YEAR. No approval of a final site condominium project plan by the Township Board shall be effective for a period of more than one (1) year, unless construction of the project commences within that one (1) year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. The Board in its discretion may extend this one (1) year period for additional periods of time as determined appropriate by the Board if the applicant applies for the extension within the effective period of the approval.

SECTION 19.12 EXEMPTION OF EXISTING PROJECT:

- (a) 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 Chapter (an “existing” project):
 - (1) A condominium master deed was recorded for the project with the Allegan County Register of Deeds in accordance with the requirements of the Condominium Act and other applicable laws and ordinances; and
 - (2) The project fully complied with all other applicable requirements under Township ordinances in effect on the date when the condominium master deed was recorded.
- (b) The exemption provided by this Section shall apply only to an existing project as described in the condominium master deed recorded for the project on the effective date of this Chapter, including any subsequent change which would constitute (i) an exempt change, whether or not the Condominium Act would require an amendment of the master deed as a result of the change; or (ii) a minor change for which the Condominium Act would not require an amendment of the master deed. However, this exemption shall not apply to any subsequent expansion, conversion or re-platting of the project, or subsequent major change to the project, which shall be fully subject to the applicable review and approval requirements as provided by this Chapter.

CHAPTER 20

PRIVATE ROADS

SECTION 20.01 PURPOSE. The purpose of this section is to provide the regulations for construction, improvement and maintenance of private roads. The regulation of private roads is declared to be a public purpose and necessary for year around access by fire, police and like emergency vehicles. It is further recognized that if such roads are not constructed, improved or maintained in accordance with certain minimum standards, such roads frequently become impassable and otherwise pose a threat to the health, safety and welfare of the residents who would find use of the roadway essential. Private roads may be permitted under the following provisions, unless otherwise provided in all zoning districts, except the A-1 Agricultural Conservation District (*Added 8/10/95, Ord. 95-3Z*) (*Amended Ord 2000-4Z, 5/23/00*)

SECTION 20.02 DEFINITIONS:

- (a) An "existing private road" is a private road or a private road system which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this section. An "existing private road" must physically exist at the effective date of this section.
- (b) An "existing lot" is a lot which, as of the effective date of this section, meets at least one of the following conditions:
 - (1) The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Allegan County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Allegan County Register of Deeds.
 - (2) The lot has been assigned its own permanent parcel number by the Allegan County Property Description and Mapping Department and is individually assessed and taxed on that basis or;
 - (3) The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Allegan County Register of Deeds in accordance with the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
- (c) An "existing building" or an "existing dwelling unit" is a building or dwelling unit for which a building permit has been issued by the Township as of the effective date of this section.

SECTION 20.03 APPLICATION TO EXISTING PRIVATE ROADS AND EXCEPTIONS.

- (a) Expansion of Use. Existing private roads or roadway systems as may be permitted to serve additional lots or building sites without being permitted to serve additional lots or building sites without being upgraded to meet the construction standards contained herein subject to the following limitations:
 - (1) The additional lots or building sites shall conform to dimensional and size standard of the zoning district, and approved by the Planning Commission as a special use and be created entirely from properties having legal, uncontested access to the private roadway on the effective date of this ordinance.

- (2) The total number of additional lots or building sites created shall be limited to fifty percent of the number of parcels that under its current zoning might otherwise legally be created from properties served by the roadway, based on applying the lot size and lot width requirements of the applicable zoning district.
 - (3) The Fire Chief will be required to file a report on the existing private road with the Planning Commission indicating his/her opinion of providing emergency service to residences served by the private road.
 - (4) Based on the recommendations of the Fire Chief and other information provided to the Planning Commission, the applicant may be required to make limited but necessary improvements to the existing private road as a condition for obtaining the additional lots.
- (b) A Private road or roadway system in existence on or before the effective date of this ordinance shall be required to be upgraded to comply with the construction standards contained herein when:
- (1) The use of the roadway or roadway system is expanded to serve additional lots and building sites created from properties not having legal access to the roadway system on or before the effective date of this ordinance, or
 - (2) The number of parcels served by the roadway exceeds the limits described in subsection a), 2) above.
- (c) Driveways serving on (1) or two (2) residential lots or parcels are exempt of these provisions.
- (d) The provisions of this section shall not apply to access roads internal to any individual lot or parcel of land as defined by this ordinance if the parcel has direct public street frontage access, is under the control of one person, firm, or corporation, or partnership and the access road does not provide access to any abutting lot or parcel of land. Typical examples of access roads that may be exempt include those serving multi-family apartments, nursing homes, hospitals, factories, schools, mobile home parks and shopping centers.

SECTION 20.04 GENERAL STANDARDS.

- (a) A private road shall be located within a private road easement and the easement shall intersect with a public road. The easement shall not be less than sixty-six (66) feet in width at any point if it serves residential, non-commercial or non-industrial uses, or less than eighty-six (86) feet wide at any point if it serves commercial or industrial uses. Any dead-end easement that exceeds two hundred (200) feet in length, shall widen such that there is a minimum radius at the terminus of sixty (60) feet for residential, non-commercial or non-industrial use and seventy-five (75) feet for commercial and industrial use.
- (b) Maximum Length: Unless otherwise limited by the provisions of paragraph c) below, the length of a single access or dead end street shall be limited to 2640 lineal feet of roadway. The measurement shall be made from the point where the centerline of the private street intersects with the public street right-of-way line, then along the centerline of the private roadway to the street end point most distant from the public right of way. Note: The length measurement is not a sum total of bifurcated segments. (*Amended Ord. 2007-2Z, effective 12-25-07*)
- (c) The maximum number of lots situated on a road, or combination of roads, having only one common point of access to a state highway or county primary or county local road shall not exceed fifty (50). Such limitation shall apply in the event of whether or not the streets are

dedicated to public or are private roads or a combination of public and private. (Amended Ord. 2007-2Z, effective 12-25-07)

- (d) Lots having access to the private road easement shall have frontage on the private road which is at least equal to the minimum required for public street access in the zoning district in which the lot is located.
- (e) For each corner lot, double frontage lot or other development area having fronting on a county local or county primary street which also fronts or is served by a new private street approved under this section, a building setback of 80 feet, as measured from the public street right of way is required.. The first 50 feet of the setback area from the public right of way shall be established and maintained by the property owner or development association as a landscape buffer easement containing natural or planted trees and shrubbery and capable of effectively screening buildings and yard areas from the public street. The balance of the required 80 foot setback area may be established as customary front yard area pertaining to the lot within which water wells, septic systems and customary landscaping is permitted but where above ground structures are prohibited. Provisions for the continuation and maintenance of the 50 foot landscape buffer easement shall be contained in the Road Maintenance provisions required under Section 20.06. (Amended Ord. 2007-2Z, effective 12-25-07)
- (f) The Private road shall be given a street name that is not the same or similar to any other street name in the County. A street sign bearing the street name given the private road meeting Allegan County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road.
- (g) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.

SECTION 20.05 CONSTRUCTION STANDARDS.

- (a) In determining the location of a private road, consideration shall be given to safety of traffic entering and exiting the driveway in relationship with the public road.
- (b) All private roads shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer that it complies with applicable Allegan County Road Commission and State of Michigan requirements.
- (c) A private road which serves three (3) to eight (8) residential lots or parcels shall be considered a Category "A" road and be constructed to the standards indicated for Category "A" roads in Attachment A. (Amended Ord. 2007-2Z, effective 12-25-07)
- (d) A private road which serves nine (9) to fifteen (15) residential lots or parcels shall be considered a Category "B" road and be constructed to the standards indicated for Category "B" roads in Attachment A. (Amended Ord. 2007-2Z, effective 12-25-07)
- (e) Any road or road segment constructed to serve more than sixteen (16) residential lots or parcels shall be constructed to the standards of the Allegan County Road Commission for platted public streets as indicated for Category "C" roads in Attachment A. (Amended Ord. 2007-2Z, effective 12-25-07)

- (f) A private road which is to serve commercial or industrial uses shall be considered a commercial road and shall be constructed to the standards indicated for "Commercial" road in Attachment A.

SECTION 20.06 ROAD MAINTENANCE. The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township a record-able or recorded road maintenance agreement, access easement agreement, and deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable degree in which to serve the parties having an interest in the private road. These documents shall contain the following provisions.

- (a) A method of initiation and financing of such road and/road easements in order to keep the road in a reasonably good and usable condition.
- (b) A workable method of apportioning the costs of maintenance and improvements.
- (c) A statement that the roadway is privately owned and will not be maintained by the public, is not intended to become public and is not eligible to be considered for public acceptance unless the road is brought up to the standards of the Allegan County Road Commission at the owners expense.
- (d) A statement that if repairs and maintenance are not made to keep the roadway in safe and good condition, such condition shall be considered in violation of this ordinance and further that upon due notice the Township Board may take legal action to bring the road up to Township standards and assess the owners of parcels on the road for the improvements, plus all other direct administrative and legal.
- (e) A notice that the Township will be held harmless for any personal or property damage claims stemming from accidents occurring on or in connection with the private road.
- (f) Easements to the public for purposes of utilities and emergency and other public vehicles for whatever public services are necessary.
- (g) A provision that owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress use shall include use by family, guests, invitees, tradesman, and others bound to or returning from any of properties having a right to use the road.

