

# Ganges Township Zoning Ordinance

## Ordinance No. 46

Adopted: February 23, 2011  
Effective Date: March 10, 2011

Amended by Ordinance 47: December 1, 2011  
Amended by Ordinance 49: March 29, 2012  
Amended by Ordinance 51: July 4, 2013  
Amended by Ordinance 52: May 29, 2014  
Amended by Ordinance 53: July 21, 2016  
Amended by Ordinance 54: May 25, 2017  
Amended by Ordinance 55: June 29, 2017  
Amended Ordinance 58: October 31, 2019  
Amended Ordinance 60: August 27, 2020  
Amended Ordinance 61: June 9, 2022

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## AMENDMENTS

Note: Changes are identified in ***bold, italic font*** in the following Zoning Ordinance Text.

### **Ordinance #47** Effective: 12/01/11

Amends the Ganges Township Zoning Ordinance #46 to modify or clarify the following areas: Article 3 General Provisions; Article 9 Black River Watershed Overlay District; Article 12 Site Plan Review; Article 17 Zoning Ordinance Amendment requirements; Rezone Parcel 03-07-004-002-00 from Manufactured Housing Community to Residential/Agricultural.

### **Ordinance #49** Effective: 3/29/12

Amends the Ganges Township Zoning Ordinance #46 to modify or clarify the following areas: Article 2 Definitions (biofuel); Article 3 General Provisions (construction standards and Biofuel Production Facilities); Article 5 Agricultural District Table of Uses (Biofuel Production Facilities); Article 6 Residential/Agricultural District Table of Uses (Biofuel Production Facilities); Article 8 – Commercial and Mixed Use Districts Table of Uses (Biofuel Production Facilities); Article 11 Industrial District Table of Uses, Development Requirements (single family dwellings).

### **Ordinance #51** Effective: 7/4/13

Amends the Ganges Township Zoning Ordinance #46 to modify or clarify the following areas: Article 3 General Provisions (Home Occupation retail sales, Accessory Building setbacks, semi-truck and sign regulations); Article 5 Agricultural District Table of Uses (Semi-truck parking and Farm Markets); Article 6 Residential/Agricultural District Table of Uses (Public Parks in Residential, Farm Markets with SLU approval); Article 8 – Commercial and Mixed Use Districts Table of Uses (changed Mixed Use District to Residential Mixed Use/Planned Unit Development. Allow Farm Markets and ponds and eliminate some commercial uses); Article 10 Planned Unit Development District (replace Mixed Use PUD with RMU/PUD, eliminate Industrial PUD, modify Common Open Space calculation for wetlands, density bonus on private roads if part of a PUD); Article 14 Special Land Uses (GAAMPS requirement for Farm Markets and Cell Tower collocation changes); Article 15 Nonconformities (modify nonconforming dwelling restrictions; Zoning Map – correct errors and remove Mixed Use district.

### **Ordinance #52** Effective: 05/29/14

Amends the Ganges Township Ordinance #46 to modify or clarify the following areas: Article 2 – Cottage Industry, Cottage Food Industry; Article 3 General Provisions (Roadside Stands, name change from MDNR to MDEQ, Domesticated Animals); Article 4 Districts (replace MU with RMU/PUD), Article 5 Agricultural District Table of Uses (Biofuel typo, Roadside Stand, Equine Boarding, Farm Market, Raising fur bearing animals/game birds, Migrant Housing, Wireless Communication Antenna, Noncommercial Wind Energy, Cottage Food industry); Article 6 Residential/Agricultural District Table of Uses (Migrant Housing, Biofuel typo, Farm Market, Raising of fur bearing animals/game birds, Temporary Uses or Buildings, Roadside Stands, Cottage Food Industry); Article 7 Manufactured Housing Community District Table of Uses (Home based Business, Home Occupation, Biofuel typo, Cemetery, Church, Cottage Industry, Roadside Stand, Municipal Services, Library, Migrant Housing, Ponds, Noncommercial Wind Energy, Private Roads, Temporary Uses or Buildings, Raising furbearing animals/game birds, Schools and Colleges, Winery, Cottage Food Industry, Bed & Breakfast, modify setbacks); Article 11 Industrial District Table of Uses (Home based Business, Home Occupation, Cottage Industry, Vehicle Repair, Excavating, Municipal Services, Mini Storage, Ponds, Noncommercial

Wind Energy, Private Roads, Schools, Temporary Uses or Buildings, Cottage Food Industry); Article 12 Site Plan Review (Noncommercial Wind Energy, remove Mixed Use District); Article 14 Special Land Uses (add Schools – trade, commercial, industrial, modify Cottage Industry).

**Ordinance #53** Effective: 07/21/16

Amends the Ganges Township Ordinance #46 to modify or clarify the following areas: Article 2 - Definitions, add Brewery, Microbrewery, Brewpub and Meadery; Article 3 - General Provisions, changes to add or modify Fences, Guest Cottage, Ponds, Signs, Domesticated Animals, Farm Market, Equine Boarding/Training Facility, Raising of Fur Bearing Animals or Game Birds, Roadside stands; Article 5 - Agricultural District, change agricultural operation to farm operation, change Equine Boarding, Farm Market and Raising of fur bearing animals from SLU to P in Table of Uses; Article 6 - Residential Districts change agricultural operation to farm operation, change Equine Boarding, Farm Market and Raising of fur bearing animals from SLU to P in Table of Uses; Article 8 - Commercial District change agricultural operation to farm operation, change Equine Boarding, Farm Market and Raising of fur bearing animals from SLU to P in Table of Uses; Article 12 - Site Plan review change MDNRE to Michigan Department of Environmental Quality and Michigan Department of Natural Resources; Article 14 - Special Land Uses remove Equine boarding, Farm market and Raising of fur bearing animals, and add Brewery, Microbrewery and Brewpub; Article 16 - Zoning Board of Appeals, delete Section 16.04.A.1.(c) and 2.

**Ordinance #54** Effective: 05/25/17

Amends the Ganges Township Zoning Ordinance #46, Article 4 - Districts, Section 4.02 Official Zoning Map of 5.42 acres of Parcel #0307-012-018-00 Fenn Valley South LLC, 6130 122nd Avenue, Fennville, MI 49408 from the Residential/Agricultural District to the Commercial District.

**Ordinance #55** Effective June 29, 2017

Amends the Ganges Township Zoning Ordinance #46 Article 4 - Districts, Section 4.02 Official Zoning Map of approximately 0.939 acres of Parcel #0307-003-001-00 Della Ray LLC European Auto Restoration, 6424 M-89/124th Ave. Fennville, MI 49408 from the Residential/Agricultural District to the Commercial District by extending the Commercial District to 560.12 feet from the center of M-89/124th Ave.

Amends the Ganges Township Zoning Ordinance #46 Article 4 - Districts, Section 4.02 Official Zoning Map of approximately 14.4 acres of Parcels #0307-020-027-00 and #0307-020-019-10, Thistle Brewery LLC, 1630 Blue Star Hwy. Fennville, MI 49408 from the Residential/Agricultural District to the Commercial District with the remainder of Parcel #0307-020-027-00 rezoned from the Commercial district to the Residential/Agricultural District.

**Ordinance #58** Effective October 31, 2019

Amends the Ganges Township Zoning Ordinance #46 to modify or clarify the following areas: Article 2- Definitions, Adult Foster Care Facility, Family Home, Small Group Home and added Adult Foster Care Private Residence, Brewery, Microbrewery, Brewpub, Child Care Facility. Added Food Truck or Mobile Food Vendor. Removed Meadery. Added Solar Energy System-noncommercial, and Solar Farm, Wetland and Winery; Article 3- General Provisions, changed MDEQ to MDEGLE. Changes to add or modify Home Based Business, Accessory Buildings and Structures, Guest Cottage, Illegal Dwellings, Food Trucks, Solar Energy Systems-noncommercial and panels; Article 4- Districts, remove conditional rezoning; Article 5- Agricultural District, Child Care Home, Solar Energy System non-commercial, Solar

Farm, Food Truck; Article 6-Residential District, Child Care Home Solar Energy System non-commercial, Food Truck; Article 7-Manufactured Housing District, Child Care Home and Solar Energy System; Article 8-Commercial District, Child Care Center, Brewery, Brew Pub, Microbrewery, Food Truck, Solar Energy, Solar Farm; Article 11-Industrial District, Home based Business, Solar Energy System, and Solar Farm; Article 12- Site Plan Review, change Michigan Department of Environmental Quality (MDEQ) to Michigan Department of Environment, Great Lakes and Energy (MDEGLE); Article 14- Special Land Use, changes to Child Care Center, Group Child Care Home, Mineral Mining, name change for MDEQ, Restaurant, Wireless Communication Tower, Solar Farms, Breweries, etc.

**Ordinance #60** Effective: 08/27/2020

Amends the Ganges Township Ordinance #46 to modify or clarify the following areas: Article 2- Definitions-Agricultural products retail, Antenna, Commercial small cell communications facility, commercial small cell communications tower, General retail, Restaurant. General Provisions- Commercial Small Cell Communications Facility. Agricultural District- Open space development under private road. Commercial Small Cell Communications Facility. Residential Districts- Commercial Small Cell Communications Facility. Manufactured Housing Community District- Commercial Small Cell Communications Facility. Commercial District- Wording to cover business restricted to less than 2500 square ft. PUD-Change MDRE to MDNR/MDEGLE. Industrial District-Modify Lumber yard and Whole sales and services; Commercial Small Cell Communications Facility. Site Plan Review- Staff approval for Commercial Small Cell Communications Facilities.

**Ordinance #61** Effective: 06/09/2022

Amends the Ganges Township Ordinance #60 Article 2-Definitions- Add Lot coverage includes driveways and parking lots paved or unpaved. Modify and clarify sign definitions; Article 3-General Provisions clarify regulations for Single Family Dwellings, Accessory Buildings and Structures, Temporary Buildings and Guest Cottages. Add Stair setbacks. Replace and update Private Road Ordinance. Modify Sign Ordinance to be content neutral. Add sign maintenance standards and permanent/temporary sign dimensions allowed per parcel; Article 5- Ag District Add to table of uses Signs P; Article 6-Residential/Residential AG Districts Add to table of uses Signs P; Article 7- Manufactured Housing Community District Add to table of uses Signs P; Article 8-Commercial District Add to table of uses Signs P; Article 11- Industrial District Add to table of uses Signs P; Article 12 Site Plan Review Add Property lines and dimensions as determined by a staked land survey bearing the seal of the professional licensed surveyor preparing the Site Plan; Article 14- Special Land Uses Wind Energy Conversion System Commercial Modify and clarify road use agreement, setbacks, signage, location, decommissioning, and liability insurance; Article 16- Zoning Board of Appeals Add a staked land survey of the parcel bearing the seal of the licensed professional surveyor preparing the land survey must accompany the variance application along with appropriate property markings on site to indicate the location of the variance request.

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# Article 1.

## Title, Purpose, Scope, and Legal Basis

### Section 1.1 Title

This Ordinance shall be known and may be cited as the "Ganges Township Zoning Ordinance," "this Ordinance," "the Ordinance," or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Ganges Township Zoning Ordinance.

### Section 1.2 Purpose

- A. This Ordinance is based upon the Ganges Township Master Plan and provides for the establishment of zoning districts and district uses, standards, and regulations designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, agriculture, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

### Section 1.3 Scope

- A. Zoning affects all structures and land uses within the Township.

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

## **Section 1.4 Legal Basis**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

## **Section 1.5 Repeal**

- A. The Township of Ganges Zoning Ordinance, adopted January 4, 1994 as amended, and any prior zoning ordinances of Ganges Township are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of these ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under that ordinance, or any part thereof, and that ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of any penalty, forfeiture or liability.
- B. Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

## **Section 1.6 Severability**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, that ruling shall not affect any other provisions of this Ordinance not specifically included in the ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, that ruling shall not affect the application of that provision to any other parcel, lot, use, building or structure not specifically included in the ruling.

# Article 2.

## Definitions

### Section 2.1 Rules Applying to Text

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and words used in the plural shall include the singular. All of these rules shall apply, unless the context clearly indicates the contrary.
- D. A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- F. All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to their peculiar and appropriate meaning.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination, including all.
  - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday observed by the Township.

- I. With the exception of this Article, the headings which title an Article or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- J. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.
- K. Terms herein not defined shall have the meaning customarily assigned to them.

## Section 2.2 Definitions – A

**ACCESS PROPERTY** – A property, parcel or lot abutting the Lake Michigan shoreline or the Hutchins Lake shoreline, used or intended to be used for providing access to Lake Michigan or Hutchins Lake by pedestrian or vehicular traffic to and from offshore land, and either (1) held in common ownership by a subdivision, association, or similar entity; or (2) provided for common use under dedicated access deed, grant, covenant, easement, license, gift, or other conveyance.

**ACCESSORY BUILDING** – A building or portion of a building supplementary and subordinate to a main building on the same lot occupied by an accessory use.

**ACCESSORY USE** – A use naturally and normally incidental and subordinate to, and devoted exclusively to, the principal use of the lot or main building.

**ADULT FOSTER CARE FACILITY** – Adult foster care facilities are homes or facilities that provide foster care to adults and are subject to the adult Foster Care Facility Licensing Act, PA 218 of 1979 as amended and the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

- A. **ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. **ADULT FOSTER CARE LARGE GROUP HOME:** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.
- C. **ADULT FOSTER CARE SMALL GROUP HOME:** An adult foster care facility with the approved capacity to receive at least 3 but not more than 12 adults to be provided with foster care.
- D. **ADULT FOSTER CARE PRIVATE RESIDENCE:** A private residence with the capacity to receive at least 1 but not more than 4 adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting. This is referred to in the MZEA as Section 206. (1) b.

**AGRICULTURAL PRODUCTS RETAIL** – Goods and services supplied to farmers and farm operations such as seeds, fertilizers, pesticides, and equipment.

**AGRICULTURAL SERVICE ESTABLISHMENTS** – Establishments primarily engaged in supplying soil preparation services, crop services, landscaping services, horticultural services, and farm labor and management services.

**AGRICULTURE** – The production of those plants, animals and their by-products useful to human beings including but not limited to forages and sod crops, grains and fee crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, bees and bee products, berries, herbs, fruits, vegetables flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporate the use of food, feed, fiber or fur as determined by the Michigan Commission of Agriculture.

**AGRIVOLTAICS** – Agrivoltaics is the use of land both for agriculture and solar photovoltaic energy production.

**ALTERATIONS** – Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as “altered” or “reconstructed.”

**ANTENNA** – See WIRELESS COMMUNICATIONS TOWER, COMMERCIAL.

**AQUACULTURE** – The cultivation of the natural products of water such as fish and shellfish.

**ARCHITECTURAL FEATURES** – Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the building.

## Section 2.3 Definitions – B

**BASEMENT OR CELLAR** – A portion of a building, at least partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**BED AND BREAKFAST ESTABLISHMENT** – A use within a single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

**BERM** – A mound of soil graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

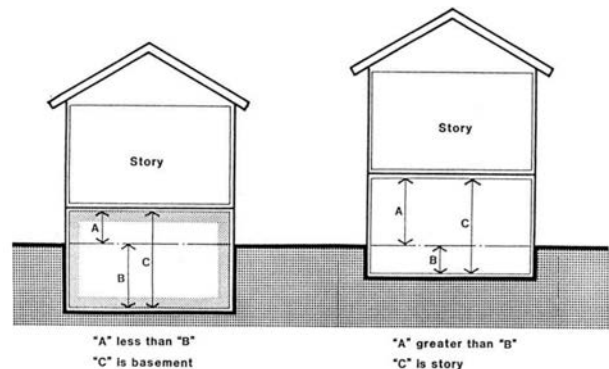
**BIOFUEL** – Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester. (See MCL – Section 125.3513)

**BOARD, TOWNSHIP** – See TOWNSHIP

**BOWLING ALLEY** – An indoor facility or building in which people play the game of bowling.

**BREEZEWAY** – Any structure connecting a dwelling unit with a freestanding accessory building.

**BREWERY** – A facility that is licensed to manufacture and sell at retail and to licensed wholesalers beer, ale and/or other malt beverages manufactured by it.



**BREW PUB** – Regulated by the State of Michigan under the Michigan liquor Control Code of 1998, PA 58 of 1998 as amended, a brewpub is a facility that is licensed to manufacture not more than 18,000 barrels of beer, ale and/or other malt beverages per year and whose license is issued in conjunction with a Class C, Tavern, B-Hotel, or A-Hotel license.

**BUFFER** – A vegetative strip intended to provide physical separation and visual screening between potentially incompatible uses; screen or filter views of building walls, loading areas, parked vehicles, and outdoor storage areas; moderate harsh or unpleasant sounds; filter air pollutants; or slow the effects of storm water runoff.

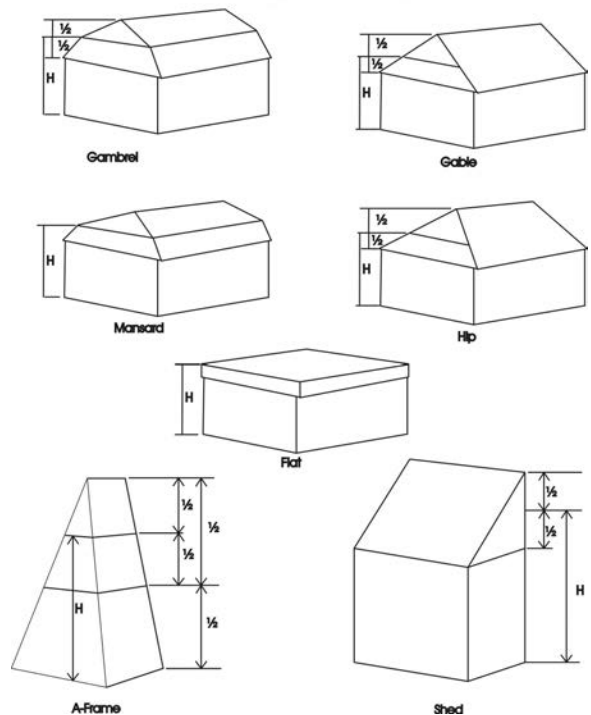
**BUILDABLE AREA** – The space above the base flood elevation and outside of wetland areas remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

**BUILDING** – An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or belongings, or carrying on business activities or other uses. When any building portion is completely separated from every other part by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**BUILDING ENVELOPE** – The area within a lot that does not include the required setbacks.

**BUILDING HEIGHT** – The vertical distance measured from the average grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

**BUILDING, MAIN** – A building in which is conducted the principal use of the lot on which it is situated.



## Section 2.4 Definitions – C

**CAMPGROUND** – Campground means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units. Campground does not include a seasonal mobile home park licensed under the mobile home commission act, PA 96.MCL 125.2301 to 125.2349.

**CAS NUMBER [Chemical Abstract Service Number]** – This is a unique number for every chemical established by a Columbus, Ohio organization that indexes information published in “Chemical Abstracts” by the American Chemical Society. It is used among other purposes in maintaining chemical inventories used by the Michigan Department of Natural Resources and Environment for regulatory purposes, by firefighters for Firefighter Right to Know purposes and by public service departments responsible for discharges into storm water or municipal sewer systems. It is only referred to by the acronym CAS and is never spelled out.

**CATER** – To provide prepared food and/or drink for a social event that is brought in from outside the event site or is prepared on site by an outside vendor.

### CHILD CARE FACILITY

- A. **CHILD CARE CENTER:** A facility, other than a private residence, receiving 1 or more children under 13 years of age for care periods of less than 24 hours a day, where parents or guardians are not immediately available to the child. Childcare center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.
- B. **FAMILY CHILD CARE HOME:** A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. Family child care home includes a private home with increased capacity.
- C. **FOSTER FAMILY GROUP HOME:** The private home of an individual who has been licensed by the department to provide 24-hour care for more than 4 but fewer than 7 minor children who are placed away from their parent, legal guardian, or legal custodian in foster care. The licensed individual providing care is required to comply with the reasonable and prudent parenting standard as defined in section 1 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.
- D. **FOSTER FAMILY HOME:** The private home of an individual who is licensed to provide 24-hour care for 1 but not more than 4 minor children who are placed away from their parent, legal guardian, or legal custodian in foster care. The licensed individual providing care is required to comply with the reasonable and prudent parenting standard as defined in section 1 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.
- E. **GROUP CHILD CARE HOME:** A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Group child care home includes a private home with increased capacity.



- F. **QUALIFIED RESIDENTIAL TREATMENT PROGRAM:** A program within a child caring institution meeting the requirements of the Child Care Organizations Act, PA 116 of 1973, Section 1. (ee) i-vi MCL 722.111 as amended.
- G. **CHILD CARE FACILITIES:** Child Care Facilities are subject to the Child Care Organizations Act, PA 116 of 1973 as amended and the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

**CIDER** - Cider means an alcoholic beverage made from the fermentation of juice from primarily apples or pears, or both, which contains not less than  $\frac{1}{2}$  of 1% and not more than 8.5% of alcohol by volume. Cider may be still or carbonated and may contain other fruits, spices, botanicals, or other flavors.

**CLINIC** – A building or group of buildings 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 human patients are not lodged therein overnight.

**CLUB** – An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

**COMMERCIAL SMALL CELL COMMUNICATIONS FACILITY** – A wireless facility that meets both of the following requirements: (1) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet. (2) All other wireless equipment associated with the facility that is not mounted on the tower is cumulatively not more than 25 cubic feet in volume.

**COMMERCIAL SMALL CELL COMMUNICATIONS TOWER** – A freestanding structure designed to support or capable of supporting commercial small cell communications facilities. This does not include a utility pole.

**COMMERCIAL STORAGE BUILDING** – A structure or part thereof used primarily to keep or shelter goods, wares, merchandise and/or transportation/recreational equipment for future use. It shall be used only for business purposes and shall not be used as the owner's personal storage facility.

**COMMISSION, PLANNING** – As used in this Ordinance, this term means the Ganges Township Planning Commission.

**COMMON AREA** – That part of a development in which all members have an ownership interest, including but not limited to streets, alleys, walkways and open space.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** – CAFO as defined by United States Department of Agriculture (USDA) is an intensive animal feeding operation (AFO) in which over 1,000 animal units are confined for over 45 days a year.

**CONDOMINIUM ACT** – Public Act 59 of the Michigan Public Acts of 1978, as amended.

**CONDOMINIUM UNIT** – That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed of the condominium project.

**CONSERVATION EASEMENT** – A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forestry, recreational or open space use; protecting natural resources; or maintaining air or water quality.

**COTTAGE FOOD INDUSTRY** – An accessory use of the unlicensed kitchen of a single-family residence in which Cottage foods as defined by the Michigan Cottage Food Law, PA 113 of 2010, are produced. The foods must be made and stored in the residence and may only be sold directly to consumers. These small-scale operations without consumption must comply with the Cottage Food Law and are allowed in all districts.

**COTTAGE INDUSTRY** – An accessory use to a dwelling where the owner of the dwelling operates a small-scale business as part of the owner’s lifestyle and as a means of income. Uses may include but are not limited to creating art, producing crafts and selling such items on the same lot.

## Section 2.5 Definitions – D

**DECK** – An unroofed structure used for outdoor living purposes which may or may not be attached to a building. and which protrudes above the finished grade.

**DEED RESTRICTION** – A restriction on the use of a lot that is set forth in the property deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

**DENSITY** – As applied in this Ordinance, the number of dwelling units situated on or to be developed on a gross acre of land.

**DISTRICT, ZONING** – A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**DRIVEWAY** – A property entry point for vehicles running from a street to within ten (10) feet of a residence. For the purposes of lot coverage calculation, a driveway shall have a minimum width of eight (8) feet, be properly leveled and prepared, with a top surface composed of concrete, asphalt, gravel, or other commonly accepted driveway material. Grass, sand, or dirt will not be considered as appropriate material.

