

**ZONING ORDINANCE
OF
CHARTER TOWNSHIP OF SOUTH HAVEN**

Enacted by the:

Township Board of Trustees

Prepared & Recommended by the:

Township Planning Commission

With the Assistance of:

Robert B. Hotaling, PCP, AICP(CM)

Registered Professional Planner #2

State of Michigan

Revision Dates:

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With the Assistance of:

Patrick R. Hudson, AICP, CFM

Michigan Township Service, Inc.

Amendment Dates:

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January 2003

May 2006

June 2006

October 2006

August 2008

January 2009

May 2009

May 2010

December 2010

June 2011

December 2011

December 2012

May 2013

December 2015

April 2017

ARTICLE 1

**TITLE, PURPOSE
ENABLING AUTHORITY AND CONDITIONS
OF ENACTMENT**

Charter Township of South Haven of Van Buren County, Michigan ordains:

SECTION 1.01 TITLE

This Ordinance shall be known as the South Haven Township Zoning Ordinance.

SECTION 1.02 PURPOSE OF THIS ZONING ORDINANCE AND RESOLUTION OF INTENT

An ordinance to: provide for the regulation of the development and use of land in the Township as authorized by the Township Rural Zoning Act; create districts wherein land uses, structures, and development are regulated; define terms; establish procedures for administration and enforcement; create a Zoning Board of Appeals; provide for site plan review, Planned Unit Developments, Special Land Uses, and Nonconforming Uses; specify lot, yard, area, height and frontage requirements; regulate access, parking, signs, and other miscellaneous development and use of land, all as authorized by the Township Rural Zoning Act; provide for penalties for violation and for severability; and repeal all ordinances or parts of ordinances in conflict herewith.

SECTION 1.03 STATE LEGISLATION ENABLING AUTHORITY

This Ordinance is adopted pursuant to Public Act 184 of 1943 (MCL 125.271-125.301) as amended, and, when so far as it is applicable, Public Act 168 of 1959 (MCL 125.321-125.333), as amended, of the State of Michigan. Said Public Acts covering Township Planning (Act 168) and Zoning (Act 184) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.

SECTION 1.04 ENACTMENT DECLARATION

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary to the providing of a planned orderly growth and development of South Haven Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to be given immediate effect thirty (30) days after its passage by the South Haven Township Board of Trustees and publication as required by law.

SECTION 1.05 RELATIONSHIP TO ADOPTED MASTER PLAN

The zoning map and text - the plans and specifications for the future development and redevelopment of the Township - are based upon the adopted Master Plan, as amended, for South Haven Township. In particular, the Master Plan components for Land Use, Transportation and Public Utilities and Facilities have been and will continue to be a basis for amending or changing the Zoning Ordinance Map and Text in the future.

ARTICLE II

DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word “use” includes “activities”, the word “building” includes the word “structure”, and “dwelling” includes “residence”; the word “person” includes “corporation”, “co-partnership”, and “association” as well as an “individual”; the word “shall” is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them, except when it is deemed necessary to amend this Ordinance with additional words to be defined or when a word needs to be defined by interpretation, the Zoning Board of Appeals shall define such terms.

SECTION 2.02 DEFINITIONS

For the purpose of this Ordinance, the following terms and words are defined as follows:

1. **Accessory Building** - See “Building, Accessory”
2. **Accessory Use** - See “Use, Accessory”
3. **Adjacent Property** - Property which adjoins any side or corner of a specific parcel of land.
4. **Agriculture** - Farms and general farming, including fruit, crop, plant, nurseries, horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses conducted on open land or under structures, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.
5. **Agriculture, Specialized Crops** - Specialized agricultural crops shall include horticulture, floriculture, or ornamental plants, vegetables, fruits, berries, greenhouse and under shade structure types of crop growing.
6. **Alterations** - The term “Alterations” shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.
7. **Animal Hospital** - A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to

- hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernable beyond the property upon which it is located.
8. **Animal Shelter** - A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.
 - 8A. **ANSI** – American National Standards Institute.
 9. **Apartments** - The term “Apartments” shall mean the dwelling units in a multiple unit dwelling as defined herein:
 - a. **Efficiency Unit**: is a dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
 - b. **One Bedroom Unit**: is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
 - c. **Two Bedroom Unit**: is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
 - d. **Three or More Bedroom Unit**: is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).
 10. **Appeal** - See “Zoning Appeal”
 11. **Automobile Wash** - A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.
 12. **Automobile Repair** - A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.
 13. **Automobile Service** - A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor

accessories and service for automobiles.

14. **Automobile or Trailer Sales Area** - Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.
15. **Automobile Storage, Damaged** - Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.
16. **Basement** - That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits which are fire escape routes.
17. **Bed and Breakfast Inn** - A private residence that has sleeping accommodations meant for lodgers (up to fourteen [14] rooms) and is licensed by the State of Michigan as a Bed and Breakfast Inn.
18. **Bedroom** - A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.
19. **Block** - The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.
20. **Board of Appeals** - See “Zoning Board of Appeals”
21. **Breezeway** - Any covered passageway with open sides between two buildings.
22. **Building** - An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

23. **Building, Accessory** - A supplemental building or structure on the same lot or parcel of land as the main building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.
24. **Building Area** - The space remaining on a lot or parcel after the minimum yard and open space requirements of this Ordinance have been complied with.
25. **Building, Farm** - Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.
26. **Building Height** - The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deckline of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
27. **Building Inspector** - The township official appointed by the Township Board to administer and enforce applicable construction codes.
- 27A. **Building Integrated Photovoltaics (BIPVs)** – A Private or Commercial Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
28. **Building Line** - See “Building Setback Line”
29. **Building, Main** - See “Principal Building”
30. **Building Permit** - A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.
31. **Building, Principal** - A building in which is conducted the principal use of the premises on which it is situated.
32. **Building Setback Line** - The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.
33. **Building, Temporary** - See “Temporary Use or Building”

34. **Campground** - A parcel of land used for temporary, short term resort or recreation purposes in accordance with Public Act 368 of 1978, Part 125, Sections 12501-1-2516 and the Administrative rules promulgated under P.A. 368 as administered by the County, District or State Public Health Departments. Such short term uses and activities shall not exceed four (4) weeks at any one period of stay.
35. **Church** - A building wherein persons assemble regularly for the religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with a church. Churches include temples or synagogues.
36. **Clinic, Animal** - See “Animal Hospital”
37. **Clinic, Human** - A building or group of building where human patients are admitted for examination and treatment by more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.
38. **Club or Lodge** - An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.
39. **College** - A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.
40. **Commercial** - A retail trade and professional, personal, technical and mechanical business service operated primarily for profit.
41. **Commercial District or Center** - A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.
42. **Common Areas, Uses and Services** - Land areas, improvements facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.
43. **Construction Code** - Means the Michigan State Construction Code or any Code established in accordance with its provisions.
44. **Convalescent or Nursing Home** - A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.
45. **District** - See “Zoning District”

46. **Drive-in Establishment** - Any establishment which offers goods and services over the counter or in motor vehicles.
47. **Drive-in Restaurant** - A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.
48. **Dwelling** - A building designed and built in accordance with the Township Construction Code and used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings.
49. **Dwelling, Conventional** - Either a home which has been completely built with lumber, brick, concrete and other building materials which have been brought to and assembled upon an individual lot or parcel of land or site; or it is a home which has been manufactured off-site in transportable units and assembled on an individual lot or parcel of land or site.
50. **Dwelling, Farm** - A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.
51. **Dwelling, Group** - (Group housing). Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.
52. **Dwelling, Mobile Home** - A dwelling unit manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park.
53. **Dwelling, Multiple Family** - A dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.
54. **Dwelling, One Family** - A dwelling structure designed exclusively for occupancy by one (1) family.
55. **Dwelling, Two Family or Duplex** - A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.
56. **Dwelling Unit** - A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence

or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

57. **Entrance Ramp** - Automotive access to a highway.
58. **Erected** - The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and other similar construction, shall be considered a part of erection.
59. **Essential Services** - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.
60. **Excavation** - Any breaking of ground, except farm use, common household gardening and ground care.
61. **Exception** - See “Zoning Exception”
62. **Exit Ramp** - Automotive exit from a highway.
63. **Family** - One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof) and additionally not more than four (4) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.
64. **Farm** - Real property with a principal use of agriculture, forestry, or horticulture as provided by P.A. 116, as amended.
65. **Farming** - See “Agriculture”
66. **Fence** - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.
67. **Filling** - The depositing or dumping of any matter into or onto the ground, except common household gardening and general care.

68. **Filling Station** - See “Automobile Service”
69. **Flood Plain** - That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle as established by the U.S. Army Corps of Engineers or other applicable Federal Agency.
70. **Floor Area, Gross (GFA)** - The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (½) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.
71. **Floor Area, Usable (UFA)** - The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.
- 71.a **Foredune Crest**
A foredune is the first dune landward of the ordinary high water mark, generally not stabilized with mature vegetation. The crest of the foredune is the highest elevation, and frequently changes over time due to wind erosion.
72. **Foster Care Home** - A state licensed child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year. Foster Care Homes do not include a hospital licensed under Section 59 and Act No. 269 of the Public Act - No. 139 of the Public Acts of 1956, as amended, or a hospital for mentally ill licensed under Act No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care centers.
73. **Frontage, Street** - See “Road Frontage”
74. **Frontage, Water** - See “Water Frontage”

75. **Garage, Commercial** - Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.
76. **Garage, Private** - An accessory building not to exceed the height or fifty (50) percent of the usable floor area of the principal structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.
77. **Gas Station** - See “Automobile Service”
78. **Grade** - The term “Grade” shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
79. **Greenbelt** - A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers.
80. **Group Housing** - See “Dwelling, Group”
81. **Group Residential Homes** - See “Foster Care Homes”
82. **Highway** - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (See also “Road”.)
83. **Highway, Local Arterial** - Those highways defined as such by the Township Master Plan.
84. **Highway, Major Arterial** - Those highways defined as such in the Township Master Plan.
85. **Historical Building, Site or Area** - Those parcels and/or uses of land and/or structures designated as historical sites by the State of Michigan for the purpose of (a) safeguarding the heritage of the Township by preserving or allowing a structure or use which reflects elements of the community’s cultural, social, economic, political, or architectural history; (b) stabilizing and improving property values in the area; (c) fostering civic beauty; (d) strengthening the local economy; (e) promoting the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

86. **Home, Motor** - A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.
87. **Home Occupation** - Any use customarily conducted entirely within a dwelling, an accessory structure or an enclosed area and carried on by the inhabitants thereof, not involving employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not be permitted to make external alterations of construction features or have outdoor work areas, storage, or signs not customarily permitted in residential areas.
88. **Hospital** - An institution providing health services, primarily for inpatients and institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
89. **Hotel** - A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see “Motel.”)
- 89A. **IEC** – International Electrotechnical Commission. The IEC a global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
90. **Industrial** - A product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, businesses, business and service activities that are a normal integral part of an industrial enterprise or area operated primarily for profit.
91. **Industrial Park** - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
92. **Institutional** - An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public.
- 92A. **ISO** – International Organization for Standardization.
93. **Junk** - All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes),

ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

94. **Junk Yard** - Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit bases. The term “junk yard” includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building.
95. **Kenel** - Any lot or premises on which four (4) or more dogs of more than 6 months in age are kept or boarded temporarily or permanently, for the purpose of breeding, boarding, for sale, or otherwise. It shall also include any lot or premises on which other furbearing household or domestic pets of like number are bred or sold.
96. **Laboratory** - A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.
97. **Lake** - A permanent natural or man-made body of surface water of at least five (5) acres in area.
98. **Landscaping** - Any combination of existing or planted trees, shrubs, vines, groundcovers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.
99. **Land Use Permit** - See “Zoning Permit”
100. **Lighting, Source of** - For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.
101. **Loading Space** - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.
102. **Lot** - A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see “Parcel” or “Plat”.) A lot shall not include road easements or road right-of-ways.

103. **Lot Area** - The total horizontal area within the lot lines of a lot or parcel. Road right-of ways and access easements shall not be included in the calculation of minimum lot area required to satisfy the provisions of this Ordinance.
104. **Lot, Corner** - A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.
105. **Lot Coverage** - That percentage of the lot or parcel covered by all buildings and structures located in the lot or parcel.
106. **Lot Depth** - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
107. **Lot, Double Frontage** - Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.
108. **Lot, Interior** - Any lot other than a corner lot.
109. **Lot Lines** - The exterior perimeter boundary lines of a lot or parcel.
110. **Lot Line, Front** - In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Permit.
111. **Lot Line, Rear** - That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.
112. **Lot Line, Side** - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
113. **Lot of Record** - A lot or parcel of land existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record."

114. **Lot, Waterfront** - A lot having a frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the road frontage of the lot.
115. **Lot Width** - The horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.
116. **Major Thoroughfare** - A road, street or highway designated as such in the Township Master Plan.
117. **Marginal Access Road** - A public or private road or driveway paralleling and adjacent to any one of the major roads and arterials as designated in the Township Master Plan.
118. **Master Plan** - The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 168 of 1959 relative to the agreed upon desirable physical land use pattern for future Township development. The Plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township.
- 118.A **Mature Forested Vegetation**
Is defined as trees, generally grouped or in a line, of a minimum diameter at breast height (DBH). A DBH of 4 inches is a reasonable minimum size for most mature forested vegetation.
119. **Migrant Housing** - Housing which is provided for migrant labor in conformance with the requirements of the Michigan State Department of Agriculture.
120. **Mobile Home** - A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Refer to Ordinance 30, "Mobile Home Ordinance," for Mobile Homes located outside of Mobile Home Parks.
121. **Mobile Home Park** - A specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use and licensed by the State of Michigan as Mobil Home Park.
122. **Mobile Home Space or Pad** - Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home. Refer to Ordinance 30, "Mobile Home Ordinance," for mobile homes located outside of Mobile Home Parks.

123. **Motel** - (also see “Hotel) - A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient lodging accommodations for the public for compensation.
124. **Motor Court** - See “Motel”
- 124.A **Natural State**
The physical topography, vegetation, and drainage pattern as they exist on a property on the date of the adoption of Article XIV-B, or as they have been changed through naturally occurring, non-human induced development since that date.
125. **Nonconforming Building or Structure** - A nonconforming building or structure is one or portion thereof which does not conform to the provisions of the Ordinance in the zoning district in which it is located.
126. **Nonconforming Use** - A nonconforming use is a use which does not conform to the use regulations of the zoning district in which it is located.
127. **Nuisance** - Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being.
128. **Nuisance Per Se** - Is a nuisance which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance.
129. **Nursing Home** - See “Convalescent Home”
130. **Occupied** - A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.
131. **Office** - An enclosed area which has as its primary use, rooms for professional or financial organizations, individuals, and labor unions, civic, social, fraternal and/or other related organizations or enterprises.
132. **Office Park** - District or area for office and office related accessory uses.
133. **Off-Street Parking** - See “Parking, Off-street”
134. **Off-Street Parking Lot** - See “Parking, Off-street, lot”
135. **Off-Street Parking Space** - See “Parking, Off-street, space”
- 135A. **On Site Use Wind Energy Systems** – A wind energy system intended to primarily serve the needs of the property owner.

136. **Open Air Business Uses** - Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:
- a. bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
 - b. outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
 - c. retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
 - d. tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children’s amusement park or similar recreation uses (transient or permanent).
137. **Open Space** - Any land area suitable for growing vegetation, recreation, gardens or household service activities, such as, clothes drying, but not occupied by any buildings or other structures, except as provided in this Ordinance.
138. **Open Space Uses** - Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Township Construction Code or any construction requirement of the County or Township Ordinances, Rules or Regulations, except as provided in this Ordinance.
139. **Open Storage** - A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.
- 139A. **Ordinary High Water Mark**
 The ordinary high water is established legally by the U.S. Army Corps of Engineers for all of the Great Lakes. The 1986 lake level is generally considered the most reasonable high water mark to use for legal definitions.
140. **Outdoor Advertising Signs** - See “Signs, Outdoor Advertising”
141. **Parcel** - See “Lot
142. **Parking, Off-street** - Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.
143. **Parking, Off-street, Lot** - A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
144. **Parking, Off-street, Space** - An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

145. **Parking Space** - A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.
146. **Pet** - Shall mean only such animals as may commonly be housed within domestic living quarters.
147. **Planned Unit Development** - A planned residential, commercial, industrial, public or semi-public land use development consisting of one or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review.
148. **Plat** - A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967 as amended; The Land Division Act and the Subdivision regulations of the Township, if and when enacted.
149. **Pond** - A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.
150. **Porch, Enclosed** - (included patio and deck) - A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
151. **Porch, Open** - (includes patio and deck) - A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
152. **Practical Difficulties** - See “Zoning Variance”
- 152A. **Principal Structure**
A principal structure is considered the structure necessary for the land use for which a permit is being requested. It is distinguished from accessory structures, which may include garages, sheds, storage buildings, or equipment structures.
153. **Private Road** - See “Road, Private”
154. **Public Utility** - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection

and treatment.

155. **Recreation Vehicle** - A motorized vehicle primarily designed and used as temporary living quarters for recreational camping or a vehicle mounted on or drawn by another vehicle.
156. **Recreation Vehicle Park (RV Park)** - A family recreation oriented facility for the overnight or short-term (not to exceed fourteen [14] days consecutively) parking of travel trailers, recreation vehicles or tents, but not including mobile homes. May also be known as a campground.
157. **Restaurant** - Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.
158. **Right-of-Way, Road** - See “Road Right-of-Way”, includes “Highway and Street Right-of-Way.”
159. **Road** - Any public or private thoroughfare dedicated and maintained for the use and operation of vehicular traffic and which meets the minimum standards of construction of the County Road Commission.
160. **Road, Collector** - A road specified in the Master Plan which connects to minor roads.
161. **Road, Connecting** - A road specified in the “Master Plan” for the Township.
162. **Road Frontage** - The legal line which separates a dedicated road right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.
163. **Road, Frontage Access** - A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.
164. **Road, Hard Surface** - A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.
165. **Road, Local Arterial** - A road specified in the “Master Plan” for the Township which provides for the handling of large volumes of local traffic over extended distances.
166. **Road, Minor** - A road specified in the “Master Plan” for the Township which provides for the handling of small volumes of local traffic to individual lots and parcels.

167. **Road, Private** - A non-public road which serves at least two separately owned lots or parcels and which meets the County Road Commission construction standards.
168. **Road Right-of-Way Line** - The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.
169. **Road, Service** - See “Road, Frontage Access”
170. **Roadside Stand** - A temporary or permanent building or structure operated for the purpose of selling only products or produce raised or produced on the same premises or the immediate surrounding area by the proprietor or his family. Comparable uses of similar structures on land not owned by the proprietor are permitted only as temporary transient uses subject to Section 18.28 of this Ordinance. The use of the roadside stand shall not make the land a commercial district on land which is basically classified as agricultural or residential, nor shall its use be deemed a commercial activity. The maximum floor area of a roadside stand shall not exceed 400 square feet.
- 170A. **Rotor** - An element of a wind energy system that acts as a multi-bladed airfoil assembly which attracts, through rotation, kinetic energy directly from wind.
171. **Salvage** - Means the same as junk (see definition of Junk).
172. **Sanitary Landfill** - A private or public landfill that meets all of the requirements of Public Act 641 of 1978 or Public Act 64 of 1979 and the rules promulgated under these Acts by the Michigan Department of Natural Resources.
- 172A. **SCADA Tower** – A freestanding tower, containing instruments such as anemometers, that is designed to provide present moment wind data for use by a Supervisory Control And Data Acquisition (SCADA) system.
173. **Setback, Road** - The distance between the right-of-way line and the nearest point of the foundation or the vertical wall extended to the ground of the principal structure.
174. **Setback, Waterfront** - The distance between the shoreline and the nearest point of the foundation or the vertical wall extended to the ground of the principal structure.
- 174A. **Shadow Flicker** - Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window of a dwelling.

175. **Shoreline** - The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner in the State Department of Natural Resources. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.
176. **Sign** - The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.
177. **Sign, Lighted** - Any sign visible to the outdoors having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.
178. **Sign, Outdoor Advertising** - (also Billboard) - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.
- 178A. **Solar Energy System** – Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy back to the electrical grid.
- 178C. **Solar Energy System, Commercial** – A Solar Energy System where the principal design, purpose or use of such system is to provide energy to site uses or the wholesale or retail sale of generated electricity to any person or entity.
- 178D. **Solar Energy System, Ground Mounted** – A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
- 178E. **Solar Energy System, Private** – A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
- 178F. **Solar Energy System, Roof or Building Mounted** – A Private or Commercial Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.
179. **Site Plan** - A drawing showing a legal survey of a lot or parcel, and the plan for all of the proposals to develop or change the existing character of the lot or parcel.

- 179A **Social Institution** – includes but is not necessarily limited to the following:
- a. Hospital licensed under the Public Health Code, P.A. 368 of 1978, as amended, or a hospital for mentally ill licensed under the Mental Health Code, P.A. 258 of 1974, as amended.
 - b. Children’s Camp (more than 4 children), Child Care Center (1 or more child), Intergenerational Day Care (2 or more person), Child Caring Institution (6 or more children) licensed under the Child Care Organization Act, P.A. 116 of 1973, as amended.
 - c. Adult Foster Care Medium Group Home (serving at least 7 but not more than 12 persons), AFC Large Group Home (serving at least 13 but not more than 20 persons), AFC Congregate Facility (20 or more persons), and AFC Camps (4 or more persons), licensed under the Adult Foster Care Facility Licensing Act, P.A. 218 of 1979, as amended.
 - d. Nursing Home (7 or more persons), Homes for the Aged (21 or more persons), Hospice Facilities and Sub-acute Care Facility as licensed under the Public Health Code P.A. 368 of 1978, as amended.
 - e. Unregulated facilities such as independent living facilities, senior housing, extended care facilities and adult day care.
180. **Special Use** - A use which is subject to approval by the Township after site plan review. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.
181. **Special Use Permit** - A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township’s inhabitants and the District within which it is permitted to be located.
- 181A. **Steep Bluff**
 A bluff is generally comprised of unsorted glacial till (sand, gravel, clay and cobbles) that rises from the beach. A minimum slope for a bluff to be considered steep is 30 degrees or greater from the toe of the slope to the crest or top of the bluff. This is based upon the average angle of repose found along the Lake Michigan shoreline.
182. **Story** - That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.
183. **Story, Half** - An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

184. **Story Height** - The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.
185. **Street** - See “Road”
186. **Structure** - See “Building”, and in addition any man-made surface feature or designed earth feature (other than normal finished grading for drainage purposes), including drives, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, play houses and game courts.
187. **Structural Alterations** - Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.
- 187A. **Survival Wind Speed** - Is the maximum wind speed, as designated by the Wind Energy Conversion System manufacturer, at which a WESC, in unattended operation (not necessarily producing power) is designed to survive without damage to structural equipment or the loss of the ability to function normally.
188. **Swimming Pool** - Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.
189. **Television Satellite Dish** - An outdoor structure used for the purpose of receiving television signals and programs from space satellites.
190. **Temporary Building** - See “Building, Temporary”
191. **Temporary Use** - See “Use, Temporary”
192. **Tent** - As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children’s recreational purposes.
- 192A. **Tower Height** - For a Horizontal Wind Turbine Rotors is the distance between the ground and the highest point of the Wind Energy Conversion System, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades and for a Vertical Axis Wind Turbine as the distance between the ground and the highest point of the WECS.
193. **Township** - Means the Charter Township of South Haven, Van Buren County,

Michigan.

- 193A **Transitional Parole Housing, Half-way House, Substance Abuse Treatment & Rehabilitation Service or similar social institution** – includes a facility for the treatment and rehabilitation of persons undergoing treatment for substance abuse licensed under Article 6 of the Public Health Code, Public Act 368 of 1978, as amended. Also includes: a community correction center, resident home, halfway house, or other similar facility that houses persons who are under the jurisdiction of the Department of Corrections.
This definition shall not include state licensed hospital or psychiatric hospital.
194. **Travel Trailer** - A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes.
195. **Unnecessary Hardship** - See “Zoning Variance”
196. **Use** - The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.
197. **Use, Accessory** - A use or activity normally and naturally incidental to, subordinate to, & related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above & below ground; such as garages, sheds, barns and designed surface structures & areas.
198. **Use, Agricultural** - Any use permitted in the “RD” Resource Development and “AR” Agriculture-Residential Zoning Districts in this Ordinance.
199. **Use, Commercial** - Any use permitted in the “C” Commercial Zoning Districts in this Ordinance.
200. **Use, Industrial** - Any use permitted in the “I” Industrial Zoning Districts in this Ordinance.
201. **Use, Institutional** - Any of the public or private organizational uses permitted in this Ordinance.
202. **Use, Land** - The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.
203. **Use, Principal** - The one primary or dominant permitted use or activity to which a lot or parcel is put and continues to be put to that use until the use is legally permitted to change or become another permitted use as evidenced by a Certificate of Zoning Compliance.

204. **Use, Public** - Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.
205. **Use, Residential** - Any of the uses permitted in the Residential Zones in this Ordinance.
206. **Use, Temporary** - A use, activity, or building permitted to exist during period of construction of the main building or use, or for special temporary or transient events.
- 206A. **Utility Grid Wind Energy Systems** – A structure designed and built to provide electricity to the electric utility grid.
207. **Variance** - See “Zoning Variance”
208. **Water Frontage** - The legally established or median shoreline which separates a lot or parcel of land from a surface body of water.
- 208A. **Wind Energy Conversion System (WECS)** – Meaning a combination of (1) A surface area, either variable or fixed, for utilizing the wind for electrical power generation; and (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- 208B. **Wind Energy Conversion System, Interconnected** – Is a WECS which is electrically connected to the local electrical power utility and could feed back power into the local electrical power utility system.
- 208C. **Wind Energy System** – A structure which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and/or tower as well as related electrical equipment and supporting wires. This does not include wiring to connect the wind energy system to the electrical grid.
- 208D. **Wind Site Assessment** – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
209. **Yard** - The required open spaces on the same lot with the principal and accessory building and structures, which remain permanently unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

210. **Yard, Front** - The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building in which the principal use is located.
211. **Yard, Front, Road and Waterfronts** - Are both defined as front yards or setbacks from road right-of-way lines and shorelines of surface water bodies.
212. **Yard, Rear** - The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building in which the principal use is located.
213. **Yard, Side** - The open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building in which the principal use is located.
214. **Zoning Administrator** - The official appointed by the Township Board designated to administer and enforce the requirements of this Ordinance.
215. **Zoning Appeal** - An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals.
216. **Zoning Board of Appeals** - As used in this Ordinance, means the South Haven Township Zoning Board of Appeals.
217. **Zoning District** - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.
218. **Zoning Exception** - See “Zoning Interpretation” and “Zoning Variance.”
219. **Zoning Interpretation** - A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance is therefore required in accordance with the procedures and provisions of this Ordinance.
220. **Zoning Permit** - A permit issued by the Zoning Administrator approving a proposed use, site plan or other activity determined to comply with this Ordinance.
221. **Zoning Variance** - The term “Variance” shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is

granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, © unique circumstances, and (d) exceptional and unusual elements, are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger respective zoning districts.

- a. **Practical difficulties** - Shall mean those dimensional zoning requirements which cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.
- b. **Unnecessary hardship** - Shall mean that a permitted principal or accessory use because of its specific limitations by normal definition is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

ARTICLE III

GENERAL PROVISIONS

SECTION 3.01 ESTABLISHMENT OF ZONING DISTRICTS

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- Article IV RD - Resource Development District
- Article V AR - Agricultural Residential District
- Article VI MDR - Medium Density Residential District
- Article VII LDR - Low Density Residential District
- Article VIII HDR - High Density Residential District
- Article IX MFR - Multiple Family Residential District
- Article IXA RCO – Residential Commercial Overlay
- Article X NSC - Neighborhood Service Commercial District
- Article XI CSC - Community Service Commercial District
- Article XII HSC - Highway Service Commercial District
- Article XIII HC - Heavy Commercial District
- Article XIV I - Industrial District
- Article XIVA AOZ - Airport Overlay Zoning District
- Article XIVB Shoreline Protection Overlay District
- Article XVI PUD - Planned Unit Development District

SECTION 3.02 PROVISIONS FOR OFFICIAL ZONING DISTRICT MAP

These districts, so established, are bounded and defined as shown on the Map entitled: “Zoning District Map of South Haven Township” adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby

declared to be a part of this Ordinance and of the same force and effect as if the Districts shown thereon were fully set forth herein.

SECTION 3.03 CHANGES TO OFFICIAL ZONING DISTRICT MAP

If, in accordance with the procedures of this Ordinance and of Public Act 184 of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning District Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk with the assistance of the Zoning Administrator.

SECTION 3.04 AUTHORITY OF OFFICIAL ZONING DISTRICT MAP

Regardless of the existence of other copies of the Official Zoning District Map which may from time to time be made or published, the Official Zoning District Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

SECTION 3.05 INTERPRETATION OF ZONING DISTRICTS

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning District Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.

- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Planning Commission consistent with the intent and purpose of this Ordinance.

SECTION 3.06 APPLICATION AND INTERPRETATION REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article XXIV of this Ordinance and MCL 125.288-125.293 as amended. The provisions of this Ordinance may be used as a basis for property assessment and taxation in accordance with the property assessment practices required or permitted by the Michigan Constitution, State Laws and State Administrative Rules and Regulations.

This Zoning Ordinance is intended to be specific as to its uses permitted and the application of its regulations. It is intended to limit the use of discretion wherever and whenever possible, except for minor discretions by the Zoning Administrator, Planning Commission and Township Board and the granting of variances by the Zoning Board of Appeals.

SECTION 3.07 SCOPE OF REGULATIONS

- A. Except as may otherwise be provided in Article XVII, “Nonconforming Land, Building and Structural Uses,” herein every building and structure erected, every use and activity of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses,

and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed and if the required conditions are met. Only one principal use and its normal accessory uses shall be permitted on a single lot or parcel, except as otherwise provided in this Ordinance.

- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- G. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Ordinances of the Township and the Subdivision Control Act of 1967 as amended.

SECTION 3.08 CONFORMANCE TO OTHER PUBLIC LAWS, RULES AND REGULATIONS

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of this Zoning Ordinance.

SECTION 3.09 CONFLICTING REGULATIONS

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.

SECTION 3.10 ZONING - NOT A VESTED RIGHT

The fact of any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in this

Ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township. This provision in no way can stop an existing legal use of land, buildings or structures from continuing exactly as it existed if it should become nonconforming as to use, dimensional or other provisions of this Ordinance or any future amendment to it.

SECTION 3.11 SITE PLAN REVIEW PROCEDURES

All uses permitted under the provisions or as a consequence of this Zoning Ordinance, applying for a zoning permit, shall follow the requirements of Article XXII, "Site Plan Review", except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article XXII, "Site Plan Review", and submitted with the application for a zoning permit.

SECTION 3.12 ZONING PERMITS IN RELATION TO BUILDING PERMITS

Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant for construction under the provisions of the Construction Ordinance to first apply for and obtain a zoning permit from the Zoning Administrator of the Township in accordance with the provisions of this Zoning Ordinance.

SECTION 3.13 PERMITTED ZONING DISTRICT USES AND OTHER PROVISIONS

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Article XIVA "Airport Overlay Zoning District"; Article XVIII, "Supplemental Regulations"; "Article XVII, "Nonconforming Land, Building and Structural Uses"; Article XX, "Off-Street Parking, Loading and Unloading Requirements"; Article XXI, "Sign Regulations"; and Article XXII, "Site Plan Review." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above Articles for applicability.

SECTION 3.14 USES NOT SPECIFICALLY LISTED IN THE PERMITTED OR SPECIAL USE SECTIONS OF THE RESPECTIVE ZONING DISTRICTS

It is the intent and purpose of this Zoning Ordinance to limit the permitted uses, special uses and planned unit development uses and their accessory land uses and activities to those specifically included in the respective Zoning Districts. Any uses not listed shall be added only by the Zoning Amendment procedure as required in Article XXV, "Amending the Zoning Ordinance."

SECTION 3.15 CONTINUED CONFORMANCE WITH REGULATIONS AND APPROVED SITE PLANS

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance and developments required and approved on Site Plans shall be a continuing obligation of the owner of such building or property on which such building or use is located.

SECTION 3.16 WETLAND DEVELOPMENT

All “Wetland Areas” in the Township as designated by the Michigan Department of Environmental Quality (DEQ) shall be required to meet the provisions of this Ordinance and the provisions of Part 303 of Public Act 451 of 1994, as amended, “The Natural Resources and Environmental Protection Act” and any rules promulgated by the Department of Environmental Quality. [amended 1996]

SECTION 3.17 PROJECT PLANNING AND PLAN INFORMATION FROM OTHER AGENCIES AND OFFICIALS

All township, county, school districts, state and federal agencies and officials are required to submit to the Planning Commission through the Zoning Administrator their planning programs and project plans relative to all building, structural and land improvements to be made within the Township prior to the final approval of site acquisition or construction plans and specifications by the respective township, county, school district, state and federal agencies and officials in accordance with MCLA 125.330, as amended.

SECTION 3.18 CONFORMANCE OF LOTS AND PARCELS TO THE LAND DIVISION ACT

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, “The Land Division Act” and the Subdivision Regulations of the Township adopted and in effect at the time. Particular reference shall be made to Public Act 591 of 1996, as amended for lots and parcels created as land divisions not subject to platting.

ARTICLE IV

RD RESOURCE DEVELOPMENT DISTRICT

SECTION 4.01 PURPOSE

The purpose of this District is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, native flora, natural water features including extensive wetlands and high water table soils,, and other extensive land uses which retain the natural character of the area. Single family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area will normally mean unserved by public sewer and water systems.