SECTION 20.07 REVIEW PROCEDURES, APPLICATION AND FEE. An application to establish, extend, improve or relocate a private road shall proceed as a Special Land Use under the provisions of Chapter 15 and shall be filed with the Township Zoning Administrator along with a fee as set by the Township Board. The application shall, in addition to all applicable information required under Chapter 14, contain, or be accompanied by, the following information:

- (a) Permanent parcel number or legal description of the property over which the private road is to be constructed.
- (b) A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
- (c) A scaled drawing prepared by a registered engineer showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect.

- (d) A road maintenance agreement, access easement agreement, and deed restrictions as described in Section 20.06, herein, shall also accompany the application.

SECTION 20.08 PLANNING COMMISSION REVIEW AND APPROVAL:

- (a) The Planning Commission shall review this information to determine compliance with the general standards and requirements for Special Land Uses and the specific standards for private roads as contained herein. The Planning Commission may consult with the Township Fire Chief, Attorney, Engineer, and Planner as deemed necessary.
- (b) If, after the required public hearing, the Planning Commission finds the application meets the requirement of this chapter it shall approve the Special Land Use Permit on the conditions that the road is constructed and documented as required herein. The Planning Commission shall then authorize the Zoning Administrator to issue a permit for the construction of the private road.

This permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date approved. Two copies of the private road plans shall be for approval, one copy shall be kept by the applicant, and one by the Township.

- (c) The applicant shall provide to the Zoning Administrator a documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Allegan County Register of Deeds office, and a driveway permit for the private road from the Allegan County Road Commission.

This construction permit is not a building permit and does not authorize the construction of any buildings adjacent to the private road. The private road construction permit is valid for a period of one (1) year from the date of approval. If the construction of the private road had not commenced before this date, the permit shall expire. A new permit shall be required before the construction can begin.

- (d) If the Planning commission denies the application, the written reasons for denial shall be provided to the applicant within five (5) working days of the date of denial.

SECTION 20.09 FINAL COMPLIANCE REQUIREMENTS. Upon completion of construction of the private road, the applicant shall provide the Zoning Administrator with a letter from a registered professional engineer that the road has been constructed in compliance with the approved private road plans.

SECTION 20.10 FINAL COMPLIANCE WITH SPECIAL LAND USE PERMIT ISSUANCE. Upon completion of all items and conditions for final compliance, the Zoning Administrator shall issue a Final Compliance Notice for the Special Land Use Permit for the Private Road to the applicant.

SECTION 20.11 PERMITS FOR BUILDINGS ON PRIVATE ROADS. A building permit shall not be issued for any principal building, dwelling or structure which derives its primary access from a private road unless a private road construction permit has been issued by the Township.

An occupancy permit for a building commenced prior to the completion of the road shall not be issued until final compliance and issuance of the final special use permit for the Private Road, or if basic, safe access is provided, the applicant for a building permit of the owners(s) of the private right-of-way may provide the Township with a performance bond or letter of credit. The

amount shall be determined by the Planning Commission in consultation with the applicant and will be large enough to insure that construction of the private road, in accordance with the approved private road construction permit, can be completed within 180 days from the issuance of the occupancy building permit.

**ATTACHMENT "A" CHAPTER 20 PRIVATE ROADS
WATSON TOWNSHIP, ALLEGAN COUNTY**

PRIVATE ROAD STANDARDS

(Amended Ord. 2007-2Z, effective 12-25-07)

<u>Road Category</u>	<u>No of Lots Served</u>	<u>Easement Width/Dead End Radius</u>	<u>Minimum Surface Requirement</u>	<u>Minimum Traveled Road Width/Shoulder Width</u>	<u>Cul de sac Requirement</u>	<u>Maximum Grade^{1,3}</u>
*A ⁴	3-8	66'/60' end radius	12" class II sand base 6" class 22A gravel surface	18'/2'	40' radius. min.	10% ²
B ⁵	9-15	66'/60' end radius	12" class II sand base 6" class 22A gravel w/3" asphalt (or current Allegan Co. Local Road Standard)	22'/5'	40' radius. min.	5%
C	>16	Public Road Req'd		Platted Street Standard		
Commercial	3 or more	66'/60' end radius	12" class II sand base 6" class 22A gravel w/ 3" asphalt	24'/3'	45' radius. min.	5%

NOTES: *Ref. Sec. 20.04 and 20.05*

- 1 Grades shall not exceed 4% for a distance of 30 feet from any public or private street intersection.
 - 2 An average grade of greater than 5% may not extend for more than 500 lineal feet.
 - 3 All roads and drainage improvements shall be designed and engineered by a registered engineer and construction inspected.
 - 4 Standards for Category A Roads are intended to reflect the standards for local roads as required by the Allegan County Road Commission, except for surface, roadway and shoulder width and maximum grade.
 - 5 Standards for Category B Roads are intended to reflect the standards for local roads as required by the Allegan County Road Commission and are subject to change by resolution of the Allegan County Road Commission.
- * With the recommendation and seal of a registered civil engineer a natural base of gravel or sand may be used, if suitable.

CHAPTER 21

TOWERS AND COMMUNICATIONS FACILITIES

(Chapter Added by Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

SECTION 21.01 PURPOSE:

- (a) It is the general purpose and intent of the Township to comply with the requirements of the Federal Telecommunications Act of 1996 by authorizing towers and antennas needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and quality of the Township. It is the further purpose and intent of this Section to:
- (1) Facilitate adequate and efficient provision of sites for towers and antennas.
 - (2) Ensure that towers and antennas are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - (3) Limit overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 - (4) Require adequate information about plans for towers and antennas in order to permit the Township to effectively plan for the location of such facilities.
 - (5) Minimize adverse impacts of the technological obsolescence of such facilities.
 - (6) Minimize the negative visual impact of towers and antennas on neighborhoods, community landmarks, natural beauty areas and public rights-of-way, by reducing the numbers of towers through co-location where feasible.

SECTION 21.02 DEFINITIONS.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

Co-Location. The use of a single support structure, building and/or site by more than one wireless communication provider.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. Tower includes the structure thereof and any support thereto.

Height, Tower. The distance measured from the finished grade of the parcel of land to the highest point on the tower or other structure, including the base pad and any antenna.

SECTION 21.03 PROCEDURES AND APPLICATION REQUIREMENTS. Antennas and towers exceeding a height of 50 feet shall be permitted only if approved as a special land use by the Planning Commission under the terms of this Section and Chapter 15.

- (a) The application for special land use for such antenna or tower shall include the following information, in addition to what is otherwise required by the terms of this chapter:

- (1) A detailed site development plan prepared to the specifications of Chapter 14 depicting the nature, type, appearance and location of the antenna and tower, any buildings or other structures and all other external features of the special land use, including driveways, fencing, isolation distances, screening and landscaping and other matters.
- (2) A visual impact analysis which shall include graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Township Planner.
- (3) A justification for the proposed height of the antenna and tower and an evaluation of alternative designs which might result in lower heights.
- (4) A maintenance plan and any applicable maintenance agreement, prepared so as to ensure long-term, continuous maintenance of the antenna and tower and any supporting structures.
- (5) A list of all properties investigated for placement of the proposed tower and antenna and the rationale and other background material for selecting the proposed location. The applicant shall provide copies of correspondence to and from owners of properties who have been contacted by the applicant and who have refused to allow their property to be utilized, purchased or leased by the applicant.
- (6) A list of other wireless communication providers who have been contacted by the owner regarding co-location as well as any correspondence to and from the other providers.
- (7) A map showing existing and known proposed telecommunications facilities or other structures within and surrounding the Township which could possibly be used by the applicant to co-locate the proposed antenna.

SECTION 21.04 CO-LOCATION. It is the policy of the Township that all wireless communication providers co-locate on existing towers or structures capable of accommodating antennas to minimize the overall number of newly established towers within the Township and to encourage the use of existing towers and structures for new antennas. Thus, if a party who owns or otherwise controls a tower as defined herein, shall fail or refuse to allow the alteration of a tower so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

SECTION 21.05 APPROVAL OF CO-LOCATED ANTENNA. An application for co-location on an existing tower shall require only site plan review in order to obtain approval. The site plan shall be reviewed in accordance with the requirements of Chapter 14 of this Ordinance. The Planning Commission shall also review the application in accordance with the applicable requirements and standards of this Section.

SECTION 21.06 REQUIREMENTS AND STANDARDS. An antenna or tower approved as a special land use shall comply with all of the following requirements:

- (a) The general standards for approval of all special land use permit applications contained in this Chapter 15.

- (b) In addition to the standards for approval of all special land use permit applications contained in this Chapter 15, the Planning Commission shall consider the following factors in determining whether to issue a special use permit for a communications antenna or tower;
 - (1) Height of the proposed tower;
 - (2) Proximity of the tower to residential structures and residential district boundaries;
 - (3) Nature of uses on adjacent and nearby properties;
 - (4) Surrounding topography;
 - (5) Surrounding tree coverage and foliage;
 - (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (7) Proposed ingress and egress; and
 - (8) Availability of suitable existing towers, or other structures for co-location, or alternative technologies not requiring the use of towers or structures, as discussed in sub-section 21.06(c) below.
- (c) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structures or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - (1) No existing towers or structures are located within the geographic area which meets the needs of the applicant.
 - (2) Existing towers or structures are not of sufficient height to meet the applicant's needs.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other material limiting factors that render existing towers and structures unsuitable.
 - (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable.
- (d) Facilities shall be located and designed so as to be reasonably harmonious with the surrounding area.
- (e) The maximum height of the antenna and tower shall be the minimum height necessary for reasonable communications by the applicant, and by other entities which may collocate on the structure.
- (f) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes.
- (g) The support system shall be constructed in accordance with all applicable building codes.