**DRIVE THROUGH ESTABLISHMENT** – A commercial establishment whose retail/service character includes a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners and restaurants but not including vehicle service stations.

**DWELLING, OR DWELLING UNIT** – Any building or portion thereof having cooking and housekeeping facilities (kitchen, bath and sleeping facilities), which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or temporarily, but in no case shall a motor home, trailer coach, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

- A. **Dwelling, Multiple Family.** A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking and housekeeping.
- B. **Dwelling, Single Family.** A building used or designated for use exclusively by one (1) family.

- C. **Dwelling, Two-Family (also termed Duplex).** A building on a single lot for use exclusively by two (2) families living independently of each other with separate entrances for each unit. This includes two story building having complete facilities for cooking and housekeeping on each floor and side by side units that share a common wall with each having complete facilities for cooking and housekeeping.

## Section 2.6 Definitions – E

**EASEMENT** – A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

**ELDERLY HOUSING** – A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

**ENERGY STORAGE FACILITY**-- A system that absorbs, stores, and discharges electricity.

**ERECTED** – The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term “erect” or “erected.”

**EVENT CENTER OR EVENT VENUE** – A place of indoor public assembly used for commercial events (e.g., banquet hall, assembly buildings). Event Centers or Event Venues are subject to a use agreement between a private group or individual and the venue owner. The venue owner may or may not charge a fee for the use of the venue.

**EXCAVATION** – The removal or movement of soil, sand, stone, gravel, or fill dirt, except for common household gardening, farming, and general ground care.

## Section 2.7 Definitions – F

**FAMILY** - A collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit.

**FARM** - The land, plants, animals, buildings, structures, including ponds used for agriculture or agricultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products.

**FARM MARKET** – A place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market [measured as an average over a five-year timeframe] must be produced on and by the affiliated farm.

Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by state and federal regulations. The farm market may operate year-round or seasonally and may include activities to attract customers and facilitate retail trade business transactions. Farm markets must be located on property where zoning allows for agriculture and its related activities.

**FENCE** – Any permanent or seasonal partition, wall, or structure erected for the purpose of separating, screening, enclosing or protecting property.

**FILLING** – The depositing or dumping of any matter onto or into the ground, except common household gardening and general farm care.

**FLOODING** – Definitions related to Flooding

- A. **Flood or Flooding.** A general and temporary complete inundation of normally dry land area from:
1. The overflow of inland or tidal waters; or
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
- B. **Flood, Base:** The flood having a one (1) percent chance of being equaled or exceeded in any given year.
- C. **Flood, Base Elevation (BFE):** The elevation for which there is a one (1) percent chance in any given year that flood levels will equal or exceed it. BFE is determined by statistical analysis of stream flow records for the watershed and rainfall and runoff characteristics in the general region of the watershed and is typically established by the National Flood Insurance Program.
- D. **Flood Hazard Area:** That area subject to flooding, on the average of at least once in every one hundred (100) years as established by the Federal Emergency Management Agency.
- E. **Flood Hazard Boundary Map (FHBM):** An official map of the community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- F. **Flood Insurance Rate Map (FIRM):** An official map of the community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- G. **Flood Insurance Study:** The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

**FLOOR AREA, GROSS (GFA)** – for parking calculations

- A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The GFA of a building shall not include the basement floor area.
- B. GFA shall not include attic space having headroom of under seven-and-one-half (7-1/2) feet, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements breezeways, porches, or attached garages are not included.

## FLOOR AREA, USABLE (UFA)

- A. That area used for or intended to be used for the sale of merchandise or services, or to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area.
- B. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

**FOOD TRUCK OR MOBILE FOOD VENDOR** – Food truck or mobile food vendor means a mobile fully enclosed vehicle, including trailers for smokers or grills, serving or offering for sale food and/or beverages. It does not include food tents or food carts. Must comply with Section 3.34.

**FRONTAGE, STREET** – The horizontal distance between the side lot lines of a lot, measured at the street right-of-way or easement line.

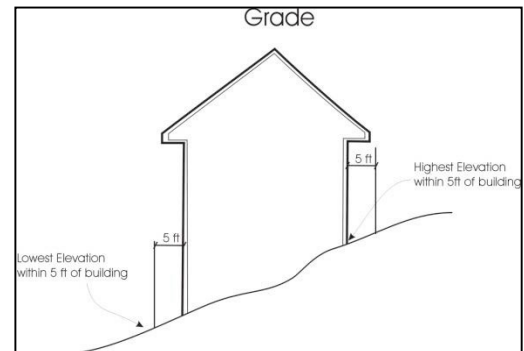
**FRONTAGE, WATERFRONT** – The horizontal distance along and adjacent to a body of water.

## Section 2.8 Definitions – G

**GARAGE** – Garage is an attached or detached accessory building able to be used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which the building is located. It is subject to Section 3.08 of this ordinance.

**GENERAL RETAIL** – The use of a building or structure or portion thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. It shall include but not be limited to department stores, grocery stores, pharmacy/drug stores, retail or wholesale stores.

**GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS)** – GAAMPS are guidelines for farm management that help promote a positive image of Michigan agriculture. Farms who follow GAAMPS are afforded a certain level of protection if a nuisance complaint is filed against them. There are GAAMPS for Manure Management, Pesticides, Nutrients, Care of Farm Animals, Cranberry Production, Site Selection and Odor Control, Irrigation Water Use and Farm Markets.



**GRADE** – The ground elevation established for the purpose of regulating 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 prior to any grading or filling of the lot.

**GREENBELT** – Area of natural land in which buildings are restricted. A greenbelt could include open, landscaped, or forested land and is often used as a buffer to separate higher-intensity land uses from lower-intensity uses.

**GREENHOUSE, COMMERCIAL** – A building used for the growing of flowers, vegetables, shrubs, trees and similar vegetation for wholesale or retail sale. For commercial consumption.

**GREENHOUSE, NON-COMMERCIAL** – A building used to grow plants, for personal consumption, accessory to a residential use.

## **Section 2.9 Definitions – H**

**HOME BASED BUSINESS** – A business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling but conducted primarily in other locations off the premises. Examples of potential home-based businesses include construction contractor, carpenter, electrician, plumber & HVAC.

**HOME OCCUPATION** – An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. For example, a single-family dwelling used by an occupant of that dwelling to give instruction in a craft or fine arts within the dwelling shall be considered a home occupation. Examples of home occupations include accounting services, computer support, consulting, and music lessons.

**HOTEL** – An establishment that provides lodging and usually meals, entertainment and various services for the public. A common entrance is used to access rooms.

## **Section 2.10 Definitions – I**

## **Section 2.11 Definitions – J**

## **Section 2.12 Definitions – K**

**KENNEL** – A kennel shall mean any establishment which keeps or boards dogs for profit, whether for breeding, sale or sporting purposes.

## **Section 2.13 Definitions – L**

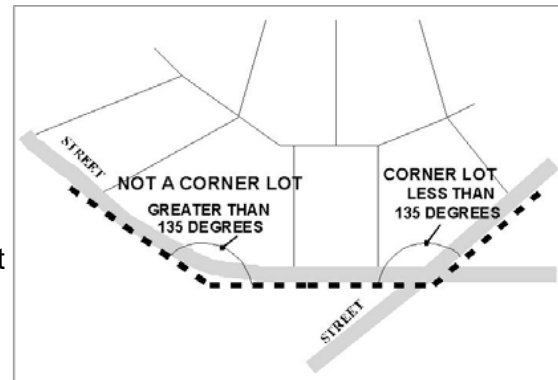
**LAND DIVISION ACT** – Public Act 288 of the Michigan Public Acts of 1967, as amended.

**LIVESTOCK** – Those species of animals used for human food and fiber, or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

**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 unloading merchandise or materials.

**LOT** – A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by the Condominium Act, designed and intended for separate or limited ownership or use.

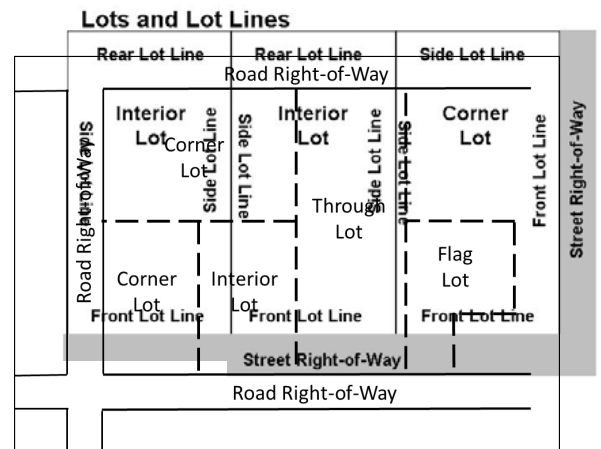
- A. **Lot Area:** The total area encompassed within the lines of a parcel or piece of property, including the road right of way.
- B. **Lot, Corner:** A lot which has at least two contiguous sides abutting upon a street for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees. In the case of a corner lot or through lot, each lot line separating the lot from a right-of-way shall be considered a front lot line.
- C. **Lot, Depth:** The distance between the front and rear lot lines, measured along the median between the side lot lines, or the two (2) front lines of a double frontage lot.
- D. **Lot, Double Frontage (Through):** Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.
- E. **Lot, Flag:** An interior lot possessing less than the required street frontage.
- F. **Lot, Interior:** A lot other than a corner lot with only one (1) lot line fronting on a street.
- G. **Lot, Waterfront:** A lot having frontage directly upon a lake, river, or other significantly sized impoundment of water.



**LOT COVERAGE** – The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, decks or patios, driveways and parking lots paved or unpaved.

**LOT LINES** – The property lines or other described lines bounding the lot.

- A. **Front Lot Line.** In the case of an interior lot, the front lot line shall mean the line separating such lot from the street.
  - 1. In the case of a waterfront lot, the portion adjacent to the water is considered the front lot line and the opposite side, abutting the street, is the rear yard lot line.



2. In the case of a corner or through lot, each lot line separating the lot from a right-of-way shall be considered a front lot line.
- B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.
1. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot, parallel to, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.
  2. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.
- C. **Side Lot Line.** Any lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from another lot, or lots, is an interior side lot line.

**LOT OF RECORD** – A legally established lot which exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot described by metes and bounds, which has been so recorded as required by law.

**LOT WIDTH** – The continuous distance perpendicular to the side lot lines, measured at the front setback line.

## Section 2.14 Definitions – M

**MAIN BUILDING** – A building in which is conducted the principal use of the lot upon which it is situated.

**MANUFACTURED HOME** – A detached residential dwelling unit designed for transportation after fabrication on streets on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

**MANUFACTURED HOUSING COMMUNITY** – A lot or tract of land under the control of a person or business entity upon which two (2) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home

**MARINA** – A facility located adjacent to a body of water and operated as a commercial enterprise for the sale, storage, or servicing of boats or other watercraft; or a dock or mooring located within a body of water and intended to be used by four (4) or more boats.

**MASSAGE ESTABLISHMENT:** Any Building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term massage establishment includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term massage establishment shall not include:

1. Hospitals, nursing homes, medical clinics.
2. The office of a State-licensed physician, surgeon, physical therapist, osteopath or chiropractor.



3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this State, or another state within the United States, or the Federal government, and who practices within the established limits of the person's license, and who administers a massage in the normal course of the person's duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;
4. The establishment of a massagist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.

**MASTER PLAN** – The Master Plan currently adopted by the Township, including graphic and written materials and including any unit or part of such plan and any amendment to such plan.

**MEZZANINE** – An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third (1/3) of the floor area of such main story.

**MICROBREWERY** – Regulated by the State of Michigan under the Michigan liquor Control Code of 1998, PA 58 of 1998 as amended, a microbrewery is a facility that is permitted to manufacture up to 60,000 barrels of beer, ale and/or other malt beverages annually and may sell to consumers on or off the licensed brewery premises.

**MINI-STORAGE** – A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

**MOTEL** – An establishment which provides lodging and parking and in which rooms are usually accessible from an outdoor parking area.

## Section 2.15 Definitions – N

**NATURAL FEATURES** – Natural features shall include, but not be limited to: soils, wetlands, woodlots, floodplains, landmark trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission, Township Board or State of Michigan Natural Features Inventory.

**NONCONFORMING BUILDING OR STRUCTURE** – A building, structure or portion thereof that conformed with all Township zoning requirements at the time of its erection, but which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

**NONCONFORMING LOT** – A lot that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for lot area or lot width, and which has not been subdivided or reduced in size.

**NONCONFORMING USE** – A use that conformed with all Township zoning requirements at the time of its inception, but which does not conform to the provisions of this Ordinance.

**NUISANCE** – An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

**NURSERY, PLANT** – A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants. The definition of nursery within the meaning of this Ordinance does not include any temporary space, building or structure used for the sale of fruits, vegetables, or harvested and cut Christmas trees.

**NURSING HOME** – A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation. The home shall conform to, and be licensed under, applicable State law.

## Section 2.16 Definitions – O

**OPEN AIR BUSINESS** – Uses operated substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Flea Markets.

**OPEN SPACE** – Any parcel or area of land or water that is generally free of structures and that is set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be required for recreation, resource protection, aesthetics, or other purposes.

**OPEN SPACE, COMMON** – Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

**OPEN SPACE, DEDICATED** – Common open space dedicated as a permanent recorded easement.

**OPEN SPACE DEVELOPMENT** – A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space on-site.

**OPEN SPACE, USABLE** – That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

## Section 2.17 Definitions – P

**PARKING LOT** – A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

**PARKING SPACE** – An off-street space exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

**PATIO** – An area at grade, improved with concrete, brick, or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities, but not used for vehicle parking or storage.

**PERSON** – An individual, partnership, corporation, association, governmental entity, or other legal entity as defined by the Michigan Zoning Enabling Act, as amended.

**PLANNED UNIT DEVELOPMENT (PUD)** – A development approval under the provisions of this Ordinance that permits certain flexibility in use, lot dimensions, and other development requirements for certain purposes as defined by the Zoning Act and this Ordinance.

**POND** – Small, still land based bodies of water formed by pooling of water inside a depression occurring naturally or artificially. Ponds have a maximum surface area of 12 acres, maximum depth of 16 feet and less than 30% of emergent vegetation.

**PRINCIPAL USE** – The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, or leased.

**PUBLIC UTILITY** – A business organization duly authorized to furnish, under Federal, State, or municipal regulations, to the public, electricity, gas, steam, communications (except cellular) telephone or commercial wireless communications towers), telegraph, internet, cable, transportation, sanitary sewer, or water services.

## Section 2.18 Definitions – Q

**QUALIFIED RESIDENTIAL TREATMENT PROGRAM** – A program within a child caring institution meeting the requirements of the Child Care Organizations Act, PA 116 of 1973, Section 1. (ee) i-vi MCL 722.111 as amended.

## Section 2.19 Definitions – R

**RECREATIONAL VEHICLE** – A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

**RELIGIOUS INSTITUTIONS** – Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).

**RESTAURANT** – A building in which food and drinks are prepared and sold for consumption on the premises or for takeout.

**RETAIL** - The sale of goods directly to the consumer in relatively small quantities for use or consumption rather than for resale.

**ROADSIDE STAND** – A structure that is less than one hundred twenty (120) square feet in area, used for the display and sale of agricultural products, with no space for customers within the structure itself.

**ROOF LINE** – The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

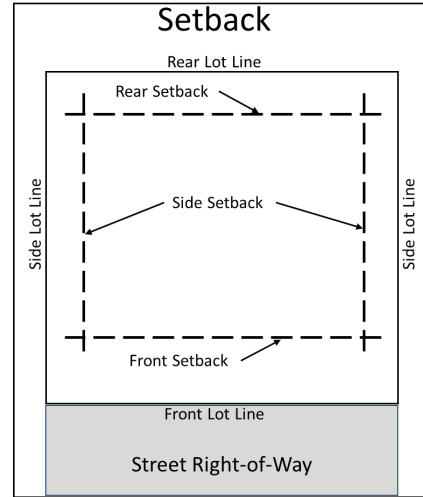
**Section 2.20 Definitions – S**

**SATELLITE DISH** – A parabolic dish designed for the purpose of transmitting or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, sub reflector feed, amplifier and support structure.

**SCREEN** – A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure, consisting of shrubs or other growing materials.

**SETBACK** – The minimum distance that is required between any lot line or street right-of-way and any main building, accessory building or other structure whether roofed over or not.

**SEXUALLY ORIENTED BUSINESSES** (definitions relating to) –



- A. **Adult Bookstore or Adult Video Store:** An adult bookstore or adult video store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, any one or more of the following items:
  1. Books, magazines, periodicals or other printed matter, or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format (including, but not limited to compact discs [CDs] or digital video discs [DVDs]), greeting cards, or video reproductions, slides, or other visual representations or electronic media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of specified anatomical areas or specified sexual activities; or
  2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
  3. A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing specified anatomical areas or specified sexual activities and still be categorized as an adult bookstore or adult video store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment’s stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.
  4. The phrase “substantial portion of its stock in trade” shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:
    - a) Fifteen (15) percent or more of the commercial establishment's gross sales area is used for the sale of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.
    - b) For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office, and shipping areas, without deduction for corridors,

display fixtures, stairways, public restrooms, closets, the thickness of interior walls, columns or other features.

- c) Fifteen (15) percent or more of the commercial establishment's stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.
- d) Fifteen (15) percent or more of the commercial establishment's gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.

B. **Adult Cabaret:** An adult cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:

- 1. Persons who appear in a state of nudity; or
- 2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any specified anatomical areas or specified sexual activities; or
- 3. Films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs [CDs] or digital video discs [DVDs]), slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.

C. **Adult Motion Pictures Theater:** An adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs [CDs] or digital video discs [DVDs]), slides, or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities. This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.

D. **Sexually Oriented Business:** An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition, for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented business.

E. **Specified Anatomical Areas:**

- 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and
- 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

F. **Specified Sexual Activities:**

1. The fondling or other erotic touching of any human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory function as part of or in connection with any of the activities set forth in (1) or (2) above.

**SHOOTING RANGE** – A facility where the use of firearms is practiced.

**SIGNS** (definitions relating to):

- A. **Abandoned Sign:** Any sign, including its support structure, erected in conjunction with a particular use, for which the use has been discontinued.
- B. **Awning:** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that project from the exterior wall of a building.
- C. **Awning Sign:** A sign affixed flat against the surface of an awning.
- D. **Canopy:** A freestanding roof-like structure built on one (1) or more support posts, designed to offer protection from the weather.
- E. **Ground Sign:** A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- F. **Portable Sign:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- G. **Sign:** A lettered, numbered, symbolic, pictorial, or illuminated visual display that is visible from a public right-of-way.
- H. **Temporary Sign:** A sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners, portable signs, and any other signs displayed for a limited period of time.
- I. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than eighteen (18) inches from the exterior face of the wall to which it is attached.
- J. **Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

**SITE CONDOMINIUM** - A tract or parcel of land that has been subdivided for residential use under the requirements of Act 59 of the Public Acts of 1978, as amended.

**SOLAR ENERGY SYSTEM-NONCOMMERCIAL** – A single residence or small business-scale solar energy conversion system consisting of building mounted panels, ground mounted arrays, or other solar fixtures, and associated control or conversion electronics that will be used to produce utility power primarily for on-site use.

**SOLAR FARM** – A utility scaled commercial facility that converts sunlight into electricity for the wholesale or retail sale of the generated electricity off site. Solar farms require a Special Land Use and shall be located only in the Agricultural, Commercial or Industrial districts.

**SPECIAL LAND USE** – A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare.

**STACKING SPACE** – An area designated for a line of vehicles waiting for drive-through service.

**STATE LICENSED RESIDENTIAL FACILITY** – A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Licensing Act, PA 218 of 1979 as amended or the Child Care Organizations Act, PA 116 of 1973 as amended and provides residential services to 6 or fewer individuals under 24 hour supervision or care.

**STOP WORK ORDER** – An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**STORY** – That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty (50) percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes.

**STORY, HALF** – That part of a building between a pitched roof and the uppermost full story, the part having a floor area which does not exceed one-half (1/2) the floor area of a full story, provided the area contains at least two hundred (200) square feet and contains a clear height of at least seven (7) feet, at its highest point.

#### **STREET RELATED DEFINITIONS:**

- A. **Collector or Arterial Road:** Public streets that gather traffic from local streets or move larger volumes of traffic through the Township.
- B. **Cul-de-Sac:** A local street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.
- C. **Local Street:** A public street with local traffic volumes, the principal use or function of which is to give access to abutting properties.
- D. **Private Road:** A privately owned and maintained drive, street or road not dedicated to the County Road Commission as a public road, which provides the primary means of vehicular ingress and egress from a public road or another private road to 2 or more lots or parcels whether created by a private right-of-way agreement, easement or by prescription.
- E. **Public Road Authority:** The Allegan County Road Commission or Michigan Department of Transportation having jurisdiction over the street.
- F. **Public Street:** A publicly owned thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.
- G. **Right-of-Way:** A road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**STRUCTURE** – Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

## Section 2.21 Definitions – T

**TEMPORARY BUILDING OR USE** – A building or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

**TOOL & DIE SHOP** – A facility employing 6 or fewer employees for the making of jigs, fixtures, dies, gauges, machine tools and other tools used in the manufacturing process. Permitted in commercial and industrial districts.

**TOWNSHIP** – Ganges Township, Allegan County, Michigan.

**TOWNSHIP BOARD** – The Ganges Township Board.

**TRUCK TERMINAL** – A facility of 2 or more 1-1/2 ton trucks or larger including semi-tractor trailer rigs capable of storing, warehousing and transferring goods. Permitted in commercial and industrial districts only.

## Section 2.22 Definitions – U

**UNDEVELOPED STATE** – Undeveloped state means a natural state preserving natural resources, natural features, scenic or 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.

## Section 2.23 Definitions – V

**VEHICLE** - Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except a mobile home.

**VEHICLE, COMMERCIAL** – A truck or motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof more than eight inches. Any truck or motor vehicle which has a commercial license plate and is designed to accommodate a body length in excess of nine feet. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

**VEHICLE, INOPERABLE** – Any motor vehicle which, by reason of dismantling, disrepair, or other causes, is incapable of being propelled under its own power or any motor vehicle which meets any of the three of the following requirements: has any missing or broken windows; has a missing hood; has a missing door; has missing or flat tires; has missing trunk lid; has a missing engine, or any substantial part thereof; is inoperable because of missing or defective steering mechanism; does not have any or all of the following: operable head lights, parking lights, clearance lights, tail lights, stop lights.



**VEHICLE, MOTOR** – Any wheeled vehicle which is self-propelled or intended to be self-propelled.

**VEHICLE, RECREATOINAL** – A boat, snowmobile, off-road vehicle, camper travel trailer, motor home, pick-up camper, trailer which is designed for private recreational or recreational travel use. Any trailer which is principally used for transporting any of the above shall also be considered a recreational vehicle.

**VEHICLE, UNLICENSED** – Any motor vehicle that does not have lawfully affixed to it a valid, unexpired license plate.

**VEHICLE, UNTITLED** – Any motor vehicle which has not been titled in accordance with the law.

**VEHICLE REPAIR COMMERCIAL** – Repairs and maintenance of vehicles for compensation and is open to the public.

**VEHICLE REPAIR NON-COMMERCIAL** – Repairs and maintenance of vehicles by the vehicles' owner that usually would not include major repairs such as collision service or painting. Repairs and maintenance are not conducted for compensation.