SECTION 4.02 USES PERMITTED BY RIGHT

- A. Existing types of farming and related agricultural operations may continue and the same types of farming may be established in new locations within the District on at least twenty (20) acres of contiguous land and developed in accordance with the relevant provisions of the “AR” District.
- B. Non-farm single family and two-family dwellings.
- C. Those uses permitted under the provisions of Parts 301 and 303 of Public Act 451 of 1994 as amended (Inland Lakes and Streams, and, Wetland Protection)
- D. Public and private conservation areas.
- E. Roadside stands for sale of agricultural produce and other commodities principally raised and produced on the same property. Such structures shall not exceed 400 square feet in gross floor area and 15 feet in building height.
- F. Accessory farm dwelling on parcels of 40 acres or more with no more than one such dwelling for every 40 acres.
- G. Home Occupations
- H. Man-made ponds for agricultural uses
- I. Guest house

SECTION 4.03 PERMITTED SPECIAL USES WITH CONDITIONS

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article XV, “Special Uses”:

A. PERMITTED SPECIAL USES

1. Public and private areas for nature preserves.
2. Parks, playgrounds and recreation areas.
3. Campgrounds, seasonal mobile home parks and recreational vehicle parks.
5. Sports facilities, public and private, including: golf courses, tennis courts and soccer fields.
6. Communications towers and other public utilities.
7. Extraction of natural resources.
8. Wind energy conversion systems or wind energy systems.
9. Bed & Breakfast Inn
10. Home Business
11. Agribusiness
12. Type I Planned Unit Development
13. Man-made ponds for non-agricultural uses
14. Fraternal Organizations
15. Race tracks (including midget auto, karting, horse and snowmobile)
16. Recreation and sports building
17. Temporary and transient amusement enterprises

SECTION 4.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area	Single family dwellings	1.1 acre excluding areas subject to flooding
	For all uses except single family	20 acres
Minimum Lot Width		200 feet within 35 feet of a public right-of-way and extending at least 100 feet from the right-of-way
Minimum Front Yard	From a state highway or C.R. 388	50 feet from the right-of-way line
	From Blue Star Hwy. or Ruggles	110 feet from centerline
	From any other county road	35 feet from the right-of-way line
	From any private road	35 feet or as approved by the Township Board
Minimum Side Yards		20 feet each side, except where the side yard abuts a road right-of-way, in which case the front yard setback is required. 15 feet for residential accessory buildings.
Minimum Rear Yard		50 feet for principle structures, 15 feet for residential accessory buildings. Corner lots do not have a rear yard.
Minimum Waterfront Yard		50 feet from the shore of a lake or pond, or centerline of a stream, but not within a Flood Hazard Area except as provided by law.
Minimum Dwelling Floor Area		680 square feet excluding garage & unfinished spaces with at least 500 square feet on the first floor.
Maximum Height Limit All structures are subject to Article XIVA Airport Overlay Zone		Dwellings – 35 feet Residential Accessory Buildings – 25 feet Agricultural Buildings – 45 feet Grain elevators, Silos & Agricultural Windmills – 120 feet Wind Energy Generators – Subject to Article XV Special Uses
Maximum Lot Coverage All structures Except greenhouses & nurseries		20% 50%

ARTICLE V

AR AGRICULTURAL-RESIDENTIAL DISTRICT

SECTION 5.01 PURPOSE

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, woodland or open land setting, which will remain unserved by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

SECTION 5.02 USES PERMITTED BY RIGHT

- A. General farming
- B. Field crop, fruit, vegetable, horticultural, maple sugar production, lumber and worm farming, and similar types of specialized farming
- C. Greenhouses and nurseries for trees, shrubs and plants
- D. Generally Acceptable Animal Husbandry
- E. On-site production and consumption of feed for animals
- F. Apiaries
- G. Hatcheries
- H. Public and semi-public buildings for the housing of public facilities, utilities and services
- J. Public and private conservation areas
- K. Public and private sports facilities and recreation areas
- L. Public areas for forest preserves, game refuges and similar uses
- M. Cemeteries; public, private or pet
- N. Single and two-family dwellings.
- O. State licensed Residential Care Facilities (homes and centers)

- P. Roadside stands for sale of agricultural produce and other commodities principally raised and produced on the same property. Such structures shall not exceed 400 square feet in gross floor area and 15 feet in building height.
- Q. Migrant labor housing in compliance with Michigan Department of Agriculture rules and regulations.
- R. Man-made ponds for agricultural uses.
- S. Home occupations
- T. Public schools.

SECTION 5.03 PERMITTED SPECIAL USES WITH CONDITIONS

- A. Outdoor kennels for dogs
- B. Communication towers
- C. Agribusiness and uses permitted under Right-to-farm but regulated by the Michigan Department of Agriculture under the Generally Agreed Agricultural Management Practices (GAAMPs)
- D. Hospitals, clinics, sanitariums, convalescent homes, state licensed residential care facilities for more than 6 persons, and similar structures designed for human care.
- E. Extraction of natural resources
- F. Wind energy conversion systems or wind energy systems
- G. Transitional parole housing, halfway house, substance abuse treatment and rehabilitation service or similar social institution.
- H. Private schools and educational institutions
- I. Campgrounds, seasonal mobile home parks and recreational vehicle (RV) parks.
- J. Bed and Breakfast Inn
- K. Guest house on parcels of at least six acres.
- L. Home business
- M. Type I Planned Unit Developments
- N. Man-made ponds for non-agricultural uses
- O. Fraternal organizations
- P. Race tracks (including midget auto, karting, horse and snowmobile)
- Q. Recreation & sports buildings
- R. Sports facilities, public and private, including golf courses, ball fields, courts and diamonds
- S. Temporary and transient amusement enterprises
- T. Solar Farms and Solar Panels for Commercial Use
- U. Accessory Farm Dwellings
- V. Micro-Housing Developments
- W. Churches, Religious Institutions, Private Schools, Libraries, Museums & Community Halls.**
- X. Parks, Playgrounds & Recreation Areas (Public & Non-profit)**
- Y. Public & Private Nature Preserves**

SECTION 5.04 DIMENSIONAL REQUIREMENTS

Minimum Lot	Area for all uses	20 acres
	Horticulture, floriculture	5 acres
	Single family dwellings	3 acres
Minimum Lot Width		300 feet within 35 feet of a public right-of-way
Minimum Front Yard	From a state highway or C.R. 388	50 feet from the right-of-way line
	From Blue Star Hwy or Ruggles Rd.	110 feet from centerline
	From any other county road	35 feet from the right-of-way line
	From any private road	35 feet or as approved by the Township Board
Minimum Side Yards		20 feet each side, except where the side yard abuts a road right-of-way, in which case the front yard setback is required. 15 feet for residential accessory buildings
Minimum Rear Yard		50 feet for principle structures 15 feet for residential accessory buildings. Corner lots do not have a rear yard.
Minimum Waterfront Yard		50 feet from the shore of a lake or pond, or centerline of a stream, but not within a Flood Hazard Area except as provided by law.
Minimum Dwelling Floor Area		680 square feet excluding garage & unfinished spaces with at least 500 square feet on the first floor.
Maximum Height Limit All structures are subject to Article XIVA Airport Overlay Zone		Dwellings – 35 feet Residential Accessory Buildings – 25 feet Agricultural Buildings – 45 feet Grain elevators, Silos & Agricultural Windmills – 120 feet Wind Energy Generators – Subject to Article XV Special Uses
Maximum Lot Coverage All structures Except greenhouses & nurseries		20% 50%

ARTICLE VI

MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 6.01 PURPOSE

The primary purpose of this district is to provide for single and duplex housing in neighborhoods with lot areas measuring a minimum of 15,000 square feet where public sewer and water is available, or one (1) acre on parcels served by on-site well and septic systems. This district should be free of other property uses that are not accessory, supportive, compatible, or convenient to its residents. MDR areas should be designed to have sanitary sewer and public water systems available where possible.

SECTION 6.02 USES PERMITTED BY RIGHT

- A. Single and two family dwellings.
- B. Existing types of agriculture land and building uses provided they meet the AR District requirements.
- C. Accessory buildings as defined.
- D. Accessory uses as defined.
- E. State licensed residential foster care facilities housing six (6) or less persons.
- F. State licensed child care centers.
- G. Public school buildings and facilities.
- H. Home occupations as conditioned by Section 18.21
- I. Private residential swimming pools as conditioned by Section 18.20
- J. Guest Houses as conditioned by Section 18.45

SECTION 6.03 PERMITTED SPECIAL USES WITH CONDITIONS

- A. Permitted Special Uses subject to site plan and public hearing approval (Article XV).
 - 1. Hospitals, clinics, sanitariums, Convalescent homes, state licensed residential care facilities for 6 or more persons and similar structures designed for human care.
 - 2. Parks, playgrounds and recreation areas Public, private non-profit.
 - 3. Bed and Breakfast Inn/Resort
 - 4. Private schools & educational institutions
 - 5. Type I Planned Unit Developments subject to Article XVI and Article XVII.

6. Churches, Religious institutions, private schools, libraries, museums & community halls
7. Sports facilities, public & private, including Golf Courses, ball fields, courts and diamonds.
8. Cemeteries, public, private or pet
9. On-site Wind Energy Conversion Systems (WECS) 65 feet in height or more, subject to Section 15.26
10. Public buildings and facilities
11. Extraction of natural resources
12. Campgrounds, seasonal mobile home parks, and RV parks subject to Section 15.18.
13. Man-made ponds (non-agricultural)
14. Solar Farms and Solar Panels for Commercial Use

B. The above special uses are all subject to the following requirements:

1. The proposed site will have at least one (1) line abutting on an impervious hard surface paved road, and the site will be planned to provide all access directly to the road.
2. Front, waterfront, side and rear yards will be set back at least one hundred (100) feet, and be landscaped in trees, shrubs, and grass. All such landscaping will be maintained in a healthy condition. There will be no parking or structures permitted in these yards, except the required entrance drive and any wall, fences or plantings used to screen the use from abutting residential lots and parcels.
3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.

SECTION 6.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area: (single and duplex housing)		15,000 square feet with public or common sewer and water.
		1 acre on lots not served by public or common water and sewer.
Minimum Lot Width:		90 feet on lots with water and sewer. 150 feet on lots without public water and sewer availability. Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): 330 feet minimum width, except where an easement for ingress and egress is recorded to/from adjacent parcels, then as above.
		Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): 330 feet minimum width, except where an easement for ingress and egress is recorded to/from adjacent parcels, then as above.
Minimum Front Yard:	For state hwy. and CR 388	50 feet minimum from right-of-way line.
	For Blue Star Hwy or Ruggles	110 feet from the center line
	All other county roads	35 feet from the right of way line
	Private roads	35 feet from right of way line or as approved by Township Board
Minimum Side Yard		10 feet minimum for each side yard. 15 feet for residential accessory buildings Parcels with side-yards fronting any street or road are subject to the front yard setback for that side
Minimum Waterfront setback		50 feet minimum from established shorelines for lakes and ponds, and from centerline of streams
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for principle building. 15 feet for residential accessory buildings
Minimum Dwelling Floor Area		Minimum floor area of 680 square feet for each dwelling unit.
Height Limitations:		35 feet maximum for all residential structures. 25 feet maximum for all residential related structures.
Maximum Lot Coverage:		30 percent maximum.

**ARTICLE VII
LOW DENSITY RESIDENTIAL DISTRICT**

SECTION 7.01 PURPOSE

The primary purpose of this district is to provide for single and duplex housing in neighborhoods with lot areas measuring a minimum of 20,000 square feet where public sewer and water is available, or one (1) acre on parcels served by on-site well and septic systems. This district should be free of other property uses that are not accessory, supportive, compatible, or convenient to its residents. LDR areas should be planned to be of such area to sustain on-site water supply and wastewater disposal.

SECTION 7.02 USES PERMITTED BY RIGHT

- A. Single and two family dwellings.
- B. Existing types of agriculture land and building uses provided they meet the AR District requirements.
- C. Accessory buildings as defined
- D. Accessory uses as defined.
- E. State licensed residential foster care facilities housing six (6) or less persons.
- F. State licensed child care centers.
- G. County government buildings and facilities.
- H. Home occupations as conditioned by Section 18.21
- I. Private residential swimming pools as conditioned by Section 18.20
- J. Guest Houses as conditioned by Section 18.45
- K. Public schools

SECTION 7.03

PERMITTED SPECIAL USES WITH CONDITIONS

- A. Permitted Special Uses subject to site plan and public hearing approval (Article XV).
 - 1. Hospitals, clinics, sanitariums, Convalescent homes, state licensed residential care facilities for more than 6 persons, and similar structures designed for human care.
 - 2. Parks, playgrounds and recreation areas Public, private non- profit
 - 3. Bed and Breakfast Inn/Resort
 - 4. Private schools & educational institutions
 - 5. Type I Planned Unit Developments subject to Article XVI and Article XVII.
 - 6. Churches, Religious institutions, Private Schools, Libraries, Museums & Community Halls
 - 7. Sports facilities, public & private, including Golf Courses, ball fields, courts and diamonds.
 - 8. Cemeteries
 - 9. Communications towers
 - 10. Public government buildings and facilities
 - 11. Extraction of natural resources
 - 12. Public & private nature preserves
 - 13. Wind Energy Conversion Systems (WECS) or Wind Energy Systems
 - 14. Solar Farms and Solar Panels for Commercial Use
 - 15. Communications Towers**
 - 16. Home Business**
 - 17. Public & Private Nature Preserves**

- B. The above special uses are all subject to the following requirements:
 - 1. The proposed site will have at least one (1) property line abutting on an impervious hard surface paved road, and the site will be planned to provide all access directly to this road.
 - 2. Front, waterfront, side and rear yards will be set back at least one hundred (100) feet, and be landscaped in trees, shrubs and grass. All such landscaping will be maintained in a healthy condition. There will be no parking or structures permitted in these yards, except the required entrance drive and any walls, fences or plantings used to screen the use from abutting residential lots and parcels.
 - 3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.

SECTION 7.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area: (single and duplex housing)		20,000 square feet with public or common sewer and water. 1 acre on lots not served by public or common water and sewer.
Minimum Lot Width:		100 feet on lots with water and sewer. 150 feet on lots without public water and sewer availability. Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): 330 feet minimum width, except where an easement for ingress and egress is recorded to/from adjacent parcels, then as above.
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard		50 feet minimum from established shorelines for surface water bodies or centerline of streams
Minimum Side Yard		15 feet minimum for each side yard. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for the principle building 15 feet for accessory buildings
Minimum Dwelling Floor Area		Minimum floor area of 680 square feet for each dwelling unit.
Height Limitations:		35 feet maximum for all residential structures. 25 feet maximum for all residential related structures.
Maximum Lot Coverage:		30 percent maximum.

ARTICLE VIII

HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 8.01 PURPOSE

The primary purpose of this district is to provide for single and duplex housing in neighborhoods with lot areas measuring a minimum of 10,000 square feet where public sewer and water is available, or one (1) acre on parcels served by on-site well and septic systems. This district should be free of other property uses that are not accessory, supportive, compatible, or convenient to its residents. HDR areas should be designed to have on-site sanitary sewer and public water systems available and installed.

SECTION 8.02 USES PERMITTED BY RIGHT

- A. Single and two family dwellings.
- B. Existing types of agriculture land and building uses provided they meet the AR District requirements.
- C. Accessory buildings as defined.
- D. Accessory uses as defined.
- E. State licensed residential foster care facilities housing six (6) or less persons.
- F. State licensed child care centers.
- G. Public school buildings and facilities.
- H. Home occupations as conditioned by Section 18.21
- I. Private residential swimming pools as conditioned by Section 18.20
- J. Guest Houses as conditioned by Section 18.45

SECTION 8.03

PERMITTED SPECIAL USES WITH CONDITIONS

A. Permitted Special Uses subject to site plan and public hearing approval (Article XV).

1. Nursing, Convalescent, or Assisted Living facilities.
2. Public, private and non-profit recreation areas.
3. Bed and Breakfast Inn/Resort
4. Private schools & educational institutions
5. Type I & Type II Residential Planned Unit Developments subject to Article XVI and Article XVII.
6. Churches, Religious institutions, libraries, museums and community halls
7. Golf Courses and country clubs.
8. Cemeteries
9. Parks, playgrounds & recreation areas (public & non-profit)
10. Public buildings and facilities
11. Extraction of natural resources
12. Sports facilities, public & private including golf courses, ball fields, courts & diamonds

B. The above special uses are all subject to the following requirements:

1. The proposed site will have at least one (1) property line abutting on an impervious hard surface paved road, and the site will be planned to provide all access directly to this road.
2. Front, waterfront, side and rear yards will be set back at least one hundred (100) feet, and be landscaped in trees, shrubs and grass. All such landscaping will be maintained in a healthy condition. There will be no parking or structures permitted in these yards, except the required entrance drive and any walls, fences or plantings used to screen the use from abutting residential lots and parcels.
3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.

SECTION 8.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area: (single and duplex housing)		10,000 square feet with public or common sewer and water. 1 acre on lots not served by public or common water and sewer.
Minimum Lot Width:		66 feet on lots with water and sewer. 150 feet on lots without public water and sewer availability. Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): 330 feet minimum width, except where an easement for ingress and egress is recorded to/from adjacent parcels, then as above.
Minimum Front Yard:	On state hwy's or CR 388	50 feet minimum from the right of way line.
	On Blue Star or Ruggles	110 feet from the center line
	On other county roads	35 feet from the right of way line
	On private roads	35 feet from the right of way line or as approved by the Township Board
Water front setback		50 feet minimum from established shorelines for lakes and ponds, and from the centerline of streams but not within a flood hazard area.
Minimum Side Yard		10 feet minimum for each side yard. Parcels with side-yards on M-43, M-140, and Cr-388 (Phoenix Road): 50 feet minimum from the right of way line. Parcels with side yards on Blue Star Highway: 110 feet from the center line of Blue Star Memorial Highway.
Minimum Rear Yard: (corner lots have no rear yard)		25 Feet minimum for the principle building 15 feet for accessory buildings
Minimum Dwelling Floor Area		Minimum floor area of 680 square feet for each dwelling unit.
Height Limitations:		35 feet maximum for all residential structures. 25 feet maximum for all residential related structures.
Maximum Lot Coverage:		30 percent maximum.

ARTICLE IX

MFR MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 9.01 PURPOSE

The primary purpose of this district is to provide for more intensive use of land for structures such as attached single family houses, townhouses, condominiums, or garden style apartments on parcels with a minimum size of at least one half acre. MFR areas should have sanitary sewer and public water systems available and installed.

SECTION 9.02 PERMITTED PRINCIPAL USES

- A. Multiple family dwellings including attached single-family houses, townhouses, condominiums, garden apartments and similar multi-family dwelling unit buildings.
- B. Existing single-family dwellings.
- C. State licensed residential care homes housing six (6) or fewer persons.
- D. State licensed childcare centers.
- E. Normally accepted accessory uses provided there is a principle use on the property.
- F. Public schools

SECTION 9.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

Subject to approval by the Planning Commission and Township Board and in compliance with Article XXII Site Plan Review, and Article XV Special Uses.

- A. Public buildings.
- B. Parks, playgrounds, and recreational areas, public and non-profit.
- C. Churches, religious institutions, private schools, libraries, museums and community halls.
- D. Sports facilities, public and private, including golf courses, ball fields, courts, diamonds, etc.
- E. Type I Planned Unit Development projects.
- F. Mobile Home Parks licensed by the Michigan Mobile Home Commission.
- G. Private schools & educational institutions
- H. Bed and Breakfast Inn
- I. Dormitories or boarding house.

SECTION 9.04 PERMITTED ACCESSORY USES WITH CONDITIONS

- A. Customary home occupations in existing single-family homes as condition by Section 18.21.
- B. Private swimming pools for the use by the residents in conformance with Section 18.21.
- C. Common space for by the residents of the development.
- D. Drives and off-street parking as required by this ordinance.
- E. Recreation or meeting space for the common use by the residents of the development.
- F. Within Mobile Home Parks of at least 15 acres that have been established by Special Use, a public or private campground that is limited to use by recreational vehicles.

SECTION 9.05 DIMENSIONAL REQUIREMENTS

Minimum Lot Area	½ Acre for first dwelling unit plus for each additional unit:
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	1. Efficiency 2000 square feet 2. 1 BR 2500 square feet 3. 2 BR 3500 square feet 4. 3 BR 5000 square feet 5. 4 BR 6500 square feet 6. Over 4 BR 1500 square feet per unit	
Minimum Lot Width	Lots fronting M-43, M-140 or CR 388	330 feet except where an easement is for ingress and egress is granted to/from adjacent parcels, then as below.
	Lots fronting all other roads or lots with shared drive	200 feet at the building setback line
Minimum Front Yard	From M43/M140/CR 388	50 feet from right-of-way line
	From Blue Star Highway and Ruggles Road	110 feet from centerline
	From any other County Road	50 feet from right-of-way line
	From any private road	35 feet from or as approved by Township Board
	For all Special Uses	75 feet from the right-of-way line
Minimum Side Yards		Equal to height of structure, each side, except where the side yard abuts a road right-of-way
For all Special Uses		75 feet for all structures
Minimum Rear Yard		50 feet for principle structures, 15 feet for residential accessory building
For all Special Uses		75 feet for all structures
Minimum Waterfront Yard		50 feet from the shore of a lake or pond, or centerline of a stream, but no within a Flood Hazard Area except as provided by law.
Minimum Dwelling Floor Area		680 square feet excluding garage and unfinished spaces with at least 500 square feet on the first floor.
Maximum Height Limit*		*(Subject to Article XIVA Airport Overlay Zone)
Dwelling		35 feet
Residential Accessory Building		20 feet
Wind Energy Generators		Subject to Article XV Special Uses
Maximum Lot Coverage		30%
Minimum Building Separation		Equal to the height of the highest abutting building
Minimum Floor Area per unit		1. Efficiency 450 square feet 2. 1 BR 600 square feet 3. 2 BR 750 square feet 3. 3 BR 900 square feet 5. Each additional BR over three add 150 square feet
Maximum Dwelling Unit Density		8 dwelling units per gross acre 12 dwelling units per structure

ARTICLE 9A

RCO RESIDENTIAL-COMMERCIAL OVERLAY DISTRICT

SECTION 9A.01 INTENT

This overlay district is intended as a transitional buffer area between residential areas and high volume traffic routes. It is principally intended for daytime business activities limited to small, professional type, general office/health care professional offices. This district can overlay both residential and commercial zoning districts to allow existing uses to continue as conforming uses while allowing new uses, of a compatible nature to be added.

It is intended that this district is to apply to all properties with frontage on: Phoenix Road (CR 388), Blue Star Highway; M-43; M-140; Alyworth Avenue/8th Avenue west of I-196; 73rd Street (Service Road) between Phoenix Road and 8th Avenue; 73 ½ Street between the city limit and 6th Avenue; 14th Avenue between M-140 and Blue Star Highway; and Ruggles Road.

SECTION 9A.02 USES PERMITTED BY RIGHT

Including normally accepted accessory uses so long as there is a principle use on the property.

- A. Single and two-family dwellings.
- B. State licensed residential care homes housing six (6) or fewer persons.
- C. Child day care centers licensed by the state of Michigan
- D. Conversion of existing dwelling to office use without additions, subject to Article XXII Site Plan Review, and Article XX Parking Requirements.
Office use in converted dwelling is limited to one (1) professional office of the following types only: Medical, dental, sociological, psychological, finance, insurance, real estate, or other licensed professional plus administrative support staff.
- E. Mixed Use: Office/dwelling in an existing structure without additions, subject to Article XXII Site Plan Review, and Article XX Parking Requirements.
The non-residential use in such structures shall be limited to one (1) professional including: Medical, dental sociological, psychological, finance, insurance, real estate or other licensed professional plus administrative support staff.
- F. Religious, educational, seminary living & social institutions on at least three (3) acres.
- G. Offices for finance, insurance, real estate and licensed professional, where
M a new building or addition is constructed.
- H. Medical, dental, and sociological/psychological professional offices, limited to no more than one (1) professional plus support staff, where a new building or addition is constructed.
- I. Business management consultant (1 only)
- J. Customary home occupations

SECTION 9A.03 PERMITTED SPECIAL USES WITH CONDITIONS

All the following uses are subject to review by the Planning Commission and approval by the Township Board and shall be in compliance with the conditions listed in this chapter, Section 9A.02, B. and in Article XXII Site Plan Review, if the underlying district is residential then the use shall be subject to Article XV Special Uses as well.

A. Permitted Uses with Conditions (all subject to B. below)

1. Auto repair with limited outside storage, no fuel sales, limited auto sales, and a maximum of 5,000 square feet gross floor area.
2. Grocery or convenience store less than 5,000 square feet gross floor area
3. Bakery or coffee shop
- N 4. Barber and beauty shop
- O 5. Butcher shop without on-site processing of animals
- P 6. Book and stationary store
- Q 7. Delicatessen
- R 8. Drug store
- S 9. Dry goods & notions stores
- T 10. Dry cleaning & laundry stores
- U 11. Gift shops & specialty shops
- V 12. Hardware & paint stores
- W 13. Home Businesses (see definition)
- X 14. Medical and dental offices in complexes which may include: clinics & emergency
Y care
- Z 15. Music store
- AA 16. Novelty store
- BB 17. Office supply store
- CC 18. Professional Offices for: Finance, Insurance, Real estate, Licensed professionals
- DD 19. Public parks & recreation areas
- EE 20. Public buildings
- FF 21. Public service installations and utilities
- GG 22. Recreational uses (commercial such as: water sports parks, mini-golf & etc.)
- HH 23. Restaurant, without drive-in/through service (may have outdoor seating/service area)
- II 24. Shoe repair shop
- JJ 25. Sporting goods and bait shop
- KK 26. Tailor and dressmaker shop
- LL 27. Variety store
- MM 28. Ice cream stand
- NN 29. Veterinary clinic without kennel or outside animal runs
30. Miscellaneous: Business management consultant, Business service store, Consumer credit reporting agency, Mailing and stenographic services, Public transportation passenger station,
31. Animal welfare organizations for small animals with outside dog runs with incidental and related uses including operation of a retail store.
(added January 2015)

B. Conditions for all Special Uses permitted in Section 9A.03.

The Planning Commission, after a finding of fact that determines that one or more of the following conditions does not serve any useful purpose in protecting public health, safety or welfare, may recommend waiver of such condition(s). Such waiver shall be subject to review and approval by the Township Board.

1. At least one (1) property line shall abut a hard surface road to which the site shall have direct access.
2. All vehicular ingress and egress shall be from either:
 - a. An acceleration and deceleration lane to an access road in accordance with County Road Commission or Department of Transportation, or
 - b. An approved private road connecting to a major road or highway arterial.
3. Outdoor storage of goods, materials, trash or garbage is prohibited except in conformance with Sections 18.23 and 18.30.
4. Where an existing dwelling is converted to professional use and an addition is constructed, the minimum front, side and rear setbacks for all structures and parking areas shall be 25 feet. This 25-foot wide strip shall be landscaped to screen adjacent properties.
5. Where a new structure is proposed for a commercial use, such structure shall conform to the requirements of the NSC Neighborhood Service Commercial zoning district. No such commercial use structure shall exceed 5,000 square feet in gross floor area nor shall such structure exceed 25 feet in height. All such commercial use structures shall have a gable roof and shall resemble in general appearance the architectural character of residential buildings within 300 feet.

SECTION 9A.04 DIMENSIONAL REQUIREMENTS

<p>Minimum Lot Area With public or common sanitary sewer and water ----- With on-site water supply and/or waste water disposal as permitted by the County Health Department -</p>	<p>--10,000 square feet excluding areas subject to easements --One (1) acre excluding areas subject to easements</p>
<p>Minimum Lot Width 1 For lots fronting on M-43, M-140, Blue Star or Phoenix----- 2 For lots fronting all other roads ----- Or, For lots fronting on M-43, M-140, Blue Star or Phoenix with access agreements for ingress & egress to/from adjacent parcels.--</p>	<p>--330 feet (see 18.26) --150 feet at the building setback line for lots not served by public/common sanitary sewer and/or water --66 feet at The building setback line for lots served by public/common sanitary sewer and water</p>
<p>Minimum Front Yard From a state highway or CR 388 From Blue Star Highway or Ruggles Road----- From any other county road---- From any private road-----</p>	<p>--50 feet from the right-of-way line --110 feet from centerline --35 feet from the right-of-way line --35 feet or as approved by the Township Board</p>
<p>Minimum Side Yards</p>	<p>-10 feet for the principle building, each side, except where the side yard abuts a road right-of-way, in which case the front yard setback is required. -15 feet for all accessory buildings except abutting road right-of-way</p>
<p>Minimum Rear Yard</p>	<p>-40 feet for principle structures, -15 feet for residential accessory buildings. Corner lots do not have a rear yard.</p>
<p>Minimum Waterfront Yard</p>	<p>-50 feet from the shore of a lake or pond, or centerline of a stream, but not within a Flood Hazard Area except as provided by law.</p>
<p>Minimum Dwelling Floor Area</p>	<p>--680 square feet excluding garage & unfinished spaces with at least 500 square feet on the first floor.</p>
<p>Maximum Height Limit All structures are subject to Article XIVA Airport Overlay Zone</p>	<p>--Dwellings – 35 feet --Residential Accessory Buildings – 25 feet --Wind Energy Generators – Subject to Article XV Special Uses</p>
<p>Maximum Lot Coverage</p>	<p>30%</p>

ARTICLE X

NSC NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 10.01 PURPOSE

This district has the intent of providing areas wherein retail trade and service outlets can be located in order to satisfy the day to day needs of the residents in the immediate neighborhood.

SECTION 10.02 PERMITTED PRINCIPAL USES

The following uses are permitted as long as the use is conducted completely within an enclosed building:

- A. Bakeries
- B. Barber and beauty shops
- C. Book and stationery stores
- D. Clothing stores
- E. Delicatessens
- F. Drug stores
- G. Dry cleaning and laundry and dry cleaning stores
- H. Dry goods and notion stores
- I. Gift shops
- J. Hardware and paint stores
- K. Medical and dental offices in complexes which may include:
 - Garment and prosthetic appliance stores
 - Medical, Dental, Optical Laboratories
 - Pharmacies
- L. Music stores
- M. Novelty shops
- N. Office supply stores
- O. Offices for:
 - finance
 - insurance
 - professionals
 - real estate
- P. Professional health care services
- Q. Public buildings
- R. Public service installations
- S. Religious institutions
- T. Restaurants
- U. Self-service laundry and dry cleaning stores
- V. Shoe repair shops
- W. Sporting goods store
- X. Tailor and dressmaker shops
- Y. Variety stores
- Z. Veterinary clinics

- AA. Miscellaneous:
 - Business management consultants
 - Business service stores
 - Consumer credit reporting agencies
 - Mailing and stenographic services

SECTION 10.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Automotive gasoline and service stations in accordance with the provisions of Article XV, “Special Uses” for this use.
- B. Drive-in retail and service establishments in accordance with the provisions of Article XV, “Special Uses” for these uses.
- C. Customary home occupations in existing single family homes, as conditioned by Section 18.21.
- D. Fraternal Organizations
- E. Home Business
- F. Home Occupations – type II
- G. Retail including on-site manufacturing
- H. Vehicle fueling stations
- I. Fraternal Organizations**
- J. Temporary & Transient Amusement Enterprises**

SECTION 10.04 PERMITTED ACCESSORY USES

- A. Normal accessory uses to all “Permitted Principal Uses.”
- B. Normal accessory uses to all “Permitted Principal Special Uses.”
- C. Customary home occupations in existing single family homes, as conditioned by Section 18.21.

SECTION 10.05 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE

Minimum Lot Area: (single and duplex housing)	on lots not served by public or common water and sewer.	1 acre
	feet with public or common sewer and water.	10,000 square
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet, except where an easement for ingress and egress is granted to/from adjacent parcels then as below.
	All other roads on lots without public water and sewer availability.	150 feet
	All other roads on lots with water and sewer.	80 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard	50 feet minimum from established shorelines for surface water bodies or centerline of streams	
Minimum Side Yard	10 feet minimum for one side yard and at total of 25 feet for both side yards. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side	
Minimum Rear Yard (corner lots have no rear yard)	50 Feet minimum for the principle building 15 feet for accessory buildings	
Minimum Dwelling Floor Area	Minimum floor area of 680 square feet for each dwelling unit.	
Height Limitations:	35 feet maximum for all residential structures. 20 feet maximum for all residential related structures.	
Maximum Lot Coverage:	75 percent maximum.	

SECTION 10.06 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has its most direct vehicular access by means of a frontage access road/drive in accordance with Section 18.26 or (2) an approved private road connecting directly to a major road or highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road in accordance with Section 18.26, or an approved private road connecting directly to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. The outdoor storage of goods, materials, trash and garbage is not permitted, except as provided in Section 18.23 and 18.30.

ARTICLE XI

CSC COMMUNITY SERVICE COMMERCIAL DISTRICT

SECTION 11.01 PURPOSE

This district is intended to provide areas where retail trades and service outlets can be located that are convenient to the residents of several neighborhoods and where the owners, employees, guests and customers of office, other commercial, industrial and agricultural uses and activities in the Township and adjacent communities.

SECTION 11.02 USES PERMITTED BY RIGHT

Including normally accepted accessory uses so long as there is a principle use on the property.

- A. Art and merchandise studio
- B. Auto parts store
- C. Automobile service station
- D. Bakery
- E. Barber and beauty shop
- F. Bicycle store
- G. Book and stationary store
- H. Bowling alley, pool hall, and mechanical amusement center
- I. Brew-pub
- J. Building material store
- K. Car wash
- L. Clothing store
- L. Commercial garage
- M. Commercial, private business school
- N. Delicatessen
- O. Drive-in business
- P. Drive-in restaurant
- Q. Drug store
- R. Dry cleaning and laundry
- S. Educational and social institutions
- T. Farm implement and supply store
- U. Fast food restaurant
- V. Funeral home
- W. Furniture store
- X. Garden store
- Y. Gift shop
- Z. Golf driving range
- AA. Greenhouse and nursery, retail only
- BB. Hardware and paint
- CC. Household appliance store
- DD. Ice cream store
- EE. Indoor kennel

- FF. Interior decorating shop
- GG. Jewelry store
- HH. Medical and dental offices in complexes which may include:
 - Garment and prosthetic appliance stores
 - Medical, dental and optical laboratories
 - Pharmacies
- II. Micro-brewery
- JJ. Miniature golf course
- KK. Mini-warehouses/mini-storage
- LL. Mortuary
- MM. Motel and hotel
- NN. Music store
- OO. New and used automobiles, motorcycles, boats, campers, recreational vehicles and trailers
- PP. New and used mobile homes
- QQ. Novelty store
- RR. Office supply store
- SS. Offices for:
 - Finance
 - Insurance
 - Real estate
 - Licensed professionals
- TT. Pet shop
- UU. Photographic studio
- VV. Printing and publishing establishment
- WW. Professional health care services
- XX. Public buildings
- YY. Public schools
- ZZ. Public service installations and utilities
- AAA. Religious institutions
- BBB. Restaurant
- CCC. Second-hand store with no outside storage
- DDD. Service and repair shop
- EEE. Shoe repair shop
- FFF. Sporting goods store
- GGG. Tailor and dressmaker shop
- HHH. Temporary buildings
- III. Temporary and transient amusements
- JJJ. Theater, indoor and outdoor
- KKK. Toy store
- LLL. Variety store
- MMM. Veterinary clinic and hospital
- NNN. Warehouses
- OOO. Miscellaneous:
 - Business management consultant
 - Business service store

- Consumer credit reporting agency
- Mailing and stenographic services
- QQQ. Normal accessory uses to the above uses and buildings provided a principle permitted building is present.

SECTION 11.03 PERMITTED SPECIAL USES WITH CONDITIONS

All the following uses are subject to review by the Planning Commission and approval by the Township Board and shall be in compliance with the conditions listed in this chapter and in Article XXII Site Plan Review, as well as Article XV Special Uses.

- A. Planning Shopping Centers for collective grouping of two (2) or more principal permitted uses.
- B. Retail store including the on-site manufacture of product(s)
- C. Private schools & educational institutions
- D. Parks & recreation areas
- E. Single family dwelling on the same parcel as a business
- F. Boarding House, Dormitory
- G. Communications towers
- H. Accessory Impound Yards
- I. Fraternal organizations
- J. Home business
- K. Parks, playgrounds & recreation areas (public & non-profit)
- L. Race tracks (including midget auto, karting, horse, and snow mobile)
- M. Recreation & sports buildings
- N. Sports facilities, public & private, including golf courses, ball fields, courts & diamonds
- O. Temporary transient amusement enterprises
- P. Transitional parole housing, halfway house, substance abuse treatment & rehabilitation service or similar social institution.
- Q. Hospitals, clinics, sanitariums, convalescent homes, state licensed residential care facilities for more than 6 persons, and similar structures designed for human care.
- R. Solar Farms and Solar Panels for Commercial Use
- S. Accessory Impound Yards
- T. Communications Towers
- U. Drive-Through, Retail & Service Establishments
- V. Fraternal Organizations
- W. Vehicle Fueling Stations
- X. Hospitals, clinics, sanitariums, convalescent homes, state licensed residential care facilities for more than 6 persons, and similar.
- Y. Outdoor Kennels for dogs
- Z. Public Buildings

SECTION 11.04 DIMENSIONAL REQUIREMENTS

Minimum Lot Area (non-agricultural)	With public or common sanitary sewer and water	10,000 square feet excluding areas subject to easements
	With on-site water supply and/or waste water disposal as permitted by the County Health Department --	One (1) acre excluding areas subject to easements
Minimum Lot Width M	For lots fronting on M-43, M-140, Blue Star or Phoenix	330 feet except where an easement for ingress and egress is granted to/from adjacent parcels then as below.
	For lots fronting all other roads or for lots with shared driveways	150 feet at the building setback line for lots not served by public/common sanitary sewer and/or water
	For lots fronting all other roads or for lots with shared driveways	80 feet at the building setback line for lots served by public/common sanitary sewer and water
Minimum Front Yard	From a state highway or C.R. 388	50 feet from the right-of-way line
	From Blue Star Highway	110 feet from centerline
	From any other county road	35 feet from the right-of-way line
	From any private road	35 feet or as approved by the Township Board
Minimum Side Yards	10 feet on one side , but a minimum total of 25 feet for both sides, except where a side yard abuts a road right-of-way, in which case the front yard setback is required.	
Minimum Rear Yard	50 feet for principle structures, 15 feet for accessory buildings. Corner lots do not have a rear yard.	
Minimum Waterfront Yard	50 feet from the shore of a lake or pond, or centerline of a stream, but not within a Flood Hazard Area except as provided by law.	
Maximum Height Limit All structures are subject to Article XIVA Airport Overlay Zone	35 feet Wind Energy Generators – Subject to Article XV Special Uses	
Maximum Lot Coverage	75%	

SECTION 11.05 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. All sites shall have at least one property line abutting either:
 - 1. a major road or highway arterial as defined in the Master Plan and from which the site has vehicular access via a driveway or an access road, or
 - 2. an approved private road connecting to a major road or highway arterial.