- (h) A proposed tower for commercial telecommunications services shall be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and comparable equipment for at least three or more additional users. The Planning Commission may permit a tower design which would allow fewer than three other users if the Commission finds that three additional users would not be consistent with the intent and purposes of this section.
- (i) The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.
- (j) Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory. The monopole may be designed to resemble natural features or to fit in with the design of other existing structures in the area.
- (k) The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them. The Commission may require plantings to be placed on properties adjacent to the tower site in order to provide a more effective visual screen.
- (l) A condition of every approval of a tower and associated facilities shall be the posting of adequate performance surety for removal of all or part of the facility by the users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 Facilities which are abandoned or unused shall be removed by the owner or operator along with any associated buildings, structures or equipment within 180 days of a written notice from the Township that such is required, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to insure its removal.
 If the required removal of a facility or a portion thereof has not been lawfully completed by the applicable deadline, and after at least thirty (30) days written notice that the Township intends proceed to with removal, the Township may remove or secure the removal of the facility or required portions thereof. The actual cost and reasonable administrative charge for the removal may be drawn, collected and/or enforced from or under security posted at the time of the approval establishing the facility.
- (m) If the height required for the tower to serve its intended function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum upon notice given by the Township.
- (n) High Intensity Strobe lighting shall not be permitted unless required by federal or state agencies.

- (o) Any ancillary building housing equipment needed for the operation of the antenna or tower, or any other appurtenance, shall be of a size, type, color and exterior materials which are aesthetically compatible with existing principal buildings within the surrounding area.
- (p) The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- (q) Where a tower or antenna is proposed for the roof a building or for the top of another existing structure, the tower shall be designed, constructed and maintained so as to be reasonably architecturally compatible with the principal building or structure.
- (r) Any antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission based on documentation from the applicant that a closer setback will not create a hazard to adjoining properties or roadways.
- (s) The requirements of the Federal Aviation Administration, the Federal Communications Commission and the Michigan Aeronautics Commission shall be fully complied with.
- (t) Where it is determined by the Planning Commission that the minimum lot size, lot width, lot frontage, lot access or other general or district dimensional requirement is not reasonably necessary to support the facility and that strict adherence to those standards is not warranted for the protection of health safety and welfare, the Planning Commission may waive or modify one or more of such requirements.
- (u) In its reasonable discretion, the Planning Commission may impose additional terms and conditions regulating the construction, installation, use, repair, maintenance and removal of an antenna or tower in order to achieve the intent and purposes of this section.

SECTION 21.07 REVOCATION OF PERMIT. Failure to comply with conditions of approval stipulated for a tower or antenna under this section may result in the revocation of the Special Land Use Permit. In considering whether to revoke a Special Land Use Permit, a hearing shall be held by the Planning Commission in accordance with the procedures of Section 24.04(*Amended Ord. 2007-1Z, effective 7-24-07*)

CHAPTER 22

GENERAL PROVISIONS

(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

These general provisions shall apply to all Zoning Districts.

SECTION 22.01 THE EFFECT OF ZONING. 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.

SECTION 22.02 RESTORATION OF UNSAFE BUILDING. Subject to the provisions of the Nonconforming Uses chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

SECTION 22.03 AREA, HEIGHT, AND USE CONDITIONS AND EXCEPTIONS.

- (a) Required Area or Space - A lot or lots in common ownership or a yard court parking area or other space shall not be divided, altered, or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area, or other space shall not be divided, altered, or reduced so as to increase its noncompliance with such minimum requirements.
- (b) Existing Lots of Records - Unless otherwise provided in this Ordinance, a lot in Agricultural or Residential Zoning District, which is platted or parcel otherwise of record as of the effective date of this Ordinance, does not comply with the area and/or width requirements of its Zoning District, then such lot may be used for one family use only and then only if such one family use is first authorized by the Planning Commission as a special use; provided, however, that a lot which is platted or otherwise of record as of the effective date of this Ordinance which is located in a A-1, A-2, R-1, R-2, or LRD Zoning District may be used for one family use only without authorization from the Planning Commission as a special use if:
 - (1) the lot has a minimum lot area of twelve thousand (12,000) square feet and if there is compliance with all yard requirements for the zoning district in which the lot is located; or;
 - (2) if there is compliance with any specific exception to the area and/or width requirements of the particular zoning district in which the lot is located. In considering such authorization, the Planning Commission shall consider the following standards:
 - (3) the size, character, and nature of the residential building and accessory buildings to be erected and constructed on the lot;
 - (4) the effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - (5) the effect of the proposed use on light and air circulation of adjoining properties;
 - (6) the effect of any increased density of the intended use on the surrounding neighborhood; and

- (7) available parking for the intended use. Where two (2) or more such non-complying lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this Ordinance. *(Amended by Ord. 91-1, 3/21/91)*
- (c) Exceptions - The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed fifty (50) feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

SECTION 22.04 ESSENTIAL SERVICE. The erection, construction, alteration, or maintenance by public utilities or governmental units, boards, or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety, or general welfare is permitted in any Zoning District.

Notwithstanding the exceptions contained in the immediately preceding sentence telephone exchange and/or repeater buildings and towers, electrical sub-stations, gas regulator stations and any utility building erected, shall comply with the following minimum standards and are subject to special use approval by the Planning Commission. *(Amended by Ord. 91-1, 3/21/91)*
(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)

- (a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
- (b) Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 22.05 REQUIRED YARD OR LOT. All lots, yards, parking areas, or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the zoning district in which they are located, except that on any lot in any plat recorded on or before the effective date of this amendment, where the average front yard setback of two (2) or more buildings within two hundred (200) feet of the lot in question, on the same side of the street, is less than the required front yard setback for the district, then the required front yard setback of such lot may be reduced to the average existing front yard setback of the nearby buildings. In any event, the front yard setback of any building shall not be less than ten (10) feet. *(Amended by Ord. 90-1, 3/15/90)*

SECTION 22.06 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE VIBRATION, AND ODORS. Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the lot on which the use is located.

SECTION 22.07 TEMPORARY USES OR STRUCTURES REQUIRING ZONING INSPECTOR AUTHORIZATION.

- (a) Upon application, the Zoning Inspector shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Inspector for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
- (b) Upon application, the Zoning Inspector shall issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Inspector for four (4) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

SECTION 22.08 ACCESSORY USES. In any Zoning District, accessory uses, incidental only to a permitted use, are permitted when located on the same lot provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry.

SECTION 22.09 ACCESSORY BUILDINGS.

- (a) In any Zoning District, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible and similar to the principal building.
- (b) Detached accessory buildings shall not be located closer than five (5) feet to the rear lot line or closer than forty (40) feet to the waters' edge in the case of a waterfront lot (except that pump-houses may be located within forty (40) feet of the waters' edge if they do not exceed three (3) feet in height) and shall not occupy more than thirty percent (30%) of any required rear yard space; they shall not be closer to any side lot line or front lot line than the principal building is permitted.
- (c) The distance between a detached accessory building and any principal building shall not be less than ten (10) feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
- (d) A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than ten (10) feet from the edge of the street.

- (e) No accessory building or structure shall include residential or living quarters for human beings except a guest house located in the R-1 or R-2 Zoning Districts.

SECTION 22.10 PRINCIPAL BUILDING ON A LOT. In the A-2, R-1, R-2, and LRD Zoning Districts, no more than one (1) principal building shall be placed on a lot. *(Amended by Ord. 91-1, 3/21/91)*

SECTION 22.11 DOUBLE FRONTAGE LOTS. Buildings on lots having frontage on two (2) intersecting or non-intersecting streets shall comply with front yard requirements on both such streets.

SECTION 22.12 MINIMUM PUBLIC STREET FRONTAGE. Every principal building and use shall be located on a lot having a minimum of fifty (50) feet of frontage on a public street or an approved private road unless otherwise said frontage distance is otherwise specified in the Area and Density Regulations applicable to the various Zoning Districts outlined in this Ordinance. *(Amended by Ord. 95-3Z, 8/10/95)*

SECTION 22.13 GOVERNMENTAL IMPROVEMENTS. The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

SECTION 22.14 HEALTH DEPARTMENT APPROVAL. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Allegan County.

SECTION 22.15 HOME OCCUPATIONS. *(Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03)*

- (a) For purposes of this section, a home occupation is a gainful occupation traditionally and customarily carried out in the home or on a residential premise, as a use that is incidental to the use of the home and premise as a place of residence. A home occupation may be conducted entirely within a residential dwelling and/or an attached garage accessory to the dwelling. A home occupation may only be permitted to involve a detached garage or other detached accessory building as a special land use. (ref. Sub. Sec. (f),sub.(8).
- (b) A home occupation may be permitted in the A-1, A-2, R-1, R-2, or LRD Districts in association with any dwelling in accordance with this section.
- (c) Type I Permitted Home Occupations. The following home occupations shall be permitted by right subject to the minimum conditions of subsection 22.15(a):
- (1) Architecture and interior design work.
 - (2) Beauty salons and barber shops.
 - (3) Bookkeeping, accounting, and financial planning.
 - (4) Cabinet making and carpentry work.
 - (5) Computer programming and other computer related work.
 - (6) Consulting and counseling services.
 - (7) Drafting and illustration services.