**VEHICLE SERVICE STATION** – A building and lot designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Article.

**VEHICLE WASH ESTABLISHMENT** – A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**VETERINARY CLINIC** – A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages only within the walls of the clinic building.

## Section 2.24 Definitions – W

**WATERCOURSE** – Any waterway, river, stream, county drain, inland lake or pond or other body of water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term “watercourse” does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.

**WETLAND** – Wetland means a land or water feature, commonly referred to as a bog, swamp or marsh, inundated or saturated by water at a frequency and duration to support, and under normal circumstances does support, hydric soils and a preponderance of wetland vegetation and aquatic life. A land or water feature is not a wetland unless it meets any of the following:

- A. Is a water of the United States as that term is used in section 502(7) of the federal water pollution control act 33 USC 1632.
- B. Is contiguous to the Great Lakes, Lake St. Clair, an inland lake or pond, or a stream. As used in this subparagraph, “pond” does not include a farm or stock pond constructed consistent with the exemption under section 30305(2)(g).
- C. Is more than 5 acres.

- D. Has the documented presence of an endangered or threatened species under part 365 or the endangered species act of 1973, Public Law 93-205.
- E. Is a rare or imperiled wetland.

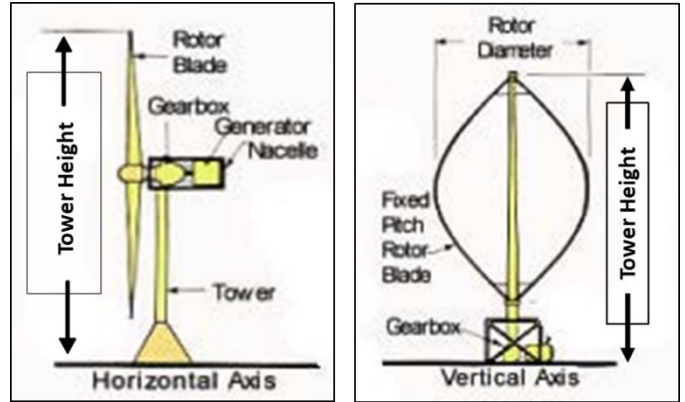
**WIND ENERGY CONVERSION DEFINITIONS:**

- A. **ANEMOMETER TOWER** means a freestanding tower containing instrumentation that is designed to provide present moment wind data for use by the supervisory control and data acquisition [SCADA] system which is an accessory land use to a **UTILITY GRID WIND ENERGY SYSTEM**.
- B. **AMBIENT** means the sound pressure level exceeded 90% of the time or L90. ANSI means the American National Standards Institute.
- C. **dB[A]** means the sound pressure level in decibels. It refers to a weighted scale defined by **ANSI**. A method for weighing the frequency spectrum to mimic the human ear.
- D. **Decibel** means the unit of measure used to express the magnitude of sound pressure and intensity.
- E. **IEC** means the International Electrotechnical Commission. **ISO** means the International Organization for Standardization.
- F. **LEASE UNIT BOUNDARY** means boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of- ways, alleys or walkways.
- G. **ON SITE WIND ENERGY SYSTEM** means a land use for generating electric power and is an accessory use that is intended to primarily serve the needs of the consumer at that site. Also called **NONCOMMERCIAL WIND ENERGY SYSTEM**.
- H. **ROTOR** means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extraction through rotation, kinetic energy directly from the wind.
- I. **SHADOW FLICKER** means 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 but not limited to a window at a dwelling.
- J. **SOUND PRESSURE** means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- K. **SOUND PRESSURE LEVEL** means the sound pressure mapped to a logarithmic scale and reported in decibels [dB].
- L. **UTILITY GRID WIND ENERGY SYSTEM** means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a **SCADA TOWER**, electric substation. A **UTILITY GRID WIND ENERGY SYSTEM** is designed and built to provide electricity to the electric utility grid. Also called **COMMERCIAL WIND ENERGY SYSTEM**.
- M. **WIND ENERGY SYSTEM** means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also **ONSITE WIND ENERGY SYSTEM** and **UTILITY GRID WIND ENERGY SYSTEM**.

- N. **WIND SITE ASSESSMENT** means 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.
- O. **WIND FARM** means clusters of two or more **WIND ENERGY SYSTEMS** towers placed upon the land with intent to sell or provide electricity to others. The towers may or may not be owned by the owner of the property upon which the towers are placed.

P. **WECS Tower Height:**

1. **Horizontal Axis Wind Turbine Rotors:**  
The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades.
2. **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the WECS.



**WINERY** – A facility for the processing, bottling, and selling of wine which is the product made by the normal alcoholic fermentation of the juice of ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including cider made from any fruit, which contains at least ½ of 1 % alcohol by volume, or mead or honey wine made from honey, fruit juices other than grapes, and mixed wine drinks.

**WIRELESS COMMUNICATIONS TOWER, COMMERCIAL** – A structure designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

- A. **Antenna:** Any exterior transmitting or receiving device mounted on a communication tower and used in communications that regulate and capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- B. **Collocation:** The location of two (2) or more cellular communication arrays on a tower.

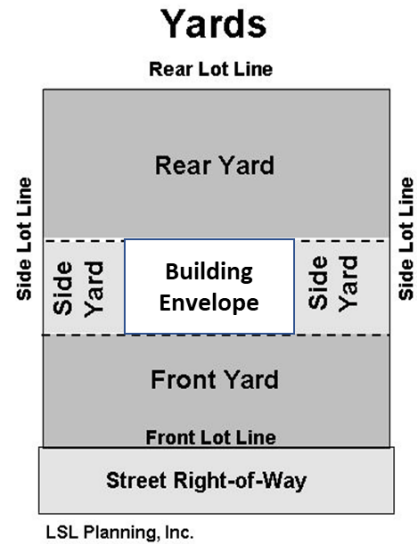
**WOOD FURNACE OR OUTDOOR WOOD STOVE** – A biofuel, mechanical device which is accessory to and situated outside a building and used for heating. Also known as outdoor furnaces or boilers.

**Section 2.25 Definitions – X**

**Section 2.26 Definitions – Y**

**YARD**

- A. **Yard, Required Front.** An open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.
- B. **Yard, Required Rear.** An open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- C. **Yard, Required Side.** An open area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



**Section 2.27 Definitions – Z**

**ZONING ACT** – The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

**ZONING ADMINISTRATOR** – The person designated by the Township Board to administer the provisions of this Ordinance.

**ZONING BOARD OF APPEALS** – The Zoning Board of Appeals of Ganges Township.

**ZONING COMPLIANCE PERMIT** – A permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, or planned unit development status.

# Article 3.

## General Provisions

### Section 3.1 Application of Regulations

- A. Unless otherwise noted, the regulations in this Ordinance apply throughout the Township and within each district. These shall be minimum regulations and shall apply uniformly to each class or kind of structure, land, or use. Where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.
- B. Any use not specifically permitted is prohibited.
- C. All buildings, structures or land may be used, constructed, altered or occupied, only when in conformity with all the regulations specified in this Ordinance for the district in which they are located in accordance with this Ordinance.
- D. Except as otherwise permitted by this Ordinance, after the effective date of this Ordinance, no building or other structure shall be altered to:
  - 1. Accommodate or house a greater number of families than permitted by the zoning district.
  - 2. Have narrower or smaller rear yards, front yards, or side yards, than permitted by the zoning district.
  - 3. Have reduced required parking areas, maneuvering aisles, or loading areas than permitted by the zoning district or use.
- E. All properties in the Resource Protection and Flood Damage Protection Overlay District are subject to Article 13.

### Section 3.2 Groundwater Protection Review

- A. **Conditions Requiring Agency Review:** In order to ensure that the Township's groundwater supply is sufficiently protected and to prevent from overuse, or decrease in water quality, Ganges Township may require Groundwater Protection Review. If a non-residential project within the Commercial and Industrial Zoning Districts involves one (1) or more of the following activities, it must be reviewed by at least one (1) of the agencies listed in Subsection B.
  - 1. Generation of hazardous waste.

2. Construction or alteration of any sewage collection or treatment facility.
3. Storage or use of chemicals, petroleum products, or salt.
4. Landfilling, transferring or processing non-hazardous water on-site, such as an on-site wastewater treatment system or septic system.
5. Any dredging or earth change within 500 feet of a lake or stream, or if the earth change will involve more than one acre.
6. Construction of a water supply well or the extension of a water supply service from an existing water system.
7. Out-of-service wells, abandoned wells, or cisterns on the site (drinking water, irrigation or monitoring wells).
8. Condominiums or platted subdivision utilizing individual or shared on-site septic systems or wells.
9. Direct or indirect discharge of waste, waste effluent, wastewater, pollutants, and/or cooling water into groundwater or on the ground.
10. Discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, or other surface water.
11. Direct or indirect discharge of waste, waste effluent, wastewater, pollutants, and/or cooling water into groundwater or on the ground.
12. Installation, operation, or removal of an underground or above ground storage tank containing petroleum products or a hazardous substance.
13. Liquefied petroleum gas storage tanks or container filling locations.
14. Installation of a compressed natural gas dispensing station with storage.
15. On-site treatment, storage or disposal of hazardous waste.
16. Transport of hazardous waste or non-hazardous liquid industrial waste.
17. Storage, mixing or distribution of pesticides or fertilizers in bulk quantities.
18. Dredging, filling, or construction in, across or under a river, stream, creek, that has or ever had standing or flowing water.
19. Any dredging proposal within 500 feet of a lake, river, stream, creek, or ditch.
20. Any construction or land alteration within 400 feet of a designated natural ditch, dam, lake, pond, swamp, wetland, floodplain, or any area that may have a river or tributary.
21. Dredging, filling, grading or other alteration of the soil, vegetation or natural drainage, or placement of permanent structures in a designated environmental area.
22. On-site storage of sanitary sewage prior to transport and disposal off-site (pump and store).

23. A property or facility that has ever been subject to a remedial action, limited closure, or other environmental cleanup response under Part 201, Natural Resources and Environmental Protection Act (NREPA). Or a property currently subject to a 'response action', and/or has had a Baseline Environmental Assessment (BEA) completed for the property.

**B. Agency Reviews Required:**

The following agencies shall be contacted prior to preliminary site plan review if the conditions in Subsection A apply to a project:

1. Allegan County Environmental Health Department.
2. Allegan County Drain Commission.
3. Michigan Department of Environment, Great Lakes, and Energy (EGLE).
4. Michigan Department of Natural Resources.
5. Michigan Department of Agriculture.

### **Section 3.3 Principal Building or Principal Use**

- A. There shall only be one (1) main building or principal use on a lot. The one (1) main building on the lot shall only be used for one (1) specific residential, commercial, or industrial use, or where permitted, mixed uses. Farm operations may have a main, or principal, residential dwelling plus additional agricultural buildings.

### **Section 3.4 Regulations Applicable to All Residential Dwellings**

- A. It is the intent of this Section to establish minimum standards for all residential dwellings, whether they are constructed on a lot or are manufactured homes. Construction or placement of a residential dwelling on any lot shall be permitted only if the dwelling complies with the following regulations.
  1. If the dwelling unit is a manufactured home, the manufactured home must have completed inspection reports that are traceable to the unit number (serial number) of the home meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated. Alternatively, the manufactured home must comply with Subsection C below.
  2. Other than manufactured homes which comply with Subsection 1 above, the dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes which are or may be adopted by the Township, and with applicable County, Federal, or State standards or regulations for construction.
  3. The dwelling unit shall have no side less than twenty-four (24) feet per side at time of manufacture, placement, or construction.
  4. Notwithstanding legal nonconformities, the dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the zoning district in which it is located.

5. Construction standards shall be in conformance with the laws and regulations of the State of Michigan as from time-to-time amended.
6. The standards of this Section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Article 10 of this Ordinance except to the extent required by State or federal law.

### **Section 3.5 Street Access**

- A. Every lot shall have continuous minimum frontage equal to the minimum lot width of the zoning district on a public street, or an approved private road. All structures shall be located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- B. The location of driveway entry points to public streets shall be reviewed and approved by the Allegan County Road Commission or Michigan Department of Transportation, whichever applies. For developments requiring site plan review, the Planning Commission may impose stricter access management standards than the State or Allegan County Road Commission in accordance with Article 16.

### **Section 3.6 Minimum Width**

- A. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line.

### **Section 3.7 Home Occupation/Home-Based Business**

- A. No more than one (1) additional person other than the resident occupants shall be engaged in the home occupation or home-based business.
- B. Activities not considered a home occupation or home based business include:
  1. Bed-and-breakfast inns
  2. Roadside stands
  3. Garage or yard sales
  4. Auto service or repair garages
  5. Restaurants
  6. Similar establishments and/or activities as determined by the Township Zoning Administrator
- C. The use of the dwelling unit for a home occupation or home-based business shall be clearly incidental and subordinate to its primary use for residential purposes. A home occupation shall be operated in its entirety within the principal dwelling. A home-based business shall be conducted entirely within the dwelling, garage, and /or accessory building.



- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation/home-based business other than one (1) sign as permitted by the zoning district regulations. The permitted sign shall be located on the same property as the home occupation/home-based business and shall not be permitted within any street right-of-way.
- E. No retail or other sales of merchandise or products shall be conducted upon the lot.
- F. Any traffic generated by the home occupation/home-based business shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation/home-based business shall be located entirely on the property of which the home occupation or home-based business is located.
- G. No equipment or process shall be used in a home occupation/home-based business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot or causes fluctuation in line voltage off the premises.

### **Section 3.8 Accessory Buildings and Structures**

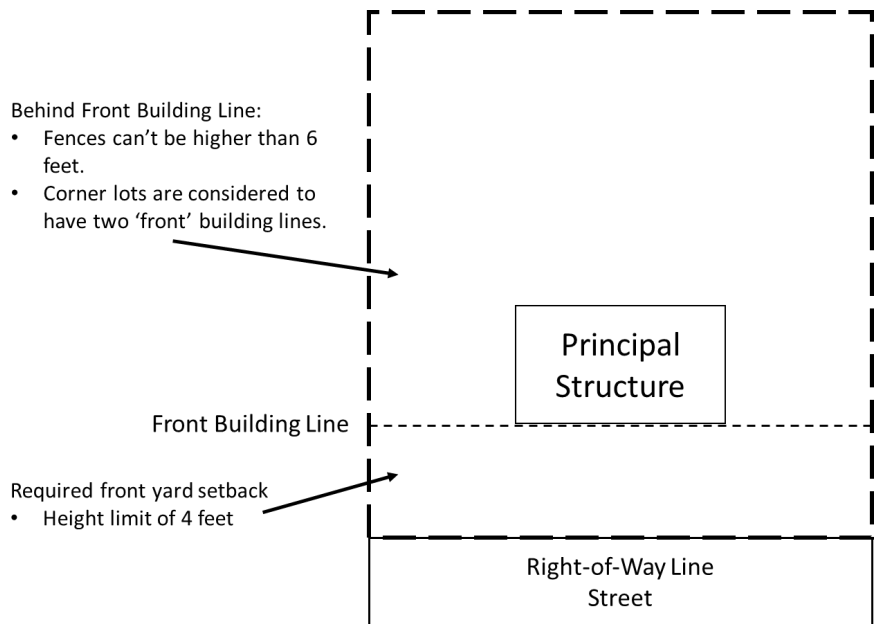
- A. Attached accessory buildings and structures that are structurally part of the principal building shall conform to the zoning district setback requirements of the principal building.
- B. When the distance between the principal building and accessory building is covered by a breezeway, portico, covered colonnade or similar architectural device, then the accessory building must meet the setback requirements of the principal building.
- C. Detached accessory buildings (except for approved roadside stands) shall not be located within the front yard unless the accessory building is located over two hundred (200) feet from the front lot line. Otherwise, the front of a detached accessory building shall be even with or placed behind the front building line of the main structure. For waterfront lots the water side is considered the front yard.
- D. Detached accessory buildings are not allowed on any lot without a principal building or use.
- E. Accessory buildings that are less than 200 square feet shall have the front of the detached building placed even with or behind the front line of the principal structure.
- F. In the Residential and Residential/Agricultural Districts and in approved residential subdivisions, site condominiums or planned unit developments (PUDs) in any zoning district, accessory buildings shall meet residential construction standards as required by the State of Michigan Building Code, as amended.
- G. Manufactured homes, semi-trailers, or other vehicles shall not be used as accessory buildings.
- H. No accessory building shall occupy any portion of a required greenbelt or buffer in any zoning district.
- I. Requirements for patios, decks, and other similar structures are described in Section 3.14.
- J. **Guest cottage**

1. A guest cottage is a detached accessory building or portion of an accessory building compliant with this Section that consists of bedrooms and bathrooms but no kitchen. It shall not have any provision for appliances used for the preparation of food and shall not have a kitchen sink. It shall be subordinate to the principal building and principal use on the parcel. It is intended for the use of family and guests, cannot be a rental unit, and cannot be used for commercial purposes.
2. One (1) guest cottage is allowed per parcel.
3. A guest cottage shall not exceed six hundred (600) square feet in gross floor area.
4. The Allegan County Environmental Health Department shall verify that the well and septic on the parcel are adequate for the guest cottage.
5. Parking spaces for all family and guests must be provided on the premises. At no time shall parking be permitted parallel or adjacent to the road.
6. By signing the building permit application and receiving the building permit, the owner of the guest cottage thereby agrees to yearly inspections by the Township. Guest cottages issued a certificate of occupancy prior to July 21st, 2016 are also subject to yearly inspections by the Township to insure that a guest cottage is not or does not become a single family dwelling on the lot in violation of this Article.

**Section 3.9 Fences**

A. For lots with a principal building, only chain-link, wrought iron, wood or vinyl fences are permitted within the required front yard setback. This fence cannot exceed four (4) feet in height within 50 (fifty) feet of the road right-of-way and must be at least six (6) feet from the road right of way.

1. Fences shall not be placed within forty (40) feet of the water’s edge at Lake Michigan or Hutchins Lake.
2. No person shall string, place, or maintain razor wire, single-strand barbed wire or single-strand cable (unless associated with required Homeland Security measures) as part of any fence, or structure at the property lines in any zoning district.
3. Barbed wire or electric fencing may only be used as part of an agricultural operation or when required by ordinance.



### **Section 3.10 Outdoor Furnaces**

Furnaces located outside a building shall be permitted only under the following conditions.

- A. An outdoor furnace requires zoning compliance and mechanical permits.
- B. All units shall be “UL” (Underwriters Laboratory) listed and shall comply with the State mechanical code.
- C. Phase 2 [high efficiency] furnaces shall be located a minimum of fifty [50] feet from any property line. Low efficiency furnaces shall be located a minimum of two hundred (200) feet from any property line.
- D. The unit shall not be located within the front yard unless it is located over two hundred (200) feet off the street.
- E. The furnace shall be located no closer than two hundred (200) feet to another dwelling.
- F. Installation of an outdoor furnace requires a mechanical permit.
- G. Stack height shall be at least fifteen (15) feet.
- H. Fuel burned in any new or existing wood furnace shall only be natural wood, wood pellets, corn products or other listed fuels specifically permitted by the manufacturer’s instructions such as coal. The following fuels are strictly prohibited in new and existing outdoor wood furnaces:
  - 1. Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glue as in plywood or other composite wood products.
  - 2. Rubbish or garbage including but not limited to food wastes, food packaging or food wraps.
  - 3. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
  - 4. Rubber including tires or other synthetic rubber-like products.
  - 5. Newspapers, cardboard or any paper with ink or dye products.
  - 6. Any other items not specifically allowed by the manufacturer or this provision.

### **Section 3.11 Roadside Stands**

Roadside stands are permitted subject to the following.

- A. Adequate off-street parking shall be provided on the lot and outside the public road right-of-way.
- B. At least fifty (50) percent of the products marketed and offered for sale must be produced on and by the affiliated farm.
- C. Must be located on property where zoning allows for agriculture and its related activities.

### **Section 3.12 Temporary Uses or Buildings**

- A. The Zoning Administrator may issue a permit for the following temporary buildings or uses:

1. Temporary office buildings or construction trailers incidental and necessary to construction operations, located at the construction site.
  2. Temporary sales offices incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary sales office shall be removed when fifty (50) percent or more of the lots or units have been sold or leased.
  3. One temporary dwelling is allowed per parcel during the construction of a new dwelling, or the reconstruction of a dwelling damaged by fire or natural disaster.
- B. Each permit allowed in Subsection A shall specify a location for the building and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant for the permit for extension.
- C. **Seasonal Uses.** The temporary sale of merchandise in commercial districts related to a seasonal use is permitted. Seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, as determined by the Zoning Administrator, but shall not include roadside stands. Seasonal uses may not exceed two (2) months.
- D. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or buildings to ensure that the standards and requirements of this Section are met.
1. The use or building will not have an unreasonable detrimental effect upon adjacent properties.
  2. The use or building is reasonably necessary for the convenience and safety of the construction proposed.
  3. The use or building does not adversely impact the character of the surrounding neighborhood.
  4. Access to the use or building is in a safe location.
  5. Adequate parking is provided for the use or building.
- E. A performance guarantee may be required to ensure compliance with the terms of the temporary use permit.

### **Section 3.13 Clear Corner Vision**

- A. No plantings, fencing, signs or other obscuring structures or elements shall be established or maintained in the road right-of-way on any corner lot which will obstruct the view of a vehicle driver approaching the intersection.
- B. This Section shall not prohibit the placement of shrubbery or other low-level landscaping less than thirty (30) inches in height at maturity.
- C. No obstruction shall be maintained in any setback area of any zoning district, which, in the opinion of the Zoning Administrator, will obstruct the view from vehicles entering or leaving the site from driveways or adjacent roadways.

### **Section 3.14 Setback Measurements**

- A. **Front Setback Line.** Shall be measured from the right-of-way of the private or public street upon which the lot abuts to the overhang of the main building. In the case of a waterfront lot the front setback shall be measured from the edge of the water. In case of a Lake Michigan lot, the front setback shall be determined by permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
- B. **Rear Setback line.** Shall be measured from the rear lot line or street right-of- way to the overhang of the main building, accessory building or other structure whether roofed over or not.
- C. **Side Setback Line.** Shall be measured from the side lot line to the overhang of the main building, accessory building or other structure whether roofed over or not.
- D. Patios shall be a minimum of five (5) feet from any side lot line but shall meet front yard and waterfront setbacks. Decks shall meet the setback requirements of the principal building. Stairs attached or not attached to a structure or building shall meet the setback requirements of the main building.
- E. Corner lots shall have two (2) front yards and no rear yard for the purpose of determining setbacks.

### **Section 3.15 Height Exceptions**

- A. The height limitations contained in this Ordinance may be exceeded by up to ten (10) feet by spires, belfries, cupolas, parapet walls, chimneys, or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- B. Water tanks, antennae, ventilators, chimneys, and mechanical equipment shall not extend more than seventy- five (75) feet above average grade in the Industrial District and only at those facilities involved in manufacturing, processing materials, and similar uses in industrial production.

### **Section 3.16 Health Department Approval**

- A. Every building and structure erected, altered, or moved which is to have therein drinking water and/or sanitary facilities shall have approval and all required permits from the Allegan County Environmental Health Department. Under no circumstances shall human waste be deposited upon the surface of the ground or into waterways.

### **Section 3.17 Illegal Dwellings**

- A. The use of any basement for dwelling purposes is prohibited in any zoning district unless the basement meets the appropriate adopted building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.
- B. It shall be lawful for guests at a lot with an existing dwelling to occupy one (1) recreational vehicle, parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding fourteen (14) consecutive days. The total number of days during which a recreational vehicle may be occupied under this Subsection shall not exceed thirty (30) in any calendar year after which the recreational vehicle must remain unoccupied.