- B. All vehicular ingress and egress shall be from either:
 - 1. an acceleration and deceleration land to an access road in accordance with Section 18.26, or
 - 2. an approved private road connecting to a major road or highway arterial.

- C. Storage of goods, materials, trash or garbage is not permitted outside of a building, except as provided in Section 18.23 and 18.30.

ARTICLE XII

HSC HIGHWAY SERVICE COMMERCIAL DISTRICT

SECTION 12.01 PURPOSE

The highway service commercial district is designed to provide for servicing the needs of highway traffic at the interchange areas of public roads and highways facilities. The avoidance of undue congestion on public roads, the promotion of smooth traffic flow at the interchange area and on the highway, and the protection of adjacent properties in other districts from the adverse influences of traffic are prime considerations in the location of the district.

SECTION 12.02 PERMITTED PRINCIPAL USES

The following uses are permitted as long as they are conducted completely within a building, except as otherwise provided for specific uses: *[list amended 1999]*

- A. Battery and ignition shops
- B. Building supply and hardware stores
- C. Emergency facilities related to highway travellers
- D. Equipment rental, sales and service shops
- E. Freight transfer facilities
- F. Laundries and dry cleaners
- G. Public transportation passenger stations
- H. Marine sales and service businesses
- I. Mechanical equipment rental and service shops
- J. Parking garages and parking areas.
- K. Radiator repair shops
- L. Retail & service establishments providing foods and services which are directly needed by highway travellers
- M. Tire sales, re-treading and repair shops

- N. Transient lodging facilities, including motels and hotels
- O. Vehicle rental and sales establishments
- P. Vehicle service and repair stations for automobiles, trucks busses and trailers
- Q. Welding shops

SECTION 12.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

The following uses are permitted as long as they are conducted completely within a building, except as otherwise provided for specific uses, and located in the District so as not to interfere with or interrupt the pattern of development of the “Permitted Principal Uses” in Section 12.02 and shall further meet the requirements of Article XV, “Special Uses”:

- A. Recreation and sports buildings.
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits.
- C. Shopping Centers
- D. Communications towers
- E. Race tracks (including midget auto, karting, horse, and snow mobile)
- F. Sports facilities, public & private, including golf courses, ball fields, courts & diamonds
- G. Temporary transient amusement enterprises
- H. Public buildings
- I. Drive-Through Retail & Service Establishments

SECTION 12.07 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE

Minimum Lot Area:	For lots not served by public or common water and sewer.	1 acre
	For lots served by public or common sewer and water.	10,000 square
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet, except where an easement for ingress and egress is granted to/from adjacent parcels then as below.
	All other roads on lots without public water and sewer availability.	150 feet
	All other roads on lots with water and sewer.	80 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard		50 feet minimum from established shorelines for surface water bodies or centerline of streams
Minimum Side Yard		10 feet minimum for one side yard and at total of 25 feet for both side yards. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for the principle building 15 feet for accessory buildings
Minimum Dwelling Floor Area		Minimum floor area of 680 square feet for each dwelling unit.
Height Limitations:		35 feet maximum for all residential structures. 20 feet maximum for all residential related structures.
Maximum Lot Coverage:		75 percent maximum.

SECTION 12.08 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has the most direct vehicular access by means of a frontage access road, as specified in Section 18.26; or (2) an approved private road connecting directly to a major road or highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from a frontage access road located parallel and adjacent to the major road or highway arterial upon which it fronts and has its most direct vehicular access, in accordance with Section 18.26, or to an approved private road connecting directly to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. The outdoor storage of goods, materials, trash, or garbage is not permitted, except as provided in Section 18.23 and 18.30.

ARTICLE XIII

HC HEAVY COMMERCIAL DISTRICT

SECTION 13.02 PERMITTED PRINCIPAL USES

- A. Facilities necessary to the operation of all existing methods of transportation, including those for highway, rail and air, including truck terminals and railroad sidings.
- B. Warehousing and related bulk handling facilities, equipment and support services.
- C. Bulk handling of commercial and industrial services and related facilities, equipment and support services.
- D. Contractor buildings, structures and equipment and materials; storage yards for building and other types of construction materials.
- E. Building material supply establishments.
- F. Brewery

SECTION 13.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals.
- B. Sanitary septic waste hauling and servicing facilities in accordance with the provisions of Article XV, Special Uses. *[amended February 2007]*
- C. Communications towers
- D. Fraternal organizations
- E. Junk yards and inoperable vehicle yards
- F. Public buildings
- G. Solar Farms and Solar Panels for Commercial Use
- H. Vehicle Fueling Stations
- I. Public Buildings

SECTION 13.04 PERMITTED ACCESSORY USES

- A. Accessory buildings and uses customarily incidental to above named principal permitted uses.
- B. Signs in accordance with the relevant requirements detailed in Article XXI, "Sign Regulations," herein.
- C. Towers in accordance with the relevant requirements detailed in Article XVIII, "Supplemental Regulations," herein. *[amended 1999]*
- E. Outdoor storage of goods or materials when directly related to on-site businesses and when properly screened.
- F. Accessory Impound Yards

SECTION 13.05 DIMENSIONAL REQUIREMENTS

Minimum Lot Area:	For lots not served by public or common water and sewer.	80,000 square feet
	For lots with public or common sewer and water.	40,000 square feet
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet, except where an easement for ingress and egress is granted to/from adjacent parcels, then as below.
	All other roads on lots without public water and sewer availability.	200 feet
	All other roads on lots with water and sewer.	120 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard		50 feet minimum from established shorelines for surface water bodies or centerline of streams
Minimum Side Yard		25 feet minimum both side yards. 50 feet minimum for yards abutting residential uses. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side
Minimum Rear Yard (corner lots have no rear yard)		50 Feet minimum for the principle building 15 feet for accessory buildings
Height Limitations:		35 feet maximum for all structures.
Maximum Lot Coverage:		75 percent maximum.

SECTION 13.06 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has vehicular access by means of a frontage access road/drive in accordance with Section 18.26, or (2) an approved private road connecting directly to a major road or highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road in accordance with Section 18.26, or to an approved private road connecting to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. All uses shall meet the requirements for off-street parking and loading and unloading as specified in Article XX.
- D. When an HC zoned parcel adjoins a Residential Zoning District, it shall meet the requirements of Section 18.30.

ARTICLE XIV

I INDUSTRIAL DISTRICT

SECTION 14.01 PURPOSE

It is the intent of this district to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernable noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernable beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

SECTION 14.02 PERMITTED PRINCIPAL USES

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

- A. Dry bulk blending plants
- B. Electrical and electronic equipment manufacturers
- C. Fabricated metal products
- D. Jobbing and machine shops
- E. Laboratories *[added 1999]*
- F. Metal plating and finishing
- G. Mini storage facilities *[added 1999]*
- H. Monument and cut stone manufacturers
- I. Plastic products forming and molding
- J. Printing and publishing
- K. Processing of machine parts
- L. Public service and utility facilities, but only during construction of:
Permanent buildings and structures, and provided that they are removed immediately upon completion.
- M. Research and development establishments
- N. Trade and industrial schools
- O. Wood industries, except wood distillation
- P. Brewery, distillery, winery or similar

SECTION 14.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Planned Industrial Parks in accordance with the provisions of Article XV, “Special Uses,” for the collective grouping of two (2) or more of the principal uses permitted in this district.
- B. Sanitary septic waste hauling and servicing facilities in accordance with the provisions of Article XV, Special Uses. *[amended Feb. 2007]*
- C. Communications towers
- D. Vehicle fueling stations
- E. Junk yards and inoperable vehicle yards
- F. Public buildings
- G. Solar Farms and Solar Panels for Commercial Use
- H. Fraternal Organizations
- I. Junk Yards & Impound Yards

SECTION 14.04 PERMITTED ACCESSORY USES

The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:

- A. Banking
- B. Caretakers quarters
- C. Customary home occupations in existing single family homes, as conditioned by Section 18.21.
- D. Education, library and training facilities
- E. Medical and health care facilities
- F. Normal accessory uses to all Permitted Principal Uses
- G. Office facilities
- H. Recreation and physical fitness facilities
- I. Research and experimentation facilities
- J. Restaurants
- K. Sales display facilities and areas
- L. Truck and equipment service, maintenance, repair and storage facilities
- M. Warehouse and storage facilities
- N. Work clothing sales and service facilities
- O. Accessory Impound Yards

SECTION 14.05 REQUIREMENTS FOR ALL DISTRICT USES

- A. **ACCESS ROADS:** All uses shall only have vehicular access via a hard year-round surface paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road, in accordance with Section 18.26.

- B. **BARRIERS:** All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved accessways or driveways.

- C. **SCREENING:** When adjacent to or across the road from existing residential developments or zoning districts an industrial use of a lot or parcel shall provide a landscaped greenbelt or wall screen in accordance with Section 18.30.

- D. **SEWAGE DISPOSAL:** Permitted industrial uses shall be served by a public sewer service or an approved packaged sanitary treatment facility, approved by the County Health Department. All packaged treatment plant facilities shall provide a minimum of secondary level treatment and shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

- E. **TOXIC WASTE DISPOSAL:** All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

SECTION 14.06 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE

Minimum Lot Area:	For lots not served by public or common water and sewer.	2 acres
	For lots with public or common sewer and water.	40,000 square
Minimum Lot Width:	Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road):	330 feet, except where an easement for ingress and egress is granted to/from adjacent parcels, then as below.
	All other roads on lots without public water and sewer availability.	200 feet
	All other roads on lots with water and sewer.	120 feet
Minimum Front Yard:	Parcels fronting state hwy. or CR-388	50 feet minimum from the right of way line.
	Parcels fronting on Blue Star or Ruggles Rd.	110 feet from the center line
	On all other county roads	35 feet from the right of way line:
	On private roads	35 feet or as approved by the Township Board
Waterfront yard	50 feet minimum from established shorelines for surface water bodies or centerline of streams	
Minimum Side Yard	25 feet minimum for both side yards. Parcels with side-yards fronting on a street or road are subject to the front yard setback for that side	
Minimum Rear Yard (corner lots have no rear yard)	50 Feet minimum for the principle building 15 feet for accessory buildings	
Height Limitations:	40 feet maximum for all residential structures. 20 feet maximum for all residential related structures.	
Maximum Lot Coverage:	75 percent maximum.	

SECTION 14.07 LOCATION AND SITE DEVELOPMENT REQUIREMENTS

- A. The site shall have at least one (1) property line abutting either: (1) a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has vehicular access by means of a frontage access road/drive in accordance with Section 18.26, or (2) an approved private road connecting to a major road or a highway arterial. *[amended 2000]*
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road in accordance with Section 18.26, or to an approved private road connecting to a major road or highway arterial as defined in the Master Plan. *[amended 2000]*
- C. The storage of goods, materials, trash or garbage is not permitted outside of the principal or accessory buildings or structures, except as provided in Section 18.23 and 18.30.

ARTICLE XIVA

AOZ – AIRPORT OVERLAY ZONING DISTRICT

SECTION 14A.01 INTENT.

The Airport Overlay Zoning District, is an additional set of zoning regulations governing development permitted by the terms of the underlying zoning district for specific properties located in proximity to the South Haven Airport as required by Section 203 (2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, and the Airport Zoning Act, P.A. 23 of 1950 (Ex Sess.).

The intent of these additional regulations is to prevent the location of potential hazards to aviation by restricting the height of buildings and structures located on individual properties abutting and in proximity to the South Haven Airport.

SECTION 14A.02 AIRPORT APPROACH (OR LAYOUT PROTECTION PLAN

The Michigan Department of Transportation, Aeronautics Division has prepared and the Michigan Aeronautics Commission has approved an Approach (or Layout) Plan prepared pursuant to Section 151 of the Michigan Aeronautics Code, P.A. 327 of 1945, as amended, for the South Haven Airport. This Plan is composed of two maps and one explanatory sheet, including the:

MDOT Bureau of Aeronautics Land Use Zoning for South Haven Regional Map which describe accident safety zones on and surrounding the airport where land use planning and regulatory measures will be applied.

Accident Safety Zones, Land Use Guidelines and Planning Strategies for New Development which describe specific land use characteristics, land use guidelines and land use planning strategies for each accident safety zone.

Part 77 Surface Map which details the maximum allowable height for buildings and structures with the AOZ – Airport Overlay Zoning District.

Section 14A.03 – Jurisdiction of Overlay Zoning District.

The geographic jurisdiction of the AOZ – Airport Overlay Zoning District shall be that area defined in the Part 77 Surface Map dated 06/28/02, as well as any subsequent revisions or amendments, prepared by the Michigan Department of Transportation, Aeronautics Division and approved by the Michigan Aeronautics Commission as part of the Airport Approach Protection Plan, prepared pursuant to CFR Title 14; Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.25, Civil Airport Image Surfaces.

Section 14A.04 – Relationship to Underlying Zoning Regulations.

The AOZ – Airport Overlay Zoning District imposes certain restrictions upon the location and height of buildings and structures specifically allowed in each underlying zoning district classification shown on the zoning map.

A. Uses Permitted by Right but Subject to the Maximum Height Limitations.

Any use permitted by right allowable by the terms of the underlying zoning district shall be permitted provided the location and height of all buildings and structures do not exceed the maximum height limitations set forth in the Part 77 Surface Map. Uses permitted by Special Use approval may be permitted provided the density or potential occupancy does not exceed the limitations of the Accident Safety Zones Land Use Guidelines.

B. Zoning Board of Appeals May Grant Variances to Height Limitations.

An applicant may request and the Zoning Board of Appeals may grant a variance from the height limitation terms of this district upon filing an approved “Acknowledgment of Notice” and receipt of a “Determination of No Hazard” issued by the Federal Aviation Administration and a Michigan Department of Transportation “Tall Structures Permit” issued pursuant to P.A. 259 of 1959, as amended, permitting the construction of a building or structure exceeding the height limitation imposed upon the property as set forth in the Part 77 Surface Map.

Section 14A.05 – Nonconforming Uses of Land, Buildings and/or Structures.

Nonconformities shall comply with all Federal Aviation Administration and/or Michigan Department of Transportation Aeronautics Division regulations as well as Article XVII – Nonconforming land, building and structural uses, of this ordinance.

Section 14A.06 – Site Plan and Approval Requirements.

A site plan prepared pursuant to Article XXIII Section 23.04B, showing the location and height of all buildings and structures shall accompany an application for a building permit for new construction or renovation of an existing building or structure on any property within the AOZ District. The Zoning Administrator or Building Official may accept less information than required in cases where the applicant can provide adequate information to determine the exact location of the building(s) and/or structure(s) upon the property and the location of boundaries of the height requirements imposed by the Part 77 Surface Map.

Section 14A.07 – Notification of the Federal Aviation Administration (FAA).

All applicants for a building permit in the AOZ District shall provide notice to the Michigan Department of Transportation, Aeronautics Division and the Federal Aviation Administration as required pursuant to CFR Title 14, Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.13, Construction or Alteration Requiring Notice.

Section 14A.08 – FAA Determination & MDOT Permit to be filed Prior to Issuance of Building Permit.

For any proposed structure or addition that breaks an imaginary surface or plane extending outwards and upwards at the rate of one (1) foot rise for every 100 feet of horizontal distance within 20,000 feet of the nearest point of all runways, the Zoning Administrator and/or Building Official shall not issue a zoning compliance permit or building permit until the applicant has filed with the Township (1) the “Acknowledgement of Notice” and a “Declaration of No Hazard” issued by the Federal Aviation Administration; and (2) the Michigan Department of Transportation “Tall Structure Permit” issued pursuant to P.A. 259 of 1959, as amended, concerning the proposed construction or alteration.

Section 14A.09 – Zoning Map Designation and Part 77 Map Incorporation by Reference.

The Official Zoning Map shall include an AOZ – Airport Overlay Zoning District, which shall refer to the boundary of the Part 77 Surface Map dated 06/28/02 prepared by the Michigan Department of Transportation, Aeronautics Division and approved by the Michigan Aeronautics Commission as part of the Airport Approach Plan, pursuant to CFR Title 14; Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.25, Civil Airport Image Surfaces of which the Part 77 Surfaces Map shall be incorporated by reference as part of the Official Zoning Map.

ARTICLE XIV B

SHORELINE PROTECTION OVERLAY DISTRICT

SECTION 14B.01 Purpose and Intent

A. Purpose

The Shoreline Protection Overlay District includes all land located within **300 feet** of the U.S. Army Corps of Engineers High Water Mark or as amended by the US-ACE, and as depicted on the Official Zoning Map for South Haven Charter Township. This boundary extends across all underlying zoning districts. This overlay zoning district is intended to be used in addition to any requirements of Article XIX Environmental Conservation Provisions.

B. Intent

The Shoreline Protection Overlay District is intended to protect the unique and sensitive natural environment of the lake shore areas adjacent to Lake Michigan in South Haven Charter Township. Its purpose is based on the recognition that:

- 1) The economic and environmental well-being and health, safety, and general welfare of South Haven Charter Township is dependent on, and connected with the preservation of its Lake Michigan shoreline areas;
- 2) The shoreline zone has unique physical, biological, economic, and social attributes;
- 3) Future land development and redevelopment should not be conducted at the expense of these attributes;
- 4) Property values will be enhanced when the natural features of the shoreline zone are preserved; and
- 5) Pollution, impairment or destruction of the shoreline area and the adjacent bottomlands and waters of Lake Michigan should be prevented or minimized.

SECTION 14B.02 General Requirements

A. Allowable Uses

1. All land located in the Shoreline Protection Overlay District must comply with this Article, in addition to any use restrictions or other regulations applicable under the underlying zoning district(s).
2. In the event that regulations imposed in this Article conflict with regulations of an underlying zoning district, the regulations established in this Article shall prevail to the extent of the conflict and no further.

B. Requirements to Receive Land Use Permit

1. Prior to any construction, earth moving or removal of vegetation within the Shoreline Protection Overlay District, and **prior to the issuance of any Land Use Permit**, all of the following criteria must be met:

- a) A site plan meeting the requirements outlined in Article XXII and in Section 14B.03 of this Article, shall be submitted to the Zoning Administrator;
- b) A land use permit shall be withheld pending verification that the applicant has

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Shoreline Protection Overlay Zone

received all required county, state or federal permits, including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetland permits; flood plain and culvert permits; driveway permits; or building permits.

- c) If a permit or approval has been issued by the State of Michigan for a building, structure, or any grading, filling, earth moving, clearing, or removal of vegetation within the jurisdiction and scope of regulations set forth above, a copy of such permit shall be filed with the Zoning Administrator, and such permits or approvals shall be attached to and made a condition of performance for any permit issued under this Article. This Article is intended to supplement, and not abrogate, the Michigan Department of Environmental Quality's authority over the review of applications and issuance of permits for construction activities under the provisions of the Sand Dune Protection and Management Act (Part 353, Natural Resources Environmental Protection Act, MCL 324.35301 et. seq) and the Shore Lands Protection and Management Act, (Part 323, Natural Resources Environmental Protection Act, MCL 324.32301 et. seq.);
- d) Prior to receiving site plan approval, slopes of over 30 degrees from the toe of the slope to the crest shall be protected in a natural state, as defined in Article II of this Zoning Ordinance.

C. Setback Requirements

- 1. For all earth removal or excavations within the Shoreline Protection Overlay Zone, a side setback of one (1) foot per each foot of depth of excavation or earth removal shall be required.
- 2. All structures proposed to be built within the Shoreline Protection Overlay Zone shall be set back according to the requirements below, except for the following exempt structures: pump houses, recreational docks, storm water and erosion control devices, picnic tables, benches, recreational watercraft, and stairways and walkways.
 - a) Within the Shoreline Protection Overlay boundary, the following setback requirements apply:
 - i) No structure, except those listed in subparagraph (1) above, shall be allowed within 50 feet of ordinary high water mark;
 - ii) All structures, except those specifically exempted in subparagraph (1) above, shall be set back 100 feet from the 1986 High Water Mark.
 - iii) On lots with a steep bluff which begins within 100 feet of the 1986 High Water Mark all structures, except those specifically exempted in subparagraph (1) above, shall be set back at least 50 feet from the top of the bluff;
 - b) If a greater setback is required under the provisions of any state or federal law than is

required by this section, then such greater setback requirement shall apply. Where the imposition of the setbacks in the above table precludes the location of a dwelling or other primary structure, the applicant may request a variance. Any variance must be obtained from the Zoning Board of Appeals in accordance with Article XXIV. No variance shall be granted for any use or structure in violation of the intent and purpose of this Article or state law.

SECTION 14B.03 SITE PLAN REVIEW

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Shoreline Protection Overlay Zone

family dwelling, or accessory buildings or structural additions to a proposed or existing single family dwelling, on lots or parcels with Lake Michigan frontage. The Planning Commission shall review and approve permits for the construction of any commercial or industrial structures, or residential applications for more than one dwelling, or any other structure, land use, or clearing and grading, or other earth removal activities on lots or parcels with of Lake Michigan frontage.

ARTICLE XV

SPECIAL USES

SECTION 15.01 PURPOSE

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use.

SECTION 15.02 AUTHORITY TO GRANT PERMITS

The Township Board shall have the authority to grant Special Use Permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance.

SECTION 15.03 APPLICATION AND FEES

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Township Clerk by filling in the official special use permit application form, submitting required data, exhibits and information; and depositing the necessary fee in accordance with the Township schedule of fees. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

SECTION 15.04 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATIONS

An application for a special use permit shall contain (a) the applicant's name and address in full, (b) a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, (c) the address of the property involved, (d) an accurate survey and site plan of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and (e) a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance.

SECTION 15.05 PUBLIC HEARING

The Township Planning Commission shall hold a public hearing, or hearings, upon any application for a Special Use Permit, notice of which shall have its publications and notices to all owners and residents located within 300 feet of the property in accordance with MCL 125.286b (16b) of the P.A. 184 of 1943, the “Township Rural Zoning Act.” *[now PA 110 of 2006, Michigan Zoning Enabling Act]*

SECTION 15.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a special use on the proposed site, lot, or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services; such as, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities, utilities and services.
- F. **Planning Commission Modification:** Any requirement of this Section may be waived or modified by a 2/3 vote of the Planning Commission, through Site Plan approval, provided the Planning Commission identifies characteristics of the site or site vicinity that would make the specific requirement(s) unnecessary or ineffective, or, where it would impair general public safety immediately adjacent to the specific site. An such determination by the Planning Commission granting a waiver or modification shall be confirmed or modified by a recorded roll call vote of the Township Board when giving final approval.
[sub-section F. added 2008]

SECTION 15.07 SITE PLAN REVIEW

If a site plan is disapproved, the applicant is required to wait one (1) year before re submittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this Zoning Ordinance, but not of land, building or structural use.

Zoning Board of Appeals – No Authority: The Zoning Board of Appeals shall have no authority to review or grant variances from any of the following conditions or any decision of either the Planning Commission or Township Board in relation to the granting or denial of any Special Use permit. *[paragraph added 2008]*

SECTION 15.08 JUNK YARDS AND INOPERATIVE VEHICLES

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with all applicable statutes of the State of Michigan and shall be located only in the I - Industrial Districts, and shall be located only on sites which are completely screened from adjacent properties and public view. Inoperative vehicles or parts of vehicles shall be considered as a junk yard, if unlicensed and if located in the open and not completely contained within an enclosed structure or area.
- B. Impoundment Yards shall be located in HC or I districts on sites which are completely screened from adjacent properties and public view in accordance with Section 18.30 of this ordinance. *[amended 1999]*

SECTION 15.09 MOBILE HOME PARKS ¹

All Mobile Home Parks shall comply with requirements of Public Act 96 of 1987, as amended, and the following regulations. Refer to Ordinance 30, "Mobile Home Ordinance," for mobile homes located outside of Mobile Home Parks.

- A. MOBILE HOME PARKS shall only be located in or adjacent to districts zoned Multi-Family Residential (MFR). Minimum size for a mobile home park shall be fifteen (15) acres.
- B. OPEN SPACE - An open area shall be provided on each mobile home lot to ensure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses essential to each mobile home, and shall equal at least forty (40) percent of the area of each lot.

¹ This Section 15.09 is subject to review by the State Mobile Home Park Commission in accordance with P.A. 419 of 1976.

- C. PARK LOCATION AND ACCESS - Mobile home parks shall have frontage and direct access from designated state highways or hard surfaced county primary roads.
- D. MOBILE HOME LOT ACCESS - Convenient access to each mobile home lot apron shall be provided by means of a minimum twelve (12) foot wide access road or drive reserved for maneuvering mobile homes into positions and kept free of trees and other immovable obstructions.
- E. CANOPIES AND SKIRTING
1. Each mobile home shall be skirted within ninety (90) days after establishment in a Mobile Home Park.
 2. Mobile home skirting shall be vented. Louvered or similar vents shall have a minimum of 600 square inches of open space per thousand square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and two vents shall be provided at each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer.
 3. Skirting shall be installed in a manner so as to resist damage under normal weather conditions, including damage caused by freezing and frost, wind, snow, and rain.
 4. Canopies and awnings may be attached to a mobile home. No canopy or awning shall exceed ten (10) feet in width nor the length or height of the mobile home.
- F. SCREENING AND FENCING
1. The developer of a mobile home park may completely or partially screen the park by installing fencing or natural growth along the entire property line, including the line abutting a public thoroughfare, except at access points.
 2. Individual mobile home site fencing, if permitted by the park, shall be not more than three (3) feet high and shall have not less than two (2) access gates which provide free access to all sides of the mobile home in the event of an emergency. The fencing shall be approved by the park before installation and upon completion.
- G. LANDSCAPING- All mobile home park boundary lines shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable groundcover shall be maintained as yard surfacing on each mobile home lot,

except for those portions of the lot covered by the mobile home, structural additions, sheds, walks, concrete pads, or planting beds.

- H. STORAGE AREAS - No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property but need not be supplied by the owner of the mobile home development.
- I. TELEVISION ANTENNA - One (1) or more master antenna facilities may be installed with underground service connections to each mobile home lot.
- J. ILLUMINATION OF VEHICULAR AND SIDEWALK SYSTEMS - Vehicular and sidewalk systems within a mobile home park shall be illuminated as follows:
 - 1. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illuminated level shall not be more than the average illumination level of an adjacent illuminated thoroughfare.
 - 2. At all street intersections and designated pedestrian crosswalks, the minimum illumination level shall be not less than .15 foot candles.
 - 3. Roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candles.
 - 4. If a central park mail box area or park directories, or both, are provided, they shall be illuminated at not less than 3.15 foot candles on any box or any entry on the directory.
 - 5. Outdoor recreational facilities shall be adequately lighted when in use.
- K. CENTRAL BUILDINGS - Central buildings for administrative or laundry facility usage are permitted. Buildings may also be provided for central recreation, assembly halls, and for storm shelters. Such buildings shall be conveniently located on the park site, may be combined structurally with the administrative and laundry facilities, and may include swimming pools or other clubhouse facilities in connection with on-site recreation facilities.
- L. PERMIT REQUIREMENTS FOR MOBILE HOME PARK CONSTRUCTION OR ALTERATION - It shall be unlawful for any person or corporation to construct, alter or extend any mobile home park unless they first obtain valid permits from the State Department of Consumer and Industry Services.
- M. LICENSE REQUIREMENTS FOR OPERATION OF A MOBILE HOME PARK – It shall be unlawful for any person or corporation to operate a mobile home park in the Township without a valid license issued by the State Department of Consumer and Industry Services.
- N. INSPECTIONS - The State has sole authority for periodic inspections of mobile home parks. A law enforcement officer representing the Township may inspect a mobile home park if he has reason to believe that a person has violated or is about

to violate applicable state laws, construction codes, or rules promulgated pursuant to state laws governing mobile home parks. [original text – 1990]

- O. **ACCESSORY USES PERMITTED WITH CONDITIONS.** An area for a campground limited to use for recreational vehicles, in a Licensed Mobile Home Park having at least 15 acres. Such recreational vehicle campground use shall not occupy more than 10% of the Mobile Home Park area and shall meet the following requirements:
1. An area for a campground may not reduce the area devoted exclusively to the Mobile Home Park to less than 13 acres.
 2. The campground shall be established in accordance with Public Act 368 of 1978, Part 125, Sections 12501-12516, as amended, and the Administrative Rules promulgated under P.A. 368 of 1978 as administered by the County, District or State Public Health Department.
 3. Where the campground abuts the external boundary of the Mobile Home Park, there shall be a 20-foot wide landscaped and screened buffer strip. Such buffer strip shall contain either a wall or evergreen screen at least 6 feet high and sufficient to screen the view from neighboring properties.
 4. The period of stay for each recreational vehicle shall not exceed twelve months.
 5. Vehicular access shall be regulated by Section 18.26 of the Zoning Ordinance and may be shared with the Mobile Home Park.
- [amended March 2005]

SECTION 15.10 VALID NONCONFORMING

The use of any mobile home, travel trailer, motor home or recreation vehicle placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, which use is not prohibited by this Ordinance, shall be a “Valid Nonconforming Use” that may be continued, subject to the provisions pertaining to “Nonconforming Uses” contained in Article XVII.

SECTION 15.11 TEMPORARY TRANSIENT AMUSEMENT ENTERPRISES

The following provisions shall apply in addition to all applicable regulations in the district in which they are to be located:

- A. All “Temporary Transient Amusement” uses shall be located on sites large enough so as not to occupy or cover more than fifty (50) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side and rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.

- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.
- E. Temporary Transient Amusement uses are not permitted in any MDR, LDR, or HDR residential districts. *[amended 1996]*

SECTION 15.12 GASOLINE SERVICE STATIONS

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located.

- A. **FRONTAGE AND AREA:** Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. **SETBACKS:** Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of fifty (50) feet.
- C. **CONSTRUCTION STANDARDS:** All vehicle service areas shall be constructed to conform to the following standards:
 - 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
 - 2. The entire area used for vehicles service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
 - 3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.
 - 4. The maximum widths of all driveways at the public sidewalk crossing or road shall be no more than twenty-four (24) feet.
 - 5. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.
 - 6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
 - 7. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

- D. LIGHTING: All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.
- E. GASOLINE SERVICE STATIONS are only permitted in NSC, CSC, HSC and HC Districts.

SECTION 15.13 SANITARY LANDFILLS

Sanitary landfills shall: (1) only be located in the RD and AR Districts, (2) only if planned to be located in Van Buren County, including South Haven Township, in accordance with the County Plan prepared in conformance with Public Act 641 of 1978, “The Solid Waste Management Act,” or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 64 of 1979, “The Hazardous Waste Act,” and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission.

SECTION 15.14 EXTRACTION OF NATURAL RESOURCES

A. PERMITTED USES

The following special uses will be permitted only in the RD and AR Districts and when applicable, in conformance with P.A. 303 of 1982, “Michigan Surface and Underground Mine Reclamation Act”:

- 1. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for on-site use only are excluded from the regulations of this Ordinance except for the setback and yard requirements specified in the RD and AR Districts.
- 2. The processing, storage, loading, and transportation of sand and gravel.
- 3. The mining of clay.
- 4. The extraction of peat or marl.
- 5. The quarrying of stone.
- 6. The mining of coal.
- 7. The operation of transit-mix concrete plant.
- 8. The operation of a concrete products plant.

B. PERMITTED ACCESSORY USES

- 1. Any use customarily incidental to the permitted Principal Special Use.

C. EXTRACTIVE MINING AREA, BULK AND EQUIPMENT LOCATION REQUIREMENTS

- 1. LIMITS OF EXCAVATION: Sufficient setback shall be provided from all

property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.

2. PLACEMENT OF PROCESSING PLANTS: Processing plants and its accessory structures shall not be closer than 250 feet from any property line or public highway or road.
3. ELEVATION OF PLANT SITE: Wherever practicable, processing plants shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of plant structures.
4. MANAGEMENT OF STORAGE PILES AND OVERBURDEN: Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
5. Minimum site area for natural resource extraction sites under this Ordinance shall be twenty (20) acres.

D. GENERAL REQUIREMENTS

Natural resource extraction operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements:

1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent revisions shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Planning Commission.
2. The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles, and worked out areas which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.
3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:
 - a. The mining area shall be enclosed within a five (5) foot high continuous wall or fence or by a screen planting or hedge fence of similar capability.
 - b. The property shall be posted against trespass, with conventional signs placed not more than 100 feet apart.
4. Sight barriers shall be provided along all boundaries adjacent to roads which lack natural vegetative or terrain conditions which provide effective

screening of mining operations. Sight barriers shall consist of one (1) or more of the following:

- a. Earth berms, which shall be constructed to a height of at least five (5) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or at least five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.
 - b. Screen plantings which shall be of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
 - c. Walls or solid fences which shall be constructed to a height of at least five (5) feet.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
 6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.
 7. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality (DEQ).

E. RECLAMATION OF MINED AREAS

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the

- approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission before any zoning permit is issued by the Zoning Administrator.
 3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:
 - a. All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-inflammable and noncombustible solids in accordance with the approved Reclamation Plan in order to insure:
 - 1) that the excavated area shall not collect and retain stagnant water, or
 - 2) that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b. The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c. Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other planned improvements are planned. Top soil shall be applied to a depth of at least four (4) inches.
 - d. Vegetation shall be restored by the appropriate planting of grass, trees and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
 4. The operating company shall post a minimum financial guarantee in the amount of \$5,000 for the first five (5) net operational acres. The financial guarantee shall be increased at the rate of \$1,000 per each additional operational acre which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, (3) irrevocable bank letter of credit, or (4) surety bond acceptable to the Township Board. Upon rehabilitation of mined acreage,

and reduction of net operational area, the bond or security shall be released in accordance with the amount of security required per acre.

F. ADMINISTRATION OF MINING OPERATIONS

1. The following procedures shall be followed before establishing a mining operation:
 - a. The operating company shall file an operational plan, in accordance with the requirements of Section 15.14.D of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
 - b. The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 15.14.E.2 and shall provide a performance guarantee in accordance with the requirements of Section 15.14.E.4 of this Ordinance.
 - c. The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
 - d. The Township Board shall review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township Board will receive the performance guarantee of reclamation in accordance with Section 5.14.E.4 of this Ordinance.
2. Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Township "Fee Schedule." This fee shall defray any administrative expense rising out of the mining operation.
3. INSPECTION AND CONFORMANCE
 - a. Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special Use Permits.
 - b. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
 - c. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause

G. SPECIAL REQUIREMENTS

1. WAIVER OF EXCAVATION LIMITS

The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 15.14.E.1 under the following conditions:

- a. The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
- b. Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.
- c. All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

SECTION 15.15 BED AND BREAKFAST INNS

- A. A Bed and Breakfast Inn shall meet the requirements of the zoning district in which it is located.
- B. An existing residential structure proposed as a Bed and Breakfast Inn shall require a building inspection by the Building Inspector prior to any approval or use as a Bed and Breakfast Inn. Any code violation(s) shall be corrected prior to approval or use as a Bed and Breakfast Inn.
- C. One off-street parking space shall be provided for each room to be rented in addition to the numbers of spaces required for the residence. All parking spaces shall be paved.
- D. The Bed and Breakfast Inn shall be licensed as such by the State of Michigan.