- (8) Dressmaking, sewing and tailoring.
 - (9) Furniture upholstery.
 - (10) Gun dealer and gun repair service.
 - (11) Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making.
 - (12) Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs
 - (13) Office of minister, priest or other member of the clergy.
 - (14) Office of building contractor or building trades persons (excluding equipment parking).
 - (15) Office of a sales person, sales representative or manufacturers representative.
 - (16) Painting, sculpturing and writing
 - (17) Private tutoring.
 - (18) Secretarial services.
 - (19) Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like.
 - (20) Taxidermy
 - (21) Television and other small appliance repair.
 - (22) Telephone answering service and telephone solicitation work.
 - (23) Travel booking service.
 - (24) Watch repair
- (d) Minimum Conditions for Permitted Home Occupations. The following minimum conditions shall apply to all permitted home occupations:
- (1) Home occupations involving the use of a detached accessory building or outdoor storage may only be permitted as a special use under the provisions of subsection (f) contained herein.
 - (2) It shall be carried out only by the residents of the building and not more than one other person.
 - (3) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes, and the appearance of the structures shall not be altered. The occupation must not be conducted in a manner that will cause the premise to take on a non-residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light.
 - (4) Within the A-1, A-2 Districts, one sign, not exceeding eight square feet may be used to identify home occupations therein. For home occupations permitted within the R-1, R-2, or L-R Districts, signs identifying the use shall not be permitted.
 - (5) The maximum floor area devoted to the home occupation shall be limited to 500 square feet or 25 percent of the gross floor area of the dwelling unit and attached accessory building combined, whichever is the lesser amount.
 - (6) There shall be no direct marketing or selling of goods, merchandise, supplies or products, except on an occasional basis, provided that orders previously made by telephone or at a sales event off the premises may be filled on the premises.
 - (7) No storage or display shall be visible from outside the dwelling or an attached building.
 - (8) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.

- (9) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
 - (10) As a result of home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for residential use in the zoning district in which the use is located.
 - (11) There shall be adequate off-street parking spaces. On street parking, or parking within the street right of way is prohibited.
 - (12) Deliveries and shipments by commercial vehicles shall be on an occasional or incidental basis.
- (e) Non-listed, but similar home occupations. In addition to the above Type I permitted home occupations, home occupations which are similar in nature and effect to those specifically listed in this section may also be permitted.

The determination whether a proposed home occupation is sufficiently similar in nature and effect to a Type I home occupation specifically listed in this section may be made by the Zoning Inspector, but in the discretion of the Zoning Inspector, such determination may be made by the Planning Commission at a public meeting.

In determining whether a proposed home occupation is sufficiently similar to one listed in this section, the Zoning Inspector or the Planning Commission, as the case may be, shall consider and make findings based upon the following standards:

- (1) Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.
 - (2) Whether the nature of the home occupation is substantially in keeping with the residential use of the property.
 - (3) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar Type I home occupations that are specifically permitted in this section.
 - (4) Whether the home occupation could have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- (f) Type II Home Occupations Approved as Special Uses. The following home occupations may be permitted in the A-1, A-2, R-1, R-2, and LRD District unless otherwise indicated if approved by the Planning Commission as a special land use under Chapter 15 of this ordinance.

- (1) Any home occupation involving the use of a detached accessory building and or one that would exceed the floor area are a limitations for Type I Home Occupations.
- (2) Gymnastics and dance instruction.
- (3) Bed and breakfast establishments in the A-1, A-2, R-1, R-2 and LRD.

In considering any Type II home occupation for approval as a special use, the Planning Commission shall consider and make findings upon the following standards:

- (1) Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.
- (2) Whether the nature of the home occupation is substantially in keeping with the residential or other permitted use of the property such as farming.
- (3) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other uses permitted and

occurring in the district and similar home occupations that are specifically permitted in this section.

- (4) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- (5) All of the standards of Section 22.15(d), notwithstanding those limits on the use of detached accessory buildings and floor area.

In approving any such special land use, the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:

- (1) The use as located in a dwelling and/or an accessory building.
- (2) The floor area of the use.
- (3) The area, height, bulk, and location of any accessory building.
- (4) The storage or display of goods, inventory or equipment will be visible from outside the dwelling or an accessory building and the screening thereof.
- (5) The storage or use of combustible toxic or hazardous materials on the premises.
- (6) Machinery or electrical activity that will interfere with nearby radio or television reception or create noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. or whether there will be
- (7) Motor vehicle and/or pedestrian traffic and its circulation on and off site.
- (8) The amount of off-street parking provided, and the location and surfacing and drainage thereof.

SECTION 22.16 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE MOBILE HOME PARKS. All dwelling home units located outside of mobile home parks shall comply with the following requirements.

- (a) After the effective date of this amendment, the width of any single or two family dwelling unit in the A-1 and A-2 zoning districts shall be sixteen (16) feet. In any R-1 ,R-2 and Lake Residential District the minimum width shall be twenty- two (22) feet. Such width shall be maintained for at least sixty seven (67) percent of the length, as measured between exterior walls having the greater length.
- (b) All dwelling units shall contain a minimum of nine hundred sixty (960) square feet of usable floor area. (*Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*)
- (c) There shall be a foundation under the dwelling units as regulated by the local Building Code, or if a mobile home, the foundation shall meet the manufacturer's specifications.
- (d) All dwellings without basements shall provide a rodent barrier underneath the entire dwelling unit, consisting of four (4) inches of concrete, and suitable skirting between the dwelling, and the ground compatible with the dwelling and manufacturer's specifications.
- (e) The wheels, pulling mechanisms, and tongue of any mobile homes shall be removed immediately after placement on a foundation or prior to issuance of an occupancy permit.
- (f) All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the County Health Department.
- (g) All additions to dwellings shall meet the requirements of this ordinance.
- (h) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling comply with the standards applicable to mobile homes set forth in the United States Department of Housing and Urban

Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.

SECTION 22.17 LAKE / RIPARIAN ACCESS. (*Section Added by Amended Ord. 2003-1, Adopted 5/1/03, Effective 5/20/03*) The following restrictions are intended to limit and regulate the number of users and types of uses of lake frontage in order to preserve the qualities of the waters, minimize conflicting land uses, promote safety and help preserve the quality of recreational use of lands and waters within the Township.

(a) Development Parcels

In all zoning districts, for any lot supporting a single family dwelling unit or any other form of residential development there shall be at least fifty (50) feet of water frontage, as measured along the ordinary high water mark of the lake and each lot or parcel shall otherwise meet the minimum dimensional requirements for such lots in the zoning district in which it is located.

(b) Access (Keyhole) Parcels

(1) In any zoning district where there is an existing parcel of record having water frontage of less than fifty (50) feet, which by intent of the owner or by its dimensional or physical limitations will not support building development, such parcel or lot may be used as a deeded access parcel for not more than one (1) other parcel, lot, unit, or person.

(2) In any zoning district where there is an intent to create and use a new lot, parcel easement or common area for the express purpose of providing riparian rights by deeded access, such new lot, parcel, easement or common area shall have a minimum of fifty (50) feet of width and water frontage. The number of parcels, lots, units or persons permitted to have deeded riparian access over the lot, parcel, easement or common area shall be one (1) for the first fifty (50) feet of water frontage, plus one (1) additional lot, parcel, unit, apartment, or person for each additional fifty (50) feet of frontage that the access parcel has on the body of water.

(c) In all zoning districts where multiple unit residential development is permitted, any multiple-unit residential development shall have not more than one(1) dock for each fifty (50) feet of water frontage, as measured along the normal high water mark of the lake.

(d) In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional, nonresidential or nonagricultural uses or purposes unless such use complies with the requirements of the zoning district in which it is located and is also approved as a special land use.

(e) In addition to the above limitations, no easement, private park, common area, condominium arrangement, lake access device or lot or access property abutting or adjoining a lake shall be used to permit access to the lake for more than one (1) single-family, property, dwelling unit, condominium unit, site condominium unit or apartment unit unless such use is also approved as a special land use.

(e) No new channel or canal shall be created abutting, enlarging or tied into a lake, nor shall existing canals or channels be enlarged. Canals or channels which touch or abut a lake and were lawfully in existence as of the date of enactment of this ordinance may be cleaned and dredged, so long as they are not enlarged beyond their original dimensions.

- (f) The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, regardless of whether access to the lake shoreline or waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

CHAPTER 23

NONCONFORMING USES, BUILDINGS OR STRUCTURES

SECTION 23.01 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES. Except where specifically provided to the contrary, and subject to the provisions of this Chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Chapter, a building or structure which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

SECTION 23.02 EXPANSION.

- (a) Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided (1) there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and (2) the Zoning Inspector shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.
- (b) No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged (1) unless all extensions or enlargements do not exceed fifty (50) percent of the area of the original nonconforming use; and (2) unless such extensions or enlargement is authorized by the Planning Commission - as a special use. In considering such authorization, the Planning Commission shall consider the following standards: (1) whether the extension or enlargement will substantially extend the probable duration of such nonconforming use; and (2) whether the extension or enlargement will 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.

SECTION 23.03 RESTORATION AND REPAIR. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed one half (1/2) of the value

of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds one half (1/2) of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards: (1) whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use; and (2) whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable Zoning District.

SECTION 23.04 CHANGE OR DISCONTINUANCE. The nonconforming use of a building or structure or of any land or premises shall not be:

- (a) Changed to any other nonconforming use. (b) Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of nine (9) months, except by extension of the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - (1) The nature of the nonconforming use;
 - (2) The effect of the nonconforming use on the surrounding area;
 - (3) The environmental effects of the nonconforming use;
 - (4) The nature of the surrounding area;
 - (5) Potential traffic congestion as a result of the nonconforming use; and
 - (6) The provision of off-street parking which may be needed for the operation of the nonconforming use.
- (b) Re-established after it has been changed to a conforming use.