- C. On vacant lots, recreational equipment may be used for living or housekeeping purposes for a period not exceeding thirty (30) days in any calendar year, provided sewage is properly handled, after which the equipment must be removed.
- D. On a lot with an occupied dwelling, guests may occupy one recreational vehicle for a period not exceeding fourteen (14) consecutive days one time during a calendar year. One unoccupied, operable and licensed recreational vehicle may be stored on a dwelling occupied lot if the dwelling and vehicle have common ownership. This would also apply to a contiguous empty lot under common ownership.

### **Section 3.18 Domesticated Animals**

- A. This Section does not apply to keeping domesticated animals as part of farm operations as defined by the Michigan Right to Farm Act.
  - 1. Keeping animals as an accessory use is subject to the Allegan County Animal Control Ordinance as amended and Site Selection GAAMPs as amended.
  - 2. Large, domesticated animals are allowed in all districts on lots of five (5) acres or larger at the rate of two (2) animals for the first five (5) acres and one (1) animal for each additional 1/2 acre. The keeping of exotic animals or animals not considered domesticated shall be only allowed if conducted in full compliance with State and Federal law.
  - 3. Large domestic animal means those species of animals normally and historically used for food, fiber, and service to humans including but not limited to:
    - a) Equine (Horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies). Cattle (all bovine and bovine like animals including ox, cow, buffalo).
    - b) Goats, sheep, swine.
    - c) New World camelids (llamas, alpacas, vicunas, guanacos).
    - d) Ratites (ostrich, emu, rhea).
    - e) Cervid (deer, reindeer, moose, elk).

### **Section 3.19 Ponds**

- A. No pond shall be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands. Ponds greater than one acre require a Soil Erosion Sedimentation Control (SESC) Permit from the Allegan County Environmental Health Department.
- B. Ponds greater than five (5) acres require a permit from the Michigan Department of Environment, Great Lakes, and Energy.
- C. The Planning Commission may require a fence in conjunction with the construction of a pond, provided that requiring a fence would substantially improve the site in terms of safety, screening, privacy, or other reasons.

## Section 3.20 Private Roads

- A. **Purposes.** The purposes of this Section are to regulate the design and construction of private roads; to permit private roads for residential uses only; to protect the Township's rural character and preserve farmland by preventing excessive lot splits; to ensure that adequate safety measures for emergency response and access are provided on private roads; and to provide a safe environment for residents serviced by a private road.
- B. **Districts Permitted.**
1. Private roads are permitted in the AR, Agriculture/Residential, C, Commercial, LI, Light Industrial, R, Residential, GNR, Glenn Neighborhood Residential, GHMU, Glenn Hamlet Mixed Use, and PUD, Planned Unit Development districts.
    - a) Private roads in the A/R, C, LI, R, GHMU, and PUD Districts shall serve no more than fifteen (15) parcels and not to exceed fifteen (15) single family dwellings.
    - b) Private roads in the GNR District may serve as many parcels as necessary to achieve a connected street network within neighborhood developments.
    - c) Private roads may be permitted in the A District, subject to restrictions described in Section 3.20.C. below.
- C. **Private Roads in the A District.**
1. To prevent excessive lot splits and residential neighborhood sprawl, as well as to preserve and protect the Township's valued agricultural lands and agriculture production facilities, private roads shall not be permitted in the A, Agriculture District, if proposed as a component of a PUD or site condominium development.
    - a) Private roads in the A District shall not serve more than two (2) parcels and not to exceed two (2) dwelling units.
  2. All existing private roads in the A, Agriculture District may continue to operate and be maintained as approved by the Planning Commission, so long as the private road is not extended or lengthened.
- D. **Private Road site plan review.**
1. Private roads shall be considered by the Planning Commission through the site plan review process. The private road may not be constructed unless the Planning Commission approves the site plan and the Zoning Administrator issues a Private Road Construction Permit.
  2. In addition to the applicable information required by Article 16, private road applications shall include:
    - a) The configuration of proposed lots served by the private road;
    - b) A detailed written description of the development to be served by the private road;
    - c) Private road construction specifications with cross sections that show, at a minimum, precise location, grade, route, elevation, dimensions, construction materials, and design of the private road.
    - d) Proposed future extensions of the private road within the development and to adjacent

lands.

- e) Location of and distance to any public streets which the private road is to intersect.
- f) A survey including legal description of the right-of-way of the private road, and a survey including legal description for each lot to be served by the private road, both by a licensed land surveyor.
- g) The location of existing and proposed public and private utilities to be located in and within twenty (20) feet of the proposed easement for the private road.
- h) A draft road maintenance and access easement agreement and deed restrictions to be reviewed by the Township attorney, at the applicant’s expense, to verify compliance of 3.20.D.
- i) A review letter or permit from the Allegan County Road Commission or State Department of Transportation stating the location of the proposed private road meets their requirements.
- j) A letter from the Allegan County Road Commission indicating there is no known duplication of the proposed private road name.

**E. Design Requirements.**

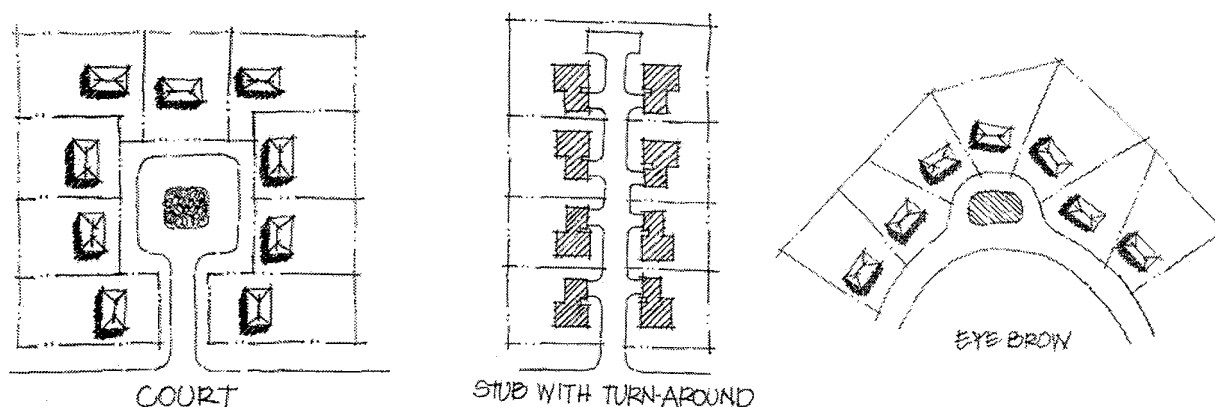
1. Design Standards for private roads shall meet the standards of the following:

Lots Served	1-4	5 or more
Right-of-way width	33 ft.	66 ft.
Width of traveled surface (centered within ROW)	12 ft.	20 ft.
Shoulder size (each side)	—	3 ft.
Subbase	12 inches of 95% compacted Class II granular material, to extend full width across grade	12 inches of 95% compacted Class II granular material, to extend full width across grade
Base	6 inches County Road Commission specification 22A or equivalent,	6 inches County Road Commission specification 22A or equivalent,
Maximum length from a public street	2,640 ft.	2,640 ft.
Inside radius of horizontal curves	25 ft.	25 ft.
Minimum drainage slope from center of traveled surface to edge of grade width	2.5%	2.5%

- 2. The Planning Commission may modify the subbase, base and/or surface materials at its discretion if the applicant’s engineer has submitted reports and findings that warrant the use of similar standard material. The Planning Commission reserves the right to seek an outside professional opinion, such as the Township’s Engineer of record, regarding the applicant’s engineer’s findings.
- 3. Planning Commission may require:



- a) An easement for future private road extensions or connections to public streets.
  - b) A turnout for bus service or mail delivery.
  - c) A turnout for fire apparatus if the road exceeds five hundred (500) feet in length.
4. The maximum grade of the private road shall not be more than ten (10) percent in any three hundred (300) feet of run length, with the exception that the maximum grade within thirty (30) feet from the intersection of the private road with a public street or another private road shall be four (4) percent.
  5. All bridges and culverts shall be capable of supporting a vehicle load of an HS20-type vehicle, or the most current standard thereafter, based on State Department of Transportation standards.
  6. The minimum distance between intersections of rights-of-way for private roads or public streets, or any combination of them, shall not be less than two hundred (200) feet, as measured along the right-of-way line.
  7. Following a lot split or land division, any new lot created that has frontage on both a public street and a private road shall take driveway access and building address off the private road.



8. In general, a series of dead-ends or cul-de-sacs are discouraged. Eyebrow, court, or stub roads are preferred. Reasonable accommodation shall be made for future road extensions and possible interconnections with adjacent properties. Cul-de-sacs may be permitted, upon the determination by the Planning Commission, provided that sufficient justification from the applicant is provided to warrant said cul-de-sac.
9. All private roads which do not terminate at another private road or public street right-of-way shall terminate with a cul-de-sac or tee turnaround, to be determined and approved by the Fire Department. Other areas, not at the end of a private road, for maneuvering or turn-around of firefighting equipment shall be subject to approval by the Fire Department.
10. All lots located on private roads shall include adequate access to appropriate sources of water for fire safety, as determined by the Ganges Township Fire Department.

11. Vehicle passing/pull-out lanes may be required by the Planning Commission, or by the Fire Department for safety reasons. Any such passing/pull-out lanes shall be not less than nine (9) feet in width and forty (40) feet in length and must conform to the standards of the improved surface of the private road and be approved by the Fire Department.
12. All intersections of private roads and their private driveways shall be designed for adequate safety; this may include a stop or yield sign, as applicable and required by the Planning Commission or other Ganges Township road agencies.
13. Regulation Michigan State Highway STOP signs shall be positioned and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices on all private roads where they meet public streets.
14. Adequate utility easements shall be provided within or adjacent to the private road or easement and dedicated as such.
15. Marker posts, for purposes of providing distance information to emergency response personnel, may be placed at locations determined by the Fire Department, at the expense of the applicant.
16. All gates blocking access to a private road shall have an access code determined by the Fire Department, and be equipped with a keyed switch, which will keep the gate open. The keyed switch must use a Knox Box Key.
17. The improved surface of any private road shall be a minimum of twenty- five (25) feet from any adjoining lot that does not derive access from the private road.
18. Private road construction shall preserve, as much as practical, significant natural features such as mature trees, natural slopes, wetlands, and bodies of water.
19. All private roads shall be continuously maintained in a way that they are readily accessible to and usable by all vehicles in all types of weather.

**F. Maintenance and Access Easement Agreement, Declaration of Easement.**

1. A draft road maintenance and easement agreement, including a declaration of the easement for the private road, shall be provided with the application requesting approval of a private road established or extended after the date this Section is adopted. The road maintenance and easement agreement and declaration of easement shall provide at a minimum as follows:
  - a) The agreement shall run with the land and specifically address the liability and responsibility of the parties to that agreement to maintain the private road pursuant to the specifications of this Section. This shall include but is not limited to provisions for routine and annual maintenance, snow removal, and the eventual repair or reconstruction of the private road.
  - b) The agreement shall include rules regarding voting rights and responsibilities of parties to the agreement in relation to road maintenance and improvements.
  - c) The agreement shall include the legal description of the private road easement and all properties served by the private road.
  - d) The agreement shall provide for the requirement to grade, drain, dust control, and otherwise maintain the private road in accordance with the requirements Ganges

Township and other applicable road agencies.

- e) The agreement shall include a notice and consent clause that if repairs and maintenance are not made, the Township Board may assess (charge) the owners of parcels fronting or bordering the private road in a reasonably proportionate manner without the necessity of any additional petition for such improvements from the benefited property owners.
  - i) Following that assessment, the agreement shall provide the Township Board may make the necessary repairs and improvements in accordance with the design standards of this Section.
- f) The agreement shall include a provision that the owners of any and all of the properties served by the private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners.
  - i) Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the private road.
- g) The agreement shall include a statement that the road is private and will not be maintained by the Allegan County Road Commission or Ganges Township. This provision will not prevent the Allegan County Road Commission or Ganges Township from accepting the private road as a public street in the future.
- h) The agreement shall state that the owners of all properties served by the private road will permit planned future private road or public street tie-ins or extensions with appropriate cross-access agreements.
- i) The agreement shall include a statement that all owners of all properties served by the private road shall indemnify and hold the Township, including the Township Board, Township Planning Commission, Township staff, Township consultants, and other such persons or bodies representing the Township, harmless from any and all claims for personal injury or property damage arising out of the use of the private road or of the failure to properly construct, maintain, repair, and replace the private road.
- j) The final approved road maintenance and easement agreement and declaration of easement shall be recorded with the Allegan County Register of Deeds. Notarized signatures of the owners of the parcels served by the private road are required as part of the document being recorded. An as recorded copy of the document must be provided to the Zoning Administrator.

**G. Requirements for road construction, maintenance, and final approval.**

- 1. Upon completion of construction of the private road:
  - a) The applicant shall remove and properly dispose of all trees, shrubs, construction debris and rubbish. They shall also restore all drainage ditches with topsoil, seed, and mulch.
  - b) The applicant shall provide a set of "as built" drawings and a letter signed and sealed by a licensed engineer certifying that the private road and the entrance has been completed in accordance with the requirements of the standards of this Section and approved site plan.
- 2. All private road ditching, drainage, and culverts for drainage outside of the public right-of-way will be periodically inspected to ensure proper drainage.

3. No parcel or parcels having frontage on the private road may be sold, conveyed, or leased, nor may a building permit be issued for the parcel or parcels, until the private road has been fully constructed and documented in full compliance with this Section.

**H. Previously Constructed private roads or recorded legal easements.**

- a) A private road or recorded easement constructed prior to the adoption of this Section or the predecessor to this Section may continue in use and need not be improved to the standards required of this Ordinance so long as the private road or easement serves the same number of parcels or single-family dwellings that it served at the time of construction, and so long as the private road or recorded easement met all applicable requirements in place at the time of construction.
- b) If a land division is applied for and will exceed the number parcels or single-family homes served at the time of construction of a private road or easement that will result in an additional burden, the standards in this Ordinance must be satisfied.

### **Section 3.21 Noncommercial Wind Energy System (NWES) and Anemometer Towers**

- A. General Requirements.** A noncommercial wind energy system is an accessory use permitted in any zoning district providing it meets the following standards:
1. Designed to primarily serve the needs of a home, farm, or small business.
  2. Minimum parcel size of two acres.
  3. For every additional NWES on a parcel an additional two acres are required. Properties with more than one noncommercial wind energy systems per parcel require a Special Land Use.
  4. Shall have a tower height of eighty (80) feet or less as measured from the ground and the top of the blade in its vertical position. If greater than eighty (80) feet, a Special Land Use is required.
- B. Required Property Setbacks.**
1. The distance between a noncommercial wind energy system and the owner's property line shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position.
  2. The distance between an anemometer tower and the owner's property line shall be equal to the height of the tower.
  3. No part of the wind energy system structure including the anchor guy wires may extend closer than ten (10) feet to the owner's property lines or the distance of the required setback in the respective zoning district whichever results in the greater setback.
- C. Noise.** Sound Pressure Level for noncommercial wind energy systems shall not exceed 50dB[A] at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms. If the ambient sound pressure level exceeds 50 dB[A], the standard shall be the ambient dB[A] plus 5 dB[A].

- D. **Construction Codes, Towers and Interconnection Standards.** Noncommercial wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Noncommercial wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act , the Michigan Tall Structures Act and local airport overlay zone regulations. An interconnected noncommercial wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
- E. **Safety.** Noncommercial wind energy systems 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 wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum blade clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal rotor.
- F. **Sign.** Noncommercial wind energy systems shall have one sign not to exceed two (2) square feet in area posted at the base of the tower containing the following information:
1. Emergency phone number
  2. Emergency shut down procedures.
- G. Noncommercial wind energy systems shall not have affixed or attached any additional signs, lights, reflectors, flashers, or any other illumination.
- H. The Township hereby reserves the right to inspect the premises on which a noncommercial wind energy system is located and if the system is not maintained in operational condition or poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- I. Any noncommercial wind energy system that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.
- J. The Zoning Administrator shall have the authority to approve noncommercial wind energy towers of eighty (80) feet or less in height as measured from the ground to the top of the blade its vertical position.

### Section 3.22 Anti-Keyholing – Hutchins Lake

- A. **Purpose and Applicability.** The purpose and intent is to protect Hutchins Lake from excess use; to promote the ecological balance of the shoreline area by limiting incompatible land uses; to maintain the natural beauty and rural character of Hutchins Lake; and to set the effective date and repeal any conflicting ordinances. Nothing in this Section shall be construed to limit access to Hutchins Lake by way of public park or public access site provided or maintained by any unit of state, County, or local government.
1. The provisions of this Section shall be applicable in all zoning districts.
- B. **Waterfront Lots.** Any lot or parcel of land which abuts Hutchins Lake and is created after the effective date of this amendment shall have a minimum of sixty (60) feet of frontage on Hutchins Lake, measured at the ordinary high-water mark of the lake.

- C. **Common Lakefront Areas.** Any multiple-unit residential development which is created after the date of this Section and shares a common lakefront area on Hutchins Lake may not permit lake use or access for more than one single-family dwelling, cottage, condominium unit, site condominium unit, dwelling unit or apartment unit for each one hundred (100) feet frontage on Hutchins Lake as measured along the ordinary high water mark of the lake. The term “multiple-unit residential development” includes platted subdivisions, condominiums, site condominiums, mobile home parks, and apartments.
1. In addition to the above limitations, no private easement, private park, common area, lot, or access property abutting Hutchins Lake which is created after the effective date of this Ordinance shall be used to permit access to Hutchins Lake for more than one single family home, dwelling unit, condominium unit, site condominium unit, apartment unit, or for any other use, unless such additional access use is approved as a special land use by the Township Planning Commission.
- D. **Right To Use.** The right to use, for lake access purposes, any existing private easement, private park, dedicated common area or lot which borders Hutchins Lake may not be expanded to allow use by owners of additional parcels or lots, or by any multiple- unit residential development, or by the addition of new common owners to a lakefront lot or parcel (other than the addition of a spouse as an owner) unless such additional use is approved as a special land use permit by the Township Planning Commission.
- E. **Dock Restrictions.** No lot, single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit shall have more than one dock for each 100 feet of property bordering on Hutchins Lake, as measured along the ordinary high-water mark.

### Section 3.23 Anti-Keyholing – Lake Michigan

- A. **Purpose.** The purpose and intent is to protect the Lakeshore from excess use; to promote the ecological balance of the shoreline area by limiting incompatible land use of the wetlands associated with the lakeshore itself; to maintain the natural beauty of the Lake Michigan shoreline by minimizing manmade adjustments to the established shoreline; and to set the effective date and repeal any conflicting ordinances.

Nothing in this section shall be construed to limit access to Lake Michigan or waterways by the general public by way of public park or public access site provided or maintained by any unit of state, county or local government.

B. **Definitions.**

1. “Access Property” shall mean (1) a property, parcel or lot abutting the Lake Michigan shoreline and used or intended to be used, for providing access to Lake Michigan by pedestrian or vehicular traffic to and from offshore land; and (2) held in common ownership by a subdivision, association, or similar entity; or (3) provided for common use under dedicated access deed, grants, covenants, easements, easements, licenses, gifts, invitees or other conveyances.
2. “Frontage” shall be measured by a straight line, which intersects each side lot line at the water’s edge.
3. **Restrictions:** In any zoning district where a parcel of land is contiguous to Lake Michigan, such parcel of land may be used as access property only if all the following conditions are met:

- a) Access property serving a single dwelling parcel shall be comprised of at least 50 feet of frontage.
  - b) Access property serving more than one dwelling shall be comprised of 50 feet of frontage for the first dwelling and 25 additional feet for the second, and each subsequent, dwelling served over one.
  - c) In no event shall water frontage of such parcel of land consist of a swamp, marsh or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh or bog be altered by dredging, the addition of earth or fill material or by the drainage of water frontage required by this regulation.
  - d) In no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
  - e) Access property, if used in meeting the conditions of this Section, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s) or for any commercial or business use.
  - f) Access property shall not be used for overnight storage of boats, beach equipment or other similar objects.
- C. **Nonconforming Uses.** In any zoning district in which access has been established before the effective date of this ordinance or subsequent amendment thereto, such access shall retain historic uses. It is the intent of this Section to permit such lawful nonconforming use to continue, but not to enlarge or extend such nonconforming use.

## Section 3.24 Migrant Housing

- A. **Definitions.** The following definitions apply to this Section.
1. "Migratory laborer" means a person working, or available for work, who moves seasonally one (1) or more times from one (1) place to another from within or without the State for the purpose of such employment or availability.
  2. "Agricultural labor camp" means a tract of land and all tents, vehicles, buildings, or other structures pertaining thereto, part of which are established, occupied, or used as living quarters for five (5) or more migratory laborers engaged in agricultural activities, including related food processing.
  3. "Migrant housing" means any sleeping, eating and cooking quarters for migratory laborers, regardless of the number of migratory laborers occupying the same.
- B. **General Provisions.** The following requirements are applicable to agricultural labor camps and migrant housing:
1. Migrant housing may be occupied for no more than six (6) consecutive or nonconsecutive months during one (1) calendar year.

2. At least one (1) occupant of each individual dwelling unit/sleeping quarters shall be paid as a migratory laborer on the agricultural property on which the migrant housing is located.
3. Agricultural labor camps must obtain an annual license from the Department of Public Health in accordance with Act No. 368 of 1978.
4. Housing for all migratory laborers shall be constructed and maintained in accordance with the Michigan Agricultural Labor Camp provisions of the Public Health Code as contained in Public Act 368 of 1978, as amended.
5. Agricultural labor camps shall be constructed and maintained in compliance with the provisions of the Michigan Department of Agriculture's Environmental Stewardship Division Agricultural Labor Camp Rules.
6. Agricultural Labor Camps and Migrant Housing shall be located at least two hundred (200) lineal feet from any public street, at least two hundred (200) lineal feet from any property line and at least four hundred (400) lineal feet from any single-family dwelling. The four hundred (400) foot limitation contained in this Subsection shall not include a principal dwelling on the agricultural property on which such agricultural labor camp or migrant housing is located.
7. All seasonal dwellings maintained for the use of migratory laborers shall be positioned so as to minimize pedestrian/vehicular conflict.
8. Agricultural labor camps and migrant housing shall be no more than twenty (20) feet in height and shall be constructed in a single story only.
9. Agricultural labor camps and migrant housing that are not occupied by migratory laborers during three (3) consecutive growing seasons shall be removed or demolished by the owner or camp operator and any zoning permit for the same forfeited. The removal or demolition must occur within six (6) months of the close of the second season following the three (3) consecutive seasons of non-use. Failure to timely remove or demolish the units shall constitute a violation of this Ordinance and a nuisance per se.

### **Section 3.25 Semi-Truck Parking**

- A. One (1) semi-tractor with up to two (2) trailers is permitted per dwelling in all districts except the Residential District, Glenn Neighborhood Residential District, and Glenn Hamlet Mixed Use District.
- B. In the Agriculture District or for agriculture uses in all districts, the number and type of trucks necessary for agriculture uses are permitted.

### **Section 3.26 Open Space Preservation**

- A. **General Provisions.** Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units, on fifty percent (50%) or less of the land, that could otherwise be developed under existing ordinances, laws, and rules on the entire land area if:
  1. The Open Space Preservation option for residential development is permitted in all Districts.