SECTION 15.16 MAN-MADE PONDS

Man-made (not naturally occurring) ponds may be located in all Zoning Districts provided they meet the following requirements (ponds located on farms are exempt from these requirements):

- A. Application shall include proof of ownership of property, plot of survey of the property upon which the pond is to be located, and a site plan drawn to scale showing the location of the pond and buildings and structures located on the property.
- B. Before any excavation is started, property owners shall secure proper township permits and pay the required fees.

- C. Existing (at the time of adoption of this provision) ponds and their uses may continue.
- D. Any changes in the configuration or use of existing ponds shall only be made in conformance with the provisions of this Zoning Ordinance.
- E. All ponds, whether they are seasonally permanent or permanent year-round ponds, which are less than twenty-four inches deep at their deepest point, shall be excluded from these regulations.
- F. Ponds may require inspection prior to construction and upon completion.
- G. All excavation and reclamation shall be completed in accordance with an approved site plan and within the period of time specified in this Ordinance or as specified on the permit.
- H. A pond may be located so as to be shared by more than a single lot or parcel by extending across common property lines, provided that the perimeter of such a pond meets all required yard or other setback requirements from all other property lines and all spacing requirements between and among structures located on the lots sharing a pond.
- I. No pond shall be located in any required yard or other setback or spacing requirements between structures when located on a single lot or parcel of land.
- J. Required setback for ponds will be fifty (50) feet from any property line, easement, structure, well, septic tank, or drain field, and one hundred (100) feet from any public highway or road or private road or access easement.
- K. Ponds shall meet the requirements of the County Soil Conservation District.

SECTION 15.17 SANITARY SEPTIC WASTE HAULING AND SERVICING FACILITIES.

- A. All sanitary waste hauling and servicing facilities shall be established and maintained in conformance with all applicable State of Michigan and Van Buren County statutes.
- B. No use of this type shall be permitted within 250 feet of any residential use district.
- C. The site shall abut and have direct access to a county primary or state highway.
- D. All equipment, operations, loading and unloading areas and areas of outdoor storage shall be enclosed by a fence six (6) feet or more in height around the

periphery of the operation. Such fence shall be adequate to conceal the facilities from adjacent properties.

- E. All operations shall be maintained in an orderly condition so as to prevent adverse impacts upon adjacent properties or the community in general.
- F. All such operations shall be connected to the South Haven Area Sewer and Water Authority services.
- G. Odor Control:
 - 1. There shall be no emission of odorous matter in such quantities as to be offensive at the lot boundary lines.
 - 2. Any process that involves the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
 - 3. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 “Air Pollution Abatement Manual” copyright 1951, by Manufacturing Chemists’ Association, Inc., Washington, D.C.
- H. Outdoor Storage and Waste Disposal
 - 1. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.
 - 3. No materials or wastes shall be deposited upon a lot in a form or manner that may be transferred off the lot by natural forces or causes.

SECTION 15.18 CAMPGROUNDS, SEASONAL MOBILE HOME PARKS AND RECREATIONAL VEHICLE (RV) PARKS:

[section added August 2008 and amended April 2009]

- A. Campgrounds, seasonal mobile home parks and RV parks shall be allowed subject to the following procedures and conditions:
 - 1. The total area of the campground shall be at least 10 acres.
 - 2. There shall be a required setback of not less than 50 feet along all property lines. No campsite or any structure shall be located in this required setback area. 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, lake or pond and the Planning Commission shall find that no useful purpose would be served by the stipulated setback.
 - 3. There shall be a greenbelt planting strip with a width of not less than 20 feet along the property lines and may be within the 50-foot setback as required in 2 above. Such greenbelt will contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than

- 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs, spaced not more than eight (8) feet apart, that grow to an ultimate height of 12 feet.
4. If there are recreational areas they may be located within the 50-foot required setback but not within the 20-foot greenbelt.
 5. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet and shall have unrestricted access to or from a public street.
 6. Each campground site shall abut on a roadway, and shall have at least 30 feet of roadway frontage.
 7. Campsites for cabins and recreational units shall have a minimum area of 4,000 square feet. Campsites limited to tents (modern or primitive) shall have a minimum area of 1,500 square feet and at least 15 feet of roadway frontage.
 8. No camping cabin, Park model recreational unit or other camping unit shall exceed 400 square feet in set-up mode as certified by the manufacturer in compliance with American National Standard Institute standard A119.5.
 9. The maximum gross floor area for all attached rooms, decks (open or closed) or other structural areas attached to the camping unit shall not exceed 400 square feet.
 10. There shall be a minimum of 5 feet clear around each recreational unit or camping cabin, and there shall be two parking spaces directly abutting the campground drive for cabin or recreational unit sites. Each parking space shall measure 10 feet by 20 feet.
 11. No detached shed or other structure shall exceed 150 square feet in gross floor area or 12 feet in height. A zoning permit shall be required for all such structures, which shall be constructed based on standard design and shall not be constructed of scrap or non-standard materials. Detached sheds shall be setback at least 4 feet from the boundary of the camping site and 10 feet from the recreational unit or camping cabin.
 12. No structure shall exceed 25 feet in height, except for one (1) club house, community hall or similar structure allowed per 100 camp sites, not to exceed 2,500 square feet in area.
 13. One (1) detached single-family dwelling, not to exceed 3,500 square feet in gross floor area, used only for purposes of residence by a park manager or owner and conforming to requirements of the zoning district may be allowed. Such dwelling is not subject to sub-section 12 above.
 14. Any grading plan for the grounds of the campground shall be reviewed and approved by the County Drain Commissioner.
 15. Each site will be arranged to safely accommodate a travel trailer, camper, or other similar camping apparatus. There shall be not less than one (1) parking space for each rental unit or campsite. Parking spaces shall measure 10' x 20' and there shall be a driveway width of 12 feet for each direction of travel.

16. There shall be a maximum of two sign that shall bear only the name of the campground, shall have a maximum area of 100 square feet each. Such signs may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located with the required setback but not within the greenbelt.
 17. One (1) commercial enterprise per fifty (50) campsites may be permitted to operate within the park, such structure(s) shall be for convenience goods, related to camping, such building(s) shall not exceed two thousand five hundred (2,500) square feet of floor area.
 18. There shall be no sales or display of camping vehicles.
 19. Except for primitive campgrounds, there shall be located, within the campground, approved sanitary dumping facilities.
 20. All requirements, as regulated by Michigan Public Act 368 or 1978, as amended, shall be complied with.
 21. The Planning Commission may require a traffic impact study/report to determine that a proposed project shall not reduce or project to reduce the traffic engineering level of service classification of an impacted roadway.
 22. A proposed use shall not negatively impact adjoining properties and the surrounding neighborhood. The Planning Commission may require an impact analysis to make this determination.
- B. The above restrictions shall apply to all lots, parcels or tracts on or abutting any lake, whether the access to the lake waters is by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.
- C. Creation of condominium ownership shall not have the effect of creating a change of use. Removal of campsites from the campground by the Michigan Department of Natural Resources, Public Health, Environmental Quality, or any other department or division for whatever reason if such action results in the creation of a violation shall be considered a nuisance per se and result in the immediate vacation of the camp site in violation including the removal of all structures and/or other occupancy on the campsite in violation.

**SECTION 15.19 CHURCHES, PRIVATE SCHOOLS, LIBRARIES,
MUSEUMS AND COMMUNITY HALLS:**

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be three (3) acres, for structures with an intended capacity less than one-hundred (100) persons. For structures with an intended capacity over one-hundred (100) persons there must be sufficient area to allow for the required parking on-site. Existing churches, schools, etc. on non-conforming lots may be expanded only if the off-street parking requirements are met for the entire capacity.

- C. This type of structure may be exempted from the height limitations of the zoning district. For every foot of height by which the building, exclusive of spire, bell or clock towers, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be required.
- D. The lot location shall be such that at least one (1) property line abuts a paved road. All ingress to the lot shall be directly onto a paved road.
- E. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
- F. For uses exceeding a seating capacity of two-hundred fifty (250) persons, a traffic study shall be required to be submitted by the applicant which describes internal circulation and projects impacts on traffic operations, capacity, and access on adjacent and nearby roads which are likely to provide access to the site.
- G. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any road or any other driveway.

SECTION 15.20 FRATERNAL ORGANIZATIONS:

- A. Minimum lot area shall be one (1) acre.
- B. Maximum structure floor area shall not exceed 6,000 square feet per acre.
- C. Shall be located on lots of at least two (2) acres.
- D. Shall not be located within 1,000 feet of a church or school.
- E. Retail sales of food or beverages may be permitted to members or guests only and there shall be no external sign of commercial activity.

SECTION 15.21 HOSPITALS, CLINICS, SANITARIUMS, CONVALESCENT HOMES, STATE LICENSED RESIDENTIAL CARE FACILITIES FOR MORE THAN 6 PERSONS, AND SIMILAR STRUCTURES DESIGNED FOR HUMAN CARE:

- A. Minimum lot area shall be one (1) acre.
- B. Maximum structure floor area shall not exceed 6,000 square feet per acre.
- C. The lot location shall be such that at least one (1) property line abuts a paved road. The ingress and egress for off-street parking facilities for guests and patients shall be directly from paved road.

- D. Minimum main and accessory building setback shall be 50 feet from a street right-of-way line, and 30 feet from a side or rear property line.

SECTION 15.22 PARKS, PLAYGROUNDS AND RECREATION AREAS:

The Planning Commission shall consider the following standards:

- A. All activities shall be setback a minimum of fifty (50) feet from any lot line in a residential district, except as required below.
- B. The Planning Commission may require a fence, wall or planted material to screen the use from adjacent residential districts.
- C. The proximity of the intended use to adjoining properties specifically includes 100-foot setbacks to occupied dwellings.
- D. A lighting plan shall include locations and shield designs.

SECTION 15.23 RACE TRACKS (INCLUDING MIDGET AUTO, KARTING, HORSE, AND SNOW MOBILE).

Subject to the following conditions:

- A. Because race tracks develop concentrations of vehicular traffic in terms of ingress and egress from parking areas and cause noise levels that may project beyond the property so used, they shall be permitted only when located adjacent to a paved road and shall be located on a parcel of land of at least 40 acres, with a minimum land width of 660 feet and shall be subject further to the following conditions and such other controls as are deemed necessary by the Planning Commission to promote health, safety and general welfare.
- B. All parking shall be dust free and be provided as off-street parking within the boundaries of the development.
- C. All access to the parking areas shall be provided only to a dust free paved road.
- D. All sides of the development not abutting a paved road shall be provided with a 20-foot greenbelt planting so as to obscure from view all activities within the development. The greenbelt planting shall consist of either:
 - 1. At least three (3) parallel rows of evergreen trees plus one (1) outer row of evergreen shrubs, or,
 - 2. At least two (2) rows of deciduous trees plus two (2) rows of shrubs and one (1) row of under-story trees such as dogwood, sassafras or fruit trees.

- E. Exterior lighting shall be installed so that it does not impede the vision of traffic along adjacent roads.
- F. Central loudspeakers/paging systems are prohibited within 100 feet of residentially zoned property.
- G. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty five (65) decibels at the lot line of commercial uses, and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards

SECTION 15.24 DUPLEXES.

- A. Shall only be located on parcels served by municipal sanitary sewer and municipal water supply systems.
- B. Any lot containing a duplex shall have only one (1) driveway access to a public street, except within a site condominium or plat.
- C. Shall only be located on parcels having a minimum lot width of 90 feet and a maximum lot width of 160 feet from the road right-of-way for its entire depth.
- D. Shall only be located on parcels having a minimum lot area of 15,000 square feet in the HDR District, and 20,000 square feet in the MDR District; and is served by municipal sanitary sewer and water supply.

SECTION 15.25 ACCESSORY IMPOUND YARDS

A small impound yard may be included as an accessory use to an automobile repair facility in a Community Service Commercial (CSC) district or a Highway Service Commercial (HSC) district under the following conditions:

- A. Impounded vehicles shall not be held on the property for more than three (3) months except when held under court order as evidence for trial.
- B. The normal capacity of any impound yard shall be for no more than 20 vehicles, however, up to 35 vehicles may be permitted for short periods, not to exceed 30 days.
- C. An impound yard shall not exceed 13,500 square feet in area.
- D. An impound yard shall be fenced with a solid fence or wall, at least six (6) feet in height but not more than eight (8) feet in height. If the impound area would be visible off-site the Planning Commission may require a higher fence . The fence shall be sufficient to screen the view of impounded vehicles from both the street

and from adjacent properties. Solid fence may include a painted board fence without gaps between the slats, or, a chain-link fence with screening slats. Sheet metal fences or walls are prohibited, as are; scrap-wood or scrap metal fences or walls. No area of the fence shall be used as a sign.

- E. An impound yard shall be setback at least ten (10) feet behind the rear wall of the principle structure, which shall be a repair shop.
- F. An impound yard shall not be located closer than 250 feet to any residential zoned district.
- G. Auctions shall be limited to police or law enforcement impounded vehicles only.
- H. Stacking of vehicles, junking, scrapping, parts salvage or ‘cannibalizing’ of vehicles are prohibited activities.
- I. Lighting shall be shielded from adjacent uses.
- J. Depending upon the surrounding uses, the Planning Commission may require an evergreen screen with plantings no more than eight (8) feet apart.
- K. Incompatible Use: No impound yard shall be established adjacent to or within 500 feet of any restaurant, retail goods store, retail food market, medical clinic, hotel, motel or similar use.
- L. This special use is subject to revocation by the Zoning Board of Appeals after a show-cause hearing. A show-cause hearing shall be called subsequent to two (2) notices of violation of any of the conditions listed above, within any twelve-month period by the Zoning Administrator or designee. Such notice of violation shall include the date that the violation was observed and the specific violation.

SECTION 15.26 WIND ENERGY CONVERSION SYSTEMS (WECS) OR WIND ENERGY SYSTEMS

- A. Exempt On-Site Use Wind Energy Systems (less than 100 feet in height): An On-Site Use wind energy system is intended to serve an individual property only. On-Site Use Wind Energy Systems (including Anemometer Towers) with no towers or with tower height(s) less than 100 feet shall be a permitted use in all zoning classifications subject to the requirements of Article XVIII Supplemental Regulations, Section 18.47 On-Site Use Wind Energy Systems less than 100 feet in height.
- B. Special Use On-Site Use Wind Energy Systems (100 feet in height or more): On-Site Use Wind Energy Systems (including Anemometer Towers) with tower height(s) of 100 feet or more shall be considered a Special Use allowed in all

zoning districts where structures are allowed subject to the requirements of this Article.

C. Site Plan: The site plan shall show:

1. The location of overhead electrical transmission or distribution lines, whether utilized or not;
2. The location of the Wind Energy Conversion System (WECS) with its specific dimensions including the entire area through which the rotors may pass;
3. The location of any guy wires or other support devices;
4. The location of all occupied dwellings within three hundred (300) feet of the WECS.

D. Manufacturer Information. Each site plan submission shall be accompanied by a complete set of the manufacturer's instructions which shall at a minimum include:

1. A standard foundation and anchor design;
2. A detailed parts list;
3. Clearly written instructions for assembly, installation, checkout, operation, and maintenance of the WECS on site;
4. A list of warning documents to be provided as required herein;
5. Grounding and lighting procedures which follow the National Electrical Code, Article 250 – Grounding, and Article 280 – Lightning Arresters;
6. Underwriters label where appropriate
7. Proof of insurance.

E. Site Requirements:

1. **Property Setbacks**: The distance between an On-Site Use Wind Energy System and the owner's property lines (and road right-of-way lines) shall be at least 1.1 times the height of the wind energy system structure including the blade in its vertical position. No portion of the structure, including guy wire anchors, shall extend closer than ten feet to the property line.
2. **Utility Setbacks** – No WECS shall be erected so that any portion of the tower or turbine is closer to utility lines than the total height of the tower and rotor combined.
3. **Construction Codes, Towers, and Interconnection Standards**: On-Site Use Wind Energy Systems including towers shall comply with all applicable state construction and electrical codes and building permit requirements. On-Site Use Wind Energy Systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-Site Use wind energy system shall comply with Michigan Public Service

Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.

3. Safety: An On-Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightening protection. If a tower is supported by guy wire anchors, the wires shall be clearly visible at a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
4. Electromagnetic Interference – The entire WECS including turbines, alternators, generators, and interconnected systems shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which could cause interference with radio and television broadcasting and/or reception. The entire WECS shall also comply with Federal Communication Commission Rules and in particular with 47 CFR, Part 15, Subparts A and F and Part 18, Subparts A, D, and H.
5. Height, WECS – The maximum allowable height for any specific site shall be further regulated by Article XIVA – AOZ – Airport Overlay Zone and the requirements of the Federal Aviation Administration, the Michigan Aeronautics Division, Michigan Department of Transportation and the Michigan Aeronautics Commission. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended) and FAA guidelines as part of the approval process.
6. Ground Clearance – For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground shall be twenty (20) feet.
7. Accessibility – Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder at a minimum height of twelve (12) feet.
8. Height, Anemometer Tower – Towers used to conduct wind assessment studies for possible installation of a WECS, including attached equipment, shall be setback at least 1.1 times the height of the tower from any lot line or right-of-way line.
9. Temporary Towers - Use of temporary towers (those without permanent foundations) are limited to a two (2) year period.

F. Interconnected WECS:

In the case of a WECS proposed to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The applicant shall comply with all requirements of the servicing utility if the WECS is to be interfaced with the utility grid. The utility shall install appropriate electric metering and the applicant shall be required to install a disconnecting device adjacent to the electric meter(s).

G. Decommissioning:

The applicant shall submit a plan describing the intended disposition of the WECS at the end of its useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance security or equivalent financial instrument shall be posted in an amount determined by the Township Board (to be utilized in the event the decommissioning plan must be enforced with respect to tower removal, site restoration, etc.). The security deposit shall be in favor of South Haven Charter Township and shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

**SECTION 15.27 TRANSITIONAL PAROLE HOUSING, HALFWAY HOUSE,
SUBSTANCE ABUSE TREATMENT & REHABILITATION
SERVICE OR SIMILAR SOCIAL INSTITUTION**

A Special Use Permit may be issued for Transitional Parole Housing, Halfway House, Substance Abuse Treatment & Rehabilitation Service or Similar Social Institution provided the site meets all of the following conditions:

- A. Applicant shall provide evidence of a demonstrated need in the community for such a facility.
- B. The facility shall not be located closer than 1,500 feet to any of the following:
 - 1. Any Child Care facility licensed under Public Act 116 of 1973, as amended.
 - 2. Any Foster Care facility licensed under Public Act 218 of 1979, as amended.
 - 3. Any school or public playground, youth sports field or similar facility.
 - 4. Any church, temple, synagogue, mosque or similar religious facility, except where the religious facility is the owner and manager of the transitional housing facility and where the religious facility property is not occupied by any of the other uses listed in this sub-section F.2.
- C. The facility shall have a chain link or similar fence at least four feet high surrounding the property. Solid fencing is prohibited except upon the written request of the adjacent property owner received by the Township prior to site plan approval, in which case a solid fence shall be required.
- D. The minimum lot area shall be three (3) acres and the minimum lot width shall be 300 feet.
- E. All structures shall be setback 50 feet from any property line or road right-of-way line.
- F. This use is prohibited on property adjacent to any legal pre-existing non-conforming property that does not meet the minimum lot area and width requirements of the AR zoning district.
- G. The facility shall provide a minimum useable floor area of 300 square feet per person.
- H. The property shall be maintained consistent with the visible characteristics

- required for the neighborhood.
- I. The owner shall submit a visitation plan providing for required daily visitation and contact by public safety officers, social service professionals, or religious ministers.
 - J. The property shall be located where public transit service is available

SECTION 15.28 SOLAR FARMS AND SOLAR ENERGY SYSTEMS FOR COMMERCIAL USE

Commercial Solar Energy Systems or Solar Energy Systems that exceed the maximum size listed in Article XVIII, Section 18.29 shall only be allowed in the AR, LDR, MDR, CSC and HC zoning districts as a special use approved by the Planning Commission. In addition to any other requirements for special use approval, Solar Energy Systems under this section shall be ground mounted and are subject to the following requirement:

- A. The application shall provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
- B. The application shall provide verification that there exists an adequate water supply for the site.
- C. The installation of the panels and associated structures shall not disturb the existing topography and soil.
- D. The mounting height of the panels as well as the total height of the panels (in an elevated or tilted position) shall be provided. The Planning Commission may regulate the overall height of the panels based on surrounding land uses.
- E. The plans submitted shall include a site restoration plan showing the use of the site should the panels be removed, as well as described method and mechanisms to implement the site restoration plan.
- F. A copy of the site plan and specification for solar panels, solar shingles and arrays of panels shall be transmitted to the South Haven Area Emergency Services (SHAES).
- G. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the Fire Department to isolate the panels in case of fire.
- H. The Fire Department shall keep on file the type of system that the solar panel array is a part of, either photovoltaic or thermal.
- I. All panels shall have tempered non-reflective surfaces.
- J. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
- K. The installation of the panels shall not require or be reliant on the clear cutting of trees or other vegetation.
- L. The installation of any solar panel shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
- M. Solar Energy Systems under this section shall be located on parcels of land no less than five (5) acres in size.
- N. Solar Energy Systems under this section shall meet the minimum front, side and rear yard setbacks of the zoning district.

- O. Landscaping shall be provided to screen the system from view on all sides to the greatest extent possible.
- P. If the owner of the facility or the property owner fails to remove or repair the defective or abandoned Commercial Solar Energy System, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the Solar Energy System and recover any and all costs, including attorney fees.

SECTION 15.29 MICRO-HOUSING DEVELOPMENTS

This type of infill development is intended to provide for affordable housing of less than standard size as an exception to the minimum floor area requirements of Sections 5.04, 7.04 and 9.05, but in compliance with Section 18.39. For this use the following conditions are required:

- A. Minimum development land area is 5 acres and the maximum development land area is 10 acres.
- B. Municipal Sanitary Sewer and Municipal Water supply are mandatory.
- C. The maximum dwelling floor area shall not exceed 680 square feet in gross floor area (GFA). Post construction additions shall be prohibited.
- D. The minimum dwelling GFA shall conform to Section 18.39.[12'x24'=288 s.f.]
- E. Each dwelling unit shall contain: bathroom, kitchen, living room and a sleeping area. The sleeping area may consist of a loft.
- F. Each individual lot shall have two parking spaces for vehicles (10' wide by 20' deep) directly accessible to the internal street of the development.
- G. Each individual lot shall have a minimum width of 22 feet and a minimum depth of 88 feet. Minimum lot size shall be 2,900 square feet and the maximum lot size shall be 4,250 square feet. Lots shall not exceed a 4 to 1 length to width ratio.
- H. Front setback shall be 20 feet, side setbacks shall be 5 feet on each side, rear setback shall be 10 feet and there shall be 10 feet between the dwelling and an accessory building.
- I. One and only one accessory building shall be provided and as an exception to Section 18.06 C. the floor area allowed for the accessory building shall be up to 576 square feet no matter what the size of the dwelling. Maximum accessory building height shall be 15 feet. Habitable space above the ground floor is prohibited.
- J. Maximum lot coverage shall be 30% or 1,256 square feet whichever is less.

- K. There shall be an access road with a minimum road easement width of 40 feet, provided that there shall also be 10-foot wide public utility easements on at least one side of the road right-of-way. The road designs shall be submitted to the Township Engineer, the County Drain Commissioner and the Fire Marshall for review and are subject to review and approval of the Township Board. The private road connection to a public road shall have the approval of the road agency having jurisdiction. The private road pavement shall be sufficient to support the largest fire apparatus available to the South Haven Area Emergency Services and shall be at a minimum 24 feet wide widening to 28 feet every 150 feet from the public road and having a turn-around at the end unless direct connection is provided to another public roadway.

SECTION 15.30 - AGRIBUSINESS

- A. An agribusiness shall be buildings, structures, lots, parcels or parts thereof which are used to provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. Permitted agribusinesses are listed below:
1. Agricultural products, production and processing operations.
 2. Agricultural products storage facilities.
 3. Bulk feed, plant, and nursery stock fertilizer outlets and distribution centers
 4. Farm machinery sales, service, rental and repair.
 5. Riding stables.
 6. Seed and farm plant or nursery stock dealership outlets and distribution centers.
 7. Veterinary hospitals, clinics and indoor kennels.
- B. Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be 300 feet, except as otherwise required for specific uses listed.
- C. All agribusiness uses shall be located at least 330 feet from all RD, LDR, MDR, HDR, and MFR zoning district boundary lines, and existing residential structures located on adjacent properties.
- D. All agribusiness uses shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

SECTION 15.31 - ACCESSORY FARM DWELLINGS

Accessory farm dwellings are permitted on land used for agricultural production with the following conditions:

- A. The parcel has a principal farm dwelling located on it.
- B. The farm parcel is at least twenty (20) acres in area for the first dwelling, and an additional twenty (20) acres for each additional dwelling.
- C. The occupants of the accessory farm dwelling meet either one of the following conditions:
 - 1. Have direct family relationship to those persons occupying the principal farm dwelling.
 - 2. Are employees of the occupants of the principal farm dwelling and are engaged in an agricultural occupation on the farm on which the dwelling is located.
 - 3. Mobile homes shall also meet the requirements of Ordinance 30, "Mobile Home Ordinance."
 - 4. Dwellings used for this purpose shall have either their own or shall have immediate and unlimited access to all facilities located in the principal dwelling on the farm lot for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
 - 5. All accessory dwellings shall be located in conformance with the appropriate setback lines for the yard in which they are located, except that no accessory dwelling shall be located in a front yard of a principal dwelling.
 - 6. Zoning Permits shall be approved by the Planning Commission and reviewed annually by the Zoning Administrator thereafter for continued need and compliance.
 - 7. Zoning Permits issued for such use shall terminate at such time that anyone or combination of the above conditions cease to be met.

ARTICLE XVI

PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 16.01 PURPOSE

The intent of Planned Unit Developments (PUD) is to provide a reasonable procedure which will permit greater flexibility and more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible arrangements of land use composition and design in the preparation of site plans without sacrificing the basic principles of sound zoning practice.

- A. TYPE I PUDs. The Type I PUD does not require rezoning, and uses within it are limited to those permitted in the zoning district in which it is located. The permitted uses as established in this Ordinance will define the allowed land uses for designing a combination of uses already permitted in each district without rezoning. This can be done in the form of clustering principal uses and activities at a higher density than would otherwise be possible under zoning district regulations while maintaining the overall density of development within the PUD consistent with the district regulations. In addition, a bonus density is allowed under certain conditions, as defined in Section 16.07.A. and the residential portions of Type II PUD districts. The intent of the bonus density is to encourage developers to provide either additional usable open space or “affordable housing” for the community. Affordable housing is defined as housing priced at a level to meet the needs identified in the South Haven Area CHAT report (Community Housing Assessment Team) of March 2002, or subsequent studies.
- B. TYPE II PUDs. The Type II PUD requires rezoning to combine the planning of land uses and activities from several districts as one project and may include the clustering principle. This PUD District is intended to minimize development impacts upon important environmental natural features, to provide for a more economical arrangement of on-site infrastructure by permitting principal uses to have greater density on one portion of a PUD site while retaining the overall density requirements of the Zoning District, to permit the various Zoning Districts involved to fit the overall plan for the PUD.

[amended 2006]

SECTION 16.02 PLANNED UNIT DEVELOPMENT TYPES AND PROCEDURES.

The following provisions, regulations and restrictions shall apply:

- A. MINIMUM LOT OR PARCEL SIZE REQUIRED for PUD projects in the various zoning districts shall be:
- 1) RD – 15 acres
 - 2) LDR – 10 acres
 - 3) MDR – 10 acres
 - 4) HDR – 10 acres

- 5) MFR – 10 acres
- 6) OS – 5 acres
- 7) NSC – 5 acres
- 8) HSC – 5 acres
- 9) CSC – 5 acres
- 10) HC – 5 acres
- 11) I – 5 acres
- 12) When a combination of uses from more than one (1) zoning district is proposed in a PUD (Type II PUD rezoning as in Section 16.01.B.), then:
 - a. The PUD shall be located on a lot of sufficient size to contain all structures, parking, and landscaping buffering required for the most intense development proposed for the site.
 - b. The amount of land required of the total project area and the degree to which the land uses may be mixed is dependent upon the zoning district. The following table describes the extent of mixed use allowed in each district:

DISTRICT	REQUIRED PUD SIZE	% NON-RESIDENTIAL LAND
RD	15 acres	maximum 5%
LDR	10 acres	maximum 15%
MDR	10 acres	maximum 25%
HDR	10 acres	maximum 30%
MFR	10 acres	maximum 30%
OS	5 acres	maximum 50%
NSC	5 acres	maximum 40%
HSC	5 acres	maximum 70%
CSC	5 acres	maximum 100%
HC	5 acres	maximum 100%*
I	5 acres	maximum 100%*

*residential not allowed

B. TYPES OF PLANNED UNIT DEVELOPMENTS (PUDs)

1. A “Type I PUD” is one which can be located in any zoning district upon application to the Township Planning Commission for a PUD project. A Type I PUD includes only those uses permitted in the zoning district in which it is located. This type of PUD requires a public hearing noticed in accordance with Article XXV, Section 25.04, and site plan review and approval by the Township Planning Commission in accordance with Article XXII.

[amended 2008]

2. A “Type II PUD” is one which can be located in any zoning district upon application to the Township Planning Commission for a rezoning to a PUD District. A Type II PUD includes uses permitted in the zoning district in which it is to be located, and other uses as permitted in Section 16.02.A(12). This type of PUD requires both rezoning and site plan approval and is subject to the “amending the zoning ordinance” procedure requirements of Article XXV.

[amended 2006]

SECTION 16.03 GENERAL PROVISIONS

- A. **CONTINUING APPLICABILITY OF INFORMATION ON APPROVED SITE PLANS**
The location of all uses and buildings, all uses and combinations thereof, all yards and transition strips, and all other information shown on or part of a site plan which is approved shall be binding upon the owners and persons in control of the property at the time of approval, and upon their successors. Complete compliance with an approved site plan shall be the continuing obligation of the applicants, owners, occupants and persons in control of the property within a PUD, and of any subsequent owners, occupants and persons in control of property in a PUD project or parts thereof and shall not be changed or altered except with the approval of a site plan amendment as set forth in this Article. The approved plan(s) and any conditions attached thereto shall control subsequent development and use of the property. Land that has been approved as a PUD project shall not thereafter be developed or used except in accordance with the approved site plan and approved amendments thereto.
- B. **CONSTRUCTION** - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot width, or under petition for, a PUD project, until the requirements of this Article have been met.
- C. **PERFORMANCE GUARANTEES** – Performance guarantees may be required for all public and common improvements in developments and in phases of developments on a per phase basis and shall be required where building permits are desired before all infrastructure is completed. Cost levels to be used in setting dollar amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency or PUD Engineer.

[text amended 2006]

SECTION 16.04 PRE-APPLICATION CONFERENCE

- A. An applicant for a PUD project may request a pre-application conference with Township officials prior to filing an application for developing a PUD project. The request shall be made to the Township Zoning Administrator who shall set a date for the conference and shall inform members of the Township Board and other Planning Commission members of the conference and invite their attendance. The Township Zoning Administrator shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.
- B. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.

- C. Statements made in the conference shall not be legally binding and shall not result in any commitments.
[text amended 2006]

SECTION 16.05 SITE PLAN REQUIREMENTS

A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article XXII, "Site Plan Review."

The Planning Commission shall require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a PUD project request for recommendation to the Township Board.

To that end, an impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per 24 hour period, directional distribution of trips generated by the proposed development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

[amended 2006]

SECTION 16.06 SITE PLAN: ADMINISTRATIVE REVIEW PROCEDURE

- A. An application for a PUD project shall be made by the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership over the signatures of all owners of all land in a PUD or execution of a binding or conditional sales agreement, prior to receiving a recommendation of approval of the application and site plan by the Township Planning Commission.
- B. The application shall be filed with the office of the Zoning Administrator, who shall check it for completeness in accordance with this Zoning Ordinance, discuss it with the applicant, and transmit the application and the site plan to the Township Planning Commission. The application shall be filed, if complete, with the Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting.
- C. The Township Planning Commission shall hold a public hearing on the application site plan, and supporting information.
1. The public hearing for a Type I PUD shall follow the same procedures as that required in Article XV, Special Uses.
 2. The public hearing for a Type II PUD shall follow the same procedures as that required in Article XXV, Amending the Zoning Ordinance and Map.

- D. At the public hearing, the applicant shall present evidence regarding adherence to all pertinent standards and requirements of this Zoning Ordinance. The applicant may submit information in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by professional experts who can clearly state the full nature and extent of the proposal. Complete sets of plans and supporting information shall be submitted with the application in a sufficient number of copies, but not less than fifteen (15) copies, for review by each member of the Planning Commission, the Zoning Administrator and other Township officials. Materials submitted shall include the required site plan and any required supplementary sources of information necessary to satisfy Section 16.06 and Article XXII, Site Plan Review Procedures..
- E. The Planning Commission shall undertake a study of the application and site plan and, in the case of a Type II PUD, shall submit a report of its recommendations after public hearing to the Township Board. The report for a Type II PUD shall contain the Planning Commission's analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendation for approval, approval with conditions, or denial with reasons stated in the official minutes of the Planning Commission. Materials and the information to be considered in this study and review process shall include input from such agencies as the Sewer and Water Authority, County Health Department, County Road Commission and/or Michigan Department of Transportation, County Drain Commissioner, Michigan Department of Environmental Quality, among other County, State, Township and local public agencies having public interest responsibility in the PUD development project..
- F. For the Type II PUD, after making its recommendations to the Township Board, the Planning Commission shall transmit the PUD to the Van Buren County Planning Commission if amendments to the Zoning Ordinance text or Zoning District Map are required, for its approval, approval with conditions or disapproval as its recommendation to the Township Board.
- G. For Type II PUDs, the Township Board shall review the application and site plan and the Township and County Planning Commission's recommendations thereon, and shall approve, or deny approval of the application and site plan. Major changes in the application or site plan desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to the Township Board action thereon. If the Township Board disagrees with the Planning Commission recommendation, it shall refer the matter back to the Planning Commission for additional consideration before denying its approval of a Type II PUD. The Township Board may attach conditions to its approval of a Type II PUD proposal without referring the proposal back to the Planning Commission if those conditions are not major changes to the approval.
- H. For either a Type I or a Type II PUD, if the application and site plan are approved by the Township, the applicant and all owner(s) of record of all property included within the PUD shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs,

successors, and assigns, unless future changes mutually agreed to by an future Township Board and future applicant and owner(s) of record or the assigned agent(s) of their heirs, successors and assigns.

SECTION 16.07 TYPE I PUD PROJECTS AND RESIDENTIAL TYPE I BONUS

A. The clustering of principal and accessory structures shall be permitted provided that the overall density of dwelling units or lot coverage by commercial or industrial buildings which can be placed upon a lot or parcel of land shall not be exceeded, and each setback requirement shall not be reduced by more than thirty (30) percent, except as otherwise provided for in the Ordinance and except that overall lot coverage requirements and project and/or development front, rear and side yard setback requirements or those specified in this Article shall be met.