SECTION 23.05 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE. Any building or structure shall be considered existing and lawful and for purposes of Section 23.01, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

CHAPTER 24

ADMINISTRATION AND ENFORCEMENT

SECTION 24.01 ZONING PERMITS FOR ZONING COMPLIANCE AND PLANS. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged or altered, nor shall any use on any property be changed to another use, until a zoning permit has been granted by the Zoning Administrator. Application for a zoning permit shall be filed by the owner or his agent and it shall state the intended use of the structure and of the land. The application shall be accompanied by a plot plan, a site development plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance.

- (a) Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee defray the costs of administration and inspections accompany any plans or applications for a zoning permit.
- (b) No zoning permit shall be issued unless the plans and intended - use conform in all respects to the provisions of this Ordinance. All zoning permits shall expire one year from their date of issuance. A copy of all approved zoning permits shall be sent to the Assessor.
- (c) No zoning permit shall be issued until the owner verifies that the lot involved has been created in conformance with State and Township regulations.
- (d) The Zoning Administrator shall have a reasonable period of time to review all plans and specifications prior to taking appropriate action thereon.
- (e) A zoning permit shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.

SECTION 24.02 DUTIES OF THE ZONING ADMINISTRATOR. This Ordinance shall be enforced by the Zoning Administrator who shall, in no case, issue any zoning permit nor grant any occupancy permit where the proposed structure, alteration or use would be in violation of any provisions of this Ordinance except under written order of the Board of Appeals, the Township Board, or a court of competent jurisdiction.

- (a) Violations: The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct said violation and does not correct such violation within fourteen (14) days or any extension of time authorized by the Township Board, the Zoning Administrator shall serve notice upon the owner, notify the Township Board, and prosecute such violator to terminate said violation before a court of proper jurisdiction.
- (b) Inspections: The Building Inspector shall inspect all new construction or alterations at the time footings are placed, when framing is underway, and at the completion of the construction or alterations authorized. He shall make such additional inspections he deems necessary to insure compliance with the provisions of the Township to ascertain that all the requirements of this Ordinance are being complied with.
- (c) Records: The Zoning Administrator shall keep records of all inspections, applications, and applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one family houses, and records of all

fees submitted with applications. The same shall form a part of the records of his office and shall be available to the Township Board and all other officials of the Township.

SECTION 24.03 CERTIFICATE OF OCCUPANCY. No land shall be used and no building hereafter erected or altered, shall be occupied or used for any purpose until a certificate of occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special use conditions are applicable, said conditions shall be stated on the certificate of occupancy. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator. A copy shall be sent to the Clerk and Assessor.

SECTION 24.04 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING. Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered according to the requirements of this Section.

- (a) The notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- (b) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use, special controlled uses and site condominium projects applications a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:
 - (1) The applicant;
 - (2) All persons to whom real property is assessed within 300 feet of the property that is the subject to the application; and
 - (3) The occupants of all structures within 300 feet of the property that is the subject of the application.
- (c) If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.
- (d) The notice of public hearing shall include the following information:
 - (1) A description of the nature of the application or request.
 - (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
 - (3) A statement of when and where the application or request will be considered.
 - (4) Identify when and where written comments will be received concerning the application or request.

Amended Ord. 2007-1Z, effective 7-24-07

CHAPTER 25

BOARD OF APPEALS

(Amended in its entirety by Ord. 2007-1Z,
effective 7-24-07)

SECTION 25.01 ZONING BOARD OF APPEALS.

- (a) Membership and Officers. A Zoning Board of Appeals is hereby created. Such Board shall consist of five members, and may consist of two alternates, appointed by the Township Board. Regular and alternate members shall be registered electors of the Township, provided that no elected officials of the Township, nor any employee of the Township may serve as a member of the board except as provided herein. One of the regular members of the Zoning Board of Appeals shall be a member of the Township Planning Commission. One regular member may be a member of the Township Board, but that member shall not serve as chairperson of the Zoning Board of Appeals. The Zoning Board of Appeals shall elect one of its members as chairperson and one of its members as secretary.
- (b) Term of Office. Initially, one member of the Zoning Board of Appeals shall be appointed for a term of three years, two members shall be appointed for a term of two years each, and two members shall be appointed for a term of one year each. Thereafter, each member, when appointed, shall have a term of three years. Alternates shall be appointed for three year terms.
- (c) Service on Board; Removal. Members of the Zoning Board of Appeals may be removed at the pleasure of the Township Board. Any vacancy shall be filled by the Township Board for the remainder of the un-expired term. An alternate member of the Zoning Board of Appeals may be called to serve if the regular member is unable to attend or has abstained for reasons of conflict of interest. An alternate member appointed in a case shall serve in that case until a final decision is made. An alternate member shall vote and otherwise have all of the authority and responsibility of a regular member.

SECTION 25.02 VOTING REQUIREMENTS. The concurring vote of three members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the building inspector or zoning administrator or decide in favor of the applicant on any matter upon which the Board is required to pass upon under this chapter or under the Zoning Act, or to grant any variance in the zoning ordinance as provided in this chapter.

SECTION 25.03 MEETINGS AND QUORUM. Meetings of the Zoning Board of Appeals shall be open to the public and shall be at the call of the chairperson and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. No less than three presiding members of the Zoning Board of Appeals must be present to constitute a quorum for the conduct of business.

SECTION 25.04 RECORDS. The secretary shall record minutes of all proceedings of the Zoning Board of Appeals which shall contain evidence and data relevant to every case considered, together with a tabulation of the vote of each member and the final disposition of each case. Such minutes shall be a public record.

SECTION 25.05 HEARINGS. When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the secretary or designee of the secretary shall immediately place such request for appeal on the calendar for hearing and shall cause notice to be provided in the manner specified in Section 24.04 of the zoning ordinance. The Zoning Board of Appeals may recess such hearing from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice thereof shall be required.

SECTION 25.06 DECISIONS. The Zoning Board of Appeals may reverse or affirm wholly or in part, or may modify, any order, requirement, decision or determination on which any appeal has been taken, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of an appropriate and lawful permit. The Zoning Board of Appeals shall also make findings and reach decisions upon all other matters which, under the terms of this Ordinance or by law, it is required to herein decide. In its minutes, the Board shall state the reasons and grounds for each of its decisions or determinations. The decision of the Board shall be final, but any person having an interest affected by any such decision may appeal to the circuit court in the manner and upon the procedure specified by law.

SECTION 25.07 APPEALS. Appeals to the Board of Appeals may be taken by any person aggrieved, or by an officer, department or board of the Township.

SECTION 25.08 TIME FOR APPEAL, NOTICE. Any appeal from the ruling of the Building Inspector concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals within five (5) days after the date of the decision which is the basis of the appeal. The person making the appeal shall file with the secretary of the Board and the enforcing officer a notice of appeal specifying the grounds for the appeal. The Building Inspector shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

SECTION 25.09 EFFECT OF APPEAL. An appeal stays all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board, after notice of the appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril of life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or on application and notice to the Building Inspector by the circuit court of due cause shown.

SECTION 25.10 REPRESENTATION. Any party may appear in person or by agent or by attorney at a hearing considering the request or appeal.

SECTION 25.11 DUTIES AND POWERS OF THE BOARD OF APPEALS. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this chapter which are more particularly specified as follows:

- (a) Make interpretations of the Zoning Map of the Township of Watson, Allegan County, Michigan, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- (b) Hear and decide appeals from, and review any order, requirements, decisions, or determination made by, an administrative official or body charged with enforcement of this Ordinance, excluding any requirements, decisions or determinations made with regards to special uses.
- (c) The Zoning Board of Appeals may not consider or grant a use variance, being a variance from the provisions or requirements of this Ordinance because of the actual or proposed use of the property.

SECTION 25.12 VARIANCES. No variance in the provisions or requirements of this Ordinance shall be authorized by the Zoning Board of Appeals unless the Board makes findings, based upon competent material and substantial evidence on the whole record, as to each of the following matters.

- (a) That the enforcement of the literal requirements of this Ordinance would cause practical difficulties.
- (b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
- (d) That the authorizing of such variance will not be of substantial detriment to adjacent or nearby lands, structures or buildings, and will not be contrary to the spirit and purpose of this Ordinance.
- (e) That the special circumstances or conditions referred to in subsection (b) do not result from the actions of the applicant.

SECTION 25.13 EXPIRATION OF VARIANCES. Each variance granted under the provisions of this chapter shall automatically expire one year from the date granted unless:

- (a) The construction authorized by such variance or permit has been commenced within one year after the granting of the variance and is progressing toward completing.
- (b) The occupancy of land, premises or buildings authorized by the variance has taken place within one year after the variance was granted.

CHAPTER 26

ORDINANCE AMENDMENT

SECTION 26.01 INITIATION OF AMENDMENTS. Amendments to this Ordinance may be initiated by the Township Board by resolution or by any interested person or persons by petition to the Township Board.

SECTION 26.02 AMENDMENT PETITION PROCEDURE. All petitions for amendment to this Ordinance shall be in writing signed, and filed in triplicate with the Township Clerk for presentation to the Township Board. Such petitions shall include the following:

- (a) The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
- (b) The nature and effect of the proposed amendment;
- (c) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned;
- (d) The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
- (e) The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
- (f) All other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.