2. Fifty percent (50%) or more of the land will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, or restrictive covenant that runs with the land.
3. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
4. Each lot shall provide the minimum front, side and rear yards as required by the applicable zoning district regulations.
5. The resulting development is in compliance with all requirements pertaining to private roads in Section 3.20.
6. The development does not depend upon the extension of public sewer or public water supply system, unless development of the land without the exercise of the option provided by this Subsection would also depend upon the extension.
7. The Open Space Preservation option provided by this Section has not previously been exercised with respect to this land.
8. The Open Space Preservation development is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

**B. Site Plan Review Procedures.**

1. Application for Open Space Preservation development approval requires a submission of twelve (12) copies of a 24x36 inch Site Plan bearing the seal of the engineer/surveyor preparing the Site Plan to must be received by the Zoning Administrator not less than 35 consecutive days prior to the regular Planning Commission meeting at which the request will be considered. The Planning Commission shall receive copies of the 24x36 inch Site Plans bearing the seal of the engineer/surveyor preparing the Site Plans not less than 14 consecutive days prior to that meeting.
2. The site plan shall consist of a designated parcel map drawn to a minimum of 1" = 100' scale and including an accurate legal description of each proposed division and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public or private roads for automobile traffic and public utilities. This parcel map shall also show the dimensions and legal description of all dedicated Open Space to remain perpetually in an undeveloped state.
3. The applicant shall also submit a parallel plan of equal quality showing the number of dwelling units that may be otherwise developed under existing ordinances, laws, and rules. The parallel plan shall contain enough detail and information to permit the Planning Commission to evaluate the feasibility of development for each lot.
4. Under no circumstances may the number of approved dwelling units exceed that allowed in the parallel plan.

## Section 3.27 Signs

- A. **Purpose and Intent.** The purpose of regulating signs is to promote public safety, health, and welfare by reducing visual distractions and obstructions of view which could divert the motorist's attention from the road. While there is a need for signs to inform, direct, identify, advertise, and otherwise communicate information to the public, there is also a need to maintain the beauty of an area by addressing sign clutter and blight.
- B. **General Requirements.** The following requirements apply to all signs in Ganges Township.
1. It is not the intention of this ordinance to regulate the message or content of any sign.
  2. Any sign that can be displayed under this ordinance may contain a noncommercial message.
  3. Any sign not expressly permitted under this Section is prohibited.
  4. The following signs are prohibited in all districts:
    - a) A sign resembling the flashing lights customarily used in traffic signals or police, fire, ambulances or rescue vehicles or signs which imitate official traffic directional signs or devices.
    - b) Signs affixed to fences or utility poles or structural elements not capable of supporting such signs or not authorized for such.
  5. **Clear Vision Required.** Signs erected in the Township shall not obstruct the clear view of traffic nor be located or designed in a manner that conflicts with pedestrian or vehicular movement or circulation.
  6. **Nonconforming Signs.** Nonconforming signs in use on the effective date of this ordinance shall be permitted to remain provided they are properly maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered to be a rebuilding of the sign.
  7. **Illumination.** The light source for illuminating signs must be external and directed in a manner that will prevent light from shining onto traffic or neighboring properties. Light source(s) shall be fully shielded, directed toward the sign face, and designed to concentrate all light on the sign copy area.
  8. Signs shall not project above the roof line or cornice.
  9. **Required Setbacks.** Signs shall be set back a minimum of ten (10) feet from side property lines and public right-of-ways.
  10. **Maintenance and Enforcement.** Maintenance standards include prohibiting the display of damaged or structurally unsound signs, signs with chipped paint, rust, cracking and damaged or faded lettering. Signs that do not meet these conditions are subject to the following:
    - a) The Township Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned. Such determination is subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Township Zoning Administrator may order the removal of such signs in accordance with the following procedure:
      - i) **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial

use of the property upon which the sign is located.

- ii) **Removal.** Abandoned or unlawful signs shall be removed within sixty (60) days after notification of a determination and order for removal by the Township Zoning Administrator. All support structures and components shall be completely removed.
  - b) Signs determined to be in a damaged condition by the Zoning Administrator shall be repaired or removed within sixty (60) days after notification by certified mail. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Zoning Administrator shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.
11. **Unsafe signs.** The Zoning Administrator shall contact the sign owner to request that the unsafe condition be corrected.
12. **Sign Area Requirements.**
- a) Any single sign, whether ground mounted, or wall mounted, in any zoning district shall not exceed a total of twenty-four (24) square feet of sign face with a maximum height of six (6) feet. One (1) permanent sign, whether ground mounted, or wall mounted, is permitted per parcel.
  - b) Temporary signs, not to exceed a total of twelve (12) square feet of sign face with a maximum height of six (6) feet are allowed per parcel.
  - c) One (1) awning sign not to exceed fifteen percent (15%) of the front area of the building is allowed per parcel.

## Section 3.28 Essential Services

- A. **Definition.** Essential services defined as the erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare shall be exempt from the application of this ordinance..
1. Essential services do not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
  2. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

## Section 3.29 Biofuel Production Facilities

- A. Biofuel production facilities with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel are a permitted use of property if the following requirements are met:
1. The facility is located on a farm as defined in the Michigan Right to Farm Act, as amended or meets the definition of a farm by this Ordinance.
  2. The facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the facility is located.
  3. On an annual basis, not less than seventy-five percent (75%) of the feedstock for the biofuel production facility is produced on the farm where a biofuel production facility is located, and not less than seventy-five percent (75%) of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
- B. If less than seventy-five percent (75%) of the feedstock for a biofuel facility is produced on the farm where a biofuel production facility is located or less than seventy-five percent (75%) of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm then the facility is a permitted use of property if it receives special land use approval.
- C. A Biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel, is a permitted use of property if it receives special land use approval from the Ganges Township Planning Commission.
- D. All biofuel production facilities up to 100,000 gallons and 100,000 to 500,000 gallons are subject to the requirements of MCL – Section 125.3513 and any amended version thereafter

## Section 3.30 Farm Markets

- A. **General Provisions.** Farm Markets shall comply with the following requirements:
1. Farm markets must be located on property where zoning allows for agriculture and its related activities.
  2. Shall comply with GAAMPs (Generally Accepted Agricultural and Management Practices) for Farm Markets as amended, as defined by the Michigan Department of Agriculture and Rural Development.
  3. Minimum lot size for ancillary activities such as corn mazes or hay rides shall be five (5) acres.
  4. No activity or structure shall be located within fifty (50) feet of the public right-of-way or within one hundred (100) feet of any lot line that abuts a residential district or use.
  5. All parking shall be out of the public right-of-way. A minimum of ten (10) parking spaces shall be provided for the market and a minimum of fifty (50) spaces of off -street parking if ancillary activities are held at the market.

6. The access drive shall be wide enough to accommodate two (2) vehicles side by side. Two (2) access drives may be required by the Township where a facility is large enough to need additional access points.
7. Suitable containers for rubbish shall be placed on the premises for public use.

### **Section 3.31 Equine Boarding Stable and/or Training Facilities**

- A. **General Provisions.** Equine Boarding Stables and/or Training Facilities shall comply with the following requirements:
1. Shall comply with GAAMPs for Manure Management and Utilization, Pesticide Utilization and Pest Control, Care of Farm Animals and Site Selection and Odor Control for New and Expanding Livestock facilities.
  2. Structures must be a minimum of fifty (50) feet from any property line or water's edge and seventy-five (75) feet from any residential district or use.
  3. Fencing shall be constructed of materials with the appropriate structural strength to restrain the animals. Fences shall comply with applicable requirements of Section 3.09.
  4. Parking shall be provided at a minimum of one (1) parking space per five (5) animals based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.

### **Section 3.32 Raising of Fur-Bearing Animals or Game Birds**

- A. **General Provisions.** For activities pertaining to raising fur-bearing animals or game birds, the following requirements apply:
1. Must comply with GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities.
  2. Minimum lot size shall be ten (10) acres.
  3. Minimum setback of one hundred (100) feet from any property line is required for breeding, rearing, selling and housing the animals or game birds.
  4. Fencing will be commensurate with that required to obtain a Permit to Hold Wildlife in captivity from the DNR.
  5. Hunting of animals or birds for sport or profit may be permitted in designated areas subject to State laws pertaining to separation distances required between hunting areas and dwellings.
  6. Animal waste shall be disposed of in a safe manner as recommended by the Allegan County Health Department and GAAMP for Manure Management and Utilization.

### **Section 3.33 Food Trucks**

- A. Food trucks may cater outdoor public entertainment events only if approved by the Ganges Township Board and must be removed from the property at the conclusion of the event.

- B. Up to two (2) food trucks are allowed as accessory uses at wineries and breweries only.
- C. All food trucks must have all the necessary permits from the Allegan County Health Department and the State of Michigan.

### **Section 3.34 Solar Energy Systems-Noncommercial**

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

- 1. **Setbacks.** All noncommercial solar energy systems shall maintain a minimum setback of twenty (20) feet from all property lines.
- 2. Mechanical equipment and system components must be screened from street and neighboring residences by privacy fencing or landscaping.
- 3. **Site Plan Required.** A site plan shall be required for the construction of a noncommercial solar energy system. Site plans shall show all existing and proposed structures, driveways, and adjacent structures within one hundred (100) feet, and any other information required by the Zoning Administrator or Building Inspector that is necessary to determine compliance with this ordinance. Submission of twelve (12) copies of a 24x36 inch Site Plan bearing the seal of the engineer/surveyor preparing the Site Plan to must be received by the Zoning Administrator not less than 35 consecutive days prior to the regular Planning Commission meeting at which the request will be considered. The Planning Commission shall receive copies of the 24x36 inch Site Plans bearing the seal of the engineer/surveyor preparing the Site Plans not less than 14 consecutive days prior to that meeting.

#### **B. Building-mounted Solar Panels.**

- 1. Solar energy collectors that are mounted on the roof of a building shall not project above the highest point of the roof and shall not exceed the maximum building height for the zoning district in which it is located.
- 2. Solar energy collectors that are wall mounted shall not exceed the height of the building wall to which they are attached.
- 3. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent road right-of-way.

#### **C. Ground-mounted Solar Panels.**

- a) Shall be located in the side or rear yard but can be located at least two hundred (200) feet from the road right-of-way in the front yard. Along Lake Michigan and Hutchins Lake at least two hundred (200) feet also applies from the road right-of-way and the water's edge.
- b) The maximum ground area occupied by solar panels and associated paved surfaces is twenty percent (20%) of the lot size.
- c) If more than four thousand (4,000) square feet of impervious surface is proposed, a drainage plan must be submitted with the permit application.
- d) The maximum ground- mounted panel height is eight (8) feet, measured from grade to the top of the panel.
- e) Panels shall be screened from residences and road right of ways in a manner that is

sufficient to effectively block the view of the panel by with a six (6) foot privacy fence or completely opaque vegetative screen. The Ganges Township Zoning Administrator shall have the authority to determine efficiency of screening conditions.

### **Section 3.35 Commercial Small Cell Communications Facility**

- A. Commercial small cell communications towers of seventy-five (75) feet or less shall:**
1. Comply with all applicable state construction and electrical codes and local building permit requirements, Federal Aviation Administration requirements, the Michigan Airport Zoning Act, local airport overlay zone regulations, and the Small Wireless Communications Facilities Deployment Act PA 365 of 2018 as amended.
  2. Be labeled with the name of the wireless provider, emergency contact telephone number, and information that identifies the commercial small cell communications facility and its location and will not exceed two (2) square feet in size.
  3. Not have affixed or attached any signs (except in subsection 2. above), lights, reflectors, flashers, or any other illumination.
  4. Be equipped with an anti-climbing device to prevent unauthorized access.
  5. Be regulated and permitted pursuant to this Section and not be regulated or permitted as essential services, public utilities, or private utilities.
  6. Have a fall zone within the boundaries of the tower's property plus thirty (30) feet.
- B.** The Township hereby reserves the right to inspect the premises on which the commercial small cell communications facility is located. If the facility is not maintained in operational condition or poses a potential safety hazard, the wireless provider shall take expeditious action to correct the situation or remove the facility with all attending equipment.
- C.** If the commercial small cell communications tower or attending equipment or both are not used for twelve (12) successive months, the tower and all equipment shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the wireless provider.
- D.** The Zoning Administrator shall have the authority to approve subsequent commercial small cell communications towers of seventy-five (75) feet or less as measured from the ground to the top of the antenna or tower, whichever is higher, if it meets the Site Plan Review Requirements and the tower and antenna combination has been approved by the Planning Commission in a prior application.
- E.** The application shall include a description of security to be posted at the time of receiving a permit for the communications tower to ensure removal of the communications tower when it has been abandoned or is no longer needed.
- F.** No commercial small cell communications towers constructed with guy wires or collapsible towers will be allowed.
- G.** Within one (1) year after a zoning approval is granted for a commercial small cell communications facility, a wireless provider shall commence construction of the approved facility, unless the Planning Commission and the applicant agree to extend this period. If the wireless provider fails to commence the construction of the facility within the time required, the zoning approval is void.

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- H. The wireless provider and property owner where the commercial small cell communications tower is located will defend, indemnify, and hold harmless the Township and its officers, agents, appointees, and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any commercial small cell communications facility or commercial small cell communications tower to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of these.
- I. Commercial small cell communications towers are allowed in all zoning districts.
- J. The destruction of significant natural features in order to construct or utilize a commercial small cell communications tower is not permitted.
- K. **Site Plan Review Submission Requirements.**
1. A general location sketch showing, at minimum, properties, streets, and use of land within three hundred (300) feet of the proposed tower location.
  2. Legal description of the subject property and exact location of the proposed tower on the property.
  3. North arrow and plan scale.
  4. Name and address of the property owner or applicant. If the applicant is not the owner, owner must give written, notarized approval of the applicant's plan.
  5. Name and address of the person who drafted the plan and the date on which the plan was prepared.
  6. Existing zoning and use of the subject property and all properties abutting the subject property.
  7. All buildings, parking and driveways within three hundred (300) feet of the proposed tower.
  8. Property lines and dimensions of the subject property.
  9. Existing adjacent streets to the subject property.
  10. Location of utilities, storm water management features, septic systems, and water wells within three hundred (300) feet of the proposed tower.
  11. Significant natural features and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over fifteen percent (15%) and similar natural assets or hazards of subject property and abutting properties within three hundred (300) feet of the subject property.
  12. Two professionally sealed and six (6) non sealed Site Plans are required for the initial construction of a tower. For subsequent administrative tower approvals two sealed Site Plans are required.
  13. The entire area which could be serviced by the proposed commercial small cell communications facility shall be described.



# Article 4.

## Districts

### Section 4.1 Districts Established

To carry out the purpose of this Ordinance, the Township is divided into the following districts:

A	Agricultural
R/A	Residential/Agricultural
R	Residential
GNR	Glenn Neighborhood Residential
GHMU	Glenn Hamlet Mixed Use
M-H	Manufactured Home Community
C	Commercial
I	Industrial
RP	Resource Protection Overlay

### Section 4.2 Official Zoning Map

- A. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Planning Commission Chair, attested by the Township.
- C. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current zoning district status of all land and buildings in the Township which are subject to the provisions of this Ordinance.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in accordance with State law.

- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the custody of the Township Clerk and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

### **Section 4.3 Rules for Interpretation of District Boundaries**

- A. In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Township Master Plan, the Township is divided into zoning districts. The Ordinance also provides a common unity of purpose, adaptability, or use deemed most suitable to provide for the best development of the Township, while protecting the common rights and interests of all through associated regulations and restrictions. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following center lines.
  2. Boundaries indicated as approximately following streams, rivers or drainage ways shall be construed as following such natural features.
  3. Along Blue Star Highway and M-89, the Commercial District extends 500 feet from the center of the highway. The Industrial District extends 1,320 feet from the center of the highway unless otherwise designated.
  4. Boundaries indicated as approximately following Township or section lines shall be construed as following those boundaries; and
  5. Where the application of these rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire lot in question, unless otherwise determined by the Zoning Board of Appeals, after recommendation from the Zoning Administrator. An appeal of the Zoning Administrator's decision may be taken to the Zoning Board of Appeals.

### **Section 4.4 Zoning of Vacated Areas**

- A. Whenever any street or other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands.

### **Section 4.5 Conditional Rezoning**

- A. **Intent.** Ganges Township does not accept or consider conditional rezoning applications.

# Article 5. Agricultural District

## Section 5.1 Intent and Purpose

A. The regulations of the “A” Agricultural District are intended to ensure that land areas within the Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Further, the intent of this Article is to preserve the rural character of these areas. The District also accommodates very low density residential development and other specialized rural uses requiring large tracts of land. In the Agricultural District, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Township residents.

## Section 5.2 Table of Uses

- A. The following abbreviations apply to the Table of Uses for the “A” Agricultural District:
1. **P: Permitted Use:** Land or buildings in this district may be used for the purposes listed by right. Site plan approval may be necessary.
  2. **SLU: Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 18 are met.
- B. As per Section 3.1.B, if a use is not listed in the Table below, it shall be considered prohibited.

Table of Uses		A
<b>Residential</b>		
Single family dwelling		P
Two family dwelling (duplex)		P
Adult foster care family home		P
Adult foster care large group home		P
Adult foster care small group home		P

Adult foster care private residence	P
Family childcare home	P
Foster family group home	P
Foster family home	P
Group childcare home	SLU
Migrant housing (subject to Section 3.24)	P
Open Space Preservation	P
<b>Non-Residential</b>	
Biofuel Production Facility less than 100,000 Gal (Subject to Section 3.36)	P
Biofuel Production Facility 100,000 Gal to 500,000 Gal (Subject to Section 3.36)	SLU
Commercial Small Cell Communications Facility (subject to Section 3.35)	P
Confined feedlot and livestock holding facilities	P
Cottage industry	SLU
Energy Storage Facility	SLU
Equine boarding stable and/or training facility (subject to Section 3.31)	P
Farm market (subject to Section 3.30)	P
Farm Operation	P
Greenhouses and Nurseries (commercial) (Subject to Section 3.37)	SLU
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	P
Mineral Mining (only allowed on non-prime farmland Class V through VIII as determined by the USDA National Resources Conservation Service (NRCS)).	SLU
Municipal and public service activities	SLU
Parks/outdoor recreation, public	SLU
Parks/outdoor recreation, private	P
Private roads (Subject to Section 3.20 C)	P
Raising of fur-bearing animals or game birds (subject to Section 3.32)	P
Schools and colleges, public	P
Semi-truck parking (subject to Section 3.25)	P
Solar Farm (only allowed on non-prime farmland Class V through VIII as determined by the USDA Natural Resources Conservation Service (NRCS))	SLU
Truck parking (number and type as needed for agricultural purposes)	P
Veterinary hospital or clinic	P
Wireless communications tower over 75 feet in height	SLU
Wind energy conversion system (commercial)	SLU
Winery, Meadery, or Cider Mill	SLU
Wireless communication tower under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator	P
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	P

<b>Accessory</b>	
Accessory buildings and uses	P
Agricultural products, retail	SLU
Bed and Breakfasts	SLU
Cottage Food Industry (subject to Section 2.4)	P
Food Truck (subject to Section 3.33)	P
Greenhouses (non-commercial)	P
Home occupation/Home based business (subject to Section 3.7)	P
Keeping Animals as an accessory use (subject to Section 3.18)	P
Noncommercial wind energy conversion systems (subject to Section 3.21)	P
Ponds (Subject to Section 3.19)	P
Roadside stand (subject to Section 3.11)	P
Solar Energy System-noncommercial (subject to Section 3.34)	P
Temporary uses or buildings (subject to Section 3.12)	P

### Section 5.3 Development Requirements

#### A. Lot, Yard, and Building Requirements.

<b>Requirement</b>	<b>A District</b>
Lot Area (minimum)	5 acres
Minimum Lot Width	250 ft.
Minimum Front Yard Setback from Right of Way	50 ft.
Maximum lot coverage	15%
Minimum Rear Yard Setback	30 ft.
Maximum Width to Depth Ratio	1:4
Minimum Side Yard Setback	30 ft.
Maximum Building Height *	35 ft.
Minimum Dwelling Unit Floor Area	960 sq. ft.

- \* Farm buildings or structures may be up to one hundred twenty (120) feet in height in the “A” District, provided they are set back from the lot line by a minimum of fifty (50) feet.
- \* The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line.
- \* Water tanks, antennae, ventilators, chimneys, and mechanical equipment shall not extend more than seventy-five (75) feet above average grade.

#### B. General Parking Requirements for Agricultural District. Parking adequate for the use of the property must be provided on the same lot.

# Article 6. Residential/Agricultural District

## Section 6.1 Intent and Purpose

A. The regulations of the “R/A” Residential/Agricultural District recognize lands that retain a relatively high proportion of agriculture and open space use but, due to population growth, soil characteristics, and related factors, experience ongoing transition to non-farm low density residential development. It is the intent that the area is developed with buffers from agricultural activities. Public services are not intended for this district for an indefinite period.

## Section 6.2 Table of Uses

- A. The following abbreviations apply to the Table of Uses for the "R/A" Residential/ Agricultural District and "R" Residential District:
1. **P: Permitted Use:** Land or buildings in this district may be used for the purposes listed by right. Site plan approval may be necessary.
  2. **SLU: Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 18 are met.
- B. Per Section 3.1.B., If a use is not listed in the Table below, it shall be considered prohibited.

Table of Uses	R/A
<b>Residential</b>	
Single family dwelling	P
Two family dwelling (duplex)	P
Adult foster care family home	P
Adult foster care large group home	P
Adult foster care small group home	P
Adult foster care private residence	P
Family child care home	P
Foster family group home	P

Foster family home	P
Group child care home	SLU
Migrant housing (subject to Section 3.24)	P
Open Space Preservation	P
Residential PUD	SLU
<b>Non-Residential</b>	
Agricultural service establishment	P
Agricultural products retail	SLU
Biofuel Production Facility less than 100,000 Gal (Subject to Section 3.36)	P
Biofuel Production Facility 100,000 to 500,000 Gal (Subject to Section 3.36)	SLU
Campground, public or private	SLU
Cemeteries	SLU
Commercial Small Cell Communications Facility (subject to Section 3.36)	P
Cottage industry	SLU
Equine boarding stable and/or training facility (Sec 3.31)	P
Farm market (subject to Section 3.30)	P
Farm operation	P
Golf course or country club	SLU
Greenhouses and Nurseries (commercial) (Subject to Section 3.37)	SLU
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	SLU
Mineral Mining (only allowed on non-prime farmland Class V through VIII as determined by the USDA National Resources Conservation Service (NRCS)).	SLU
Municipal and public service activities	SLU
Nursing or convalescent home	SLU
Parks/outdoor recreation, public	SLU
Parks/outdoor recreation, private	P
Private Roads (subject Section 3.20)	P
Raising of fur-bearing animals or game birds (subject to Section 3.32)	P
Religious Institutions	SLU
Semi-truck parking (subject to Section 3.25)	P
Schools and colleges, public	P
Truck parking (number and type as needed for agricultural purposes)	P
Schools and colleges, private	SLU
Winery, Meadery, or Cider Mills	SLU
Wind energy conversion systems (commercial)	SLU
Wireless communication tower over 75 feet in height	SLU
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	P
Wireless communication tower of under 75 feet in height wholly owned and used by a federally	P

licensed amateur radio station operator	
<b>Accessory</b>	
Accessory buildings and uses	P
Bed and Breakfast establishments	SLU
Cottage Food Industry (Subject to Section 2.4)	P
Food Trucks (Subject to Section 3.33)	P
Greenhouses (non-commercial)	P
Home occupation/home-based business (Subject to Section 3.7)	P
Keeping animals as an accessory use (subject to Section 3.18)	P
Noncommercial Wind Energy Conversion systems (Subject to Section 3.21)	P
Ponds (Subject to Section 3.19)	P
Solar Energy System-noncommercial (subject to Section 3.34)	P
Roadside stand (subject to Section 3.11)	P
Temporary uses or buildings (subject to section 3.12)	P

### Section 6.3 Development Requirements

#### A. Lot, Yard, and Building Requirements

Requirement	R/A District
Minimum Lot Area	1.5 acres
Minimum Lot Width	150 ft.
Maximum Width to Depth Ratio	1:4
Minimum Front Yard Setback from Road Right of Way	40 ft.
Minimum Rear Yard Setback	30 ft.
Minimum Side Yard Setback	15 ft.
Maximum Lot Coverage	15%
Maximum Building Height	35 ft.
Minimum Dwelling Unit Floor Area (Living Area)	960 sq. ft.