Type I PUD projects shall include:

1. Residential condominium subdivision or site condominiums limited solely for residential uses in appropriate residential zoning districts.
3. Commercial shopping centers, condominium subdivisions or site condominiums limited solely for commercial uses in appropriate commercial zoning districts.
4. Condominium conversions of existing commercial buildings in appropriate commercial districts.

B. Bonus density for Residential Type I PUD projects and residential portions of Type II PUD districts: The intent of this provision is to provide developers with an economic incentive to create affordable housing and/or open space available for recreational uses.

1. The overall density of a Residential Type I PUD project or a residential portion of a Type II PUD, may exceed the LDR, MDR, HDR and MFR zoning district densities or dwelling units per acre of developable land contained in a parcel of land by no more than 25%, as set out below:

District	Density	Bonus (maximum density)
LDR	2.18	2.73 dwelling units per net developable acre of land
MDR	2.90	3.63 dwelling units per net developable acre of land
HDR	4.36	5.45 dwelling units per net developable acre of land
MFR	8.00	10.00 dwelling units per net developable acre of land

Developable land is defined for the purpose of this Section as the total gross acreage of the parcel of land less any areas shown on a Flood Insurance Rate Map as a Zone A or Zone B; a State of Michigan Designated and Critical Sand Dunes Areas map as a Critical Dune Area; a State of Michigan High Risk Erosion Area Map as a High Risk Erosion Area; a National Wetland Inventory map and meeting the State of Michigan requirements for a regulated wetland; or lake or pond over five (5) acres in area.

2. Requirements for a Residential Type I PUD project density bonus:
To the extent possible, open space shall be continuous throughout the development. In order to qualify for the bonuses listed in 1 above;
 - a. The development shall set aside at least 10% of the total land area (excluding any water surface areas) as permanent “Open Space” or recreational area/space. At least 1/3 or the 10% open space area shall be set aside as a separate area capable of being developed for a PUD recreation area for the location of a future pool, children’s play area, non-commercial sports field/court, picnic area, or other possible social needs of the residents of the development. The remaining 2/3’s of the 10% open space area shall be located in areas reasonably accessible to residents of the PUD and shall be configured so that they are usable. Street rights-of-way, driveways and parking areas shall not be considered open space.
 - b. The area to be developed for a Residential PUD project must be served by municipal sanitary sewer and water utilities.

[new section added 2006]

SECTION 16.08 SUPPLEMENTARY DEVELOPMENT STANDARDS AND REGULATIONS

The following requirements expand upon and are in addition to the requirements detailed in Article XXII, Site Plan Review Procedures. They shall, in all cases, be adhered to by developments in a PUD project.

A. EXTERNAL AND INTERNAL CIRCULATION AND ACCESS

1. All PUD development projects shall be restricted to sites having access to a hard surface paved roadway and accepted and maintained by the Van Buren County Road Commission or the Michigan Department of Transportation.
2. Access points to a PUD project shall be located to meet current state fire code requirements, and State Department of Transportation or Van Buren County Road Commission spacing requirements. In no case shall any access point of ingress or egress be closer than thirty-five (35) feet from either side lot line of the parcel, nor less than 150 feet from the centerline of a cross-street or driveway on an adjacent parcel.
3. Each lot or principal building shall have internal vehicular access from a public street or private street approved by the Township Board.
4. Public and private streets shall be designed and constructed according to standards for public streets as established by the Van Buren County Road Commission except that such standards may be modified as provided in South Haven Township Ordinance Number 33, Public & Private Roads, Section III, Administration, B. Private Roads & Streets, 1. Approving Authority. Right-of-

way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.

B. OPEN SPACE REGULATIONS

1. In a Type II PUD zoning district, a land, water or land/water area constituting not less than twenty-five (25) percent of the total (a) land area, or (b) land area, plus no more than three hundred (300) feet into or no more than one-half (1/2) the width or distance across a natural surface water area of a waterfront parcel, shall be designated as permanent open space.

In a Type I PUD project, the required open space shall not constitute less than ten (10) percent of the total land area as calculated above in Section 16.08.B.1(a) or (b). The required open space area shall be developed according to the approved site plan and may never be changed to any other use. Further, the site plan and master deed or plat restrictions or other conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the district and such open space shall be considered as an integral component of the over-all PUD.

The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions or other permanent assurances in a form approved by the Township which shall provide for participation in said maintenance cost by each occupant or resident (residential or commercial) within the PUD.

All areas mapped as Special Flood Hazard Areas or areas identified as regulated wetlands shall be included in the permanent open space even if such areas exceed the required percent of property to be set aside as open space. A Special Flood Hazard Area map can be revised or amended to allow development as provided in Part 3091 of Michigan Public Act 451 of 1994, and related rules.

2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other building and improvements shall be prohibited therein.
3. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
4. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.
5. The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities such as ravines, rock outcrops,

wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

C. LANDSCAPING AND PARKING

1. The parking and loading requirements set forth in Article XX, Off-Street Parking herein, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, (pursuant to the requirements detailed in Article XX) as part of the site plan. Such reduction shall be based upon specific findings.
2. A landscaped strip no less than twenty (20) feet in width shall be required when a free-standing physical structure containing a commercial and/or office use is located adjacent to a residential use. The strip shall be located between the two uses and shall be landscaped with trees and ground cover.

D. UTILITIES

1. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Township Board.
2. All development shall be required to provide adequate fire protection system as determined and approved by the Township Fire Department and Township Board. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate county or state agencies shall be presented to the Planning Commission before action can or will be taken on any PUD request.

Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions which shall provide for participation in maintenance costs by each owner of the planned unit development served by such a system.

3. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be required.
4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of street lights may be required of developments in the PUD district. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

E. SITE DESIGN, LAYOUT AND DENSITY CRITERIA

1. All density requirements shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel. When the question of **maximum density** arises, it shall be the responsibility of the applicant to demonstrate that the proposal complies with the density requirements of the PUD project (rezoning or special use). To that end, the applicant shall prepare a comparison site plan sketch demonstrating the layout of the maximum number of individual parcels that could be created on the developable portion of the land that meet the zoning requirements of the zoning district if the PUD were not created. The density of the proposed development shall be calculated based upon an approved comparison sketch plan. The comparison site plan sketch may ignore topography but shall not include any land area below the Special Flood Hazard Area limit of Lake Michigan.
2. Existing natural water areas (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to 300 feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50) percent of the total water area to be constructed may be included in density calculations, but in no case shall the included surface water area exceed 20% of the total land area of the PUD or any single or combination of phases of the PUD.
3. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable division of any areas intended to be subdivided.
4. All principal buildings and all accessory buildings or structures shall be located at least fifty (50) feet from any exterior public roadway right-of-way line, private road and/or area to be platted.
5. The outdoor storage of goods and materials shall be prohibited in the PUD project unless permitted in the underlying zoning district.

F. LEGAL MECHANISMS TO ENSURE FACILITY AND OPEN SPACE MAINTENANCE

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:

- a. The HOA, ACE, or AIE shall be established before any building or structure in the “PUD” are sold or occupied.
- b. Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
- c. Restrictions shall be permanent.
- d. The HOA, ACE, or AIE shall be made responsible for liability.
- e. Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

G. PROJECT PHASING

- 1. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase shall be submitted to the Planning Commission when the site plan is submitted.
- 2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

[section revised and amended 2006]

SECTION 16.09 STANDARDS FOR REVIEW *[section re-numbered 2006]*

The Planning Commission shall determine and shall provide evidence in its report to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed development shall conform to the Township Master Plan or any part thereof, or represents land use policy which, in the Planning Commission’s opinion, is a logical and acceptable change in the adopted Township Land Use Plan.
- B. The proposed development shall conform to the intent and all regulations and standards of a “PUD” District.
- C. The proposed development shall be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.

- D. Common open space, other common properties and facilities, individual properties, and all other elements of a “PUD” are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- E. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.
- G. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- H. The Planning Commission shall determine, where applicable, that noise, odor, lighting, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- I. The proposed development shall create a minimum disturbance to natural features and land forms.
- J. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.

SECTION 16.10 AMENDMENTS TO SITE PLAN *[section re-numbered 2006]*

Preliminary and final site plans may be amended in accordance with the process detailed in Section 22.11 of Article XXII, “Site Plan Review.”

SECTION 16.11 SUBDIVISION PLATS *[section re-numbered 2006]*

The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result

in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

SECTION 16.12 EXTENSION OF TIME LIMITS *[section re-numbered 2006]*

Time limits set forth in Article XXII, “Site Plan Review” may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

SECTION 16.13 PERFORMANCE GUARANTEES *[section re-numbered 2006]*

Performance guarantees shall be provided in accordance with Section 22.16 of Article XXII, “Site Plan Review.”

SECTION 16.14 VIOLATIONS *[section re-numbered 2006]*

Violations shall be dealt with in the manner detailed in Section 22.17 of Article XXII, “Site Plan Review.”

ARTICLE XVIA

SITE CONDOMINIUMS OR CONDOMINIUM SUBDIVISIONS

SECTION 16A.01 PURPOSE

The purpose of this section is to set forth the standards for review of site condominiums or condominium subdivisions in all Zoning Districts, to provide for adequate standards for the master deed, deed restrictions, utility systems, public and private roads, site layout and design, and to achieve compliance with all regulations of the condominium act and this ordinance. Where any interpretation or application of a general requirement of the ordinance is in conflict with other definitions of Section 2.02, the definitions of Section 16.02.A listed under "Condominium Definitions" shall govern the interpretation and application under this Article.

SECTION 16A.02 CONDOMINIUM DEFINITIONS:

CONDOMINIUM DOCUMENTS - The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

CONDOMINIUM LOT - The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

CONDOMINIUM SUBDIVISION PLAN - The drawings and information prepared in accordance with Section 66 of the Condominium Act.

CONDOMINIUM UNIT - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

CONSOLIDATING MASTER DEED - The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

CONTRACTIBLE CONDOMINIUM - A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.

EXPANDABLE CONDOMINIUM - A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

MASTER DEED - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

NOTICE OF PROPOSED ACTION - The notice required by Section 71 of the Condominium Act, to be filed with South Haven Township and other agencies.

SITE CONDOMINIUM - A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

SECTION 16A.03 APPROVAL REQUIRED

Pursuant to authority conferred by Section 141(MCL 559.241) of the Condominium Act (P.A. 59 of 1978 as amended), preliminary and final site plans for all site condominiums or condominium subdivisions shall be approved by the Planning Commission. Final site plans shall be approved by the Township Board. In determining whether to approve a site plan for a site condominium, the Planning Commission and Township Board may consult with the Zoning Administrator, Township Attorney, Township Engineer, and Township Planner and others as deemed appropriate by the Planning Commission and Township Board, regarding the adequacy of the master deed, deed restrictions, utility systems and roads, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance.

SECTION 16A.04 GENERAL REQUIREMENTS

- A. The provisions of Article XXII, Site Plan Review, shall also apply to all Site Condominiums processed under this Article XVIA, except where the provisions included in Article XXII are in conflict with provisions of Article XVIA or which are in conflict with Public Act 59 of 1978, as amended, "The Condominium Act," in which case(s) the provisions of this Article XVIA and The Condominium Act shall prevail.
- B. No construction, grading, or other work shall be done on a site once the site plan review application has been filed until a final site plan has been approved, except with the express permission of the Planning Commission or the Township Board. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan therefor has been approved by the Planning Commission and Township Board and is in effect. This requirement shall include contractible, conversion, and expandable condominium subdivisions.
- C. If a building, structure, or use to be placed on a condominium lot which requires site plan approval under Section 22.02, herein, a site plan for that building, structure, or use shall be approved in accordance with Article XVIA herein, before a certificate of zoning compliance may be issued.
- D. The South Haven Township Planning Commission shall have the authority to review and grant preliminary approval, approval with conditions or denial of preliminary site plans

for condominium subdivisions. The Planning Commission shall have the authority to recommend approval, approval with conditions or denial of a final site plan to the Township Board. The South Haven Township Board shall have the authority to approve, approve with conditions or deny final site plans for condominium subdivisions.

- E. Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with Article XXII and Article XVIA, provided, however that preliminary and final site plans shall not be combined for condominium subdivisions. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the Van Buren County Register of Deeds.
- F. Each condominium unit shall be located within a zoning district that permits the proposed use.
- G. For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.
- H. Each condominium lot shall be connected to public water and sanitary sewer facilities, where available, or shall have a well, septic tank, and drain field approved by the County Health Department, where public water and sanitary sewer services are not available. The well, septic tank, and drain field serving a condominium lot shall be located within that lot, as described in the master deed, except in a PUD district, in which this requirement may be waived by the Township Board as a part of its approval of the PUD rezoning petition/application.
- I. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- J. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- K. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49

of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

- L. All information required by this Ordinance shall be updated and furnished to the Zoning Administrator until applicable certificates of zoning compliance have been issued, as provided in Section 22.14 of Article XXII, herein.

SECTION 16A.05 PRELIMINARY SITE PLAN REQUIREMENTS

- A. A preliminary site plan shall be filed for approval at the time of a Notice of Proposed Action is filed with South Haven Township. In the event a Notice of Proposed Action regarding a condominium subdivision is filed with the Clerk, the Clerk upon receipt of the notice shall transmit the preliminary site plan drawings to the Township Planning Commission. No action is to be taken by the Township Board, until the Planning Commission has reviewed the final site plan drawings.
- B. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
- C. The preliminary site plan shall include all information required in Section 22.07 of Article XXII, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots and all required yards, rather than individual buildings, shall be shown on the preliminary site plan.
- D. All items required in Section 22.07 of Article XXII are to be completed and presented at the time of the preliminary site plan submission.

SECTION 16A.06 FINAL SITE PLAN REQUIREMENTS

- A. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
- B. A final site plan for any phase of development shall not be filed for review by the Planning Commission and Township Board unless a preliminary site plan has been approved by the Planning Commission and is in effect.
- C. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Section 22.08 of Article XXII, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots rather than individual buildings, and required yards shall be shown on the final site plan.

- D. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Natural Resources. The Planning Commission and Township Board shall not approve a final site plan until all County and State agencies required to review the condominium subdivision plan have approved the condominium subdivision plan.

SECTION 16A.07 REVISION OF CONDOMINIUM SUBDIVISION PLAN

If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission and Township Board before any building permit may be issued, where such permit is required.

SECTION 16A.08 PUBLIC AND PRIVATE ROADS

All roads within a site condominium shall be dedicated as public roads to the Van Buren County Road Commission and shall be developed to the design, construction, inspection, approval and maintenance requirements of the Van Buren County Road Commission. Each condominium lot shall have frontage abutting a public road as required by the regulations of the particular zoning district in which the condominium lot is located. In the event that the Van Buren County Road Commission refuses to accept dedication of a proposed road in an exclusively residential condominium, the applicant may apply to the South Haven Township Board for a permit to substitute a private road for the public road or any portion thereof, in accordance with the South Haven Township Public and Private Road Ordinance, and the amendments thereto, which will be found in Section 18.44 of this Ordinance by reference thereto.

SECTION 16A.09 AMENDMENTS TO MASTER DEED OR BYLAWS

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission and Township Board before any building permit may be issued, where such permit is required. The Planning Commission and Township Board may require its review of an amended site plan if, in their opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

SECTION 16A.10 RELATION TO SUBDIVISION ORDINANCE

All site condominiums shall conform to the plan preparation requirements, design, layout, improvement standards, and the financial guarantee requirements of the South Haven Township Subdivision Regulation Ordinance, as amended, all of which are incorporated herewith by reference. The standards and requirements of the Subdivision Regulation Ordinance including the financial guarantees which apply to lots in a subdivision shall also apply to condominium lots. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance or the Subdivision Control Act.

SECTION 16A.11 DEVELOPMENT AGREEMENT

The Planning Commission and Township Board may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and Township Board and the Township of South Haven, incorporating the terms and conditions of final site plan approval, and record the same in the Office of the Register of Deeds for Van Buren County.

SECTION 16A.12 ASSOCIATION AUTHORIZATION

Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

SECTION 16A.13 MONUMENTS

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. No building permits shall be issued until monuments are set.

The Zoning Administrator may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the South Haven Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to South Haven Township, in an amount as determined from time to time by resolution of the South Haven Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans using the funds from the security deposit.

SECTION 16A.14 EASEMENTS AND RIGHTS-OF-WAY

Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the appropriate public authority for all public water, sanitary sewer and storm sewer or drainage lines and appurtenances.

SECTION 16A.15 DESIGN SPECIFICATIONS

All improvements in a site condominium shall comply with the design specifications as adopted by the South Haven Township Board and any amendments thereto.

SECTION 16A.16 RATIFICATION OF ZONING ORDINANCE AND ONFLICTING PROVISIONS

The South Haven Township Zoning Ordinance, as amended, is hereby ratified and reaffirmed except to the extent inconsistent herewith of this Article XVIA. All conflicting provisions of said Zoning Ordinance, and any other ordinance of the Township of South Haven, which are inconsistent or conflicting with the Article XVIA within, are hereby declared to be nonapplicable to Site Condominiums. Should any provision of the within Article XVIA be declared to be unconstitutional, void or unenforceable by a Court of competent jurisdiction, for any reason, the remaining terms and provisions of the within Article XVIA and the other provisions of the South Haven Township Zoning Ordinance are hereby declared to be separate and severable, and the remaining unaffected provisions shall be sustained and enforced.

ARTICLE XVII

NONCONFORMING LAND, BUILDING AND STRUCTURAL USES

SECTION 17.01 PURPOSE

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that only existing non-conformities may be enlarged upon, expanded or extended, but shall not be used as grounds for adding other similar structures or uses elsewhere in the same districts. The continuance of all nonconforming uses and structures within the Township shall be subject to the conditions and requirements set forth in this section. *[amended 7-12-00]*

SECTION 17.02 CONTINUANCE OF NONCONFORMING USES

[amended 7-12-00]

- A. STRUCTURAL CHANGES: The building that is nonconforming may be structurally changed, or enlarged, provided the resultant changed, altered or enlarged building conforms to the provisions of this Ordinance for the district in which it is located.
- B. REPAIRS: Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided that wherever possible, all such repairs shall cause a building or structure to become more conforming.
- C. ALTERATIONS AND IMPROVEMENTS: Nothing in this Ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration will wherever possible increase the conformance of the height, area, bulk, or use of the building.
- D. PRIOR CONSTRUCTION APPROVAL: Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is carried on diligently; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

SECTION 17.03 RESTORATION OF DAMAGE *[amended 1-14-98 & 7-12-00]*

- A. *Restoration:* **Except when the structure is located within a Flood Hazard Boundary**, any lawful nonconforming use damaged by fire, explosion, an act of God, or by other causes may be restored, rebuilt, or repaired provided that the replacement building or structure is substantially of the same size and in essentially the same location

as the damaged building or structure. Significant changes in building or structure size or location shall be permitted subject to the provisions of Section 17.02.

[amended 6-1-2006]

B. *Restoration of structures within a Flood Hazard Boundary:* For all structures located within a Flood Hazard Area, any repair, reconstruction or improvement of such structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair started, or (2) if the structure is damaged and is being restored, before the damage occurred, shall comply with the following standards:

1. All new construction, replacement, or improvements of residential structures shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood level.

2. All new construction, replacements or improvements of non-residential structures shall have either:

a. the lowest floor, including basement, elevated to at least one (1) foot above the base flood level; or

b. be constructed such that below the base flood level, together with utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and the structural components having the capability of resisting hydrostatic and hydrodynamic loads and effective buoyancy in full compliance with the state building code.

For the purpose of this section “improvement” is considered to be when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. *[amended 6-1-2006]*

SECTION 17.04 DISCONTINUANCE OR ABANDONMENT OF NONCONFORMING USE

Whenever a nonconforming use has been discontinued for two (2) years, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use, unless the Zoning Board of Appeals determines that two (2) years is too restrictive and determines that a longer period of discontinuance is necessary to overcome an unnecessary hardship by granting a variance from the two (2) year limitation. However, if a nonconforming use is converted to either a conforming use or a more conforming use, then the conforming or more conforming use must continue and reversion to the previous or any other nonconforming use shall be prohibited.

SECTION 17.05 REVERSION TO A NONCONFORMING USE

If a nonconforming use is changed to a more conforming use or to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming or lesser conforming use.

SECTION 17.06 DISPLACEMENT OF A CONFORMING USE

A nonconforming use shall not be extended to displace a conforming use.

SECTION 17.07 CHANGE TO ANOTHER LESSER NONCONFORMING USE

The Township Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable and of less nonconformance to the zoning district in which it is located than the nonconforming use which it is replacing.

SECTION 17.08 TERMINATION OF A NONCONFORMING USE

The nonconforming uses of land, where no building is located, existing at the effective date of this Ordinance may be continued, provided that the nonconforming land use shall be terminated if it is discontinued for a period of one (1) year, unless it is determined by the Zoning Board of Appeals that one (1) year is too restrictive and a longer period of discontinued time is necessary to be provided through the granting of a variance.

SECTION 17.09 ILLEGAL NONCONFORMING USES

Those nonconforming uses which are created after the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued. Uses which were illegal under a prior Ordinance and which do not conform to this Ordinance shall continue to be illegal.

SECTION 17.10 CHANGES IN ZONING DISTRICT

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary and Zoning District classification changes. *[amended 7-12-00]*

SECTION 17.11 ELIMINATION OF NONCONFORMING USES

The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the

Township for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

SECTION 17.12 NONCONFORMING LOTS AND PARCELS

- A. Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a district and its customary accessory uses may be erected on any nonconforming lot or parcel of record subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located. It is the intent to permit only minimum variances to be granted by the Zoning Board of Appeals upon application by a property owner or a representative of the owner of dimensionally nonconforming lots or parcels.

- B. If two (2) or more lots, parcels, or portions of lots are contiguous and in common ownership, and if all or part of the lands do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Article, and no portion of such lots or parcels in common ownership shall be used or occupied except in compliance with the lot width and area requirements of this Ordinance. In addition, no division of such lands shall be made which results in any parcel with width or area below the minimum requirements established by the Zoning District in which the lot or parcel is located. *[amended 2008]*

ARTICLE XVIII

SUPPLEMENTAL REGULATIONS

SECTION 18.01 PURPOSE

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

SECTION 18.02 EXISTING USES OF LANDS, BUILDINGS AND STRUCTURES

The provisions of this Ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

SECTION 18.03 SCOPE OF ORDINANCE

Except as provided by Sections 18.02 all land and premises shall be used, and all buildings and structures shall be located, erected and used in conformity with the provisions of this Ordinance following the effective date herein.

SECTION 18.04 AREA LIMITATIONS

In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

SECTION 18.05 DWELLING LOTS OR SITES

Every dwelling, cottage, cabin, occupied trailer coach or mobile home, erected outside of a mobile home or trailer coach park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

SECTION 18.06 ACCESSORY BUILDING PROVISIONS

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. Accessory buildings shall not be erected in any required yard, except a rear yard.

- C. **An accessory building not exceeding one (1) story or twenty (20) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard.**
- D. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than fifteen (15) feet to any side or rear lot line. In those instances where the rear lot line is in common with an alley right-of-way the accessory building shall not be closer than five (5) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- E. No detached accessory building in the MDR, LDR, HDR, MFR, OSC and NSC districts shall exceed one (1) story of twenty (20) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts.
- F. When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.
- G. An accessory building shall not be placed on any lot or parcel unless there is a principal building on the same lot or parcel. The following situations are exempt from this provision:
1. An accessory building may be constructed on a parcel prior to the construction of a principal building so long as a permit has been obtained for the principal building and so long as construction on the principal building commences within six months of the issuance of the permit for the accessory building.
 2. Where a principal building is located on a lot smaller than 10,000 square feet in a platted subdivision, an accessory building may be constructed on a vacant lot within 300 feet of the lot on which the principal building is located so long as the two lots are placed in the same tax bill and an instrument is recorded prohibiting the separate sale of the accessory lot.
 3. An accessory building may remain on a parcel where the principal building has been removed so long as it remains in good repair, is used solely for residential storage and is not used for commercial any purpose.
 4. An agricultural use building as defined by the state building code is not an accessory building when located in a zoning district where agriculture is a permitted use. Such buildings can be considered a principal use.

SECTION 18.07 USE OF YARD SPACE

No yard surrounding a dwelling, building or structure utilized for dwelling purposes, except farm dwellings, shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of not more than five (5) passenger automobiles in active service, and no yard surrounding a dwelling shall be used for the location, parking, disposition, storage, deposit, or dismantle in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures.

SECTION 18.08 LOT-BUILDING RELATIONSHIP

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.

SECTION 18.09 ACCESSORY BUILDING AS DWELLING

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

SECTION 18.10 BASEMENT AS DWELLING

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

SECTION 18.11 DAMAGED BUILDINGS AND STRUCTURES

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage.

SECTION 18.12 REQUIRED WATER SUPPLY AND WASTEWATER DISPOSAL FACILITIES

Shall meet the requirements established by the County Sanitation Code of the Department of Health.

SECTION 18.13 ACCESS TO A PUBLIC ROAD OR HIGHWAY

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public road right-of-way shall not be occupied, except where access to a public road right-of-way is provided by a public or private easement or other right-of-way no less than sixty-six (66) feet in width.

SECTION 18.14 FRONTAGE ON PUBLIC OR PRIVATE ROAD OR HIGHWAY

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private road right-of-way that meets all of the requirements for road construction as specified by the County Road Commission. Also refer to the Township Ordinance which “Regulates the Construction, Maintenance and Use of Public and Private Roads and Streets within South Haven Township”.
[1999]

SECTION 18.15 VISIBILITY AT INTERSECTIONS

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

SECTION 18.16 ROAD CLOSURES

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

SECTION 18.17 HEIGHT REGULATIONS

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction and any regulations established by authorized federal state, county and township agencies. Any proposed structure greater than thirty-five (35) feet in height shall be referred to the Airport Board for review and recommendation prior to approval.

SECTION 18.18 FENCES, WALLS AND SCREENS

Within the limits of a side or front yard space of a lot; no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than six (6) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height, except as required in Section 18.15.

SECTION 18.19 ESSENTIAL SERVICES

- A. This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies. No such building constructed as a part of an essential service, shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
- C. Essential services may be located in all districts and shall meet the requirements of the District in which they are located for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services.

**SECTION 18.20 PRIVATE POOLS, INCLUDING SWIMMING, JACUZZIES
AND HOT TUBS**

Private pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. A pool is defined as any body of water having a depth of eighteen (18) inches or more of water at any one point.
- B. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall.
- C. There shall be a distance of not less than five (5) feet between the outside pool wall and any building located on the same lot.
- D. No pool shall be located less than fifty (50) feet from any front lot line.
- E. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.

- F. No pool shall be located in an easement.
- G. For the protection of the public, all yards containing pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

SECTION 18.21 HOME OCCUPATIONS

Home occupations shall be permitted in all detached single family residential dwellings and include such customary home occupations as: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office and other similar occupations and other home occupations including incidental retail sales not to exceed 25% of the gross sales of the business, legally operating in detached single family homes at the time of adoption of this Zoning Ordinance.

- A. The non-residential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than twenty-five (25) percent of the ground floor or basement floor area of the principal structure or an accessory building.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve no employees other than members of the immediate family.
- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two (2) square feet in area in an MDR, LDR, HDR, and MFR District, and ten (10) square feet in area shall be permitted in the RD and AR Districts and is not required to be attached to the principal structure.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not

intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.

- I. Retail sales are permitted as a home occupation provided they meet the requirements of the above. Section A-H and the provisions of Article XV, "Special Uses."

SECTION 18.22 TEMPORARY BUILDINGS AND STRUCTURES

Temporary buildings and structures, including mobile homes, tool cribs, storage trailers, shipping containers and informational, for sale and similar signs are permitted during the period of construction and sales involving change of ownership or rental occupancy. Such buildings, structures and signs shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Prior to the issuance of a permit for temporary buildings and structures the applicant must deposit to the credit of the Township a removal performance guarantee, cash or check deposit or a letter of credit from an incorporated financial institution or bonding company licensed to do business in the State of Michigan. The removal performance guarantee shall be based upon a firm bid by a licensed contractor subject to the discretion of the Zoning Administrator or the Township Supervisor. Temporary signs having an area of less than 24 sq.ft. shall be excluded from this provision.

[text amended 1999 and 2010]

SECTION 18.23 SOLID WASTE RECEPTACLE AREAS

Truck-lifted or transported receptacle areas: all such receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas.

SECTION 18.24 EXTERIOR LIGHTING

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas is required when the number of parking spaces is more than five (5).

SECTION 18.25 DRIVEWAY ENTRANCES AND GATES

In driveway entrances or gateway structures; including, but not limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 18.15 "Visibility at Intersections," provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

SECTION 18.26 FRONTAGE ACCESS ROADS OR SERVICE DRIVES

Ingress and egress from frontage access, shared driveways, private roads, or service roads for all uses permitted in all zoning districts fronting on M-43, M-140, Blue Star Highway and Phoenix Road (CR388) shall be required in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing uses located upon existing lots and parcels. If there are limited prospects for immediate development of adjacent lots or parcels, the Township Board may upon request from an applicant require the posting of an acceptable financial guarantee from the applicant equal to the amount of the estimated cost of the frontage access road. However, upon the application for development and use of an adjacent lot or parcel having the same or connecting frontage, the applicant will be required to build the frontage access road. *[amended 2017]*

- A. Connecting service roads shall be required between parking areas on adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.
- C. No less than two (2) driveways at least 20 feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E. Parking lots, driveways and service roads shall at least be surfaced with processed road gravel and maintained in a usable dust free condition.
- F. Parking area layout shall follow standards prescribed in this Ordinance.

- G. Service roads and driveways shall be at least paved with processed road gravel and have a width of twenty (20) feet.
- H. At its discretion, the Planning Commission may recommend to the Township Board that, if a lot or parcel is not in need of a Frontage Access Road because it is the only lot or parcel developed or under development in a Zoning District which requires such access roads or the development of the lot or parcel can function in relation to adjoining lots or parcels until such time as two (2) contiguous lots or parcels need to provide such an access road, the owners/developers of such parcels need not construct such access roads, but will be required to reserve in a sufficient setback from all roads an area capable of constructing such an access road at a later date; providing that the owner/developer provides the Township Board with an adequate financial guarantee to cover the total estimated cost of constructing such an access road at a later date, e.g. when the frontage access road in the judgment of the Planning Commission and Township Board the access road is needed.

[following text added 7-12-00]

Temporary ingress/egress with direct access to a major road or highway arterial may be approved by the Planning Commission for individual parcels where the adjacent properties have not been developed, provided that:

- (1) The approved plan clearly notes that the access points are temporary and that they are to be removed upon development of an adjacent parcel, and that an access drive across the site's frontage will be built at the time the adjacent parcel is developed.
- (2) The developer submits in writing to the Township a document fully acknowledging the fact that the direct access points are temporary and agrees to their removal in accordance with (1) above.
- (3) The developer provides an adequate financial guarantee to the Township to assure the removal of all temporary access points on the parcel. Occupancy permits shall not be issued by the Township until or unless the above conditions are met.

SECTION 18.27 PARKING OR STORAGE OF MOBILE HOMES, TRUCKS AND TRAVEL TRAILERS ON RESIDENTIAL LOTS AND PARCELS IN MDR, LDR, HDR, AND MFR ZONING DISTRICTS

Storage of not more than two (2) non-residential type recreational vehicles shall be permitted, provided that such units shall be completely within the side and rear yards or completely enclosed within the side and rear yards or completely enclosed within a structure.

SECTION 18.28 TEMPORARY TRANSIENT USES

- A. Minor Temporary Uses: (No permit required)
Tents, open or enclosed, for temporary outdoor activities directly related to an approved principal use already existing on a property are exempt from review by the Planning Commission. Such uses include but are not limited to:

1-tents at private homes for wedding receptions, birthday parties, graduation parties, funerals and similar social occasions. Tents for social occasions do not require a zoning permit;

2-temporary sales tents for promotional activities of products already being sold or marketed on developed commercial properties. All such tents shall be limited to one (1) time frame of no more than fourteen (14) consecutive days during any 60-day period;

3-On-site Temporary Farm Stands– The sale of farm produce (raw fruits and vegetables) from the farm on which it is grown. All such farm stands are limited only to the growing season (April through November). Sale of farm produce off-site is regulated under B. below.

B. Temporary Uses Requiring Zoning Approval:

Temporary buildings, structures, and uses of the following types are permitted in all districts unless otherwise and may be permitted by the Zoning Administrator under the following conditions:

1. Fire Damage – During renovation of a permanent building damaged by fire or other natural disaster so long as a building permit has been issued for the repair of the principle structure. The temporary building or structure must be removed when repair of fire damage is complete, and in no case shall it be located on the lot or parcel for more than fifteen (15) days after final approval by the building inspector. The Zoning Administrator shall require a deposit equal to the estimated cost of removal of the temporary structure.

2. New Construction – Temporary buildings and structures incidental to construction work, except single-family dwellings are permitted. Such temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed more than twelve (12) months, unless expressly authorized after petition to the Zoning Board of Appeals. The Zoning Administrator shall require a deposit equal to the estimated cost of removal of the temporary structure.

3. Off-site Temporary Farm Stand and Christmas Tree Sales in Commercial Districts– The Temporary Farm Stands and display and sale of Christmas trees in the NSC, CSC, HSC or **MFR** districts or at a **Special Use in any residential district where there is parking for at least five (5) vehicles**, is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use and there is adequate off-street parking for such use in compliance with Article XX, Section 20.04, No. 24 Roadside Stand. The temporary zoning permit for the display and sale on an open lot shall be valid for a period not to exceed **six (6) months**.

a. All unsold trees must be removed from the property by December 31 of each calendar year. No temporary land use permit is necessary for Christmas tree sales where a nursery is permitted by right.

b. The sale of farm produce from an existing developed commercial parking lot may be permitted on a temporary basis for not more than **six (6) months**. The sale of **prepared** food is subject to site plan review by the Planning Commission (see C. below)

C 4. Auctions (not more than 5 days)– The public sale of real or personal property to

- D the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.

C. Temporary Uses Requiring Site Plan Review by the Planning Commission:

- 1. Temporary transient use of an existing land site, building or structure, or temporary placement of a transient sale tent or vehicle, may be permitted in any district. Such use shall be contingent upon approval of a Site Plan by the Planning Commission. Such approval shall be based upon a finding that the location of such an activity will not adversely affect public health, safety, and general welfare, and shall be compatible with adjacent uses in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated below (subsection C. 2.) and are exempt from the requirements of Section XXII, "Site Plan Review." Upon authorization, the Zoning Administrator shall issue a permit, which will cause compliance with this Ordinance and any specified conditions required by the Planning Commission.

The following uses shall be subject to the additional requirements listed:

- a. Churches & Schools – Temporary building incidental to a church or school, provided that all wiring, plumbing, fire protection and exists are approved by the Fire Chief and Building Inspector, and by relevant state agencies.
- b. Auctions (more than 5 days) – The public sale of real or personal property to the highest bidder shall be permitted for more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. Notification of the Sheriff’s Department is required.
- c. Off-site Temporary Farm Stand and Christmas Tree Sales in Residential Districts– The display and sale of Christmas trees in the LDR, MDR or HDR districts (for exemption for churches see above) is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use and there is adequate off-street parking for such use in compliance with Article XX, Section 20.04, No. 24 Roadside Stand. The temporary zoning permit for the display and sale on an open lot shall be valid for a period not to exceed six (6) months.
 - For Christmas Tree Sales, all unsold trees must be removed from the property by December 31 of each calendar year. No temporary land use permit is necessary for Christmas tree sales where a nursery is permitted by right.
 - The sale of farm produce from a residential lot may be permitted on a temporary basis for not more than 45 days.