SECTION 26.03 AMENDMENT PROCEDURE. After initiation amendments to this ordinance shall be considered in accordance with the requirements of the Michigan Zoning Enabling Act, as it may be amended from time to time. Notice of the public hearing required before the Planning Commission, and any other associated public hearings to be held concerning an amendment, shall be given in accordance with the provisions of Section 24.04 of this zoning ordinance.” (Amended Ord. 2007-1Z ,effective 7-24-07)

CHAPTER 27

PENALTIES

SECTION 27.01 NUISANCE PER SE. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law. (Amended Ord. 2007-4Z, effective 12-25-07)

SECTION 27.02 VIOLATION. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense. (Amended Ord. 2007-4Z, effective 12-25-07)

SECTION 27.03 MUNICIPAL CIVIL INFRACTION. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1st Offense	75.00	500.00
-2nd Offense	150.00	500.00
-3rd Offense	325.00	500.00
-4th or More Offense	500.00	500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township of Watson has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered. (Amended Ord. 2007-4Z, effective 12-25-07)

SECTION 27.04 REMEDIAL ACTION. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof. (Amended Ord. 2007-4Z, effective 12-25-07)

CHAPTER 28
CONSERVATION SUBDIVISION
PLANNED UNIT DEVELOPMENT OPTION

(Added in its entirety by Ord. 2007-3Z, effective 10-23-07)

SECTION 28.01 PURPOSE. The intent of this Chapter is to achieve an alternative development pattern to the pervasive rural subdivision using planned unit development (PUD) procedures as authorized under Section 16c of the Township Zoning Act, being Act 184 of 1943 as amended. These provisions encourage greater innovation and offer more flexibility in the design of open space/cluster residential developments than can be achieved under the provisions of the underlying **A-2 Rural Conservation and R-1 Low Density Residential Districts**. They are intended to preserve the rural character of the land by promoting the creation of compact residential clusters that are encompassed and veiled by open space and less intensive land uses. The Conservation Subdivision Planned Unit Development provisions allow variation from permitted lot density, lot area and width standards for lots in single family residential developments in exchange for improved open space, enhanced screening and buffering techniques and amenities and other design considerations such as single loaded streets that will enhance the rural quality of life.

Land use goals and objectives for the Township which may be better accomplished through the use of the Conservation Subdivision Development provisions include the following:

- (a) The provision of meaningful buffers between agricultural land and operations and more intensive residential development.
- (b) The conservation and preservation of woodlands and sensitive environmental areas such as wetlands in the Township and to otherwise minimize the disturbance of woodlands, steep slopes, ridgelines, wetlands and stream corridors in the design of new development.
- (c) To facilitate the continued use of farmland while accommodating residential development that will not over capacitate the soil, aquifers and roadways.
- (d) To recognize the value of and to facilitate the creation of facilities such as golf courses, man made lakes, equestrian facilities and other passive , non-motorized recreational facilities within residential developments in concert with undeveloped open space for the use of residents in the development.
- (e) Greater accessibility to natural areas and developed open space and recreation land by their inclusion within new developments as common areas.

SECTION 28.02 ELIGIBLE PROPERTY

- (a) Underlying Zoning. Only development parcels located in the A-2 and R-1 Districts are eligible. Land in the A-1 District is not independently eligible and may only be included in a Conservation Subdivision development project when the land is to be designated in its entirety as preserved open space, consistent with the intent of the A-1 Agricultural Preservation District.
- (b) Minimum Acreage. The minimum aggregate size of any conservation subdivision shall be 20 acres of contiguous land.
- (c) Non contiguous open space parcels. The Planning Commission may authorize a Conservation Subdivision PUD having open space in Watson Township that is not contiguous with the rest of the PUD. Each non-contiguous open space parcel

must contain a minimum of 10 acres of land and shall meet all other applicable standards of the Township.

SECTION 28.03 REVIEW PROCEDURE.

- (a) Procedures: Application for review and approval of a conservation subdivision shall be made in accordance with the provisions of Chapter 15 SPECIAL LAND USES PERMIT PROCEDURE, Section 15.03.

SECTION 28.04 ITEMS SUBMITTED FOR REVIEW

- (a) The applicant shall submit an application for a Conservation Subdivision PUD project along with a review fee as established by the Watson Township Board.

- (b) *Conservation Subdivision Plan.*

The applicant shall submit three (3) sets of the Conservation Subdivision Plan drawn at a minimum scale of 1"= 200' which shall include information required by Section 14.03 of this Ordinance as appropriate for single family residential developments, and the following information:

- (1) The location, extent and physical character of areas and/or parcels devoted to preserved open space.
 - (2) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Yield Plan, as approved by the Planning Commission.
 - (3) The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
 - (4) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
 - (5) If the development will not be served by public sanitary sewer, the applicant shall submit documentation from the Allegan County Health Department that the soils are suitable for on site septic systems.
- (c) When a Conservation Subdivision development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Watson Township Subdivision Control Ordinance or the Watson Township Site Condominium Subdivision requirements of this Ordinance, as applicable.

- (d) *Yield Plan Required–Yield Plan Standards*

In addition to the information required above, the applicant must submit a separate "yield plan" for the purpose of determining the total number of lots or building sites that may be allowed in development.

The Yield Plan may be conceptual in nature but shall include at least the following information:

- (1) Date, north arrow and scale, which shall not be more than 1" = 200 '.
- (2) Location of existing and proposed streets adjacent to and within the site capable of providing access to each lot. The street layout and right of ways shall be capable of

meeting applicable Watson Township private street regulations or the platted street standards of the Allegan County Road Commission.

- (3) Yield Plan formulae. The yield plan shall indicate the location and layout of all lots, the lot area, lot width and street frontage for each lot and shall demonstrate compliance with the following minimums:

	A-2	R-1	A-1
Minimum lot size	Two acres excluding street right of way	One acre excluding street right of way	10 acres excluding street right of way
Minimum lot width	150 feet within 100 feet of the street on which the lot would have frontage.	100 feet within 100 feet of the street on which the lot would have frontage	150 feet within 100 feet of the street on which the lot would have frontage.
Minimum lot frontage	75 feet	50 feet	75 feet

- (4) For projects having land area in more than one eligible zoning district (A-1, A-2 and R-1 Districts) the total lot yield shall be based upon the sum of the yield plans developed for each zoned area.
- (5) For purposes of calculating total lot yield, A yield plan for A-1 properties may be developed, however, as part of the conservation subdivision development plan only preserved open space may be located in the A-1 zone.
- (6) If development under the Yield Plan will require the use of septic tanks and drain fields, the applicant shall submit preliminary documentation from the Allegan County Health Department that the soils on each proposed lot are suitable for on site disposal systems and capable of supporting the number of lots included in the yield plan.
- (7) The Yield Plan shall take into consideration environmentally sensitive land and un-buildable land. This shall include slopes of 20% or greater, regulated and unregulated wetlands, lakes, ponds, public utility easements, floodplains, and other similar features which limit or prevent or obstruct construction of buildings and roads. When devising a yield plan and calculating the number of developable lots, up to 50% of the area consisting of designated wetlands, streams, flood plains, slopes in excess of 20%, existing ponds or lakes, or other bodies of water, may be included in the lot area calculations.

SECTION 28.05 DETERMINATION OF NUMBER OF LOTS. The Planning Commission shall review and find that the yield plan accurately reflects the number of lots that could be developed on the land using the **yield plan standards**.

The Commission shall either approve the number of lots illustrated on the yield plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the field plan in this Chapter.

SECTION 28.06 OPEN SPACE REQUIREMENTS:

- (a) *Minimum Open space.* A minimum of **fifty percent (50%)** of the land proposed for development under the provisions of this Chapter shall remain in a perpetually undeveloped state (i.e., “open space”) by means of restrictions and other legal instruments that runs with the land.

- (1) Common Ownership of Preserved Areas. Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:
 - (a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
 - (b) That a permanent organization for maintenance and management of such area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
 - (c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
 - (d) That the restrictions could be enforced by all property owners and by the Township.
 - (2) Preserved Areas Not Owned in Common. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:
 - a. That the proposed manner of holding title to the preserved open land is acceptable to the Township.
 - b. That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
 - c. That the restrictions could be enforced by all property owners and by the *Township*.
- (b) *Areas Not Counted as Open Space.*
- (1) The area within all public or private road rights-of-way.
 - (2) Any easement for overhead utility lines and underground gas lines.
 - (3) The area within a platted lot, site condominium unit or metes and bounds parcel.
 - (4) Land occupied or to be occupied by a building or structure
 - (5) Off street parking areas.
 - (6) Detention and retention ponds created to serve the project.
 - (7) Proposed community drain fields.
 - (8) Existing lakes and other existing surface water features
- (c) *Standards for Open Space.* The following standards shall apply to the preserved open space required by this Chapter:
- (1) Features To Be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
 - a. Significant natural stands of trees.
 - b. Natural habitat for wildlife.
 - c. Unusual topographic features.
 - d. Productive farmland.
 - e. Water or wetland areas.
 - (2) Not less than 60% of the minimum required open space shall be held in common.

- (3) Within the A-2 and R-1 Districts the open space may include recreational trails, picnic areas, children’s play areas, golf courses, community buildings or other use which, as determined by the Planning Commission, is substantially similar to these uses. Contiguous or Non-Contiguous open space located in the A-1 District may be established for purposes of agriculture, forestry hunting or habitat preservation and may not include developed recreational facilities.
- (4) Unless specifically approved by the Planning Commission the open space held in common shall be available for all residents of the development, subject to reasonable rules and regulations and shall, where possible, be contiguous with other preserved or public open space.
- (5) 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.
- (6) A portion of the open space shall either be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking or shall be left available for agricultural use.
- (7) Small, disassociated open space fragments of less than 10,000 square feet may not be calculated in the minimum required open space unless it is characterized as unique or special by way of its ecological or recreational value. Open space held in common shall be located so as to be reasonably accessible to the residents of the open space development and where possible, shall be intertwined in a continuous fashion with the residential cluster. Safe and convenient pedestrian and emergency access points to the open space from the interior of the development shall be provided.
- (8) 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.