- \* *Farm buildings or structures may be up to one hundred and twenty (120) feet in height in the R/A District, provided they are set back from the lot line by a minimum of fifty (50) feet.*
- \* *The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line.*



**B. Location of parking and parking area requirements**

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve.
2. See Section 17.2 for general parking requirements.
3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Section 17.4 for lighting and Section 17.5 for landscaping.

Use		Parking Spaces (per unit of measurement)
<b>Residential</b>		
Single and Two-Family Dwellings		2 per unit
Bed and breakfast establishment		2 plus 1 per guest room
Family day care home		1 per 3 persons licensed for the facility
State licensed residential facility		1 per 3 persons licensed for the home
<b>Non-Residential</b>		
Golf course or country club		2 per hole
Greenhouse and nursery (commercial)		1 per 400 sq. ft. of UFA, plus 1 per 2,000 sq. ft. of exterior sales area
Municipal and public service activities		1 per service vehicle
Nursing or convalescent home		1 per 3 beds or 2 rooms, plus 10 per visitors
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization		1 per 6 persons allowed within the maximum occupancy load
Religious Institutions		1 per 3 seats in the main worship unit
Schools	Elementary and junior high	1 per employee plus 5 for visitors
	High school	1 per 5 students or the amount required for the auditorium or place of assembly, whichever is greater
	All	Separate areas for student drop off and pickup areas for buses must be provided
Winery, Meadery, or Cider Mill		1 per 5 persons allowed under the maximum building occupancy load
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure		1 per service vehicle

# Article 7. Residential District

## Section 7.1 Intent and Purpose

- A. The regulations of the “R” Residential District are intended to encourage a suitable environment for a variety of rural densities, and compatible supportive recreational, institutional, and educational uses. The intent of the R District is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

## Section 7.2 Table of Uses

- A. The following abbreviations apply to the Table of Uses for the "R" Residential District:
  1. **P: Permitted Use:** Land or buildings in this district may be used for the purposes listed by right. Site plan approval may be necessary.
  2. **SLU: Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 18 are met.
- B. Per Section 3.1.B., If a use is not listed in the Table below, it shall be considered prohibited.

Table of Uses	R
<b>Residential</b>	
Single-family dwelling	P
Two-family dwelling (duplex)	P
Adult foster care family home	P
Adult foster care large group home	P
Adult foster care small group home	P
Adult foster care private residence	P
Family childcare home	P
Foster family group home	P
Foster family home	P
Group childcare home	SLU

Open Space Preservation	P
Residential PUD	SLU
<b>Non-Residential</b>	
Cemeteries	SLU
Commercial Small Cell Communications Facility (Subject to Section 3.36)	P
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	SLU
Municipal and public service activities	SLU
Parks/outdoor recreation, public	SLU
Parks/outdoor recreation, private	P
Private Roads (subject to Section 3.20)	P
Religious Institution	SLU
Schools and colleges, public	P
Schools and colleges, private	SLU
Wireless communication tower over 75 feet in height	SLU
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	P
Wireless communication tower of under 75 feet in height wholly owned and used by a federally licensed amateur radio station operator	SLU
<b>Accessory</b>	
Accessory buildings and uses	P
Bed and Breakfast establishments	SLU
Cottage Food Industry (Subject to Section 2.4)	P
Greenhouses (non-commercial)	P
Home occupation/home-based business (Subject to Section 3.7)	P
Keeping animals as an accessory use (subject to Section 3.18)	P
Ponds (Subject to Section 3.19)	P
Noncommercial Wind Energy Conversion systems (Subject to Section 3.21)	P
Solar Energy System-noncommercial (subject to Section 3.34)	P
Temporary uses or buildings (subject to section 3.12)	P

## Section 7.3 Development Requirements

### A. Lot, Yard, and Building Requirements

Requirement	R District
Minimum Lot Area	32,670 sq. ft./0.75 acres
Minimum Lot Width	100 ft.
Maximum Width to Depth Ratio	1:4
Minimum Front Yard Setback from Road Right of Way	40 ft.

Minimum Rear Yard Setback	30 ft.
Minimum Side Yard Setback	15 ft.
Maximum Lot Coverage	25%
Maximum Building Height	35 ft.
Minimum Dwelling Unit Floor Area (Living Area)	960 sq. ft.

\* *The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line.*

**B. Location of parking and parking area requirements**

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve.
2. See Section 17.2 for general parking requirements.
3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Section 17.4 for lighting and Section 17.5 for landscaping.

Use		Parking Spaces (per unit of measurement)
<b>Residential</b>		
Single and Two-Family Dwellings		2 per unit
Bed and breakfast establishment		2 plus 1 per guest room
Family day care home		1 per 3 persons licensed for the facility
State licensed residential facility		1 per 3 persons licensed for the home
<b>Non-Residential</b>		
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization		1 per 6 persons allowed within the maximum occupancy load
Schools	Elementary and junior high	1 per employee plus 5 for visitors
	High school	1 per 5 students or the amount required for the auditorium or place of assembly, whichever is greater
	All	Separate areas for student drop off and pickup areas for buses must be provided
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure		1 per service vehicle

# Article 8.

## Glenn Neighborhood Residential

### Section 8.1 Intent and Purpose

- A. The purpose of the Glenn Neighborhood Residential District is to allow for higher density residential dwelling units and neighborhood developments to support the immediately adjacent Glenn Hamlet Mixed Use District. Residential developments and neighborhoods should be accessible by foot and/or bike to businesses and other community-oriented uses in the Glenn Hamlet Mixed Use District. Further, it is the intent of this District to create a “transect” of residential land uses from the Glenn Hamlet Mixed Use District to the surrounding low density Residential District and Residential/Agricultural District.

### Section 8.2 Table of Uses

- A. The following abbreviations apply to the Table of Uses for the “GNR” District:
  - 1. **P: Permitted Use:** Land or buildings in this district may be used for the purposes listed by right. Site plan approval may be necessary.
  - 2. **SLU: Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 18 are met.
- B. Per Section 3.1.B., If a use is blank or not listed in the Table below, it shall be considered prohibited.

Table of Uses	GNR District
<b>Residential</b>	
Single-Family Dwellings	P
Two-Family Dwellings	P
Adult foster care family home	P
Adult foster care large group home	P

Adult foster care small group home	P
Adult foster care private residence	P
Elderly Housing	SLU
Family childcare home	P
Foster family group home	P
Foster family home	P
Group childcare home	SLU
Open Space Preservation	P
Residential PUD (Subject to Article 14)	SLU
<b>Non-Residential</b>	
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	SLU
Municipal and public service activities	SLU
Parks/outdoor recreation, public	SLU
Parks/outdoor recreation, private	P
Private Roads (subject Section 3.20)	P
Religious Institution	SLU
Schools and colleges, public	P
Schools and colleges, private	SLU
<b>Accessory</b>	
Accessory buildings and uses	P
Bed and Breakfast establishments	SLU
Cottage Food Industry (Subject to Section 2.4)	P
Home occupation/home-based business (Subject to Section 3.7)	P
Noncommercial Wind Energy Conversion systems (Subject to Section 3.21)	P
Solar Energy System-noncommercial (subject to Section 3.34)	P
Temporary uses or buildings (subject to section 3.12)	P

## Section 8.3 Development Requirements

### A. Lot, Yard, and Building Requirements

Requirement	GNR District
Minimum Lot Area	21,780 square feet
Minimum Lot Width	100 ft.
Minimum Front Yard Setback from Road Right of Way	30 ft
Minimum Rear Yard Setback	25 ft.
Minimum Side Yard Setback	15 ft.
Maximum Width to Depth Ratio	1:4
Maximum Lot Coverage	40%
Maximum Building Height	35 ft.
Minimum Dwelling Unit Floor Area (Living Area)	960 sq. ft.

\* *The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line.*

### B. Location of parking and parking area requirements

1. Required off-street parking facilities shall be located on the same lot as the building they are intended to serve.
2. See Section 17.2 for general parking requirements.
3. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the applicable requirements of Section 17.4 for lighting and Section 17.5 for landscaping.

Use	Parking Spaces (per unit of measurement)	
<b>Residential</b>		
Single and Two-Family Dwellings	2 per unit	
Bed and breakfast establishment	2 plus 1 per guest room	
Family day care home	1 per 3 persons licensed for the facility	
State licensed residential facility	1 per 3 persons licensed for the home	
<b>Non-Residential</b>		
Elderly Housing	1 per 3 beds or 2 rooms, plus 10 per visitors	
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	1 per 6 persons allowed within the maximum occupancy load	
Schools	Elementary and junior high	1 per employee plus 5 for visitors
	High school	1 per 5 students or the amount required for the auditorium or place of assembly, whichever is

		greater
	All	Separate areas for student drop off and pickup areas for buses must be provided
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure		1 per service vehicle



# Article 9. Glenn Hamlet Mixed-Use District

## Section 9.1 Intent and Purpose

- A. The Glenn Hamlet Mixed Use District, "GHMU" is intended to permit small scale, low impact, retail, and service businesses that are geared toward serving the residents of the Glenn Hamlet area. It is the intent of the GHMU District to provide a mix of small-scale local commercial land uses alongside residential land uses and neighborhoods. It is further the intent of this District to preserve the historic and existing character of the Glenn Hamlet area. The Glenn Hamlet Mixed Use area is intended to serve as a walkable low-intensity area for commercial and residential activities in Ganges Township.
- B. Managing access to individual properties will receive strong consideration during the review of individual sites in both districts. The use of combined drives, service drives, and well-planned access points will be stressed.

## Section 9.2 Table of Uses

- A. The following abbreviations apply to the Table of Uses for the "GHMU" District:
  - 1. **P: Permitted Use:** Land or buildings in this district may be used for the purposes listed by right. Site plan approval may be necessary.
  - 2. **SLU: Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 18 are met.
- B. Per Section 3.1.B., If a use is blank or not listed in the Table below, it shall be considered prohibited.

Table of Uses	GHMU
<b>Residential Uses</b>	
Single-Family Dwelling	P
Two-Family Dwelling (duplex)	P

Three-Family Dwelling (triplex)	P
Adult foster care family home	P
Adult foster care large group home	P
Adult foster care small group home	P
Adult foster care private residence	P
Family childcare home	P
Foster family group home	P
Foster family home	P
Group childcare home	SLU
<b>Non-Residential Uses</b>	
Bank, credit union, financial institution	P
Childcare Center	SLU
Clinics and Offices (medical, dental, lab)	P
Commercial Small Cell Communications Facility (subject to Section 3.36)	P
Computer, electronics sales and service (less than 2500 sq. ft.)	P
Event center	SLU
Florist (less than 2,500 sf)	P
Glenn Hamlet Mixed Use PUD (Subject to Section 14.6)	SLU
Grocery store (less than 2500 sq. ft.)	P
Health or exercise club	P
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	SLU
Massage, licensed therapist (subject to Section 2.14)	P
Office, general	P
Open Space Preservation	P
Park/outdoor recreation, public	SLU
Park/outdoor recreation, private	P
Personal service establishment (e.g., barber, salon, tailor, tanning spa)	P
Pharmacy/Drug Store (less than 2500 sq. ft.)	P
Printing, retail, and convenience (less than 2500 sq. ft.)	P
Private Roads (subject Section 3.20)	P
Professional office (e.g., law, architecture, engineering, etc.)	P
Religious Institutions	SLU
Restaurants without drive-through facilities	P
Retail, general (less than 2,500 square ft)	P
School, Public	P
School, private	SLU
Commercial school (e.g. dance, music, martial arts, etc.)	SLU
Veterinary clinic and hospital	P

Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	P
<b>Accessory Uses</b>	
Accessory apartments associated with businesses	P
Accessory buildings and uses	P
Bed and Breakfasts	SLU
Cottage industry	SLU
Cottage Food Industry (subject to Section 2.4)	P
Home occupation/Home based business (Subject to Section 3.7)	P
Noncommercial wind energy conversion systems (subject to Section 3.21)	P
Solar Energy System-noncommercial (subject to Section 3.34)	P

### Section 9.3 Development Requirements

#### A. Lot, Yard, and Building Requirements.

Requirement	GHMU
Minimum Lot Area	21,780 sq. ft.
Minimum Lot Width	80 ft.
Maximum Lot Coverage	60%
Minimum Front Yard Setback from Road Right of Way	0 ft. for mixed use buildings 25 ft. for residential or commercial
Minimum Side Yard Setback (See Subsection B below)	10 ft. mixed use buildings 20 ft. residential or commercial
Minimum Rear Yard Setback	15 ft. mixed use buildings 20 ft. residential or commercial
Maximum Height	35 ft.
Minimum Dwelling Unit Floor Area (Living Area)	960 sq. ft.

*\*The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line.*

#### B. Zero lot lines may be used for side yards of main buildings if the following are satisfied:

1. The zero lot line is approved by the Planning Commission.
2. The building has an approved fire rating for zero-lot line development under the building code.
3. The building with a zero lot line has adequate fire access according to fire code requirements.
4. The zero lot line side is not adjacent to a street or lot line of a property not in the Glenn Hamlet Mixed Use District.
5. A maintenance access easement among properties is approved by the Township and recorded with the County Register of Deeds.

C. **Parking Requirements.** The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Article 17, in addition to all lighting and landscaping standards.

Use	Parking Spaces (per unit of measurement)
Bank or other financial institution without drive-through facility	1 per 400 sq. ft. of UFA
Bed and breakfast establishment	2 plus 1 per guest room
Day care center	1 per 3 persons allowed within the maximum occupancy load
Dwelling units	2 per dwelling unit
Event center (less than 2,500 sf) (e.g., banquet hall, assembly buildings, theatres, auditoriums, private clubs, etc.)	1 per 4 persons allowed within the maximum occupancy load
Funeral home or mortuary	1 per 50 sq. ft. of UFA
Health or exercise club	1 per 4 persons allowed within the maximum occupancy load
Medical office, including clinic	1 per 400 sq. ft. of UFA
Municipal and public service activities	1 per 300 sq. ft. of GFA, plus spaces for municipal vehicles
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	2 per chair or service station, or 1 per 400 sq. ft. of UFA, whichever is less
Professional office	1 per 300 sq. ft. of UFA
Recreation facility, indoor (e.g., arcades, bowling, billiards)	1 per 3 persons allowed within the maximum occupancy load
Retail establishment	1 per 300 sq. ft. of UFA
Restaurant	1 per 3 persons allowed within the maximum occupancy load plus one per employee
Veterinary clinic and hospital	1 per examination room plus 1 per employee

# Article 10. Manufactured Housing Community District

## Section 10.1 Intent and Purpose

A. The purpose of this district is to allow for the establishment of manufactured home communities and related accessory uses. Manufactured Housing Districts shall be located along primary roads and have three phase electric and natural gas availability. A manufactured housing community shall comply with all applicable procedures and requirements of The Mobile Home Commission Act 96 of 1987 as amended, and the Michigan Administrative Code.

## Section 10.2 Table of Uses

- A. The following abbreviations apply to the Table of Uses for the "M-H" Residential District:
  1. **P: Permitted Use:** Land or buildings in this district may be used for the purposes listed by right. Site plan approval may be necessary.
  2. **SLU: Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 14 are met.
- B. Per Section 3.1.B., If a use is blank or not listed in the Table below, it shall be considered prohibited.

Table of Uses	M-H District
<b>Residential</b>	
Manufactured housing community	P
Adult foster care family home	P
Adult foster care large group home	P
Adult foster care small group home	P
Adult foster care private residence	P

Family childcare home	P
Foster family group home	P
Foster family home	P
Group childcare home	SLU
Open Space Preservation	P
<b>Non-Residential</b>	
Commercial Small Cell Communications Facility (subject to Section 3.36)	P
Library; museum; community center; governmental, administration, or service use; similar uses	SLU
Park/outdoor recreation, public	SLU
Park/outdoor recreation, private	P
Private Roads (subject to Section 3.20)	P
Semi-Truck Parking (Subject to Section 3.25)	SLU
Schools, public	P
Solar Energy System-noncommercial (subject to Section 3.34)	P
Temporary Uses or building (subject to Section 3.12)	P
Wireless communications antenna when attached to a lawful existing telecommunications	P
Wireless communication tower over 75 feet in height	SLU
<b>Accessory</b>	
Accessory buildings and uses	P
Home occupation/home-based business (subject to Section 3.7)	P
Cottage Food Industry (subject to Section 2.4)	P
Keeping Animals as an accessory use (subject to Section 3.18)	P
Noncommercial wind energy conversion systems (subject to Section 3.21)	P
Ponds (Subject to Section 3.19)	P

## Section 10.3 Development Requirements

### A. Lot, Yard, Building and Manufactured Housing Community Requirements

Requirement	M-H	
Manufactured Housing Site	Minimum Area	5,000 sq. ft.
	Minimum Width	40 ft.
Minimum Setbacks	Front Yard	Community – 50 ft. Dwelling sites – 10 ft.
	Side Yard	Community – 50 ft. Dwelling sites – 10 ft. each side
	Rear Yard	Community – 50 ft. Dwelling sites – 15 ft.
Building Requirements	Maximum Building Height	Community buildings – 35 ft. Dwellings, all other buildings – 15 ft.
	Minimum Floor Area Per Dwelling	750 sq. ft.

### B. Parking Requirements.

#### 1. Location of parking.

- a) **Manufactured Housing Community.** The off-street parking facilities required for a single dwelling site shall be located on the same lot as the building they are intended to serve. Two (2) spaces per unit shall be provided. Parking is limited to the garage/carport and driveway only. One (1) parking space per every five (5) lots shall be provided for visitors, evenly distributed throughout the development.
- b) **Nonresidential Uses.** The off-street parking facilities required for nonresidential uses shall not be located within forty (40) feet of the right-of-way line. The respective side and rear yard setback common to an adjacent Residential District or use shall be a minimum of thirty (30) feet, of which fifteen (15) feet nearest the respective property line shall be developed as a buffer zone. The buffer zone shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining the residential area, or the width of the rear of the lot in the case of rear yard parking adjoining the residential area. The required buffer zone shall comply with the standards of Section 17.5.
- c) See Section 17.2 for general parking area requirements.

- 2. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Article 17 for lighting and landscaping.

Use		Parking Spaces (per unit of measurement)
State licensed residential facility		1 per 3 persons licensed for the facility
Family and group day care home		1 per 3 persons licensed for the home
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization		1 per 6 persons allowed within the maximum occupancy load
Schools	Elementary and junior high	1 per employee plus 5 for visitors
	High school	1 per 5 students or the amount required for the auditorium or place of assembly, whichever is greater
	All	Separate areas for student drop off and pickup areas for buses must be provided
Wireless communications facility		1 per service vehicle



# Article 11. Commercial District

## Section 11.1 Intent and Purpose

- A. The "C" Commercial District is intended to provide appropriate locations to accommodate land uses meeting the general business needs of the residents of the Township. The district is not intended to provide regional shopping opportunities but rather to be limited in design and scope for community-based businesses in addition to stimulating specialty tourist businesses. The "C" District is intended for uses that have a low impact on the environment, including water, septic, equipment, and transportation needs. The "C" District allows for residential uses as well as business uses and commercial farms.
- B. Managing access to individual properties will receive strong consideration during the review of individual sites in both districts. The use of combined drives, service drives, and well-planned access points will be stressed.

## Section 11.2 Table of Uses

- A. The following abbreviations apply to the Table of Uses for the "C" Residential District:
  - 1. **P: Permitted Use:** Land or buildings in this district may be used for the purposes listed by right. Site plan approval may be necessary.
  - 2. **SLU: Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 18 are met.
- B. Per Section 3.1.B., If a use is blank or not listed in the Table below, it shall be considered prohibited.

Table of Uses	C District
<b>Residential</b>	
Single-Family Dwelling	P
Two-Family Dwelling (duplex)	P
Adult foster care family home	P

Adult foster care large group home	P
Adult foster care small group home	P
Adult foster care private residence	P
Elderly housing	SLU
Family childcare home	P
Foster family group home	P
Foster family home	P
Group childcare home	SLU
Migrant Housing (subject to Section 3.24)	P
Open Space Preservation	P
Residential PUD	SLU
<b>Non-Residential</b>	
Agricultural products retail	P
Agricultural service establishment	P
Bakery, baked goods store (less than 2500 sq. ft.)	P
Bank, credit union, financial institution	P
Biofuel Production Facility less than 100,000 Gal	P
Biofuel Production Facility 100,000 to 500,000 Gal	SLU
Bowling alley, indoor amusement	SLU
Brewery, Brew Pub, Microbrewery	SLU
Broadcasting studio, without tower	P
Campground or RV park	SLU
Child Care Center	P
Cemetery	SLU
Clinics (medical, dental, lab)	P
Commercial Small Cell Communications Facility (subject to Section 3.36)	P
Commercial Storage Building	P
Contractor's office and storage yard	SLU
Cottage industry	SLU
Daycare Center	P
Drive-through establishment	SLU
Dry cleaning, laundry (drop off only)	P
Electric, HVAC, Plumbing (supplies and service)	P
Energy Storage Facility	SLU
Equine boarding stable and/or training facility (Section 3.32)	P
Event center	SLU
Excavating, septic, well drilling, crane services	SLU
Farm market (subject to Section 3.31)	P

Farm Operation	P
Florist (less than 2,500 sf)	P
Funeral Home or Mortuary	P
Raising of Fur Bearing Animals or Gamebirds (Section 3.33)	P
Greenhouse and nursery (commercial) (Subject to Section 3.37)	P
Grocery store (less than 2500 sq. ft.)	P
Health or exercise club	P
Hospitals	SLU
Kennels	SLU
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	SLU
Locksmith	P
Lodging: Hotel, motel	SLU
Lumber yard, builder supply, home improvements (less than 2,500sq ft.)	SLU
Massage, licensed therapist (subject to Section 2.14)	P
Medical office, including clinic	P
Mineral Mining	SLU
Mini-storage, commercial	SLU
Nursing or convalescent home	SLU
Office, general	P
Open air businesses	P
Park/outdoor recreation, public	SLU
Park/outdoor recreation, private	P
Personal service establishment (e.g., barber, salon, tailor, tanning spa)	P
Pharmacy /Drug Store (less than 2500 sq. ft.)	P
Printing, retail, and convenience (less than 2500 sq. ft.)	P
Private Roads (subject to Section 3.20)	P
Professional office (e.g., law, architecture, engineering, etc.)	P
Religious Institutions	SLU
Restaurants without drive-through facilities	SLU
Retail, general (less than 2,500 sq. ft.)	P
Schools and colleges, public	P
Schools and colleges, private	SLU
Sign painting and service shop	P
Solar Energy System-noncommercial (subject to Section 3.34)	P
Solar Farm	SLU
Sports facilities, indoor and outdoor (not including racetracks and golf courses)	SLU
Studios (photography, dance, pottery, taxidermy, art, music, etc.)	P
Temporary uses or buildings (subject to Section 3.12)	P

Tool and die shop	P
Truck Maintenance Facility	SLU
Truck terminal	P
Vehicle repair, vehicle service station, vehicle wash establishment	SLU
Veterinary clinic and hospital	P
Wholesale sales/service (less than 2,500 sq. ft.)	P
Wind Energy Conversion Systems (WECS), commercial	SLU
Winery or Cider Mill	SLU
Wireless communication tower over 75 feet in height	SLU
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	P
<b>Accessory</b>	
Accessory buildings and uses	P
Bed and Breakfast establishment	SLU
Cottage Food Industry (subject to Section 2.4)	P
Food Truck (subject to Section 3.33)	P
Greenhouse (non-commercial)	P
Home occupation, home based business (Subject to Section 3.7)	P
Keeping Animals as an accessory use (subject to Section 3.18)	P
Noncommercial wind energy conversion systems (subject to Section 3.21)	P
Ponds (Subject to Section 3.19)	P
Roadside stand (subject to Section 3.11)	P
Semi-Truck Parking (subject to Section 3.25)	P
Truck parking (number and type as needed for agricultural purposes)	P

### Section 11.3 Development Requirements

#### A. Lot, Yard, and Building Requirements.

Requirement	COMM
Minimum Lot Area	1.5 acres
Minimum Lot Width	150 ft.*
Maximum Width-to-Depth Ratio	1:4
Maximum Lot Coverage	65%
Minimum Front Yard Setback from Road Right of Way	50ft.
Minimum Side Yard Setback	35 ft.
Minimum Rear Yard Setback	30 ft.
Maximum Height	35 ft.
Minimum Swelling Unit Floor A (Living Area)	960 sq. ft.