- d. Temporary Antique/Craft Market – A temporary facility, usually a stall(s) or booth(s), used to conduct retail trade limited to antiques and hand-made crafts shall be permitted in the HSC, CSC and NSC districts for no more than 180 days per calendar year.
2. Requirements for Approval:
- a. At least 13 days prior to a Planning Commission meeting the applicant shall provide a site plan sketch of sufficient detail to demonstrate that the proposed temporary land use meets all of the following requirements:
 - i. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
 - ii. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
 - iii. Off-street parking areas are of adequate size and properly located for the particular temporary use or structure and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
 - iv. Signs shall conform to the Sign regulations of the Zoning Ordinance.
 - v. Any lighting shall be directed and controlled so as not to create a nuisance to neighboring property owners.
 - vi. Plans for clean up and waste control of the site shall be acceptable.
 - b. Site Plan Sketch: The applicant may utilize air photo maps such as are available through the Van Buren County website www.vbco.org. The Sketch Plan shall include:
 - i. All lot lines with approximate dimensions
 - ii. Parking areas and curb cuts with approximate dimensions
 - iii. Existing buildings and proposed temporary structures with approximate dimensions
 - iv. Approximate locations of buildings on adjacent properties within 100 feet
 - v. Locations for lighting and size and location for all signs.
 - vi. Signed agreement for cleanup.
 - c. Health Permits
For temporary uses involving the preparation of food, the applicant shall present a valid Van Buren County Health permit for the specific use, valid for the time period applied for.
3. Revocation: Upon expiration or revocation of a temporary permit for a temporary land use, the temporary land use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. A temporary land use permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
- a. That the temporary land use permit was obtained by misrepresentation or fraud.
 - b. That one (1) or more of the conditions of the temporary outdoor land

use permit have not been met; and

- d. That the use is being conducted in violation of any Township ordinance, or any state or federal law or regulation.

[For fireworks sales SHAES inspection required per general ordinance]

4. Appeal: An appeal of a decision by the Planning Commission or Zoning Administrator relative to denial of a temporary land use permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to the provisions for appeal set forth in this Ordinance. *[text amended May & December 2010]*

SECTION 18.29 FENCES

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development.
- B. Fences in a RD and AR Districts are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
 1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet in height above the grade of the surrounding land, except as provided in Section 18.18.
 2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.
 3. In an "I" Industrial District, no fence shall exceed twelve (12) feet in height.
 4. Fences on all lots in MDR, LDR, HDR, and MFR Residential Districts which extend toward the front of the lot, past the front line of the main building, shall not exceed four (4) feet in height.
 5. No fence or structure shall be erected, established or maintained on any corner lot except as provided in Section 18.15.

SECTION 18.30 WALLS AND PROTECTIVE SCREENING

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where a OSC, NSC, CSC, HSC, HC and I District abuts directly upon an MDR, LDR, HDR, and MFR residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined below, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall four (4) to six (6) feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines or firs from 5 to 6 feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Township. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.

- B. Required walls shall be located on the property line, except as otherwise approved by the Planning Commission. Such walls, may upon approval by the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential district which abuts a residential district whenever the affected owners also so agree. When vehicles or open air displays generally exceed a five (5) foot height said wall shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.

- C. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.

- D. The Planning Commission may require an alternative type of visual screen in lieu of the masonry wall specified in A. above, if it is determined that another type of screen would be more in keeping with the character of the residential area being screened.

SECTION 18.31 USE OF MOBILE HOMES AS TEMPORARY DWELLINGS BY VISITORS

Mobile homes, travel trailers, motor homes and recreation vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting dwelling owner or lessee without charge, upon application by the owner or the issuance of a “Temporary Permit” by the Zoning Administrator. Application shall be made within seven (7) days after the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the mobile home, travel trailer motor home or recreation vehicle with sanitary facilities approved by the Township. A “Temporary Permit” may only be issued to one (1) mobile home, travel trailer, motor home or recreation vehicle at a time in any one location and shall be valid for a maximum period of ninety (90) days. Extensions of time shall not be permitted and the mobile home, travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 90th day of the permit period.

SECTION 18.32 BUILDING GRADES

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

SECTION 18.33 MOVING BUILDINGS

Buildings may not be relocated within or moved into the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Permits shall be required from the Zoning Administrator for such buildings to be moved.

SECTION 18.34 TELEVISION SATELLITE RECEIVING DISHES

All television satellite receiving dishes are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district. Satellite dishes shall not be located in the front yard of the principal structure.

SECTION 18.35 USE OF PERFORMANCE GUARANTEES TO TEMPORARILY DELAY CONSTRUCTION REQUIREMENTS

If in the judgment of the Planning Commission, during the course of Site Plan Review Procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such a delay to a specific future date provided that the applicant/owner submits a satisfactory performance guarantee to the Township Board. The performance guarantee shall remain in effect prior to or coincident with

the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

SECTION 18.36 HOUSEHOLD PETS

Small domesticated household pets, such as dogs, cats and birds are limited to the maximum number existing in dwelling units in the Township which is generally no more than two (2); however, if more than 2 are desired, as long as all other county, State and Federal laws are complied with, and an additional area of land equal to one-sixth (1/6) acre per animal is provided, additional domesticated household pets will be permitted up to a maximum of four (4), except that there shall be no limit on such pets in the RD and AR Zoning Districts on lots or parcels of five (5) acres or more. Small caged birds and animals, such as parakeets, canaries, gerbils, white mice, guinea pigs, etc., which are kept only as household or family pets shall be excluded from this limitation.

SECTION 18.37 NON-COMMERCIAL DOMESTIC ANIMALS

Large domestic animals which are used essentially for pet, contest, riding, educational or other special purpose as individual animal specimens are permitted at the rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal are permitted in RD, AR, MDR, and LDR Districts.

SECTION 18.38 MOBILE HOME AS AN ACCESSORY USE FOR THE SICK AND THE INDIGENT

Mobile homes shall be permitted on lots and parcels upon which a single family dwelling is located for the purpose of housing the sick and indigent relatives of the family occupying the principal single family dwelling located on the same lot or parcel, providing the following conditions are met:

- A. The lot has a principal single family dwelling located upon it.
- B. The lot is a legal lot of record.
- C. The occupants have direct family relationship to those persons occupying the principal dwelling.
- D. The occupants have a need as determined by their acquisition of a physician's certification prescribing the need for such housing during the period of illness or infirmity.
- E. Mobile homes used for this purpose shall be limited to only one (1) per single family residential lot or one (1) per each forty (40) acres of a farm parcel.
- F. Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling on the farm or single family residential lot for

the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.

- G. All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be located in a front yard of a principal dwelling.
- H. Zoning Permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
- I. Zoning Permits issued for such use shall terminate at such time that any one or combination of the above conditions cease to be met.

SECTION 18.39 CROSS-SECTIONS AND FLOOR AREA REQUIREMENTS FOR ALL SINGLE FAMILY DWELLING STRUCTURES

All single family dwelling structures located outside of Mobile Home Parks, shall have at least one (1) cross-section through the dwelling structure which is at least twelve (12) feet wide and shall have at least one (1) portion of the ground floor having a twelve (12) foot by twenty-four (24) foot area in all Districts.

SECTION 18.40 RATIO OF LOT WIDTH TO LOT LENGTH - Deleted

SECTION 18.41 SETBACKS FROM ROADS AND HIGHWAYS

Setbacks from M-43, M-140, and CR-388 (Phoenix Road) shall be at least fifty (50) feet and setbacks for all other roads shall be at least thirty-five (35) feet, or as specified in the Master Plan for Roads and Highways, whichever is the greater. The right-of-way width of the Blue Star Memorial Highway shall be established for zoning purposes at 120 feet, and all required setbacks in those portions of the Blue Star Memorial Highway which exceed 120 feet in width shall only be required to set back 110 feet from the centerline of the Blue Star Memorial Highway, except that in no case shall any buildings or structures be located in any portion of the Blue Star Memorial Highway right-of-way regardless of its width in excess of the 120 feet prescribed for it by this section.

SECTION 18.42 AIRPORT ZONING REQUIREMENTS

When an “Airport Approach and Take-off Plan” is prepared for the South Haven Airport it shall be made a part of this Zoning Ordinance. It shall govern the heights of all building structures, trees and the land, building and structural uses and activities located upon all lots and parcels affected by the “Airport Approach and Take-off Plan” which would obstruct the air space required for the safe flight of aircraft on landing or taking off at the airport or is otherwise hazardous or creates hazards to such safe landing or taking off of aircraft as determined by the South Haven Airport Authority. See Article XIVA, “Airport Overlay District.”

SECTION 18.43 LAND DIVISIONS

All land divisions shall be made in accordance with Ordinance No. 49, South Haven Charter Township Subdivision Ordinance. Land divisions involving more than two (2) resultant lots or parcels and which would create land-locked lots or parcels shall not be permitted unless a sixty-six (66) foot wide road easement is provided to the otherwise land-locked lots or parcels.

SECTION 18.44 CONSTRUCTION, MAINTENANCE AND USE OF PUBLIC AND PRIVATE ROADS

All public and private roads in South Haven Township shall be regulated by Ordinance No. 33, and entitled as follows:

“AN ORDINANCE REGULATING PUBLIC AND PRIVATE ROADS AND STREETS, THE USE THEREOF, THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE ROADS AND STREETS, WITHIN SOUTH HAVEN TOWNSHIP, THE APPROVAL OR ROAD CONSTRUCTION, TO PROVIDE FOR AND REGULATE PERMANENT ACCESS EASEMENTS FOR THE EXCLUSIVE USE OF INDIVIDUAL SINGLE-FAMILY RESIDENCES AND TO PROVIDE FOR THE ADMINISTRATION, ENFORCEMENT, AGREEMENTS FOR USE, SECURITY FOR CONSTRUCTION, AND FEES TO DEFRAY ADMINISTRATIVE AND ENFORCEMENT COSTS INCIDENT THERETO.”

SECTION 18.45. GUEST HOUSES.

One single-family guest house may be located on any parcel in the AR, LDR, MDR and HDR districts provided that the parcel shall contain no less than 1.5 times the minimum width and area. Each guest house shall be located at least thirty (30) feet from the principal structure, be built at least to the same construction code standards as the principal structure, and additionally shall meet the following provisions: *[amended 2017]*

- A. A guest house shall be used only by members of the family occupying the principal residential structure located on a lot or parcel, including the following:
 - 1. Blood related members of the family occupying the principal dwelling;
 - 2. Legally adopted members of the family occupying the principal dwelling;
 - 3. Other family members as included in the definition family contained within this ordinance.

- B. Household servants, property caretakers and nursing and other professionals and paraprofessionals retained to assist members of the family occupying the principal dwelling.

- C. High school and college exchange students for the period of time they qualify as exchange students.

- D. Occasional and temporary guests of the family occupying the principal dwelling, whose stays shall not exceed thirty (30) days out of each calendar year unless a Temporary Transient Use permit is granted in accordance with Section 18.28 of this Ordinance. The site plan review provision of Section 18.28 does not apply.
- E. At no time shall a guest house be considered a separate dwelling unit. A guest house shall not be used for income purposes, and no monthly or other time period rental or lease agreement or monetary charge for occupancy shall be permitted, except as provided by definition of family contained in this Ordinance.
- F. The construction of a guest house shall meet all applicable requirements for accessory buildings. Additionally, a guest house shall have a minimum floor area of at least six hundred eighty (680) square feet, but not more than fifty (50) percent of the floor area of the principal dwelling.
- G. Each guest house shall be provided with emergency vehicle access which has been reviewed and approved by the authorized fire code official.

[section 18.45 added 1996]

SECTION 18.46 OPEN SPACE PRESERVATION

These provisions are adopted to satisfy the requirements of P.A. 177 of 2001 (commonly referred to as the Open Space Preservation Act). The Act requires that qualified townships provide for the clustering of residential units on property provided that fifty percent (50%) or more of the land is preserved in permanent open space in those districts that have a density of three (3) units per acre or less (with public sewer) or two (2) units per acre or less (without public sewer). The clustering must be at the option of the land owner, but the Township retains authority to establish minimum standards applicable to clustered developments.

- A. In those residential zoned districts where the minimum lot size is 21,780 square feet or greater without municipal sewer and water, a land owner may choose to apply for a land division(s), plat or site condominium under the Open Space Preservation option described below. Provided that no more than the same number of dwelling units allowed on the entire land area of the tract, under the existing South Haven Township zoning district regulations, State laws and rules, may be created.
- B. To qualify for an Open Space Preservation land division, plat or site condominium option the land owner must:
 - 1. Sign and record an Open Space Preservation Agreement in the form of a conservation easement, plat dedication, deed, covenant or other legal document that runs with the land and is approved by the South Haven Township Board, whereby the land owner shall agree that at least 50% of the land owner’s property shall remain in a perpetual undeveloped state. An “undeveloped state” shall mean; a natural state preserving natural resources, natural features, or scenic wooded conditions, agricultural use, open space; or a similar use or condition. Land in an

undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

2. If the property is not served by a municipal sewer system, then before any divisions under one (1) acre in area are approved the land owner must obtain individual septic system permits from the County Health Department for non-mounded septic systems on each proposed lot. A State and County approved common septic system is an acceptable option with the approval of the Township Board, so long as the common septic system is not located in areas included within the required open space.
3. No exercise of the Open Space Preservation option shall be effective until the Township Board has approved the document(s) required by this subsection, and these have been filed and are of record with the County Register of Deeds.
4. All land divisions proposed under the Open Space Preservation option are subject to the Site Plan Review provisions of this ordinance.

C. Minimum Lot Requirements.

Under the Open Space Preservation option, the minimum lot requirements shall be as follows:

1. MINIMUM LOT WIDTH – shall be 80% of the minimum lot width required under the zoning ordinance for the zoning district.
For lots fronting on roads and highways identified in Section 18.41, if a private road or access drive would have been required under the ordinance than a private road or access drive shall be required for access to each created lot.
FOR CORNER LOTS, 80% OF THE MINIMUM LOT WIDTH – shall be met on both street frontages.
2. MINIMUM LOT DEPTH – shall be at least 100 feet excluding any right-of-way easement.
3. MINIMUM LOT AREA – shall be at least half the area required for the zoning district.
4. MAXIMUM LOT COVERAGE – shall be 35%.

D. Application

All applications for an Open Space Preservation option land division must be accompanied by a surveyor's drawing showing a layout of building sites which meet the ordinance requirements without applying the Open Space Preservation option. This shall be done in order to demonstrate that the number of sites shown on the application does not exceed the number that could be permitted without applying the Open Space Preservation option.

1. PLATS – Applicant shall inform the Township Clerk in writing at the time of application for tentative approval of the preliminary plat if the land owner chooses to exercise the Open Space Preservation option.

2. SITE CONDOMINIUMS – Applicant shall indicate on the Zoning Application form when submitting the preliminary site plan to the Zoning Administrator if the land owner chooses to exercise the Open Space Preservation option.
 3. EXEMPT DIVISIONS UNDER THE STATE LAND DIVISION ACT – Applicant shall indicate on the Land Division Application form when submitting the application to the Zoning Administrator if the land owner chooses to exercise the Open Space Preservation option.
- E. MANDATORY INCLUSION OF EXISTING REGULATED FLOODPLAINS, SAND DUNES, HIGH RISK EROSION AREAS, WETLANDS, AREAS UNDER OPEN WATERS, AND DRAINAGE RAVINES IN THE PRESERVATION OPEN SPACE.

The inclusion of existing regulated floodplains, wetlands, sand dunes, high risk erosion areas, areas of open water and drainage ravines in developable lots created under this Open Space Preservation section is hereby prohibited except where over 50% of the parent parcel is composed of such areas. When over 50% of the parent parcel contains such environmentally sensitive areas all proposed land divisions shall be reviewed by the Planning Commission which shall ensure that no more than the minimum impact possible is approved. Applications for land divisions which include regulated floodplains, wetlands, open water, sand dunes and high risk erosion areas shall include review(s) by the appropriate divisions(s) of the Michigan Department of Environmental Quality.
[Section 18.46 effective January 1, 2003]

SECTION 18.47 CEMETERIES, COLUMBARIUM CREMATORIES AND/OR MAUSOLEUMS

- A. Cemeteries and mausoleums are permitted in the Township. A Zoning Permit is required for establishment of a cemetery.
- B. No cemetery shall be established unless the water table is demonstrated to consistently exceed six (6) feet below grade. Proof shall consist of a map prepared by a professional hydrologist or hydrogeologist containing that person’s professional seal.
- C. The minimum lot or parcel size shall be five (5) acres.
- D. A ten (10) foot wide buffer zone containing screening plant materials is required adjacent to all exterior lot lines adjacent to residential uses.
- E. All facilities for ground burial areas of the site shall be designed and constructed in accordance with the requirements of the Van Buren County Health Department and the State of Michigan.
- F. Crematories are permitted in the I (Industrial) district as an accessory use to a cemetery. Crematories are permitted in the CSC (Community Service Commercial) district as an accessory use to a funeral home. *[Section 18.47 effective January 1, 2009]*

SECTION 18.48 ON-SITE USE WIND ENERGY SYSTEMS LESS THAN 65 FEET IN HEIGHT.

An On-Site Use wind energy system is intended to serve an individual property only. On-Site Use Wind Energy Systems (including Anemometer Towers) with no towers or with tower height(s) less than 100 feet shall be a permitted use in all zoning classifications subject to the following regulations:

- A. A Zoning Permit Application shall be submitted to the Zoning Administrator with a scaled site plan demonstrating compliance with these regulations.
- B. Property Setbacks: The distance between an On-Site Use Wind Energy System and the owner's property lines (and road right-of-way lines) shall be at least 1.1 times the height of the wind energy system structure including the blade in its vertical position. No portion of the structure, including guy wire anchors, shall extend closer than ten feet to the property line.
- C. Construction Codes, Towers, and Interconnection Standards: On-Site Use Wind Energy Systems including towers shall comply with all applicable state construction and electrical codes and building permit requirements. On-Site Use Wind Energy Systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and Article XIVA. AOZ Airport Overlay Zone regulations. An interconnected On-Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.
- D. Safety: An On-Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wire anchors, the wires shall be clearly visible at a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 10 feet for a wind energy system employing a horizontal axis rotor.

[section 18.48 effective May 2009 amended December 2011]

SECTION 18.49 SOLAR PANELS (FOR PRIVATE USE).

The use of solar energy systems for private use may be permitted by right provided it complies with applicable County, State and Federal regulations and safety requirements, including the Michigan Building Code and the following requirements. A building permit shall be required for the installation of any Private Solar Energy Systems.

- A. Ground Mounted Private Solar Energy Systems
 - 1. Up to 1,200 square feet of ground mounted Solar Energy System may be permitted to locate on a parcel as an accessory structure.

2. A ground mounted Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements applicable in the zoning district in which the Solar Energy System will be located.
3. Ground mounted Solar Energy System shall be regulated as an accessory structure and shall meet all applicable accessory building requirements and limitations of the ordinance (see Section 18.06) and together with all other structures on the property shall not exceed the maximum lot coverage of the zoning district.
4. No ground mounted Solar Energy System shall be permitted to exceed a height of fifteen (15) feet.
5. All power transmission or other lines, wires or conduits from a ground mounted Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Solar Energy System, they must be placed in a secured container or enclosure.
6. There shall be greenbelt screening around any ground mounted Solar Energy System and equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive, plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this Ordinance applicable to fences) may be used.
7. In the event that a ground mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year, it shall be removed by the property owner within six (6) months form the date of abandonment.

B. Roof or Building Mounted Private Solar Energy Systems

1. Shall be considered an accessory use in all zoning districts subject to the requirements of this section.
2. Shall not project more than two (2) feet above the roof line. However, the solar panel when installed shall not exceed the maximum height allowed in the Zoning District. The use of flat mount solar panels or solar shingles is preferred.
3. May be constructed on any roof surface of an existing structure.
4. Shall not be located within three (3) feet of any peak, eave or valley to maintain adequate accessibility.
5. In the event that a roof or building mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year, it shall be removed by the property owner within six (6) months form the date of abandonment.

ARTICLE XIX

ENVIRONMENTAL CONSERVATION PROVISIONS

SECTION 19.01 PURPOSE

The purpose of this Article in all Zoning Districts is to promote the conservation or wise use of important unrenovable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archaeological, geological, historical or agricultural significance for present and future generations as determined by Master Plans adopted by the Planning Commission for the purpose of preserving or conserving specific features and areas of these natural resources and environments.

SECTION 19.02 NATURAL ENVIRONMENT

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the practice of those professionals most qualified and experienced in the preparation of Environmental Impact Statements. Such Statements shall include an inventory and analysis of the impact of proposed land uses and activities on all of the elements of the natural environment, adjacent land uses and activities and the infrastructure providing public activities, facilities and services in the Township in relation to the proposed land uses and activities.

SECTION 19.03 NATURAL RESOURCES

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important unrenovable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

SECTION 19.04 LAKES, PONDS, RIVERS, STREAMS, WATER COURSES AND DRAINAGEWAYS

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainageways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any

time by any person, except when done in conformance with State and Federal laws, regulations and standards.

- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, “The Inland Lakes and Stream Act”, (2) Public Act 245 of 1970, “The Shorelands Protection and Management Act”, (3) Public Act 347 of 1976, “Soil Erosion and Sedimentation Control Act,” all as amended.

[editor’s note: all the public acts referenced above are now parts of P.A. 451 of 1994, see end note]

SECTION 19.05 FLOOD PLAINS

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures, except as otherwise provided in this Ordinance, are located within the area subject to flooding.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.
- C. No building shall be located within a designated floodway, except as approved by the Michigan Department of Environmental Quality (DEQ). The Township Planning Commission may, upon approval, by the Michigan Department of Environmental Quality permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

SECTION 19.06 WETLANDS

All areas designated as wetlands by the Michigan Department of Environmental Quality are hereby declared to be “Wetlands” in the Township and are subject to the provisions of this Ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of Public Act 203 of 1979, “The Wetlands Protection Act” in order to encourage the proper conservation, use and development of the wetlands. *[editor’s note: P.A. 203 is now part of P.A. 451 of 1994, see end note]*

SECTION 19.07 ENVIRONMENTALLY SENSITIVE AREAS

A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity including, but not limited to:

1. Rare or valuable ecosystems.
2. Significant undeveloped agricultural, grazing or watershed areas.
3. Forests and related land which require long stability for continuing renewal.
4. Scenic or historical roads/areas, including burial grounds.
5. Sand dunes as defined and regulated by the Public Act 222 of 1976, being MCL 281.651-281-664, and determined by the Sand Dune mapped locations of Sand Dunes by the Michigan Department of Natural Resources.
[P.A. 222 is now part of P.A. 451 of 1994, see end note]
6. Such additional areas as may be determined by the Federal Government, the State of Michigan, Van Buren County or South Haven Township.

B. GENERAL REQUIREMENTS FOR ENVIRONMENTALLY SENSITIVE AREAS

All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this Section shall demonstrate that the proposed development will not adversely affect the environment quality of the property and the surrounding area by means of the following:

1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Van Buren County Health Officer or Wastewater Division of the Michigan Department of Natural Resources and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
 - a. Clearcutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.

- b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
 - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission.
 - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation tests, description of development, topographic surveys, and other environmental impact information. The review of the site plan shall be made in such a manner as to:
 - 1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
 - 2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- C. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article XXII, "Site Plan Review Procedures."

[Editor's End-Note: in 1994 all of the various Michigan public acts concerned with environmental protection were re-adopted into the Michigan Environmental Protection Act. P.A. 451 of 1994 as parts of that act. The old and new designations are:

<i>Old Act</i>	<i>P.A. 451 part</i>
<i>PA 291 of 1965 "Inland Lakes & Streams"</i>	<i>Part 301</i>
<i>PA 245 of 1970 "Shorelands Protection & Management"</i>	<i>Part 323</i>
<i>PA 347 of 1976 "Soil Erosion & Sedimentation Control"</i>	<i>Part 91</i>
<i>PA 203 of 1979 "Wetlands Protection"</i>	<i>Part 303</i>
<i>PA 222 of 1976 "Sand Dunes Protection"</i>	<i>Part 353]</i>

ARTICLE XX

OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS

SECTION 20.01 PURPOSE

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic-ways which are intended to be limited to moving automotive vehicles.

SECTION 20.02 OFF-STREET PARKING REQUIREMENTS *[new text 2010]*

In all Districts, there shall be provided at the time any building or structure is erected, or uses established, uses changed, or the structure enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

- A. **Plan submittal:** Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit.
- B. **Location of parking:** Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single family and two-family dwellings.
- C. **Commercial vehicle parking restrictions:** Outdoor parking of motor vehicles, in all Residential Districts, except in the RD and AR Districts, shall be limited to passenger vehicles, one (1) non-residential type recreational vehicle per dwelling unit. Not more than one (1) commercial vehicle of the light delivery type, not to exceed 32,000 rated plate weight (elected gross vehicle weight), shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in all Residential Districts. Except in the RD and AR Districts and existing farms and other Districts parking space requirements for all types of vehicles may be provided either in garages, covered or outdoor parking areas conforming with the provisions of this Ordinance.
- D. **Parking Dimensional requirements:** Each off-street parking space shall be not less than 200 square feet in area. Each off-street parking space shall be a minimum 10 feet wide, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:

1. For 90 degree or perpendicular parking the aisle width shall not be less than twenty-two (22) feet. This type of parking and aisle width is prohibited where two or more driveways to a public street are provided and for lots providing more than 20 parking spaces. This requirement is intended to reduce the total paved area by 30% thus reducing storm water run-off. Existing parking lots where major site changes are proposed may be exempt if the applicant can demonstrate a hardship.
 2. For 60 degree parking the aisle shall not be less than eighteen (18) feet in width.
 3. For 45 degree parking the aisle shall not be less than thirteen (13) feet in width.
- E. Combined non-competing uses:** Required off-street parking facilities for churches located in non-residential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces.
- F. Truck & delivery parking:** Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eighty (80) feet in length.
- G. General parking lot requirements:** Every parcel of land used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:
1. **Setbacks & buffers:** All front yard off-street parking spaces and standing areas shall not be closer than twenty (20) feet to any road right-of-way in accordance with Section 22.09 H. A twenty (10) foot buffer shall also be required along any side or rear property line, except where parking areas on adjacent parcels are contiguous and linked by frontage access roads or service drives in accordance with Section 18.26. In such cases the ten-foot (10) **side** setback may be waived and parking lots on both adjacent properties may be constructed up to the common property line. The owners of adjacent properties seeking waivers of the ten-foot setback requirement shall present an agreement indicating that the Planning Commission should grant the waiver and specify the portion of common property line to which the waiver should apply and shall be completely off any road right-of-way.
 2. **Drainage & surface:** All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
 3. **Lighting:** Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.

4. **Screening for large lots:** Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution. Such screening shall be a visual barrier using either: a wall, a fence, or a compact evergreen planting not less than four (4) feet in height. Plantings and screening shall be maintained in good condition and not encroach on adjoining property.
5. **Backing to roadways prohibited:** All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
6. **Combined parking facilities** are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses. However, the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

H. Calculations: For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. **FLOOR AREA:** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, the definitions in Article II (Gross Floor Area, Usable Floor Area) shall be used to determine the area for such calculations. The factors to be used are indicated in Table 20.04.
2. **PLACES OF ASSEMBLY:** In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

SECTION 20.03 USE OF PARKING AREAS

No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, steamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

SECTION 20.04 OFF-STREET PARKING SPACE REQUIREMENTS

[table revised 2010]

A. Standard Provisions:

No parking proposed by any applicant shall exceed these standards by more than 25%.

Exception: If an applicant presents a parking study performed by an independent engineer for the specific use that demonstrates that a lesser or greater standard is more appropriate, then the Planning Commission may allow the use of the *modified* standard.

The minimum required off-street parking spaces are set forth as follows:

USES	PARKING SPACE REQUIREMENTS
1. Automobile, Equipment or Machinery Sales and Service Garages	One (1) space for each 250 square feet of showroom floor area, plus two (2) spaces for each service bay, plus 250 sq ft of outside parking per auto to be displayed
2. Banks, Business and Professional Offices	One (1) parking spaces for each 300 square feet of GFA (Gross Floor Area)
3. Barber Shops and Beauty Parlors	Two (2) spaces for each chair, plus one (1) space for each employee working during maximum employment hours.
4. Boarding and Lodging Houses	One (1) parking space for each bed.
5. Bowling Alleys	Five (5) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.
6. Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than schools	One (1) space for each five (5) seats, or 10 linear feet of pew or for each 21 sq ft of GFA in the assembly hall.
7. Clinics	Four (4) spaces for each doctor, plus one (1) space per treatment room.
8. Convalescent or Nursing Home, Orphanage or State Licensed Foster Care Home	One (1) parking space for each four (4) persons for which the facility is licensed, plus one (1) space for each employee, including nurses, working during maximum employment hours.
9. Drive-in Banks, Cleaners and Similar Businesses	Two (2) parking spaces, plus three (3) standing space per window with each space at least 20 feet long.
10. Drive-in Eating Establishments without inside seating.	one (1) parking space for each employee working during maximum employment hours plus three (3) stacking spaces per window with each space at least 20 feet long.

11. Dwellings (Single and Two-Family)	Two (2) parking spaces for each family dwelling unit.
12. Dwellings, Multiple Family and Mobile Home Parks	Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) space for each employee working during maximum employment hours.
13. Funeral Homes and Mortuaries	Four (4) spaces for each viewing room or one (1) space for each 50 square feet of reception room floor area, whichever is greater.
14. Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each 800 square feet of sales floor area, plus one (1) parking space for each employee working during maximum employment hours.
15. Gasoline Filling and Service Stations	One (1) parking space for each repair and service bay, plus one (1) space for each employee working during maximum employment hours.
16. General Office Building	One (1) parking space for each 400 square feet of gross floor area (GFA) plus one (1) parking space for each employee working during maximum employment hours.
17. Hospitals	One (1) space for each bed, plus one space for each employee working during maximum employment hours.
18. Hotels, Motels, Lodging Houses, Tourist and Boarding Homes	1 per occupancy unit plus capacity of assembly room. If building is converted to multifamily then 2 spaces per unit.
19. Libraries, Museums, Post Offices	One (1) parking space for each 800 square feet of GFA, plus one (1) parking space for each employee working during maximum employment hours.
20. Auction Facilities	One (1) parking space for each 125 square feet of buildings, pens, and all enclosed/fenced areas on the premises of the auction facility.
21. Manufacturing, Assembling, Fabricating, Processing and Bottling Plants	One (1) space per 750 sq. ft. GFA

22. Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Night Clubs and Private Clubs	One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours. Or 1 space per 75 sq ft UFA
23. Retail Stores	For businesses with GFA under 25,000 sq ft: one (1) space per 200 sq ft For businesses with GFA over 25,000 sq ft: one (1) spaces per 300 sq ft
24. Roadside Stands	Five (5) parking spaces, plus one (1) space per 50 sq ft sales area
25. Schools; Private or Public Elementary and Junior High Schools	One and a half (1.5) spaces per classroom plus one (1) per 4 seats in any assembly hall/auditorium/gym
26. Senior High School and Institutions of Higher Learning, Private or Public	One (1) parking space for each classroom plus one (1) for each ten (10) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included
27. Self-Service Laundry or Dry Cleaning Stores	One (1) space for each five (5) washing and dry cleaning machines plus one (1) space for each employee working during maximum employment hours Or one (1) per 300 sq ft +one (1) per employee
28. Supermarket, Self-Service Food and Discount Stores	One (1) space for each 200 square feet of GFA
29. Wholesale Establishments and Warehouses	One (1) space for each 2,000 square feet of GFA.
30. Commercial Center or Shopping Mall	For commercial centers having a gross floor area (GFA) less than 25,000 sq ft: 1 space per 300 sq ft For centers having a GFA 25,000 to 100,000 sq ft: 1 spaces per 350 sq ft For center having a GFA over 100,000 sq ft: 1 spaces per 400 sq ft
31.	If a use is not specifically listed the parking requirements of a similar or related use shall apply as determined by the Planning Commission.

B. Deferred Parking (Non-residential)

[text addition 2010]

As a means of avoiding greater amounts of parking spaces and impermeable surface than are reasonably needed to serve a particular use while still ensuring adequacy, the Planning Commission may allow deferred construction of the required number of spaces for any non-residential use if the following conditions are satisfied:

1. The applicant submits a site plan including the design layout of all required parking areas including areas proposed for deferred parking. Such deferred parking area shall not include areas required for setbacks, landscaping or greenspace, or land otherwise unsuitable for parking due to environmental or physical conditions.
2. The applicant demonstrates, to the satisfaction of the reviewing body, that a reduced number of parking spaces will meet the parking needs due to the nature, size, density, location, or design of the proposed development. Pedestrian access and use may be considered.
3. Any other factors reasonably related to the need for parking for the proposed development as determined by the Planning Commission.
4. At any time subsequent to approval, the Township may require the construction of additional parking spaces based on review of the parking needs by the Zoning Administrator. Such review may include information from the County Sheriff, State Police, County Road Commission engineer, and/or State Highway district engineer.

SECTION 20.05 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure.
- B. Each off-street loading-unloading space shall not be less than ten (10) feet in width, 80 feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading-unloading space shall not be located closer than 50 feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.

- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H. All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.
- I. Off-street loading-unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Planning Commission. *[amended 1-14-98]*

ARTICLE XXI

SIGN REGULATIONS

SECTION 21.01 PURPOSE STATEMENT

A. Findings:

South Haven Township has determined that the regulation of signs is a necessity to protect public safety, public health, public welfare and community aesthetics due to the following findings:

1. Signs placed within a public right-of-way without the knowledge and authorization of the jurisdictions having authority and not located or designed in compliance with accepted engineering principles present a clear and present danger to the public as hazards to both vehicular traffic and pedestrian traffic for reasons of visibility, stability and physical danger.
2. Excessive size or area of signage can prevent an adjacent property owner from an equal or reasonable enjoyment of that adjacent property owner's use of his/her property through restricted visibility or information over-load preventing the driving public from finding a specific location.
3. Excessive signage can also become a traffic hazard causing driver distraction or confusion.
4. Inconsiderate lighting of signage will infringe upon the right to quiet enjoyment of adjacent property by owners or occupants, and may also be a traffic hazard.
5. Poorly constructed signs are a danger to the public due to potential for wind damage or collapse.

B. Purpose, Goals & Objectives:

The purpose of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, public safety, public welfare and community aesthetics. While this article recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual commercial, industrial, organizational and residential uses of the township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this section has the following objectives:

1. To prevent the placement of signs in a manner that will conceal or obscure signs or activities on adjacent properties;
2. To keep the number of signs and sign messages at the level reasonably necessary to identify land uses or activities.
3. To keep signs within a reasonable scale with respect to the buildings and/or properties to which they relate.
4. To reduce visual distractions and prevent obstructions for motorists traveling along, entering or leaving streets.
5. To prevent off-premises signs from conflicting with other land uses.
6. To prevent the proliferation of temporary signs, that might promote visual blight.

SECTION 21.02 GENERAL SIGN REGULATIONS

A. In all zoning districts: Prohibited Signs

Snipe signs (see definitions) and signs placed in a public right-of-way in violation of the below stated regulations may be removed without notice at the discretion of the Township Supervisor by any person designated by the Supervisor.