SECTION 28.07 DEVELOPMENT REQUIREMENTS:

- (a) *Water and Sanitary Sewer.* Conservation Subdivision projects shall be served by either public or community water and sanitary sewer OR by private wells and septic systems subject to the approval of the Allegan County Health Department or Michigan Department of Environmental Quality (DEQ).
- (b) *Minimum Lot Sizes and Setbacks.* In order to accommodate both the required open space and the number of lots permitted according to the Yield Plan, the Planning Commission may allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Conservation Subdivision project is located.
 - (1) The following minimum lot sizes and lot width shall be required unless a waiver is granted:

<u>Underlying Zoning District</u>	<u>Target* Minimum Lot Size</u>	<u>Minimum Lot Width*</u>
A-2	30,000 sq. ft.	90 feet of width at building setback/ 40 feet of street frontage
R-1 without public sewer	20,000 sq. ft.	90 feet of width at building setback/ 40 feet of street frontage
R-1 with public sewer	15,000 sq. ft.	85 feet of width at building setback/ 40 feet of street frontage

* Lot size may be reduced in order to allow the developer to achieve the same number of lots as allowed under the yield plan and still set aside at least 50% of the project as open space. Where it is shown by soil borings that the allowed number of lots could meet Health Department approval but the above target minimums cannot be achieved on each lot, the Planning Commission may waive the minimum lot size or lot width requirement on a lot- by-lot basis.

(2) The minimum front, side and rear yard setback standards are as follows:

Front Yard: 30 feet
Side Yard: 7 feet minimum one side/20 feet total for both sides
Rear Yard: 25 feet
Accessory Buildings: The setback requirements for accessory buildings shall be the same as the requirements established for the underlying District.

- (c) *Access to New Streets.* Unless specifically waived by the Planning Commission, all lots created within an Conservation Subdivision Project within an R-1 district must have frontage on a new public or private street created for the development or an adjacent residential development. Creation of strip or linear lots along existing public primary and secondary roads will be discouraged within Conservation Subdivisions. Exceptions may be granted for adjacent corner lots and double frontage situations where each lot also has frontage and access on an internal public street or a private street constructed to Township standards.
- (d) *Compliance with Zoning District.* Unless otherwise permitted by the provisions of this Chapter, the development of land under this Chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located.
- (e) *Maximum Number of Lots.* The Conservation Subdivision project shall contain no more than the maximum number of lots as determined from the Yield Plan approved by the Planning Commission under Section 28.03.
- (f) *Perimeter Lots.* Notwithstanding any other provision of this Section, the Planning Commission may require that the Conservation Subdivision development be designed and constructed with lot sizes and setbacks or open space buffers on the perimeter that will create transitional net densities reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- (g) *Sidewalks.* The Planning Commission may require sidewalks.
- (h) *Grading.* Grading shall comply with the following requirements:
- (1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
- (2) All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission

SECTION 28.08 ADMINISTRATIVE REQUIREMENTS

- (a) Effect of Approval: All improvements and uses of the development shall conform to the underlying zoning requirements except as modified by the approved site plan and any conditions imposed by the Planning Commission with the approval.

- (b) Any development involving a land division that is not exempted under the State Land Division Act, Act 288 of 1968, as amended shall require subsequent or concurrent review and approval as a platted subdivision or site condominium.
- (e) Recording of Action: The applicant shall record an affidavit with the Allegan County Register of Deeds containing the full legal description of the project site, and a separate legal description of the designated open space areas. The documentation shall also specify the date of final Township approval, and a declaration that all improvements will be carried out in accordance with the approved Conservation Subdivision PUD site plan unless an amendment is adopted by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Allegan County Register of Deeds. A copy of all recorded documents shall be presented to the Township Clerk.
- (f) Continuing Adherence to Plan: Any property owner who fails to conform to an approved Conservation Subdivision plan shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for the same.
- (g) Performance Guarantee: The Planning Commission may require that a performance guarantee, in accordance with Section 15.03, be deposited with the Township to insure completion of improvements.
- (h) Subsequent Rezoning of Designated Open space areas: Subsequent to the approval of a Conservation Subdivision PUD the Township shall commence procedures to rezone the designated open space areas accordingly.

SECTION 28.09 SCHEDULED PHASING. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding service, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Conservation Subdivision project and surrounding properties.

SECTION 28.10 REVISION OF APPROVED PLAN.

- (a) General Revisions: Approved plans for Conservation Subdivision developments may be revised, under the same procedures required for initial approval set forth in Chapter 15.
- (b) Minor Changes: Notwithstanding any provision in the Ordinance to the contrary, minor changes to an approved Conservation Subdivision plan, including changes to the project phasing, may be permitted by the Planning Commission following the site plan review procedures of Chapter 14. Such minor changes may be approved by the Planning Commission without resort to the public notice and hearing procedures set forth in Chapter 15 if the Planning Commission specifically finds:
 - (1) Such changes will not adversely affect the initial basis for granting approval;
 - (2) Such changes shall not result in the increase in density or reduction of open space area or a change in the use of open space use as originally approved.
 - (3) The change is internal and does not have a direct relationship to an adjacent property.

CHAPTER 29

MISCELLANEOUS PROVISIONS

SECTION 29.01 ADMINISTRATIVE LIABILITY. No officer, agent, employee, or member of the Planning Commission, Township Board or Board of Appeals shall render himself 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 his duties and responsibilities pursuant to this Ordinance.

SECTION 29.02 SEVERABILITY. This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 29.03 REPEAL. All other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

SECTION 29.04 EFFECTIVE DATE. This Ordinance was approved by the Township Board on _____ and is ordered to take immediate effect.

Township Supervisor

Township Clerk

APPENDIX B
TO THE WATSON TOWNSHIP ZONING ORDINANCE
QUICK REFERENCE TO PERMITTED USES AND SPECIAL USES

(12-25-07)

	A-1	A-2	R-1	R-2	Lake Residential	C-1 Commercial	I Industrial
Agriculture, Commercial such as:							
Dairy Farms	PU	PU	NP	NP	NP	NP	NP
Green Houses	PU	PU	NP	NP	NP	NP	NP
Poultry Operations	PU	NP	NP	NP	NP	NP	NP
Nursery, Stock Cultivation	PU	PU	NP	NP	NP	PU ¹	NP
Vineyards, Cultivation	PU	PU	NP	NP	NP	PU ¹	NP
Blueberry Cultivation	PU	PU	NP	NP	NP	PU ¹	NP
Orchards, Cultivation	PU	PU	NP	NP	NP	PU ¹	NP
Field crops, Cultivation	PU	PU	NP	NP	NP	PU ¹	NP
Hatcheries	PU	PU	NP	NP	NP	NP	NP
Apiaries	PU	PU	NP	NP	NP	NP	NP
Farm Buildings	PU	PU	NP	NP	NP	NP	NP
Stables, Private and Commercial boarding, breeding and training, stables not involving trail riding or personal riding lessons	PU	PU	NP	NP	NP	NP	NP
Stables, Commercial that include riding and or riding lessons	SUP	SUP	NP	NP	NP	NP	NP
Uses customarily accessory to farm operations	PU	PU	NP	NP	NP	1	NP
Nature preserves	PU	PU	PU	PU	PU	NP	NP
Game and Wildlife Preserves	PU	PU	NP	NP	NP	NP	NP
Farm Dwellings	PU	N/A	N/A	N/A	N/A	NP	NP
Single Family Dwellings	PU	PU	PU	PU	PU	NP ²	NP
Accessory Residences	NP	NP	NP	NP	NP	PU ⁸	NP
Dwelling Unit Conversions –conversion of existing single family dwellings constructed in their entirety prior to 1950 which exceed 1,500 square feet of useable floor area	PU	PU	NP	NP	NP	NP	NP
Two Family/Duplex Dwellings	NP	SUP	PU	PU	NP	NP	NP
Open Space Preservation Projects	PU ⁹	PU ⁹	PU ⁹	NP ⁹	PU ⁹	NP	NP
Open Space Conservation Subdivisions	NP ¹¹	PUD ¹⁰	PUD ¹⁰	NP	NP	NP	NP
Agricultural Labor Housing	SUP	SUP	NP	NP	NP	NP	NP
Multi-family Dwellings	NP	NP	NP	SUP	NP	NP	NP
Nursing Homes, Senior Citizen Housing	NP	NP	NP	SUP	NP	NP	NP
Manufactured Home Parks	NP	NP	NP	SUP	NP	NP	NP
Cemeteries, Public and Private	PU	PU	PU	PU	NP	NP	NP
Essential Service Utilities, Poles and Fixtures	PU	PU	PU	PU	PU	PU	PU
Essential Service Buildings and Structures	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Home Occupations – Type I ³	PU	PU	PU	PU	PU	NP	NP
Home Occupations – Type II ⁵	SUP	SUP	SUP	SUP	SUP	NP	NP
Roadside Stands	PU	PU	SUP	SUP	NP	NP	NP
Kennels (5 or more animals)	SUP	SUP	NP	NP	NP	SUP ³	NP
Churches	PU	PU	PU	PU	PU	PU	PU
Parks, Public	NP	SUP	SUP	SUP	SUP	NP	NP
Educational and Religious Camps or Retreats	NP	SUP	SUP	SUP	SUP	NP	NP
Golf Courses, Country Clubs	NP	SUP	SUP	SUP	SUP	NP	NP
Amusement Parks, Go Cart Rides	NP	NP	NP	NP	NP	SUP	NP
Athletic Fields	NP	SUP	SUP	SUP	SUP	NP	NP