\* The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line.

A. **Parking Requirements.** The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Article 13, in addition to all lighting and landscaping standards.

Use	Parking Spaces (per unit of measurement)
Event center (less than 2,500 sf) (e.g., banquet hall, assembly buildings, theatres, auditoriums, private clubs, etc.)	1 per 4 persons allowed within the maximum occupancy load
Bank or other financial institution without drive-through facility	1 per 400 sq. ft. of UFA
Bed and breakfast establishment	2 plus 1 per guest room
Kennel	1 per 400 sq. ft. of GFA, minimum 4 required
Commercial mini-storage	1 per storage unit located next to the unit, plus 1 per employee
Contractor's office	1 per employee, plus 1 per company vehicle
Daycare center	1 per 3 persons allowed within the maximum occupancy load
Dwelling units	2 per dwelling unit
Funeral home or mortuary	1 per 50 sq. ft. of UFA
Health or exercise club	1 per 4 persons allowed within the maximum occupancy load
Hospital	1 per 4 patient beds, plus 1 per employee
Hotel or motel	1 per guest room, plus 1 per 2 employees
Medical office, including clinic	1 per 400 sq. ft. of UFA
Municipal and public service activities	1 per 300 sq. ft. of GFA, plus spaces for municipal vehicles
Nursing or convalescent home	1 per 3 beds or 2 rooms, whichever is less, plus 10 for visitors
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	2 per chair or service station, or 1 per 400 sq. ft. of UFA, whichever is less
Professional office	1 per 300 sq. ft. of UFA
Recreation facility, indoor (e.g., arcades, bowling, billiards)	1 per 3 persons allowed within the maximum occupancy load
Retail establishment	1 per 300 sq. ft. of UFA
Restaurant	1 per 3 persons allowed within the maximum occupancy load plus one per employee
Veterinary clinic and hospital	1 per examination room plus 1 per employee

# Article 12. Industrial District

## Section 12.1 Intent and Purpose

- A. The regulations of this "I" Industrial District are intended primarily for industrial uses which do not generate hazardous materials. The district is established to encourage operations which manufacture, compound, process, package, treat and assemble products from previously prepared materials.

## Section 12.2 Table of Uses

- A. The following abbreviations apply to the Table of Uses for the "I" Industrial District:
  1. **P: Permitted Use:** Land or buildings in this district may be used for the purposes listed by right. Site plan approval may be necessary.
  2. **SLU: Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 18 are met.
- B. Per Section 3.1.B., if a use is blank or not listed in the Table below, it shall be considered prohibited.

Table of Uses		I
<b>Residential</b>		
Single family dwelling		P
Two family dwelling (duplex)		P
Adult foster care family home		P
Adult foster care large group home		P
Adult foster care small group home		P
Adult foster care private residence		P
Family child care home		P
Foster family group home		P

Foster family home	P
Group child care home	SLU
Open Space Preservation	P
<b>Non-Residential</b>	
Agricultural service establishment	P
Ambulance service	P
Contractor’s office and/or storage yard	P
Commercial Small Call Communications Facility (subject to Section 3.36)	P
Commercial Storage Building	P
Cottage Industry	SLU
Electric, HVAC, plumbing (supplies and service)	P
Energy Storage Facility	SLU
Excavating, septic, well drilling, crane services	SLU
Exterminator services	P
Fabrication/Manufacturing	P
Garage, public vehicles	P
Greenhouses and Nurseries (Commercial) (Subject to Section 3.37)	P
Library; museum; community center; governmental, administration, or service use; similar uses owned and operated by a government or noncommercial organization	SLU
Lumber yard, builder supply, home improvement (less than 2500 sq. ft.)	P
Machine, tool and die shop	P
Manufacturing, general	SLU
Mineral mining	SLU
Mini-storage, commercial	SLU
Office, general	P
Private Roads (subject to Section 3.20)	P
Petroleum, propane storage	P
Sawmill	P
Schools and colleges (including trade or industrial), public	P
Schools and colleges (including trade or industrial), private	SLU
Semi-truck parking	P
Sexually-oriented businesses	SLU
Sign painting and service shop	P
Solar Energy System-noncommercial (subject to Section 3.35)	P
Solar Farm	SLU
Temporary Uses or building (subject to Section 3.12)	P
Tools and gauges: sales, service, testing	P
Truck maintenance facility	SLU
Truck terminal	P

Vehicle repair, vehicle service station, vehicle wash establishment, vehicle maintenance	SLU
Warehousing and storage	P
Wholesale sales and service (less than 2500 sq. ft.)	P
Wind Energy Conversion Systems (WECS), commercial	SLU
Wireless communication tower over 75 feet in height	SLU
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	P
<b>Accessory</b>	
Accessory buildings and uses	P
Keeping Animals (subject to Section 3.18)	P
Noncommercial wind energy conversion systems (subject to Section 3.22)	P
Ponds (Subject to Section 3.19)	P

### Section 12.3 Development Requirements

#### A. Lot, Yard, and Building Requirements

Requirement		Industrial District	
<b>Minimum Lot Requirements</b>	Area	5 acres	
	Width	350 ft.	
	Max Width to depth ratio	1:4	
	Maximum Coverage	75%	
<b>Minimum Setback Requirements</b>	Front from ROW	75 ft.	
	Side	One side	40 ft.
		Total 2 sides	80 ft.
		Adjacent to Residential District or use	100 ft.
	Rear	Adjacent to Residential District or use	100 ft.
In all other cases		25 feet	
<b>Building Requirements</b>	Maximum Height	35 ft.	
	Minimum Dwelling Unit Floor Area (Living Area)	960 sq. ft.	



**B. Parking Requirements**

1. Parking areas adjacent to a residential use or zone shall be a minimum of thirty (30) feet from side and rear property lines, fifteen (15) feet of which shall be developed as a buffer zone for the entire length of the parking area. The buffer zone shall comply with the standards of Section 17.5 of the Ordinance.
2. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Article 17, in addition to all lighting and landscaping standards.

Use	Parking Requirement Spaces per unit of measurement
Dwelling units	2 spaces per dwelling unit
Accessory office areas related to principal uses	1 space per each 300 sq. ft. of UFA
Sexually oriented businesses	1 space per each 4 persons permitted under fire code
All other industrial uses	1 space for each 1,000 sq. ft. or one space for every employee on the largest shift (whichever is greater) plus those spaces required for offices located on the premises

*GFA = gross floor area. UFA = Usable Floor area*

# Article 13.

## Resource Protection and Flood Damage Prevention Overlay District

### Section 13.1 Statement of Purpose

- A. It is the purpose of this Article to protect natural features and wildlife habitat and to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Township and to retain the storm water retention capabilities of existing natural systems helping to prevent the need for significant public investment for man-made drainage systems.

### Section 13.2 Delineation of District Boundaries

- A. The "RP" Resource Protection and Flood Damage Prevention Overlay District shall coincide with the Flood Insurance Rate maps for Flood Hazard Areas as provided by the Federal Emergency Management Agency, as amended. The "RP" District includes the Black River Watershed.

### Section 13.3 Permitted Principal Uses

- A. Notwithstanding any other provisions of this ordinance, land may be used for Agricultural purposes.
- B. No building or structure shall be erected, converted, or structurally altered, and no land or structure shall be used in the "RP" District for residential, commercial, or industrial purposes.
- C. No person may fill or grade or permit the filling or grading for a purpose other than agricultural and only if the flow and impoundment capacity of the floodplain will be maintained or improved, and if all applicable state regulations are met. Alteration of any water course in the "RP" district must have approval from EGLE and the Michigan Department of Natural Resources.
- D. In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Section shall be necessary for all development occurring within the "RP" District. If there are conflicts between the requirements of this Article and other requirements of this Ordinance the more stringent requirement shall be applied.

# Article 14.

## Planned Unit Development District

### Section 14.1 Description and Intent

- A. The intent of this Article is to provide a degree of flexibility in regard to the use, area, bulk, and placement regulations for developments which qualify as planned unit developments, as provided for in the Zoning Act. This will result in a high level of quality and compatibility, will minimize the damage to sensitive environmental features, and will comply with the goals and objectives of the Master Plan.
- B. The PUD regulations provided by this Article are intended to:
1. Provide a more desirable environment by preserving open fields, woodlands, wetlands, areas of steep topography, creeks, ponds and similar natural assets.
  2. Encourage a creative approach to development design in the Township.
  3. Encourage an efficient, aesthetic and desirable use of open areas and a reduction in development costs by allowing the developer to avoid and preserve natural obstacles on the site.
  4. Encourage open space and recreational facilities within and around new development.
  5. Promote the goals of the Master Plan by preserving the rural character of the Township, establishing a landscaped corridor along the Township's street frontages, maintaining the traffic carrying capacity of the Township's major streets, and protecting environmentally-sensitive areas;
  6. Provide the Township with a higher degree of control over the use of land and structures and design details of development in locations where application of traditional zoning requirements may not be appropriate; and
  7. Provide the opportunity for inclusion in a single, unified development plan of associated or ancillary uses, which are related to or supportive of the principal use.

8. These planned unit development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of the Township after considering the intent of this Article, assures a superior quality of development.
9. If this improved quality is not determined by the Township to be present after the Township has reviewed the development and the intent of this Article, the site shall not qualify for the modifications allowable under this Article.

## Section 14.2 Eligibility Criteria

- A. **Demonstrated Benefit.** The proposed PUD must meet one (1) or more of the following preconditions:
  1. Sites determined to be appropriate for redevelopment, including sites with buildings that are functionally obsolete or historically significant.
  2. Sites where flexibility is necessary because of site constraints, including but not limited to sensitive environmental features, incompatible adjoining land uses, or traffic conditions that affect ease of access.
  3. Sites where the flexibility of the PUD regulations is necessary to achieve a reasonable and desirable transition between land uses, without affecting the overall Township land use pattern, intensity of development or objectives of the Master Plan or any sub-area or corridor plans; or
  4. Sites where the public health, safety and welfare is better served through creation of a planned unit development, because of the density of population, adequacy of schools, parks, or other public facilities, traffic volumes or circulation, neighborhood compatibility, adequate provision of light or air, preservation of farmland, or accessibility for fire and police protection.
- B. The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's streets, drainage and storm water management facilities, availability of water, and capacity of existing or planned sanitary sewer facilities. Any improvements to public services or facilities to expand their capacity proposed by the applicant shall be approved by the appropriate County agency and the Planning Commission and shall be funded by the applicant.
- C. The PUD will not be approved if any of the following conditions are determined to exist on the proposed development:
  1. The PUD is used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards, unless sufficient benefits to the public health, safety and general welfare can be established.
- D. The PUD site must abut or have direct access to a public street.

### Section 14.3 Property Control

- A. The proposed development will either:
  - 1. Be under single ownership or control such that there is a single person having responsibility for assuring completion of the project in conformity with this Ordinance; or
  - 2. If there is more than one owner with an interest in the project, then there will be a commitment in writing by each owner to work in unison to complete the project in complete conformity with this Ordinance.
- B. The applicant(s) will provide legal documentation of single ownership, single control, or joint unified control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the applicant(s) or their successors. These legal documents will bind all development successors in title to any commitments made as a part of the documents. This provision will not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Zoning Administrator.

### Section 14.4 Types of PUDs

- A. A property meeting the eligibility criteria may be rezoned to a corresponding PUD district based on the requirements shown in the following table and applicable requirements contained elsewhere in this Ordinance. The rezoning approval will be concurrent with the approval of the preliminary PUD plan but will only become effective with the approval of the final PUD plan. The PUD designation will be noted in the application and on the Official Zoning Map upon approval. The final PUD process is meant to address the details of site design and the PUD development agreement.
- B. A list of permitted uses, densities and other terms and conditions of the development shall be clearly outlined in the PUD development agreement based upon the provisions of the following table and this Article.

PERMITTED PUD TYPES				
PUD Type	Minimum Lot Size	Districts Permitted	Permitted Uses	Percentage Open Space Required
<b>Residential Planned Unit Development (RPUD)</b>	5 acres	Where underlying zoning is R, R/A, GNR, or C	Residential uses, single-family, two-family, and recreational uses.	30%
<b>Glenn Hamlet Mixed-Use PUD (GHMU-PUD)</b>	10 acres	Where underlying zoning is GHMU	Single-family, two-family, multi-family or a mixture of various residential housing types, small-scale commercial, office, mixed use buildings, and recreational uses	35%

## Section 14.5 Residential PUD Standards

- A. **Intent.** The purpose of RPUD is to promote neighborhood development, which provides a variety of single-family housing opportunities in addition to small scale attached residential uses. RPUD developments are intended to integrate pedestrian and cyclist links among neighborhoods and to public facilities.
- B. **Uses.** A RPUD may include any residential use permitted in the "R", "R/A", "GNR", or "C" Districts. Any such use requiring a special use permit in the underlying zoning district shall be required to comply with the standards of such special use.
- C. **Housing types.** Not more than thirty (30%) percent of the dwelling units may be attached dwellings. For the purposes of calculating density, each dwelling unit is calculated as one (1) unit, regardless of the number of buildings. (For example, if an RPUD can have one hundred [100] residential units, thirty [30] of these dwelling units are within fifteen [15] duplex structures. Each side of a duplex or each unit in a multi-unit structure shall be counted as a separate dwelling unit for density purposes, equal to a single-family dwelling unit). The remaining dwelling units will be single-family dwellings.
- D. The required setbacks for RPUD structures shall comply with the required setbacks for the applicable underlying Zoning District. The Planning Commission may approve a lesser setback than what is required by the underlying Zoning District.

## Section 14.6 Glenn Hamlet Mixed-Use PUD

- A. **Uses.** A Glenn Hamlet Mixed-Use PUD will be consistent with the Master Plan. A minimum of sixty (60%) percent of the developed PUD land area will be occupied by single-family, two-family, and multi-family residential uses and a minimum of ten (10%) percent of the developed PUD land area will be occupied by non-residential. Commercial uses shall be limited to those permitted in the GHMU District.
- B. **Driveway Access and Circulation.**
  - 1. Access will be limited to two (2) entrances on any County primary road or public street under the jurisdiction of the State, excluding any entrance designed solely for truck traffic. Additional access points will only be considered if spaced at least five hundred (500) feet apart and a traffic impact study is provided that demonstrates overall traffic operations and safety will be improved.
  - 2. Main access points will be spaced from existing intersections to ensure proper spacing and efficient flow of traffic.
  - 3. The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points will be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Interior drives will provide circulation between uses.
  - 4. Additional right-of-way will be provided to accommodate improvements to the existing public street system that are planned or required to mitigate traffic associated with the PUD.
  - 5. Cross-access parking is encouraged. If cross-access parking is proposed, a Cross-Access Agreement between business owners or property owners shall be required.

- C. **Commercial and Mixed-Use Building Design.** Commercial and mixed-use buildings shall maintain a rural look and character consistent with the goals and objectives of the Master Plan. The Planning Commission shall make the determination of Master Plan consistency. The following additional design elements are required:
1. Signage will be integrated into the overall development design and concept.
  2. Site design will be sensitive to pedestrian circulation. When available, connections shall be made to sidewalks and trail systems within and beyond the development.
  3. Consistent lighting and fixtures will be used throughout the development.
  4. The required setbacks for GHMU-PUD structures shall comply with the required setbacks for the applicable underlying Zoning District. The Planning Commission may approve a lesser setback than what is required by the underlying Zoning District.

## Section 14.7 Density Determination and Parallel Plans

- A. For both RPUDs and GHMU-PUDs, the permitted density in a planned unit development will be based on the net buildable area of the site, as demonstrated on a parallel plan submitted by the applicant.
- B. To assist the Planning Commission in determining the number of dwelling units or the amount of non-residential square footage permitted in the PUD, the applicant will submit a parallel plan for the development that is consistent with the requirements for a preliminary site plan.
- C. The parallel plan should show how the site could be reasonably developed under conventional zoning and subdivision standards. The parallel plan shall include the following, at a minimum:
1. Any wetlands as identified by a certified wetlands analysis or the National Wetland Inventory, ponds, floodplain, lakes, streams, or other bodies of water. Bodies of water shall be deducted from the total acreage under consideration on the parallel plan.
  2. The parallel plan should be drawn to contain the maximum number of dwelling units or amount of non-residential square footage allowable and reasonable per these standards and practical engineering limitations in the underlying zoning district.
    - a) For the purposes of calculating the allowable density based on the parallel plan, the Planning Commission shall count each dwelling unit as an individual dwelling unit, regardless of if it is attached or not. Therefore, lots containing attached or multiple family dwellings will count for multiple dwelling units each as opposed to just one (1) dwelling unit per lot.
  3. The parallel plan shall indicate the proposed size and location of all residential housing types, mixed use buildings, or commercial buildings proposed on-site.
  4. Circulation patterns, including pedestrian walkways and streets.
- D. The Planning Commission will review the parallel plan and determine the number of units that could be feasibly constructed. This determination will be based on existing site conditions, topography, environmental factors, roads, utilities, infrastructure needs, consistency with the Master Plan, and other similar factors. Any density bonus granted by the Township will be applied to this number of units determined by the Planning Commission.

## Section 14.8 Density Bonus

- A. The number of units permitted in a RPUD or GHMU-PUD may be increased at the discretion of the Planning Commission for including one (1) or more of the elements identified below. Each element is worth an additional bonus up to a maximum density increase of fifteen (15) percent.
- B. In determining whether a lesser density shall be required than what is proposed, the Planning Commission shall consider the following, but not limited to:
  - 1. Public road access.
  - 2. Availability and capacity of water, sewer, or septic systems.
  - 3. Any potential harm or degradation of environmentally sensitive areas.
- C. For those PUDs eligible to receive a density bonus, the proposed development is required to meet or exceed one (1) or more of the requirements of this Section.
  - 1. If a minimum of fifty (50) percent of the gross land area of the development is protected open space, a density bonus of three (3) percent shall be allowed.
  - 2. If a variety of housing types, quality architecture, durable materials and superior site design are included, a density bonus of three (3) percent shall be allowed.
  - 3. Frontage along all public streets that are at least one hundred fifty (150) feet in depth with suitable landscaping shall merit a density bonus of three (3) percent.
  - 4. The inclusion of public amenities such as, children's playgrounds, picnic facilities, or community centers shall merit a density bonus of three (3) percent.
  - 5. The inclusion of paths, trails, greenways, or other pedestrian and non- motorized transportation facilities, accessible to the public, and connected to or creating a network of trails throughout the community shall merit a density bonus of three (3) percent.
  - 6. Cleanup of site contamination shall merit a density bonus of three (3) percent.
  - 7. Storm water management on site that relies upon natural systems to the greatest extent possible and preserves the quality and integrity of such systems shall merit a density bonus of three (3) percent.
  - 8. Other similar elements as determined by the Planning Commission shall merit a density bonus of three (3) percent.

## Section 14.9 Common Open Space Requirements

- A. A minimum portion of the total area of the PUD will be dedicated open space area, as determined by the percentages in Section 14.4.
- B. Wetland areas illustrated and demonstrated on the certified wetland analysis may be counted as open space areas but may not be used to calculate the buildable area.
- C. Open space areas set aside as part of a PUD will accomplish one (1) or more of the following objectives.



1. Provide common recreational area for use by the residents of the PUD, in cases where the development is expected to create a significant demand for common recreational area, which demand will not otherwise be met by the PUD as proposed.
  2. Protect and preserve environmentally sensitive areas, such as floodplains, shorelands, dunes, regulated and non-regulated wetlands, stream corridors, steeply sloped areas, woodlands, or other sensitive areas which may exist on the development site and enhance the rural character of the area.
  3. Provide open space buffer areas between the PUD and adjoining property to minimize adverse impacts of the PUD on adjoining property.
  4. Provide open space along public streets so as to maintain a natural character along public streets in rural portions of the Township.
- D. The following land areas will not be included as dedicated open space for the purposes of meeting minimum open space requirements.
1. Area designated as lots or units, proposed for development for residential or commercial purposes.
  2. Residential yards or required setback areas for any use.
  3. The area of any street right-of-way or easement.
  4. Parking and loading areas.
  5. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Planning Commission.
  6. Any open space not contiguous with the rest of the PUD.
- E. On-site common open space will be planned in locations accessible to all in the development. The Planning Commission will determine if the proposed open space is usable and functional. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas will be included within the open space area:
1. Any significant natural features within the development site; and
  2. At least one-third (1/3) of the required common open space will be usable open space for the residents of the development.
- F. Open space, except where trails and bike paths are allocated, will have minimum dimension of one hundred (100) feet by one hundred (100) feet.
- G. A minimum fifty (50) foot wide undisturbed open space setback will be maintained from the edge of any stream or wetland. The Planning Commission may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

- H. Where adjacent land includes open space, public land, or existing or planned bike paths, open space connections will be provided between the PUD site and adjacent open space, public land, or existing or planned bike paths. Trails between adjoining open space development, public land, or existing or planned bike paths will be constructed to allow future interconnection between developments.
- I. Designated open space will be set aside through an irrevocable conveyance, approved by the Township attorney, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement, or land trusts. The dedicated open space will forever remain open space, subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easements for utilities, will be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan will require Planning Commission approval and may not diminish compliance with the requirements of this Article.
- J. Nothing herein will prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
- K. Allowable uses of the dedicated open space will be indicated in the conservation easement or other legal instrument and will prohibit the following:
1. Dumping or storing of any material or refuse;
  2. Activity that may cause risk of soil loss, with the exception of agricultural uses;
  3. Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation; and
  4. Use of pesticides, herbicides, or fertilizers either within or adjacent to (within one hundred [100] feet of) water bodies and wetlands, unless required by the MDNR/MDEGLE to manage nuisance species.
  5. Requirements for maintenance of the open space will be provided, including that the dedicated open space will be maintained by parties who have an ownership interest in the open space. In the event that the open space is not adequately maintained or is determined by the Zoning Administrator to be a public nuisance, the costs for maintenance will be assessed upon the owners of the open space. If the open space is maintained by a development, a property owners' association must be established. This association, through covenants and deed restrictions, must be legally capable of assuming and will assume the obligation to maintain the common open space as required by this Section.