1. Snipe signs are prohibited as a public nuisance and a danger to utility workers.
 2. Signs shall not be placed in any public right-of-way without the expressed written permission of the road agency having jurisdiction and the Township Board. Signs placed in a public right-of-way by the road agency having jurisdiction, or by any government agency are exempt from this requirement.
 3. Signs on vehicles or trailers used for the purpose of advertising: if the vehicle or trailer is parked within 200 feet of a public right-of-way and the vehicle or trailer is not being driven on a daily basis.
 4. No sign shall be placed on Township property unless installed by or with the permission of the Township Board of Trustees.
 5. Abandoned signs (see definition)
- B. In all zoning districts: Signs Exempt from Permit Requirements but must comply with locational and dimensional requirements of this ordinance.
1. Address numbers
 2. One Sign on any building provided it does not exceed three (3) square feet.
 3. Signs, tablets, plaques or stone markers authorized by the United States Department of the Interior, Michigan Historical Commission, the Van Buren County Historical Society, the Historical Association of South Haven or similarly recognized entity.
 4. Signs on a vehicle or trailer while operated and used for transportation in the normal course of a business or other activity, provided that the vehicle or trailer is being driven or moved on a daily basis or parked more than 200 feet from any public right-of-way.
 5. Public and private traffic control signs that conform to the traffic control requirements of the State of Michigan.
 6. Any sign located within a completely enclosed building.
 7. Signs not meant to be or, in fact, are not visible or legible from a public road are not regulated by this ordinance; however, permanent exterior signs not visible or legible from a public road may be subject to the state construction code and a building permit may be required.
 8. Cloth or synthetic fiber banners, flags and pennants strung on lines or on poles within the property lines and less than 36 square feet in area. Such signs are classified as “temporary signs” and shall not be left for more than 180 days. Such banners, flags or pennants shall be removed whenever such banner & etc. is not in good repair which means it has broken parts, missing letters or has deteriorated such that the

structural supports or frame or the side panels are visibly bent, broken, dented or torn such that it constitutes an unsightly, hazardous or harmful condition.

9. There shall be no time restriction on flags flown from permanent flag poles located within property lines outside of any right-of-way or easement.
10. Temporary signs constructed of paper, light cardboard or thin plastic and less than 9 square feet in size. Such temporary signs less than 9 square feet in size shall not be left in place for more than 180 days without a permit. See Sec. 21.04 for restrictions.
11. Signs painted directly on a wall or roof or lettering created by the use of different colors of roofing or siding materials are not regulated so long as they do not cover an opening, window or door, nor extend beyond the edge of the roof or wall.
12. Signs inside the glass of a window are not regulated.
13. Lettering painted on the outside of a window is not regulated so long as the lettering does not obscure more than 25% of the surface area of the window.
14. Balloons and inflatable devices so long as they are properly tied down and are not located so as to cause a nuisance.
15. Directional signs less than two (2) square feet in area and either less than two (2) feet in height or more than 35 feet from a right-of-way line when located within the property lines of the property to which they provide direction.

SECTION 21.03 DISTRICT SIGN REGULATIONS

A. Signs in AR & RD (except for Special Uses and schools)

Permits are required unless specifically noted otherwise.

1. Maximum Size:
 - Permanent signs - 36 square feet in area
 - Number – 1 per road frontage
2. Setbacks:
 - a. From a side lot line – 1 foot per 1 foot of sign height
 - b. From road right-of-way - 1 foot per 1 foot of sign height
 - c. From road intersection right-of-way point 20 feet
3. Maximum Height: 8 feet – signs over 3 feet in height shall have 4 feet of clearance under the sign face.
4. Signs with lighting:
 - a. Electronic Messaging Signs – Subject to Site Plan Review by the Planning Commission – see Sec. 21.05.
 - b. Internal lit signs – Permitted so long as the light is not blinking or changing.
 - c. Front-lit signs – permitted so long as light source (bulb, flame or etc.) is shielded from street and neighboring properties
5. Temporary On-Site Signs:
 - a. Maximum size: 9 square feet (larger signs are subject to Site Plan Review by the Planning Commission – see Sec. 21.05.)
 - b. Maximum height: 36 inches
 - c. Material: Cardboard or thin plastic only
 - d. Lighting or illumination: Subject to Site Plan Review by the Planning Commission. – see Sec. 21.5.
 - e. Minimum spacing: 20 feet apart

- f. Location: Shall not be placed within a road right-of-way nor within 20 feet of a right-of-way intersection, except temporary signs less than 3 feet in height so long as they are not located within the right-of-way.
 - g. Permits: Not required for signs 9 square feet or smaller – subject to immediate removal if any of these restrictions are violated
 - h. Time limit: Must be removed within 180 days or when the sign deteriorates whichever is less.
- B. Signs in LDR, MDR & HDR (except for Special Uses and schools)
Permits are required unless specifically noted otherwise.
- 1. Maximum Size:
 - Permanent signs – 36 square feet in area
 - Number - 1
 - 2. Setbacks:
 - a. From a side lot line – 1 foot per 1 foot of sign height
 - b. From road right-of-way - 1 foot
 - c. From road intersection right-of-way point - 20 feet
 - 3. Maximum Height: 8 feet (signs over 3 feet high shall have 4 feet of clearance under the bottom edge of the sign)
 - 4. Electronic Messaging Signs and illuminated Signs – Subject to Site Plan Review by the Planning Commission – see Sec. 21.05.
 - 5. Temporary On-Site Signs:
 - a. Maximum size: 9 square feet (larger signs Subject to Site Plan Review by the Planning Commission – see Sec. 21.05.)
 - b. Maximum height: 36 inches
 - c. Material: cardboard or thin plastic only.
 - d. Lighting or illumination: – Permitted so long as the light is not blinking or changing.
 - e. Minimum spacing: 20 feet apart
 - f. Location: shall not be placed within a road right-of-way nor within 20 feet of a right-of-way intersection, except temporary signs less than 3 feet in height so long as they are not located within the right-of-way.
 - g. Permits: Not required – subject to immediate removal if any of these restrictions are violated.
 - h. Time limit: Must be removed within 180 days or when it is no longer in good repair – whichever is less. A sign is no longer in good repair if it has broken parts, missing letters or has deteriorated such that the structural supports or frame or the side panels are visibly bent, broken, dented or torn such that it constitutes an unsightly, hazardous or harmful condition.
- C. Signs in MFR & RCO (except for Special Uses and schools):
Permits are required unless specifically noted otherwise.
- 1. For one and two-family dwellings – same as for underlying zoning district
 - 2. For all other uses:
 - a. If underlying zoning district is residential see Special Use limitations

- b. If underlying zoning district is commercial/industrial then see commercial/industrial district regulations
- 3. Signs with lighting:
 - a. Electronic Messaging Signs – Subject to Site Plan Review by the Planning Commission – see Sec. 21.05.
 - b. Internal lit signs – Permitted so long as the light is not blinking or changing.
 - c. Front-lit signs – permitted so long as light source is shielded from street and neighboring properties
- 4. Temporary On-Site Signs:
 - a. Maximum size: 9 square feet (larger signs subject to Site Plan Review by the Planning Commission – see Sec. 21.05.)
 - b. Maximum height: 36 inches
 - c. Material: cardboard or thin plastic only.
 - d. Lighting or illumination: subject to Site Plan Review by the Planning Commission – see Sec. 21.05.)
 - e. Minimum spacing: 20 feet apart
 - f. Location: shall not be placed within a road right-of-way nor within 20 feet of a right-of-way intersection, except temporary signs less than 3 feet in height
 - g. Permits: Not required – subject to immediate removal if any of these restrictions are violated.
 - h. Time limit: Must be removed within 180 days or when it is no longer in good repair – whichever is less. A sign is no longer in good repair if it has broken parts, missing letters or has deteriorated such that the structural supports or frame or the side panels are visibly bent, broken, dented or torn such that it constitutes an unsightly, hazardous or harmful condition.
- D. Signs in NSC, CSC, HSC, HC & I, and for all Special Uses and schools in all zoning districts:

Permits are required unless specifically noted otherwise.

 - 1. Permanent On-Site Signs:
 - a. Exempt Signs:
 - i) Signs painted or lettered directly on a wall or roof are not regulated so long as they do not cover an opening, window or door, nor extend beyond the edge of the roof or wall.
 - ii) Signs inside the glass of a window are not regulated.
 - iii) Lettering painted on the outside of a window are not regulated so long as the lettering does not obscure more than 25% of the surface area of the window
 - b. Awnings, marquees, projecting signs, roof signs and banners used as permanent signs.

Maximum Size:

 - i) Two (2) square foot of sign structural area per one (1) linear foot of lot width up to a maximum of 300 square feet for all free-standing signs

- ii) Free-standing signs over 100 feet from a road right-of-way or side lot line and less than 16 square feet in area are not regulated
 - iii) Two (2) square feet of sign area per linear foot of building width facing the street for all signs attached to a building
 - iv) Building signs painted directly on a wall or roof, or inside the glass of a window are not included in the total allowed square-footage
 - v) Roof signs shall not extend above the peak of a gable roof nor about the parapet wall of a flat roof
 - vi) Setbacks:
 - From a side lot line – 1 foot per 1 foot of sign height
 - From street right-of-way line - 1 foot & shall not over-hang the Right-of-way line
 - From intersection right-of-way point – Cone of Vision - 20 feet
 - vii) Maximum Height: 25 feet
 - viii) Electronic Messaging and illuminated signs – permitted so long as a sign is not within or behind the line of sight for motorists approaching a traffic signal. Such signs shall have a maximum rate of change time of not less than 6 seconds.
- c. Temporary On-Site Signs:
- i) Maximum size: 9 square feet (larger signs subject to Site Plan Review by the Planning Commission – see Sec. 21.05.)
 - ii) Maximum height: 36 inches
 - iii) Material: cardboard or thin plastic only.
 - iv) Lighting or illumination: is permitted with an electrical permit
 - v) Minimum spacing: 20 feet apart
 - vi) Location: shall not be placed within a road right-of-way nor within 20 feet of a right-of-way intersection, except temporary signs less than 3 feet in height
 - vii) Permits: Not required – subject to immediate removal if any of these restrictions are violated.
 - viii) Time limit: Must be removed within 180 days or when it is no longer in good repair – whichever is less. A sign is no longer in good repair if it has broken parts, missing letters or has deteriorated such that the structural supports or frame or the side panels are visibly bent, broken, dented or torn such that it constitutes an unsightly, hazardous or harmful condition.

SECTION 21.04 OFF-SITE SIGNS

Off-site signs shall only be erected on private property and shall have the written permission of the property owner.

A. Permanent: site plan review and approval by the Planning Commission in conformance with Sec. 21.05. and building permits are required

1. Class 1 – over 36 square feet is a billboard for the purposes of this ordinance

- a. Location: Permitted only in NSC, CSC, HSC, HC and I zoning districts. Subject to Michigan Department of transportation regulation when located along state or federal highways.
- b. Maximum Size: 300 square feet per side

- c. Maximum Height: 20 feet – may be extended to 40 feet by the Planning Commission after site plan review if the applicant can show that excessive grades at the site, building interference, structure, trees, bridge obstructions or similar conditions obstruct views of the sign.
 - d. Minimum setbacks:
 - 10 feet from a road right-of-way
 - 20 feet from the intersection point of two road rights-of-way
 - 15 feet from a side or rear lot line
 - e. Electronic Messaging: shall have a maximum rate of change of not less than 12 seconds.
 - f. Lighting: internal and external is permitted so long as the light source (bulb, flame or etc.) is not visible off site.
2. Class 2 – under 36 square feet and over 9 square feet in sign area:
- a. Location I: permitted in NSC, CSC, HSC, HC, I and RO zoning districts on lots fronting on M-43, M-140, Blue Star Highway, Ruggles Road, and Phoenix Road (CR 380).
 - b. Location II: permitted in AR, RD, LDR, MDR, HDR MFR only for commercial uses located at least 500 feet off of any highway (U.S., I, or M system).
 - c. Shall only be permitted on private property and with the owner’s written permission
 - d. Prohibited within a road right-of-way
 - e. Shall not be located within 20 feet of the intersection point of two road rights-of-way
 - f. Maximum Height: 8 feet
 - g. Lighting or illumination: subject to review and approval by the Planning Commission
 - h. Electronic Messaging: prohibited in Location II areas. Subject to review and approval by the Planning Commission in Location I areas (see Sec. 21.05.).
- B. Temporary:
- 1. Permitted in all zoning districts
 - 2. Maximum size: 9 square feet (larger signs are subject to Planning Commission review – Sec. 21.05. - and approval as well as the state construction code)
 - 3. Maximum height: 36 inches (3 feet) feet (larger signs are subject to Planning Commission review – Sec. 21.05. - and approval as well as the state construction code)
 - 4. Material: cardboard or thin plastic only.
 - 5. Lighting or illumination: prohibited
 - 6. Minimum spacing: 20 feet apart
 - 7. Location: shall not be placed within a road right-of-way
 - 8. Permits: Not required (except for larger signs as in b. and c. above) – subject to immediate removal if any of these restrictions are violated.
 - 9. Time limit: Must be removed within 180 days or when it is no longer in good repair – whichever is less. A sign is no longer in good repair if it has broken parts, missing letters or has deteriorated such that the structural supports or frame or the side panels are

visibly bent, broken, dented or torn such that it constitutes an unsightly, hazardous or harmful condition.

C. Elevated Interstate Interchange Signs:

On properties located within one thousand (1,000) feet in any direction from the intersection of the centerline of Interstate 196 and either Phoenix Road (CR 388) or M-140 may be erected one (1) elevated, freestanding sign in addition to the signs permitted in A. through F. above. All such signs are subject to Site Plan Review and approval by the Planning Commission in accordance with Section 21.05

1. Elevated signs constructed under this provision shall not exceed a height of seventy-five (75) feet, and shall, in addition, meet the requirements of Section 15.04 through 15.07 of this Ordinance. Elevated signs at the M-140/I-96 interchange are subject to the Michigan Tall Structures Act (P.A. 259 of 1959) as amended, and Article XIVA – Airport Overlay Zoning District of this Ordinance.
2. The area of an elevated interstate interchange sign shall not exceed two hundred (200) square feet.
3. An elevated sign advertising two or more uses/activities may be permitted, except that the maximum combined sign area for all uses/activities shall not exceed three hundred (300) square feet. Uses/activities having such sign space do not have to be located on the same property as the elevated sign.
4. Such elevated Interstate Interchange signs shall be installed on a monopole structure designed and installed such that the support pole will buckle at approximately mid-height, when exposed to high winds, before the base sign will break loose from its anchorage. The outer extent of any calculated fall radius shall be 10 feet from any building or road right-of-way.
5. No elevated Interstate Interchange sign shall be closer than five hundred (500) feet from any other elevated Interstate Interchange sign.
6. Signs permitted under this sub-section may be internally lighted and may include electronic messaging boards.

SECTION 21.05 SITE PLAN REVIEW CONDITIONS

This section applies to signs listed as subject to Site Plan Review and approval by the Planning Commission and Special Uses as well as Off-Site Signs over 9 square feet in area and On-Site Temporary Signs over 9 square feet in area:

1. Class 1 – over 36 square feet
 - a) Maximum Size: 300 square feet per side or 1 square foot per 1 linear foot of lot width, whichever is less.
 - b) Maximum Height: 20 feet – may be extended to 40 feet by the Planning Commission after site plan review subject to Art. XV Special Uses, depending upon the grade at the site and building, structure, trees and/or bridge obstructions
 - c) Electronic Messaging: Subject to Site Plan Review and approval by the Planning Commission and shall have a maximum rate of change of not less than 12 seconds.
 - d) Lighting: internal and external is permitted so long as the light source (bulb, flame or etc.) is not visible off site.
2. Class 2 – under 36 square feet and over 9 square feet in area
 - a) Location: permitted in AR, RD, LDR, MDR, HDR, MFR only for commercial uses located at least 500 feet off of any highway (U.S., I, or M system).

- b) Shall only be permitted on private property and with the owner's written permission
- c) Prohibited within a road right-of-way
- d) Shall not be located within 20 feet of the intersection point of two road rights-of-way
- e) Maximum Height: 8 feet
- f) Lighting or illumination: Prohibited except for temporary uses and Special Uses – may be approved as a site plan amendment by the Planning Commission.
- g) Electronic Messaging: Prohibited except for Special Uses – shall only be approved during the Special Use approval process subject to Art. XV Special Uses.

SECTION 21.06 NONCONFORMING SIGNS

- A. Disestablishment: Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for one (1) year or longer.
- B. Structural Changes: A sign that is lawfully nonconforming as to size and/or location may have structural components replaced but shall not be enlarged or increased in any dimension.
- C. Repairs: Any lawful nonconforming sign may be repaired, reinforced, replaced or reconstructed so long as any nonconformity shall not be increased.
- D. Alteration and Improvement: Nothing in this ordinance shall prohibit the alteration, improvement or modernization of a lawful nonconforming sign, provided that all such alteration shall not increase the nonconformance of height, area, bulk or location of such sign.

SECTION 21.07 PERMITS AND FEES

- A. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his/her agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits, when required, shall be established by resolution of the Township Board.
- B. An application for a sign permit shall contain the following information:
 - 1. The applicant's name and address in full, and a complete description of the applicant's relationship to the property owner.
 - 2. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
 - 3. The address of the property.
 - 4. An accurate scale drawing of the property showing the location of all buildings and structures and their uses, and exact location of the proposed sign.
 - 5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator or Building Official for conformance to this Ordinance prior to pouring of concrete and placement on the site foundation.
- D. A sign permit shall become null and void if the work for which the permit was issued had not been completed within a period of six (6) months after the date of the permit. Said

sign permit may be extended for a period of thirty (30) days upon request by the applicant.

- E. Painting, repainting, cleaning, change of a sign face and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

SECTION 21.08 SUBSTITUTION

Any sign allowed under this section or a predecessor section of the zoning ordinance, may contain in lieu of any other message or copy, any lawful message, so long as said sign complies with the size, height, area, placement and other requirements of this ordinance.

SECTION 21.09 SEVERABILITY

This Article and the various components, sections, subsections, sentences and phrases are hereby declared severable. If any court of competent jurisdiction shall declare any part of this Article to be unconstitutional or invalid, such ruling shall not affect any other provision of this Article not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Article to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

Amendment to Article II – Definitions
[Insert the following definitions as numbered]

SECTION 2.02

...

- 15.c. Banner:** A sign made of fabric or other non-rigid material with no enclosing framework.
- 18.a. Billboard:** See “Off-Premises Sign”
- 42.a. Cone of Vision:** The area that is clearly visible to a driver, generally described as a “fan-shaped envelope” preceding the driver which allows the driver to safely see and observe moving objects and persons in front of and to the immediate left and right of the driver.
- 56.a. Electronic Message Display:** A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

- 91.a. Inflatable Device:** A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable or similar method.
- 117.a. Marquee:** a roof-like projection over the entrance to a theater, hotel, or other building.
- 139.a. Organization:** An entity, including a natural person, which owns or operates the premises where an on-premises sign is displayed.
- 145.a. Pennant:** a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.
- 176. Sign:** *The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public. Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and uses for the purpose of communicating a message or attracting attention.*
- 176.a. Sign - Abandoned:**
- a. A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least **one (1) year** or, in the alternative, a sign which pertains to a time, event or purpose which has elapsed or expired in the preceding **180 days**. Evidence of abandonment shall include intentional conduct, such as failure to pay taxes or permit fees, or to maintain the sign, or a negligent failure to do so.
 - b. A non-complying sign left unattended or located in a public right-of-way without permissions from the road agency having jurisdiction and the Township Board
- 176.b. Sign - Awning:** A building mounted sign that provides additional functionality as shelter.
- 176.c. Sign - Canopy:** A sign mounted on a permanent canopy or other structure at or near an entrance or building entry.
- 176.d. Sign - Complying:** A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.
- 176.e. Sign - Directional:** Signs designed to provide direction to pedestrian and vehicular traffic.
- 176.g. Sign - Freestanding:** A sign supported by a structure independent of any other structure.
- 176.h. Sign - . Ground:** A freestanding sign with a visible support structure.
- 176.i. Sign - Height of:** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street.
- 176.j. Sign - Internally illuminated:** A sign that has the light source enclosed within it so the source is not visible to the eye.
- 176.k. Sign - Illuminated:** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.

- 177.a. Sign - Marquee:** a sign mounted on or affixed to a marquee.
- 177.b. Sign - Nonconforming:** A sign that was legally erected and maintained but does not currently comply with sign restrictions because such restrictions were enacted after the sign was originally permitted and installed.
- 177.c. Sign - Off-Premises or Off-Site Sign:** An outdoor sign, whose message directs attention to either a person or persons not resident on the property where the sign is located, or, a specific business, product, service, entertainment event or activity, or other commercial or noncommercial activity, or non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also including billboards, or outdoor advertising.
- 177.d. Sign - On-Premises or On-Site Sign:** A sign whose message and design relates to either a person or persons resident upon the property where the sign is located, or, an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.
- 178.a. Sign - Permanent:** A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
- 178.b. Sign - Pole:** A freestanding sign with visible support structure.
- 178.c. Sign - Portable:** Any sign not permanently attached to the ground or building (**see Sign-Temporary**).
- 178.d. Sign - Projecting:** A building mounted sign with the faces of the sign projecting 12 inches or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee.
- 178.f. Sign - Roof:** A building-mounted sign erected upon, against, or over the roof of the building.
- 178.g. Sign - Rotating:** Sign faces or portions of a sign face which mechanically revolves around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights which convey an appearance of rotation.
- 178.h. Sign - Snipe:** A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to a public utility pole.
- 178.i. Sign - Temporary:** Any sign, **banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without structural frame, that is not permanently attached to the ground or a structure or any other sign** intended to remain in use for a short period of time which is not permanently installed. "Short period of time" is defined for the purposes of this ordinance **as 180 days or less**.
- 178.j. Sign - Wall:** A building-mounted sign which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 16 inches from such surface (See fascia sign).
- 178.k. Sign - Window:** A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

178.l. Signage: A community's inventory of signs used to communicate information or attract attention, including signage building, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs.

207.a. Visibility: The physical attributes of a sign and its contents that allow for detection at a given distance, although legibility may be uncertain.

ARTICLE XXII

SITE PLAN REVIEW PROCEDURES

SECTION 22.01 PURPOSE

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township. Certain specific types of minor development activities are identified to be exempt from these provisions as by their nature they normally do not interfere with neighboring properties nor present a potential nuisance for the Township as a whole.

SECTION 22.02 DEVELOPMENTS REQUIRING SITE PLAN APPROVAL

The following land, building and structural uses require “Site Plan Approval”:

- A. All principal and special uses and their accessory uses in the MFR, OSC, NSC, CSC, HSC, HC and I Districts.
- B. All special uses and their accessory uses in all districts.
- C. All condominium projects, including site condominiums. See Article XVIA.
- D. All planned unit development district projects.
- E. All non-agricultural grading, filling, and excavating projects affecting one acre (43,560 square feet) or more of property.
- F. Temporary uses on properties without existing commercial driveways and parking areas that involve sales or other commercial activity.
- G. Temporary fireworks sales for more than 14 days.

SECTION 22.03 DEVELOPMENTS NOT REQUIRING SITE PLAN APPROVAL BY THE PLANNING COMMISSION

- A. Single family homes, their accessory uses and uses permitted with conditions.
- B. General or specialized farming, their accessory uses and uses permitted with conditions.
- C. State-licensed Manufactured Housing developments (Mobile Home Parks) are **not** subject to final site plan review by the Township. Preliminary site plan review and approval by the Township Planning Commission and Township Board is required.
- D. Change of use where there is no exterior change to a structure or any element of the landscape and the Zoning Administrator is able to determine that no additional parking is required for the new use.

- E. Minor site changes or building additions as specified in Section 22.07, B.
- F. Except for temporary fireworks sales for more than 14 days, temporary uses on property where there is an existing commercial parking lot. A site plan may be required by the Zoning Administrator in order to determine compliance with the ordinance.

SECTION 22.04 SITE PLAN APPROVAL REQUIRED PRIOR TO STARTING CONSTRUCTION, EXCAVATION OR USE OF LAND

No grading, land filling, or construction of improvements, where the disturbed area exceeds one acre, shall commence for any development in any commercial or industrial zoning district which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

SECTION 22.05 PRELIMINARY SITE PLAN

- A. Mandatory: Preliminary site plan review is mandatory for all Special Uses as well as re-zone Planned Unit Developments (Type II PUD) and for Open Space Preservation developments as provided for in Section 18.46 and in compliance with P.A. 177 of 2001, as amended.

The Planning Commission shall have the authority to require preliminary site plan review separate from the final site plan when, in the Planning Commission’s opinion, the complexity and/or scale of development so warrants.

- B. Optional: For all other developments, except those referenced above, preliminary site plan review is optional at the applicant’s request. For Principle Permitted Uses that require site plan review an applicant may request preliminary review by a sub-committee. A sub-committee for this purpose may consist of the Zoning Administrator and a Planning Commissioner and a Township Board member or another Planning Commission member.

- 1. **PRELIMINARY SITE PLAN SKETCH REVIEW APPLICATION**

Preliminary site plan sketches shall be submitted to the Zoning Administrator at least twelve (12) days prior to a Planning Commission meeting. Preliminary site plan sketches for Principle Permitted Uses may be brought to a sub-committee meeting on the day of the sub-committee meeting.

- 2. **IMFORMATION REQUIRED**

Eight (8) copies (for the full Planning Commission) of a site plan sketch at a scale of not more than 1 inch = 100 feet, showing all existing and any proposed:

- a. streets on or within 100 feet of the property
- b. lot lines and dimensions
- c. proposed method of providing sanitary sewer and potable water to the development.
- d. parking areas and driveways
- e. general location of significant natural features

- f. existing and proposed buildings
 - g. number of acres allocated to each proposed element of the site plan
 - h. where applicable, dwelling unit density by type
3. **EFFECT OF PRELIMINARY APPROVAL**
 Approval of a preliminary site plan shall not be binding to the Planning Commission, except in the case of a Mobile Home Park.
- a. Mobile Home Parks: Approval of a preliminary site plan for a Mobile Home Park is dependent upon the separate approval of the Special Use Permit by the Township Board. Final site plan approval is under the jurisdiction of the Michigan Mobile Home Commission.
 - b. Special Uses and PUDs: Final site plan review is required for all other Special Uses and Planned Unit Developments as well as all Principle Permitted Uses that are subject to site plan review.
 - c. Waivers: If during the preliminary review the Planning Commission makes a finding-of-fact that any of the final site plan requirements listed in Section 22.06 C. are unnecessary or unreasonable for the case at hand then the Planning Commission may waive specific requirement(s).
4. **EXPIRATION AND EXTENSION OF APPROVALS**
 Except in the case of Mobile Home Parks, once a required preliminary site plan approval by the Planning Commission has been given the applicant shall have twelve (12) months to obtain a final site plan approval after which all approvals shall expire and have no effect. In the case of a Mobile Home Park, development shall commence within the time required by the state (currently 5 years – 2015) after final approval has been obtained from the Michigan Mobile Home Commission. In all other cases, final site plan approval shall be obtained within twelve (12) months after the preliminary review after which all approvals shall expire and have no effect unless an extension of up to twelve (12) months is granted by the Zoning Administrator or Planning Commission.

SECTION 22.06 FINAL SITE PLAN REQUIREMENTS

A. APPLICATION AND FEES

An applicant shall submit a completed application form and either nine (9) copies of a final site plan for a Principle Permitted Use or fifteen (15) copies of a site plan for a Special Use or a Planned Unit Development, to the Zoning Administrator. The application is not complete without the required fee, as established by the Township Board, and any data or information required. All complete applications shall be submitted as least twelve (12) days prior to the Planning Commission meeting. Completed applications for Special Uses or Planned Unit Developments shall be submitted at least twenty-two (22) days prior to the Planning Commission meeting in order to make public hearing publication deadlines.

B. REQUIRED REVIEWS

The applicant is responsible for submitting copies of the site plan as required to the appropriate outside agencies having jurisdiction over physical elements of the plan. These agencies include but are not limited to:

1. Van Buren County Drain Commissioner
2. Van Buren County Road Commission, Driveway Permits Officer and/or Michigan Department of Transportation, Coloma Field Office (or as redesignated by the Department).
3. South Haven Area Emergency Services, Fire Inspector
4. If the development includes a wetland, floodplain, high risk erosion area or critical dune, then the applicant shall indicate compliance with the Michigan Department of Environmental Quality or successor agency (Plainwell/Kalamazoo district office or as re-assigned) requirements.
5. If the development includes a structure over 35 feet in height or is to be located within an airport Accident Safety Zone, then the applicant shall obtain approvals from the Michigan Department of Transportation, Bureau of Aeronautics (Lansing) or successor agency.

APPLICANTS TAKE NOTE: Some of these agencies require lengthy review times. If an applicant fails to contact an agency in a timely manner, then the application may be considered to be incomplete and the Township accepts no responsibility for any delays.

C. FINAL SITE PLAN INFORMATION REQUIREMENTS

Every site plan submitted for final review shall contain the following information except as otherwise provided for:

1. Small-scale sketch of properties, streets and land uses within ¼ mile of the subject property.
2. Nine (9) copies (fifteen [15] copies for projects where the Township Board has final approval) of a site plan at a scale of not more than one (1) inch equals one hundred (100) feet, showing all existing and any proposed arrangements of:
 - a. Existing adjacent streets and proposed streets and existing curb cuts within one hundred (100) feet of the property.
 - b. All lot lines and dimensions.
 - c. Parking lots and access points
 - d. All exterior lighting with sample drawings of the fixtures and where necessary engineering calculations showing the effects of such lighting on adjacent properties.
 - e. Proposed buffer strips and screening
 - f. Existing natural features, including but not limited to: stands of trees, streams, ponds, wetlands, floodplains, steep slopes, critical dunes and high risk erosion areas.
 - g. Existing and proposed buildings, including existing buildings within one hundred (100) feet of the boundaries of the property.
 - h. Number of square feet allocated to each proposed use and gross floor area in buildings, structures, drives and open space.
 - i. For commercial or industrial buildings, the usable floor area for each proposed use.
 - j. For residential use, the dwelling unit, floor area and density by type.
 - k. Proposed methods of providing sanitary sewer and water supply services.

- l. Proposed methods of providing storm water management with engineering calculations.
- m. Written computation for the required parking in compliance with Article XX.
- n. Review letter from the South Haven Area Emergency Services.
- o. Review letter from the road authority having jurisdiction
- p. Review letter from the County Drain Commissioner
- q. Review letter(s) from any other public agency having jurisdiction.
- r. For plats, condominiums and private roads the professional license seal of the person preparing the plan is required.

NOTE: If any one of the items listed above is absent, unless specifically exempted either in this ordinance or in writing from an appropriate official, the application is incomplete and can only be given conditional approval by the Planning Commission, if a majority of the Planning Commissioners agree.

3. WAIVERS:

The requirements listed above for site plans may be waived except for sub-part 2. b., c., d., and if relevant, n., o., p., and/or r. which shall be required. A site plan eligible for waivers is defined as a project disturbing less than 10% of the lot area or 5,000 square feet, and/or increases gross floor area by less than 10% or 1,000 square feet, as calculated by the Zoning Administrator. If there is a doubt, or if the Planning Commission determines that more information is required, then the project shall automatically be considered to be subject to full site plan requirements.

D. CRITERIA FOR SITE PLAN REVIEW

In reviewing any site plan, the Planning Commission shall make a finding-of-fact as to whether the proposed site plan conforms to the Ordinance. In doing so, the Planning Commission may use the following criteria:

1. SURFACE WATER DRAINAGE

Working with the Van Buren County Drain Commissioner, the applicant is encouraged to utilize Low Impact Development Best Management Practices. Detailed information on both structural and non-structural practices are listed in *Low Impact Development Manual for Michigan: A Guide for Implementers and Reviewers*, published by the Michigan Department of Environmental Quality.

BONUS: An additional 10% density bonus (over and above other incentives) may be granted to any development, if the majority of the site work is shown to meet or exceed Low Impact Design criteria (no increase in storm water discharge). Best Management Practices that qualify for the bonus include:

- a. Non-structural practices
 - Cluster development, minimizing soil compaction, minimizing total disturbed area, protecting natural flow pathways, protecting riparian buffers, protecting sensitive environmental areas, reducing impervious surfaces, and storm water disconnection.
- b. Structural practices

Bio-retention, vegetated filter strips, vegetated swale, pervious pavement, infiltration basin, subsurface infiltration bed, infiltration trench, dry well, level spreaders, berming, planter box, runoff volume/non-infiltration, vegetated roof, capture reuse, runoff quality/non-infiltration, constructed wetlands, wet ponds/retention basin, constructed filters, water quality devices, underground detention, extended detention/dry pond restoration, native re-vegetation, and soil restoration.

EXCEPTION: If retention is found to be impractical or an economic hardship can be shown, storm water may be removed via an underground storage system.

“Economic Hardship” is defined as a documented increase in cost for the desired element, which exceeds 10% of the total site work excluding buildings, signs and lighting. “Impractical” is defined as pertaining to adaptive re-use of an existing site or limited expansion of an existing site and means that the use of Low Impact Design practices would have no beneficial effect. Impractical also applies to areas of clay soil where beneficial effects are limited or non-existent.

2. DRIVES, PARKING AND CIRCULATION:

The proposed parking shall meet or exceed the requirements of this Ordinance. The road agency having jurisdiction shall retain final approval authority over driveway and road access designs. The applicant may be required to make provisions for interior circulation, including pedestrian circulation.

3. ROADS, UTILITY SERVICE AND INFRASTRUCTURE:

All plans, which include roads, public and private, shall have sufficient right-of-way width to accommodate in-ground utility lines. Above ground wires are to be discouraged and where these cannot be located underground the locations shall not adversely affect adjacent properties. For private roads, if rights-of-way width less than 66 feet are contemplated then separate easements shall be provided for all other public utilities. In all cases, maintenance agreements shall be attached to all deeds associated with properties utilizing private roads.

4. SIGNS AND LIGHTING

The size, location and design for all exterior signs and lighting shall be indicated and shall conform to the requirements of this Ordinance.

5. SCREENING AND BUFFERING:

Fences, walls, berms, vegetative screening and other such measures shall be located so as to protect adjacent properties from adverse impacts.

C. PLANNING COMMISSION ACTION

1. The Planning Commission shall have final site plan review and approval authority where such review is required for Principal Permitted Uses, Permitted Uses with Conditions and major site plan changes where site plan review is required. If a final site plan is denied, the Township Clerk shall be notified, in writing, of such action and the reasons for denial. Upon final site plan approval the Chair of the Planning Commission shall sign two copies of the approved site plan. One copy shall be given to the applicant and one copy to the Zoning Administrator.

2. The Township Board shall have final approval authority for Special Uses, Type II Planned Unit Developments, site condominiums, platted subdivisions and private roads. The Planning Commission shall recommend either: approval, denial, or approval with conditions to the Township Board, which shall retain final review and approval authority for these types of uses. Upon final approval the Township Supervisor shall sign two copies of the approved site plan. One copy of the approved plan shall be given to the applicant and one copy to the Zoning Administrator.
3. Amendments to Special Use and PUD site plans: The Planning Commission may approve changes to approved site plans for an approved Special Use or Type II Planned Unit Development so long as the use and/or basic character of the development is not changed.

F. PHASING OF DEVELOPMENT

An applicant may, at his/her discretion, divide a proposed development into more than one phase. In such case, the site plan shall clearly indicate the location, size and character of each phase. A final site plan for each phase shall be submitted for approval prior to the start of development activity within the individual phase.

G. EFFECT OF APPROVAL

1. Expiration: Final site plan approval shall expire if no permits have been obtained within twelve (12) months except for projects requiring state or federal approval. Projects requiring approval from a higher level of government shall obtain local construction or earth moving permits within twelve (12) months of the date of approval from the specified government agency.
2. Extension: Final site plan approval shall also expire if the project or its initial phase has not commenced within two (2) years of the date of final approval, or if the applicant cannot provide proof for a reasonable cause for delay. An applicant may apply to the Township Board for extensions at least one month prior to the deadline. The Board shall determine a reasonable time period for the extension.
3. Previous Site Plan Approval: If a site plan has been approved for a specific site and later the property is approved for a different site plan, the first site plan shall automatically expire.

SECTION 22.07 AMENDMENT OF AN APPROVED SITE PLAN

A site plan may be amended upon application and in accordance with the procedure provided in Section 22.05 herein, for a preliminary site plan, and Section 22.06 herein, for a final site plan. Proposed major changes to an approved final site plan shall be reviewed by the Planning Commission.