USES Cont.	A-1	A-2	R-1	R-2	Lake Residential	Commercial	Industrial
Archery and Firearm Practice Ranges-indoor	NP	NP	NP	NP	NP	SUP	NP
Archery and Firearm Practice Ranges-Outdoor	SUP	SUP	NP	NP	NP	NP	NP
Mineral Extraction – Sand, Gravel, Soil	SUP	SUP	NP	NP	NP	SUP	SUP
Libraries	NP	SUP	SUP	SUP	NP	PU	NP
Public Museums and Public Art Galleries, Community Centers and similar public and institutional uses	NP	SUP	SUP	SUP	NP	PU	NP
Government Administration and Service Buildings	NP	SUP	SUP	SUP	NP	PU	PU
Private Schools, Non-profit	NP	SUP	SUP	NP	NP	SUP	NP
Public Schools	PU	PU	PU	PU	PU	PU	PU
Campgrounds, R.V. and Travel Trailer Parks, Public and Private	NP	SUP	SUP	NP	SUP	SUP	NP
Sawmills	NP	SUP	NP	NP	NP	NP	NP
Communication Towers and Facilities	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Airports and Landing Fields	SUP	SUP	NP	NP	NP	NP	NP
Private Roads	NP	SUP	SUP	SUP	SUP	SUP	SUP
Day Care – Family Homes	PU	PU	PU	PU	PU	NP	NP
Day Care – Group Homes	PU	PU	PU	PU	PU	NP	NP
Residential Care Homes, Class II Facilities	NP	NP	NP	SUP	NP	SUP	NP
Licensed Day Care – Non-residential Bldg.	NP	NP	NP	NP	NP	SUP	NP
Stores/Shops for retail sales of general and specialty merchandise (except adult oriented)	NP	NP	NP	NP	NP	PU	SUP ⁷
Business Offices	NP	NP	NP	NP	NP	PU	PU
Professional, Medical Offices	NP	NP	NP	NP	NP	PU	NP
Showrooms – plumber, electrician, decorator, and similar trades	NP	NP	NP	NP	NP	PU	SUP
Personal Service Shops such as:							
Barber Shops	NP	NP	NP	NP	NP	PU	NP
Beauty Parlors	NP	NP	NP	NP	NP	PU	NP
Shoe Repair Shops	NP	NP	NP	NP	NP	PU	NP
Taxidermy Shops	NP	NP	NP	NP	NP	PU	PU
Print Shops	NP	NP	NP	NP	NP	PU	PU
Radio, Television, Computer, Electronic Sales and Repair	NP	NP	NP	NP	NP	PU	NP
Laundry and Laundry Pickup Shops	NP	NP	NP	NP	NP	PU	NP
Dry Cleaning and Dry Cleaning Pickup	NP	NP	NP	NP	NP	PU	NP
Messenger/Telegraph Service Stations	NP	NP	NP	NP	NP	PU	NP
Dressmaking and Tailor Shops	NP	NP	NP	NP	NP	PU	NP
Millinery Shops	NP	NP	NP	NP	NP	PU	NP
Photographic Shops and Studios	NP	NP	NP	NP	NP	PU	NP
Tire, Brake and Muffler Repair Shops	NP	NP	NP	NP	NP	PU	NP
Banks, Credit Unions	NP	NP	NP	NP	NP	PU	NP
Restaurants	NP	NP	NP	NP	NP	PU	NP
Hotels, Motels and Motor Courts ⁶	NP	NP	NP	NP	NP	PU	NP
Food Catering Establishments	NP	NP	NP	NP	NP	PU	NP
Garden Centers, With Or Without Greenhouses	NP	NP	NP	NP	NP	PU	NP
New and Used Auto and Recreation Vehicles Sales and Showrooms	NP	NP	NP	NP	NP	SUP	NP
Exercise Clubs and Gyms ⁶	NP	NP	NP	NP	NP	PU	NP
Massage Therapists, licensed ⁶	NP	NP	NP	NP	NP	PU	NP
Funeral Homes	NP	NP	NP	NP	NP	PU	NP

USES Cont.	A-1	A-2	R-1	R-2	Lake Residential	Commercial	Industrial
Adult Theaters, Video Stores, Book Stores, Novelties and Open Dance Halls and Similar Special Controlled Uses ⁶	NP	NP	NP	NP	NP	SCU	SCU
Dance Halls ⁶	NP	NP	NP	NP	NP	PU	NP
Theaters (except adult) ⁶	NP	NP	NP	NP	NP	PU	NP
Lodge and Recreation Halls	NP	NP	NP	NP	NP	PU	NP
Post Offices	NP	SUP	SUP	SUP	NP	PU	PU
Gasoline and Oil Service Station Garages	NP	NP	NP	NP	NP	PU	NP
Auto and Truck Washes	NP	NP	NP	NP	NP	SUP	SUP
Commercial Cleaning Establishments	NP	NP	NP	NP	NP	PU	PU
Miniature Golf Establishments	NP	NP	NP	NP	NP	SUP	NP
Animal Hospitals, and Veterinary Clinics	SUP	SUP	NP	NP	NP	PU	NP
Self Service/Mini Storage	SUP	SUP	NP	NP	NP	SUP	PU
Agricultural Services Establishments, Sales and Service	SUP	SUP	NP	NP	NP	PU	NP
Tack Shops	SUP	SUP	NP	NP	NP	PU	NP
Racing Facilities, Automobile and Horse	NP	NP	NP	NP	NP	SUP	NP
Billboards	NP	NP	NP	NP	NP	PU	PU
Central Dry Cleaning and Laundry Plants	NP	NP	NP	NP	NP	NP	PU
Contractors Yards, Equipment Storage Yards	NP	SUP	NP	NP	NP	SUP	SUP
Resource Recovery and Disposal Facilities - Type II and III	NP	NP	NP	NP	NP	NP	SUP
Animal Rendering Plants	NP	NP	NP	NP	NP	NP	SUP
Industrial uses not specifically listed or described in Chapter 17	NP	NP	NP	NP	NP	NP	SUP
Wholesale Distribution Businesses	NP	NP	NP	NP	NP	NP	PU
Building Supply, Lumberyards	NP	NP	NP	NP	NP	SUP	NP
Automobile, Heavy Truck or Equipment, Farm Equipment Sales and Services	NP	NP	NP	NP	NP	SUP	SUP
Auto, Truck or Equipment Rental	NP	NP	NP	NP	NP	SUP	SUP
Manufacturing, Processing Fabrication, Packaging, Treating, or Assembling from previously prepared materials	NP	NP	NP	NP	NP	PU ⁴	PU
Research Facilities	NP	NP	NP	NP	NP	NP	PU
Laboratories	NP	NP	NP	NP	NP	NP	PU
Tool and Die Shops	NP	NP	NP	NP	NP	NP	PU
Warehouses, general	NP	NP	NP	NP	NP	PU ⁴	PU
Businesses Manufacturing Automotive Parts	NP	NP	NP	NP	NP	NP	PU
Businesses Manufacturing Apparel and Similar products made from fabrics	NP	NP	NP	NP	NP	NP	PU
Businesses Manufacturing Wood Products	NP	NP	NP	NP	NP	NP	PU
Furniture Manufacturers	NP	NP	NP	NP	NP	NP	PU
Paper and Paper Products Manufacturers	NP	NP	NP	NP	NP	NP	PU
Printing and Publishing Companies	NP	NP	NP	NP	NP	NP	PU
Businesses Manufacturing Electrical Machinery, Equipment and Supplies	NP	NP	NP	NP	NP	NP	PU
Fabricated Metal Products Companies	NP	NP	NP	NP	NP	NP	PU
Glass Products Manufacturers	NP	NP	NP	NP	NP	NP	PU
Metal Bending and Welding Companies	NP	NP	NP	NP	NP	NP	PU
Painting, Auto Body Shops	NP	NP	NP	NP	NP	SUP	PU
Junk Yards (Auto Salvage)	NP	NP	NP	NP	NP	NP	SUP
Wholesale Storage of Petroleum	NP	NP	NP	NP	NP	NP	SUP
Sign painting and service shops	NP	NP	NP	NP	NP	NP	PU

KEY:

PU: Permitted use
NP: Not permitted
SUP: Special Use Permit
N/A: Not a term or use distinguished from single family dwelling within the District's regulatory provisions
SCU: Special Controlled Uses

Footnotes:

¹Limited to cultivation and field operations

²Reference accessory residence as an exception

³In association with an animal hospital or veterinary clinic

⁴Reference Section 10.02(q)

⁵Reference Section 22.15 for uses permitted by right or Special Land Use as Home Occupations

⁶Reference Chapter 13 Special Controlled Uses to determine applicability of standards regulating sexual or adult oriented businesses

⁷Reference Section 11.03(h)

⁸Reference Section 10.06

⁹Reference Chapter 12

¹⁰Reference Chapter 28

¹¹ Open space approved as part of a PUD in an A-2 or R-1 District may be permitted, ref. Sec. 28.02).

Important: Please reference the use provisions of the individual zoning districts for specific requirements, limitations and exceptions.