A. Examples of major changes include the following:

1. Changes in the general concept or design of the general development plan.

2. Changes from the approved use(s) of the development that increase the requirements for parking or other infrastructure changes by more than ten (10) percent or one (1) acre.
3. Changes in the type and design of residential, commercial, industrial, public, institutional or organizational buildings.
4. Increases in the number of residential dwelling units or number of nonresidential buildings on the site.
5. Increases in the residential building floor area of more than ten (10) percent.
6. Rearrangement of the building locations, lots, blocks or building sites by more than 20 feet or that negatively affect the character of the approved site plan.
7. Changes in the function or character of roads or highways.
8. Changes in the location, character of use, or amount of land planned as common open space.
9. Variations in the development represented on an approved site plan involving the deletion, relocation, or addition of onsite improvements, including drives, parking areas, structures on, above or below the ground surface, berms, curbs and gutters, screen plantings or other required landscaping, fencing, water supply, wastewater disposal or storm water drainage systems.
10. Relocation of any surface or subsurface structures or improvements, except essential public utilities and services, by twenty (20) feet or more from its approved location.
11. Any appeal of an applicant whose request is for a minor change to an approved final site plan which has been disapproved by the Zoning Administrator to decide whether to approve, approve with conditions or disapprove the requested change.
12. Changes in fill grading, types of finished surface roads, drives, parking areas, walks and loading and unloading areas exceeding in area five hundred (500) square feet or five (5) percent of the lot area.
13. Changes due to unforeseen natural or environmental conditions or natural constructed features, e.g., wetlands, floodplains, ground water, geological features, existing structures or improvements.

B. Minor development activities or changes to an approved final site plan may be authorized by the Township Zoning Administrator without prior Planning Commission review. Examples of minor changes include the following:

1. Increases or decreases of residential or nonresidential floor areas by ten (10) percent or less.
2. Relocation of any surface or subsurface structure or improvement by less than twenty (20) feet from its planned location or that negatively affect the character of the approved site plan.
3. Increases or decreases in planned elevations of finished grades or changes

in the area or materials of paved areas, which affect less than one acre or ten (10) percent of the total lot area, whichever is less.

4. Changes in the height of buildings or structures.
5. Increases or decreases or changes in the type, height, or length of walks, fencing, berms or screen plantings.
6. Additions or deletions of permitted accessory uses to the principal uses permitted by the approved site plan.
7. Changes in the location of essential public utilities and services from those approved on the final site plan in order to accommodate their location.
8. Changes in the species, sizes of specimens or spacing of required landscaping and screen plantings, including trees, shrubs, vines and ground covers.

- C. If an applicant decides to appeal the disapproval of a minor change by the Zoning Administrator, the Zoning Administrator shall forward the applicant's file with the reasons for the Zoning Administrator's disapproval to the Planning Commission for review and decision. *[amended 1-14-98 & 7-12-00]*

SECTION 22.08 PERFORMANCE GUARANTEES

Bonds or other acceptable forms of security shall be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. The performance guarantee shall be for the full amount of the specific site improvement and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan.

Where the Planning Commission has final site plan approval, the Planning Commission may require and set the amount for a performance guarantee. Where the Township Board has final site plan approval, the Township Board may require and set the amount for a performance guarantee. When through unforeseen circumstances a portion of the project cannot be completed before an occupancy permit is needed, the Zoning Administrator may require a performance guarantee for the estimated cost of completion, subject to review and adjustment by the Township Supervisor.

In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company. Performance guarantees may not be imposed on a state licensed mobile home park. *[amended 1-14-98]*

Performance guarantees may not be imposed on a state licensed mobile home park.

ARTICLE XXIII

ADMINISTRATION AND ENFORCEMENT

SECTION 23.01 PURPOSE

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

SECTION 23.02 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with the Michigan P.A. 168 of 1959, as amended, "Township Planning Act"; P.A. 184 of 1943, as amended, "Township Zoning Act" and this Zoning Ordinance. *[editor's note: P.A. 184 rescinded and replaced by P.A. 110 of 2006]*

The Township Board shall employ a Zoning Administrator who shall act as the officer to carry out certain administrative and enforcement assignments of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

SECTION 23.03 DUTIES OF ZONING ADMINISTRATOR

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special land use permits, planned unit developments and amendments to the Zoning Ordinance.
- C. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the official Township Zoning Map and keep it current.
- D. Maintain written records of all actions taken by the Zoning Administrator.
[amende 1-14-98]

SECTION 23.04 ZONING PERMIT

A. ZONING PERMIT REQUIREMENTS: A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions:

1. The administrative coordination of Zoning Permits issued by the Township and Building Permits by the Building Inspector shall be in accordance with Section 3.12 of this Ordinance.
2. The construction, enlargement, alteration or moving of any dwelling, building or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes.
3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a Zoning Permit.

B. APPLICATION FOR A ZONING PERMIT

Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

1. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel.
2. The location of the proposed construction, upon the parcel(s), lot(s) or acreage affected.
3. The dimensions, height, bulk and floor area of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use(s).
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard, open area and parking and loading space dimensions, if applicable.
8. The proposed plan and construction specifications of off-street parking spaces, if applicable.

9. The proposed plan and construction specifications of off-street loading and unloading spaces provided, if applicable.
10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.
11. Any other information specified by the Planning Commission as a condition of site plan approval. *[amended 7-12-00]*

If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit upon payment of the required Zoning Permit fee.

- C. VOIDING OF PERMIT: Any Zoning Permit granted under this Article shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one year (1) year period before voidance of the zoning permit is actually declared. The Zoning Administrator may suspend or revoke a Permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.
- D. FEES, CHARGES, AND EXPENSES: The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for Zoning Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.
- E. INSPECTION: The construction or usage affected by any Zoning Permit shall be subject to the following inspections:
 1. At time of staking out of building foundation or location of structure.
 2. Upon completion of the construction authorized by the permit.
 3. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue his written

approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.

4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provisions of this Ordinance, or any other applicable law, he shall so notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for reinspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
5. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

SECTION 23.05 VIOLATIONS

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this Ordinance and subject to the penalties of it.

SECTION 23.06 PENALTIES

Any violation of this Ordinance or any code or standard adopted hereunder, or any part thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) plus costs and/or confinement in the county jail for a term not to exceed ninety (90) days. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance and said code. Each day that a violation continues to exist shall constitute a separate offense. *[amended 1-14-98]*

SECTION 23.07 ENFORCEMENT PROCEDURE

In addition to the enforcement actions provided in Section 23.04.E, 1-5, the following additional enforcement procedures may be applicable in the instances of violations of (1)

provisions of this Zoning Ordinance, (2) approved special uses, (3) approved planned unit developments, (4) approved site plans or (5) decisions of the Zoning Board of Appeals, Planning Commission, Township Board, District Court or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance:

- A. When a violation is initially determined by the Zoning Administrator, it shall be the Administrator's responsibility to issue a "Notice of Zoning Ordinance Violation" to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. This Notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:
 - 1. Date and location of each violation observed by the Zoning Administrator.
 - 2. Name(s) and addresses of owner(s) and occupant(s).
 - 3. Specific section(s) of the Zoning Ordinance which has been violated. If more than one violation, list each violation and each section violated.
 - 4. Length of time allowed before further prosecution of the violation(s).
- B. Failing compliance by owner(s) and occupant(s) by specified date in A. above, the Zoning Administrator shall issue a "Second Notice of Zoning Ordinance Violation."
- C. Failure to comply with the procedures outlined in A. and B. above may then upon recommendation of the Zoning Administrator result in the issuance of a "Notice of Show-Cause Hearing" by the Township Board and the holding of a special hearing by the Board for those parties interested in the violation(s).
- D. Failure to comply with the procedure of A, B, and C above may then result in the issuance of a "Show-Cause Hearing, Finding and Order" by the Township Board. The Show-Cause Hearing, Finding and Order Form shall indicate the findings of fact about the violation(s) by the Township Board, the Board's conclusions and its order for compliance with the Zoning Ordinance with respect to reach violation.
- E. Failure to comply with the procedure outlined in 1-4 above may then be followed by the instituting of a procedure to seek a bench warrant from the Judge of the District Court for the owner(s) and occupant(s) of the property upon which the violation(s) occurred into court to seek correction of the violation(s). The information contained in the request to District Court for a bench warrant shall be drafted by the Township Attorney, submitted to the Township Board for its approval and submitted to the District Court Judge for appropriate setting of the date and determination for correcting the violation(s).

- F. At the discretion of the Township Board the Township may seek corrections for all violations by any other means available to it under the laws of Michigan for such violations.

ARTICLE XXIV

ZONING BOARD OF APPEALS

SECTION 24.01 ESTABLISHMENT OF ZONING BOARD OF APPEALS (ZBA)

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Section 18 (MCL 125.-288-125.293), P.A. 184 of 1943, as amended, "Township Zoning Act" and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done. *[editor's note: P.A.184 rescinded and replaced by P.A. 110 of 2006]*

SECTION 24.02 MEMBERSHIP AND TERMS OF OFFICE

The Zoning Board of appeals shall consist of three (3) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township Board, for the terms of his office; the second member shall be a member of the Township Board, elected by the Township Board for the term of his office; and the other one (1) member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years, provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the elector member or as an employee of the Zoning Board of Appeals. The Chairman of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairman.

SECTION 24.03 RULES OF PROCEDURE, MAJORITY VOTE

The Board shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardship or practical difficulties.

SECTION 24.04 MEETINGS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.

SECTION 24.05 PUBLIC MEETINGS AND MINUTES

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

SECTION 24.06 POWERS AND DUTIES

The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance, except as otherwise provided in this Ordinance.

- A. The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by the Planning Commission or Zoning Administrator in the administration of this Ordinance as hereinafter provided, and shall have power to interpret the provisions of this Ordinance; to grant variances from the strict application of any of the provisions of this Ordinance
1. To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.
 2. To grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application. No variance shall be granted to permit the establishment within a district of any use which is not specifically permitted, excluded or for which a special use permit is required.
 3. To permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan for such district.

SECTION 24.07 VARIANCES

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
 - 1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
 - 3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
 - 4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and not a permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.

- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met in the Zoning District in which it is located by the applicant for the variance requested.

- C. The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located.

- D. The Zoning Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.

- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted,

shall be deemed a violation of this Ordinance, and punishable under Section 23.06 of this Ordinance.

- F. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.

SECTION 24.08 VOIDING OF AND REAPPLICATION FOR VARIANCES

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

SECTION 24.09 PROCEDURE FOR APPEALING TO THE ZONING BOARD OF APPEALS

- A. **APPEALS, HOW TAKEN:** Appeals from the ruling of the Township Zoning Administrator may be made to the Zoning Board of Appeals in the following manner:
 - 1. The person, firm or agent thereof making the appeal, shall file in writing to the Township Clerk a letter stating what the specific appeal is and the reasons for said appeal.
 - 2. The Township Clerk submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. **WHO MAY APPEAL:** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State, Federal or other legally constituted form of government.
- C. **FEE FOR APPEAL:** A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. **EFFECT OF APPEAL:** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him, that by reasons of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings

shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

- E. HEARING BY THE ZONING BOARD OF APPEALS: REQUEST, NOTICE, HEARING *[editor's note: P.A. 110 of 2006, now requires 15 days notice. See Section 25.04 of this ordinance for requirements]*

When a request for appeals has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing to be served personally or by mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal. Notices shall be sent to all property owners and occupants of properties located within 300' of the parcel for which the variance is being requested at least 10 days prior to the date of the hearing.

- F. REPRESENTATION AT HEARING: During a hearing, any party or parties may appear in person or by agent or by attorney.

- G. DECISIONS ON APPEALS BY ZBA: The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator, Township Board and Planning Commission from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

ARTICLE XXV

AMENDMENTS AND PUBLIC NOTICE

SECTION 25.01 CHANGES AND AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

SECTION 25.02 PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3301 et seq.), as amended.

Owners of property to be affected by the proposed amendment may submit a petition, together with a completed and signed application and fees, to the Township Clerk. The Zoning Administrator shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Township Board and the Township Planning Commission may initiate changes under their own authority without formal application.

Upon receipt of a proposed change to the Zoning Ordinance, the Planning Commission shall establish a date for a public hearing and shall make proper public notice of the hearing as required by Section 25.04 of this Ordinance and PA 110 of 2006.

[amended October, 2006]

SECTION 25.03 INFORMATION REQUIRED

The petitioner shall submit a detailed description of the petition to the Township Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. The street address (if any) of the property.
- B. A legal description of the property.
- C. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- D. The name and address of the petitioner.
- E. The petitioner's interest in the property, and if the petitioner is not the owner; the name and address of the owner.

- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. Describe the desired change and reasons for the requested change. *[Oct. 2006]*

SECTION 25.04 PUBLIC NOTICE

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

- A. *Responsibility:* When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in South Haven Township and mailed or delivered as provided in this Section.
- B. *Content:* All mail, personal and newspaper notices for public hearings shall:
 - 1. *Describe the nature of the request:* Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - 2. *Location:* Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as, but not limited to, tax parcel identification number, identifying the cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - 3. *When and where the request will be considered:* Indicate the date, time and place of the public hearing(s).
 - 4. *Written comments:* Include a statement describing when and where written comments will be received concerning the request.
- C. *Personal and Mailed Notice*
 - 1. *General:* When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of the property for which approval is being considered.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of

whether the property or occupant is located within the boundaries of South Haven Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partners, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 26.02, Registration to Receive Notice by Mail.
 - d. Other governmental units or infrastructure agencies within two (2) miles of the property involved in the application.
2. *Notice by mail/affidavit:* Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

D. *Timing of Notice:* Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval. *[Oct. 2006]*

SECTION 25.05 REGISTRATION TO RECEIVE NOTICE BY MAIL

- A. *General:* Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to Section 25.01, C. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing notification. Fees may be assessed for the provision of notice, as established by the Township Board.
- B. *Requirements:* The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue notification pursuant to this Section.

SECTION 25.06 FINDINGS OF FACTS REQUIRED

In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not be limited to, the following:

- A. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
- B. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
- C. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
- D. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

SECTION 25.07. CONDITIONAL REZONING.

It is recognised that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

- A. Application and Offer of Conditions.
 - 1. An owner of land may voluntarily offer in writing conditions to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 - 3. The owner's offer of conditions may not purport to authorise uses or developments not permitted in the requested new zoning district.
 - 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan review approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

B. Planning Commission Review.

The Planning Commission, after a public hearing and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

C. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the Michigan Zoning Enabling Act (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board

and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

D. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Van Buren County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner(s) giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Van Buren County Register of Deeds.
 - f. Contain the notarised signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with the designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such document be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

E. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of the Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and be subject to judicial abatement and/or specific performance as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or Development that is contrary to an applicable Statement of Conditions.

F. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

G. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection F. above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

H. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection G. above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds a notice that the Statement of Conditions is no longer in effect.

I. Amendment of Conditions.

1. During the time period for commencement of an approved development or use or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

J. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

K. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this Ordinance.

[subsection 25.07 added October 2006]

ARTICLE XXVI

SEVERABILITY

SECTION 26.01 SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXVII

EFFECTIVE DATE OF ORDINANCE

SECTION 27.10 EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective 30 days after a true copy of the same is first published in its entirety or in synopsis form following passage by the Township Board of the Charter Township of South Haven.

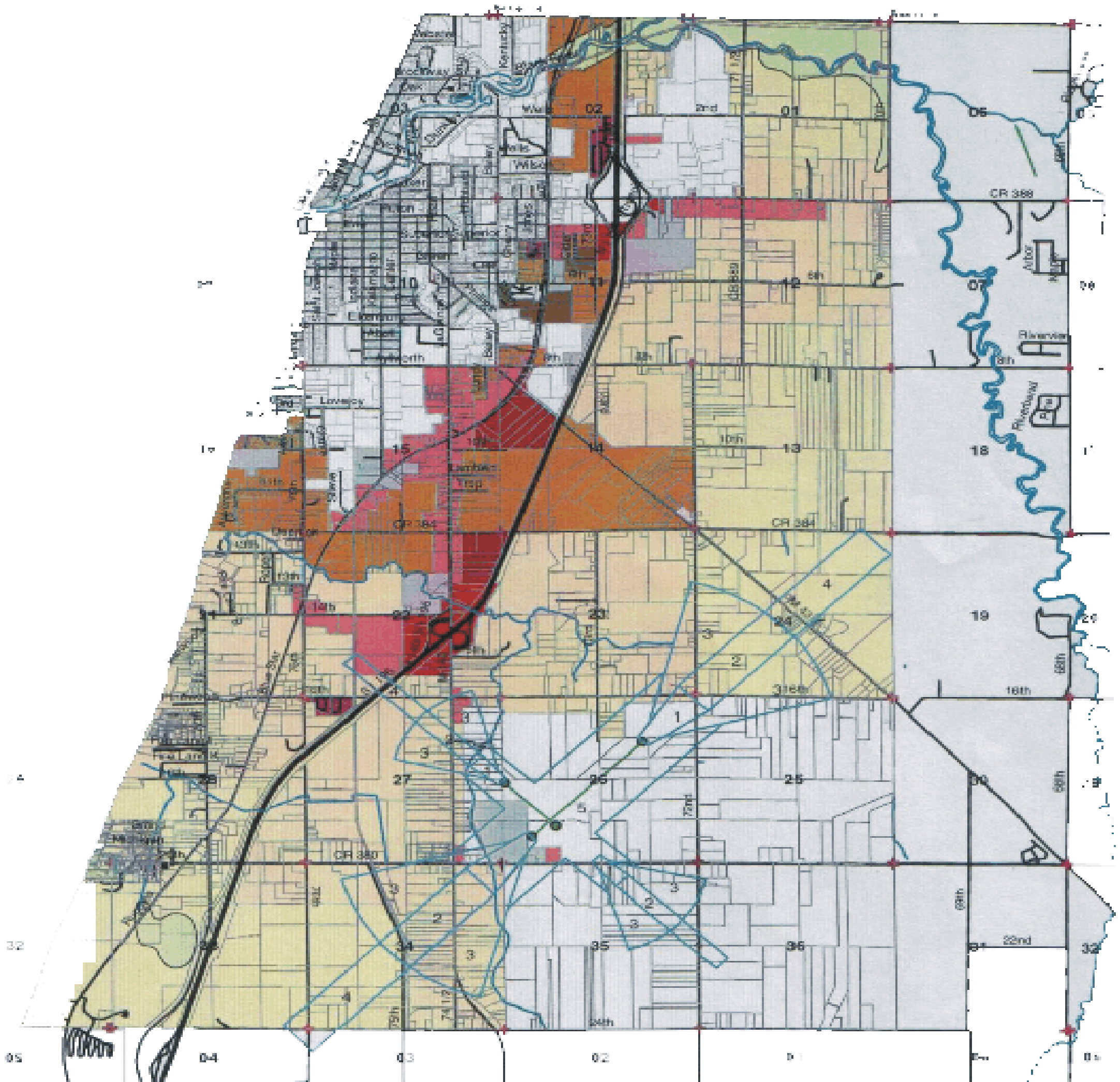
Made and passed by the Township Board of the Charter Township of South Haven, Van Buren County, Michigan on this 8th day of August A.D., 1990.

1. Date of Public Hearing by Planning Commission May 7, 1990
2. Date of Passage by Township Board June 13, 1990
3. Date of Publication July 19, 1990
4. Effective Date November 6, 1990 [public referendum]















Attest: I certify that the accompanying ordinance is a true and accurate copy of the South Haven Charter Township Zoning Ordinance in effect.

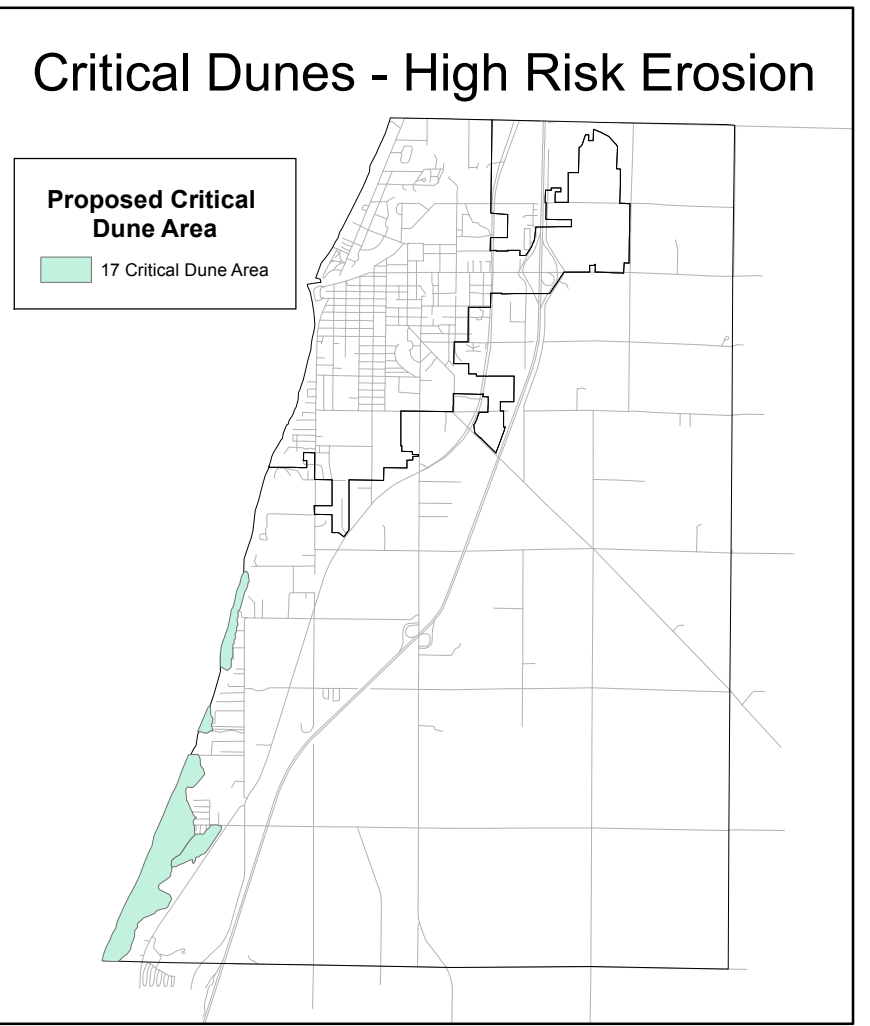
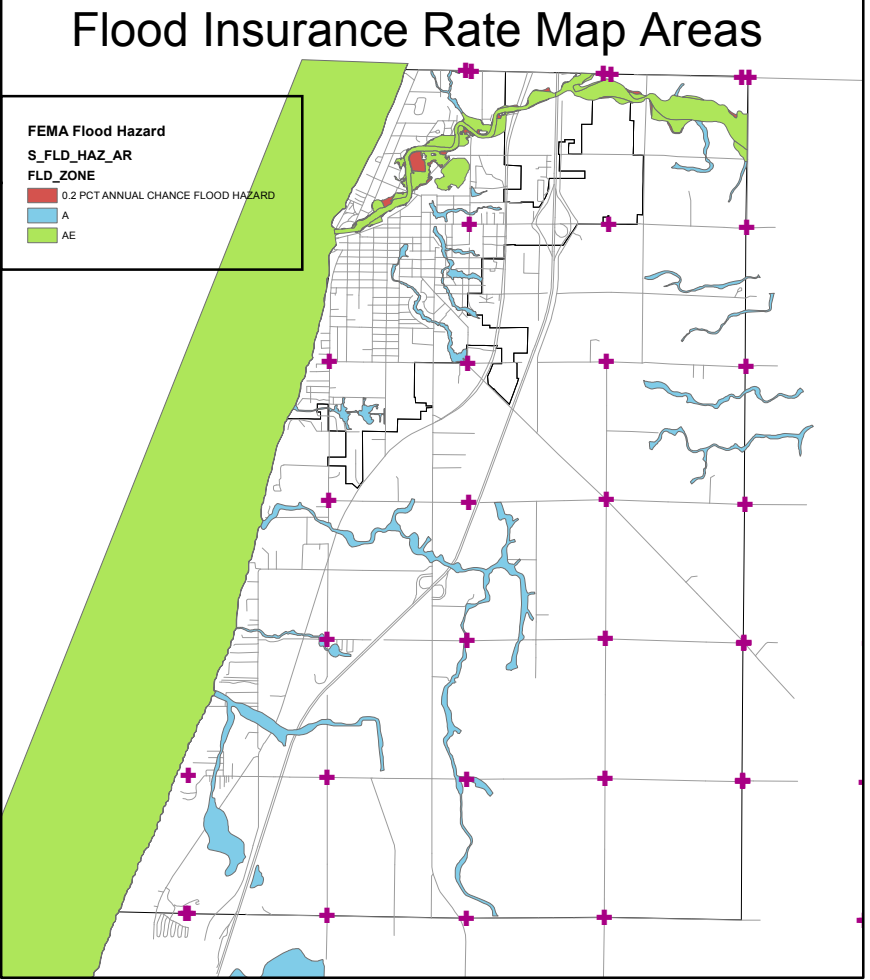
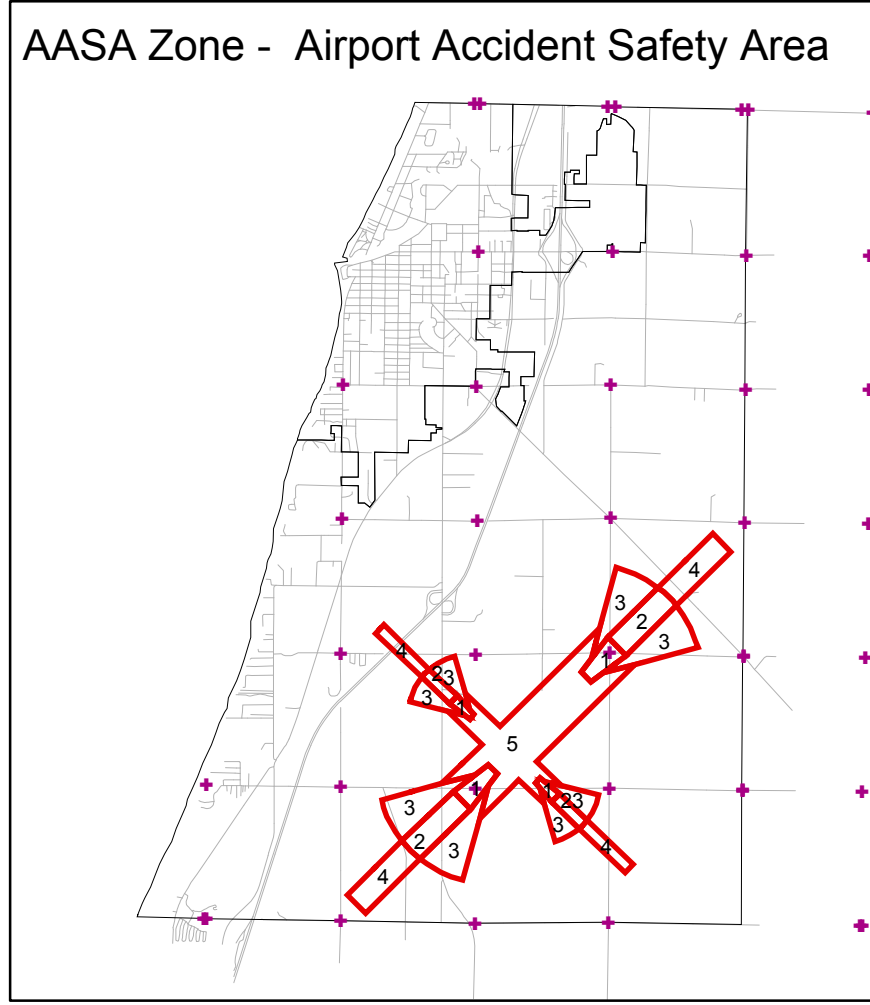
Brenda Bertorelli

Clerk South Haven Charter Township

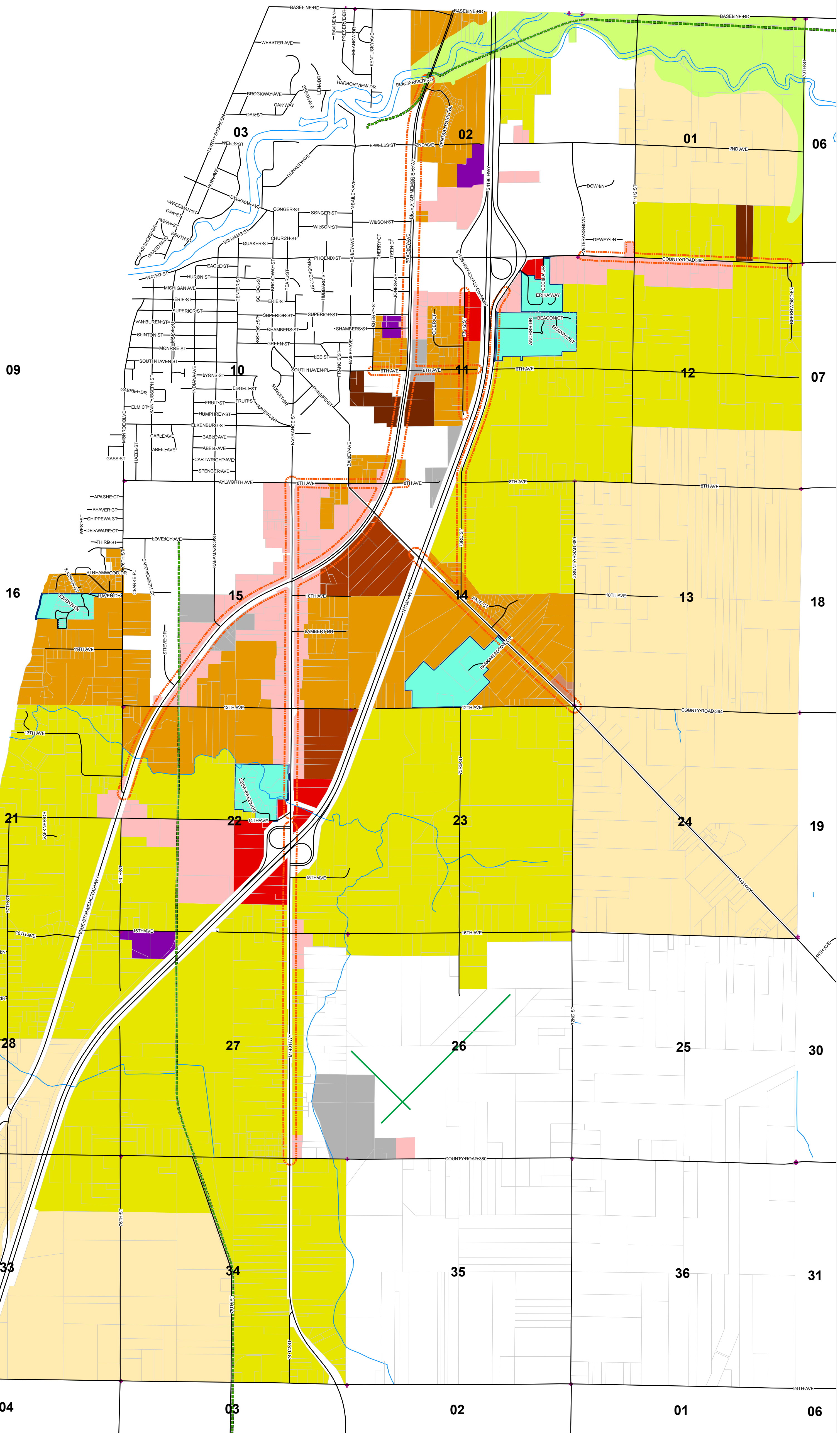


LEGEND

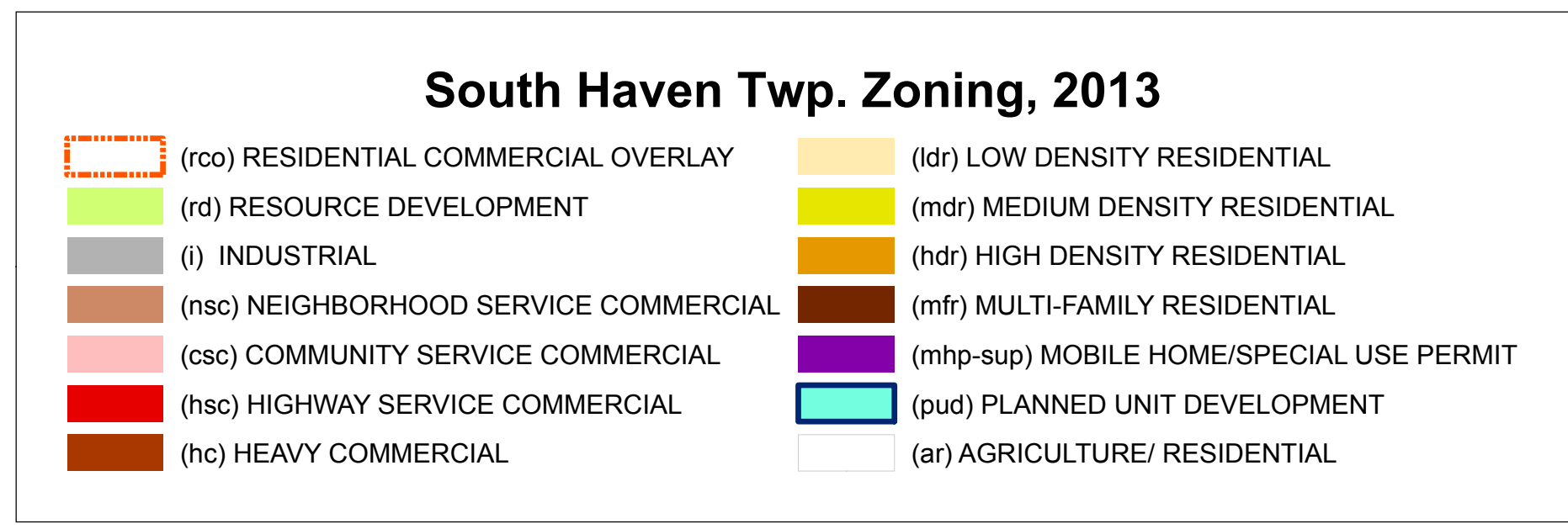
South Haven Twp. Zoning, 2004			
	SHRA_Zones		(ldr) LOW DENSITY RESIDENTIAL
	(rd) RESOURCE DEVELOPMENT		(mdr) MEDIUM DENSITY RESIDENTIAL
	(i) INDUSTRIAL		(hdr) HIGH DENSITY RESIDENTIAL
	(nsc) NEIGHBORHOOD SERVICE COMMERCIAL		(mfr) MULTI-FAMILY RESIDENTIAL
	(csc) COMMUNITY SERVICE COMMERCIAL		(hdr-sup) HDR/SPECIAL USE PERMIT
	(hsc) HIGHWAY SERVICE COMMERCIAL		(pud) PLANNED UNIT DEVELOPMENT
	(hc) HEAVY COMMERCIAL		(ar) AGRICULTURE/ RESIDENTIAL



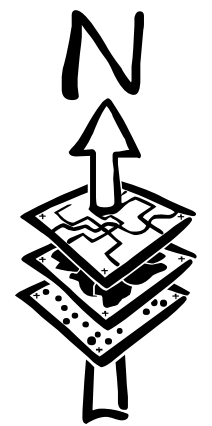
Coastal Overlay Zone
 300 ft. inland from the
 shore of Lake Michigan



Van Buren County GIS
 2013
 (269) 657-8243
 www.vbco.org



1:15,000



Adopted 1990
 Major Revision 1983
 Amended 1995, 1998, 1999, 2002, 2003
 Last Amended 3/05, 8/05, 01/06,
 10/10, 04/11, 2/13, 2/16