## Section 14.10 Application and Review Procedures

- A. The procedures in this Section will be followed when applying for PUD approval as provided for by this Article.
- B. **Pre-Application Conference.** Prior to the submission of an application for PUD approval, the applicant may meet with the Planning Commission for the purpose of preliminary discussion and review regarding the eligibility for consideration, appropriateness, general content, and design approach of a proposed PUD. An applicant desiring a pre-application conference must submit to the Zoning Administrator a written request that the conference be placed on the Planning Commission's agenda for a regular monthly meeting.

If multiple meetings are desired, a fee, established by the Township Board, will be charged for each meeting after the first.

No formal action will be taken at a pre-application conference. Statements made by any person during the course of a pre-application conference will not be deemed to constitute legally binding commitments.

- C. **Preliminary PUD Review.** The Preliminary PUD review is the first step of the two-step PUD approval process. It is an opportunity for the Township to review the plans and make sure they satisfy the standards and intent of this Ordinance prior to further development of the PUD plans and investment in the project.
1. **Preliminary PUD Application.** An application for preliminary PUD approval requires submission of twelve (12) copies of the following items to the Zoning Administrator, not less than thirty-five (35) consecutive days and to the Planning Commission not less than fourteen (14) consecutive days prior to the regular Planning Commission meeting at which the request will first be considered:
    - a) Application fee in the amount established by the Township Board.
    - b) A completed application form as supplied by the Township. The application form must be signed by the applicant, and by the owners of all of the land to be included within the PUD (if different than the applicant). The application will include a request to rezone the affected lots to the appropriate district. The Zoning Administrator shall determine the completeness of the application form submitted.
    - c) Twelve (12) copies of the 24x36in Site Plans bearing the seal of the engineer/surveyor preparing the Site Plan, containing all information as specified in Article 16, encompassing all phases of the proposed PUD.
    - d) A preliminary site plan, containing all information as specified in Article 16, encompassing all phases of the proposed PUD.
    - e) A parallel plan, as described herein.
    - f) The legal description of the land included within the PUD.
    - g) A thorough, written narrative responding to the following:
      - i) Method of financing;
      - ii) The reasons why the proposed project qualifies as a PUD;
      - iii) The reasons why PUD is preferred at this location;
      - iv) The possible impacts of the proposed development on adjacent properties;
      - v) The potential benefits of the development to the Township; and
      - vi) A description and rationale for modifications to Ordinance standards.
    - h) Legal documentation that the proposed site is under single ownership, single control, or joint unified control in the form of agreements, contracts, covenants, and deed restrictions. If the applicant is not the property owner, then documentation bearing the notarized signature of the property owner shall be submitted giving the applicant the authority to submit the request.

- i) Any additional information that the Zoning Administration or Planning Commission determines is reasonably necessary to demonstrate compliance with the standards of this Ordinance, which may include but not be limited to soil reports, hydrological tests, traffic input studies, or wetland determinations.
- j) The Planning Commission may waive any of the application requirements provided above (except for the application fee), if the Commission determines that the requirement to be waived is not applicable to the PUD under consideration or is otherwise unnecessary to meet the intent and purposes of this Article.

**2. Public Hearing; Review and Action by Planning Commission; Conditions of Approval.**

- a) Upon receipt of a completed application for preliminary PUD review, the Planning Commission shall hold a public hearing. Notice of the public hearing will be published in a newspaper of general circulation in the Township no less than fifteen (15) days prior to the hearing. If the proposed PUD involves ten (10) or fewer lots, the notice will also be mailed to all property owners within three hundred (300) feet of the subject property as well as all occupants of buildings within three hundred (300) feet. If eleven (11) or more lots are involved, the notice is not required to be mailed.
- b) Within a reasonable time following the public hearing, the Planning Commission will review the application and make a decision whether to approve, approve with conditions or deny the preliminary PUD application. The Planning Commission may approve the request only if the proposed PUD meets all of the standards for PUD approval contained herein. The Planning Commission will issue a report stating its conclusions regarding the application, the basis for its recommendations, and any conditions imposed in connection with a decision to approve the request.
- c) The Planning Commission will provide the applicant with a copy of the Commission's report and recommendation regarding the request for PUD approval.

**D. Review of PUD Rezoning; Effect of Decision.**

1. A PUD shall also require rezoning of the proposed site to PUD, to be tentatively approved upon approval of the preliminary PUD.
2. Denial: If the Planning Commission issues a denial of the preliminary PUD, no action shall be taken on the PUD rezoning. Re-submittal of a denied application will be considered a new application.
3. Approval or Approval with Conditions:
  - a) If the Planning Commission issues an approval of the preliminary PUD, it shall subsequently make a recommendation to the Township Board regarding the request to rezone the property to PUD.
  - b) The Township Board shall review the rezoning request, the associated PUD agreement, and the recommendation of the Planning Commission following the procedures provided in the Zoning Act and this Ordinance.
  - c) The Township Board shall make a decision to approve or deny the rezoning request. The rezoning will not become effective until approval of the final PUD plan. Final approval of the PUD plan may only occur after all site plan and development agreement requirements are met. Further, no building or zoning compliance permits will be issued for any part of

the PUD project before the final approval is granted.

- d) Approvals may include a performance bond or similar guarantee in order to ensure the completion of required improvements or the protection of significant natural features.
- e) Approval of a preliminary PUD plan does not guarantee approval of a final PUD plan.
- f) Approval by the Planning Commission of the preliminary PUD shall be valid for a period of one (1) year, during which a final PUD plan shall be submitted.
  - i) If a final PUD plan is not submitted within the one (1) year period, the preliminary PUD plan approval will lapse. The Planning Commission may extend the time for submission of the final PUD plan for one (1) year if the applicant requests an extension prior to the expiration of the initial period. Only one (1) such extension may be granted.
  - ii) If the PUD is proposed for construction in phases, a final PUD plan for at least the first phase of the construction will be submitted within the time limitations contained in this Section. Final plans for subsequent phases will be submitted within a three (3) year period starting with the approval of the preliminary plan, unless an alternate schedule is approved by the Planning Commission.
  - iii) If the final PUD development is not completed within three (3) years of approval of the Final PUD plan, approval of the final PUD shall expire. The Planning Commission may grant a reasonable extension if requested by the applicant provided the need for the extension can be explained and it is likely the PUD will be developed within the extended period.
  - iv) If a preliminary PUD approval lapses due to failure of the applicant to submit a final PUD application within the time limitations contained in this Section, a new preliminary PUD application must be submitted for review by the Planning Commission in conformity with the then existing provisions of this Ordinance.
  - v) Approval of a preliminary PUD plan does not guarantee approval of a final PUD plan.

#### E. Final PUD Review.

1. **Final PUD Application.** Application for final PUD approval may be requested for an entire PUD, or for one (1) or more sequential phases of the PUD if the phases conform to the provisions for phased development contained in the preliminary PUD approval. The Planning Commission shall be the approval authority for a final PUD approval. Application for final PUD approval will be made by submittal of twelve (12) copies of the following items to the Zoning Administrator not less than thirty-five (35) consecutive days and to the Planning Commission not less than fourteen (14) consecutive days prior to the Planning Commission regular meeting at which the request will first be considered:
  - a) A completed application form as supplied by the Township. The application form must be signed by the applicant, and by all the owners of the land to be included within the PUD, if different than the applicant.
  - b) Application fee as established by resolution of the Township Board.
  - c) A final site plan containing all of the information required as part of the preliminary

- approval and this Ordinance.
- d) Typical elevation sketches, with identification of facade materials, of all sides of each principal building type included in the PUD, drawn at a scale of one (1) inch equals eight (8) feet.
  - e) Summary data schedules containing the following:
    - i) Total gross site area;
    - ii) Area of existing or proposed rights-of-way;
    - iii) Area and percentage of site covered by buildings;
    - iv) Area and percentage of site covered by pavement;
    - v) Area and percentage of total open space;
    - vi) For residential developments, number, sizes and bedroom mix of proposed dwelling units; and
    - vii) For commercial developments, total floor area for each category of commercial use.
  - f) Proof of compliance with reviews and approvals from required external agencies such as Allegan County Road Commission, Allegan County Drain Commissioner, MDNR/MDEGLE, and Allegan County Health Department.
  - g) Written documentation indicating compliance with preliminary PUD plan and any conditions of approval.
  - h) A draft planned unit development agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the planned unit development proposal will be based. The planned unit development agreement will, at minimum, include the following:
    - i) A certified boundary survey describing the land and acreage that is subject to the agreement;
    - ii) A description of the permitted uses of the property, the density or intensity of use, and the maximum height, required setbacks, and maximum size of proposed buildings;
    - iii) List of all plans, documents, and other materials submitted by the applicant;
    - iv) A copy of the approved preliminary PUD site plan signed by the applicant and Planning Commission;
    - v) Review and explanation of all special provisions agreed to by the applicant and Township in conjunction with the proposed planned unit development project;
    - vi) A phasing schedule for the development;
    - vii) An explanation of and detailed designs for all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed planned unit development project;
    - viii) The form of ownership of the developed land and the form of ownership of any

common areas in addition to the means to maintain those common areas;

- ix) Description of any required dedications and permits;
- x) Provisions for the protection of significant natural or existing features prior to development;
- xi) Any condition placed upon the PUD by the approval process;
- xii) Applicability of future amendments to the general zoning regulations to land that is subject to the proposed planned unit development agreement; and
- xiii) Extent to which the planned unit development plan may be modified subject to Township approval.
- xiv) Plans for perpetual maintenance. This can include maintenance tasks, responsible party, succession planning, frequency of maintenance tasks, and other maintenance plan elements as deemed necessary by the Planning Commission.
- xv) The Planning Commission may waive any of the application requirements provided above (except for the application fee), if the Commission determines that the requirement to be waived is not applicable to the PUD under consideration or is otherwise unnecessary to meet the intent and purposes of this Article.

## **2. Review of Final PUD Application by Planning Commission.**

- a) The Planning Commission will review the final PUD application, and will approve, approve with conditions, or deny it.
- b) The final PUD plan may be approved only if:
  - i) The PUD as proposed meets all of the standards for approval as provided in this Article;
  - ii) The PUD as proposed is consistent with the intent of the Master Plan; and
  - iii) The final PUD plan is consistent in all significant respects with the preliminary PUD plan as approved by the Planning Commission, including any conditions imposed by the Commission on the preliminary PUD plan approval. Specifically, any major changes to the preliminary PUD plan may need to be reprocessed as a new PUD.
- c) Reasonable conditions may be imposed by the Planning Commission in conjunction with a final PUD approval, for the purpose of:
  - i) Ensuring that public services and facilities affected by the PUD will be capable of accommodating increased services and facility loads caused by the PUD;
  - ii) Protecting the natural environment and conserving natural features and energy;
  - iii) Ensuring compatibility with adjacent uses of land; and
  - iv) Promoting the use of land in a socially and economically desirable manner.
- d) Any conditions imposed will also meet all of the following requirements:
  - i) Be designed to protect natural features and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a

whole;

- ii) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity; and
  - iii) Be necessary to meet the intent and purpose of this Ordinance and be related to the objective of ensuring compliance with the standards of this Ordinance.
- e) Performance guarantees to assure compliance with an approved final PUD plan and conditions of final PUD approval may be required by the Planning Commission as authorized under the Zoning Act. The performance guarantee may consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond, in a form acceptable to the Township, covering the estimated costs of improvements associated with the PUD. The performance guarantee will be deposited with the Township Clerk at the time of issuance of the permit authorizing the improvement activity or project. If requested by the depositor, the Township will rebate a proportional share of any cash deposit, based on the percentage of work completed on the date of the request for the rebate, as attested to by the depositor and verified by the Zoning Administrator.
- f) The Planning Commission will prepare a written report stating its conclusions on the request for approval, the basis for its decision, and any conditions relating to an affirmative decision.

## Section 14.11 Standards for PUD Approval

- A. An approval, approval with conditions, or denial of a preliminary PUD plan or final PUD plan will be determined by the Planning Commission based on consideration of the standards below:
1. The documentation is complete, unless a requirement is specifically waived by the Planning Commission.
  2. The standards of this Ordinance are met unless specifically noted modifications have been granted.
  3. The goals and objectives of the Master Plan are satisfied.
  4. Adjacent properties are not adversely affected.
  5. Unless specifically waived or modified by this Article or the Planning Commission, all Ordinance requirements for the underlying zoning district are met.
  6. Minimum lot area and setback standards may be modified, if necessary, based on sound planning and design principles, taking into account the degree of compatibility with adjoining uses, sensitivity to characteristics of the site, the need for access by emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents of the development.
  7. Ordinance requirements for screening, parking, and landscaping will be considered if existing standards are modified.
  8. The required setbacks along Lake Michigan, Hutchins Lake, M-89, and Blue Star Highway shall not be reduced.



9. The development shall meet the standards of Section 16.06 for site plan review.
  10. The layout of streets will generally provide a continuous circuit of travel or permit such an extension in the future. Where the development is limited by natural barriers or existing use of the land, a cul-de-sac design may be approved provided that an easement or right-of-way is reserved extending from the cul-de-sac to the development boundary. If possible, where a street of an existing development terminates at the boundaries of the proposed development, the proposed street network will provide a connection to eliminate the overuse of cul-de-sacs and single access points. These requirements may be waived by the Planning Commission where natural barriers or other similar conditions exist that make such arrangements not feasible. All private roads must comply with the Township's private road standards (see Section 3.20).
- B. Density bonuses will not allow more than 15 dwelling units to be served by a private road that is part of a PUD.
  - C. All utility lines within the development will be underground.
  - D. Plans must satisfy the minimum parking and design requirements of Article 17.
  - E. All parking and loading areas servicing non-residential uses will be to the rear or side of the applicable building and fully screened from view of any public street.
  - F. The PUD shall not result in a significant increase in demand for public services or facilities when compared to the parallel plan relative to the development.
  - G. The PUD shall protect the natural environment and significant features better than conventional development could at the same location.
  - H. The PUD shall establish a safe and efficient circulation system that is integrated into the existing and potential street network, provide for the pedestrian, and minimize impacts of parking, loading, and access areas. The Planning Commission, at their discretion, may solicit at the applicant's expense input or recommendations from a licensed engineer as to ensure that the proposed circulation system meets minimum requirements and best practices for road materials and design, road connectivity, pedestrian connectivity, and other elements.
  - I. The PUD shall create a coordinated, visually appealing development by emphasizing the relationship between building form, signage, landscaping, and the overall theme of the development.
  - J. The PUD shall result in recognizable and substantial benefits to its residents as well as residents of the surrounding property and Township, particularly when compared to the potential benefits of conventional zoning at the site.

### **Section 14.12 Effect of Final PUD Approval**

- A. Following final PUD approval, no construction will be undertaken on the land included within the PUD except in conformity with the final PUD plan and any conditions imposed in connection with the final PUD approval.

- B. Upon approval of the final PUD, the planned unit development agreement will be reviewed by the Township attorney. When in final form, the agreement will be executed by the Township and the applicant and recorded at the Allegan County Register of Deeds, at which time approval of the final PUD will take effect.
- C. Prior to granting any permits for private construction within the development, as-built drawings of approved infrastructure improvements and copies of the recorded PUD agreement and other documents must be submitted to the Zoning Administrator.

### **Section 14.13 Changes to Approved PUD**

- A. An approved final PUD plan and any conditions imposed upon final PUD approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant.
- B. Except for changes determined to be minor changes as provided by Subsection C, changes to an approved final PUD plan or to any conditions imposed on final PUD approval will be reviewed and approved, approved with conditions, or denied by the Planning Commission pursuant to the procedures provided by this Article for an original request for final PUD approval.
- C. Minor changes to a final PUD plan may be approved by the Zoning Administrator, or their designee, without review by the Planning Commission, subject to the following limitations and provisions of this Ordinance.
  - 1. The size of residential buildings may be reduced by five (5) percent or increased by five (5) percent, provided that there will be no increase in the number of dwelling units.
  - 2. Gross floor area of non-residential buildings may be reduced by five (5) percent or increased by five (5) percent, or no more than five thousand (5,000) square feet, whichever is less.
  - 3. Floor plans may be revised, if consistent with the character of the use.
  - 4. Horizontal and vertical elevations may be altered up to five (5) percent but may not exceed the minimum or maximum standards of the PUD agreement.
  - 5. Building footprints may be relocated by up to five (5) feet, unless a specific setback or separation distance is imposed as a condition of approval.
  - 6. Areas designated as "not to be disturbed" may be increased in area.
  - 7. Plant materials included in the final PUD plan may be substituted by similar types of landscaping on a one (1) to one (1) or greater basis.
  - 8. Improvements to access and circulation systems may be made, such as addition of acceleration/deceleration lanes, boulevards, curbing, pedestrian/bicycle paths.
  - 9. Changes in exterior materials may be made, provided that the proposed materials are of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
  - 10. Signs may be reduced in size, and sign setbacks may be increased.
  - 11. Parking spaces in a parking lot may be internally rearranged, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created by the redesign.

12. Changes required or requested by the Township, County, or State for public health or safety reasons may be made.
- D. The Zoning Administrator may refer a decision regarding any proposed change to a final PUD plan (including any change which is a minor change under this Section) to the Planning Commission for review and consideration by the Planning Commission.

### **Section 14.14 Commencement of PUD Construction**

- A. Construction must be commenced and proceed meaningfully toward completion within one (1) year from the date of final PUD approval for all or any phase of a PUD. Construction of each phase of a multi-phased PUD will be commenced within one (1) year of the schedule established for the phase as approved for the PUD.
- B. If construction is not commenced within the applicable one (1) year period, approval of the final PUD plan will lapse. However, the Planning Commission may extend the time for commencement of construction for one (1) year if the applicant requests an extension prior to the expiration of the one (1) year period. Only one (1) such extension may be granted. The applicant must demonstrate to the satisfaction of the Planning Commission that the extension is justified either:
1. Because the delay is due to unforeseen difficulties beyond the reasonable control of the applicant, and there remains a likelihood of proceeding to completion with the PUD; or
  2. Upon other good cause shown by the applicant.
- C. If the Zoning Administrator determines that construction has not commenced or is not proceeding meaningfully toward completion within the required time period as provided by this Section, the Zoning Administrator will provide written notice of that failure to the applicant (and to the owners of the land located within the PUD, if different than the applicant) at least fourteen (14) days prior to the expiration of the applicable required time period.
- D. If final PUD approval lapses as provided by this Section due to a failure to commence construction and proceed meaningfully toward completion within time periods provided by this Section, a new application for final PUD approval must be submitted for review by the Planning Commission under the then applicable provisions of this Ordinance.

### **Section 14.15 Appeals**

- A. PUD decisions granting or denying a proposal, or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted.

# Article 15.

## Site Condominiums

### Section 15.1 Purpose

- A. Site Condominium projects are residential condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building, or other improvements may be constructed by the condominium unit owner.

Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.

The Site Condominium may not be approved if it is used for the sole purpose of increasing density, increasing intensity of development, or avoiding land division requirements.

Site Condominium decisions granting or denying a proposal, or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a Site Condominium may be appealed to the Zoning board of Appeals, nor shall an application for variance be accepted.

### Section 15.2 Definitions

- A. For the purposes of this Section, the following words and phrases are defined as follows:
1. "Building envelope" means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.
  2. "Building site" means either:

- a) The area within the site condominium unit by itself (i.e. exclusive of any appurtenant limited common element), including the area within the building envelope and the area around and contiguous to the building envelope; or
  - b) For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard and density requirements) or with other applicable laws, ordinances or regulations, a “building site” shall be considered to be the equivalent of a “lot.”
3. Condominium Act” means Public Act 59 of 1978, as amended.
  4. “Limited common element” means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.
  5. “Site condominium project” means a plan or project consisting of not less than two site condominium units established in compliance with the Condominium Act.
  6. “Site condominium unit” means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
  7. Except as otherwise provided by this Article, the following words and phrases, as well as any other words or phrases used in this Article which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: “common elements”; “condominium documents”; “condominium unit”; “contractible condominium”; “convertible area”; “expandable condominium”; “general common elements”; and “master deed”.

### Section 15.3 Compliance with Standards

- A. In addition to complying with all requirements of the Condominium Act, Public Act 59 of 1978 as amended, the following standards shall also be complied with:
  1. **Zoning Standards.** A residential site condominium development shall be subject to all the requirements and standards of the applicable Zoning District in which the development is located.
  2. **Engineering Standards.** The design of a residential site condominium project shall be subject to the design layout and engineering standards, as provided in the following subsections, except as may otherwise be provided by the Zoning Ordinance.
  3. **Open Space.** All residential site condominium developments, unless otherwise required in this Ordinance, shall provide and maintain at a minimum thirty percent (30%) usable open space for the residents of the development as follows:
    - a) **Character and Arrangement.** The arrangement and characteristics of such open space shall reflect good planning and design principles, and shall take into account the following considerations:
      - i) Open spaces shall be conveniently located in relation to dwelling units. Open Space

- areas shall be accessible by all persons in the development either by access from the roadway or pedestrian easement.
- ii) Open spaces shall have reasonable, minimum dimensions that are usable for the functions intended and will be maintainable. The minimum dimensions of open space shall be one hundred (100) feet by one hundred (100) feet, unless used for trails or otherwise approved.
  - iii) Open spaces shall be integrated into the overall design of the development.
  - iv) Natural amenities such as, but not limited to ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams, and wetlands shall be preserved as part of the open space.
  - v) Non-contiguous off-site open space is not allowed to satisfy these requirements.
- b) **Protection of Open Space.** The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:
- i) Describe the permitted activities within the dedicated open space, and assure permanent protection from all forms of development, except as shown on an approved site plan.
  - ii) Identify who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded, and what standards shall be applied to such maintenance.
  - iii) Be submitted at the time of the Preliminary Site Condominium Plan Review stage and approved during the Final Site Condominium Plan Development Review. The legal instrument by which the open space is dedicated shall be submitted to and approved by the Township Attorney prior to Final Site Condominium Review at the applicant/developers' cost.
  - iv) Upon approval the applicant shall record the open space conveyance with the Allegan County Register of Deeds. A recorded copy shall be given to the Township prior to issuance of any construction permits. The conveyance shall be binding upon the applicant/developer and all successors and assigns of the grantor and grantee of all lots or parcels within the project area.
- c) **Areas not Considered Open Space.**
- i) Common open space shall not include proposed street right-of-ways, open parking area or commercial areas, areas proposed as single-family residential lots or site condominium units, or areas proposed to be occupied by dwellings.
4. **Site Circulation.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles, and pedestrians throughout the proposed development and to and from surrounding areas in a safe and convenient manner. Developments in excess of 50 units shall at the discretion of the Planning Commission provide a minimum of two methods of ingress and egress. Any improvements, if necessary, shall be at the applicant's expense. All sidewalks and pedestrian walkways shall comply with the standards set forth by Township Ordinances.

5. **Streets.** All public and private streets within a residential Site Condominium shall comply with the applicable standards of the Allegan County Road Commission and Ganges Township Zoning Ordinance Section 3.20.
6. **Sidewalks.** Sidewalks may be installed in all residential site condominium developments. If installed, access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Sidewalks shall conform to the following requirements:
  - a) All sidewalks must be a minimum of five feet (5') in width and constructed to meet any other design standards established by Ganges Township.
  - b) Sidewalks and curb ramps must be ADA compliant.
7. **Easements.** The following requirements apply to easements located within site condominiums.
  - a) Location of utility easements shall be provided as necessary for utilities.
  - b) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
  - c) Drainage easements shall be provided, which conform substantially to the lines of any natural watercourse, drainage ditch, channel, or stream. Such easements shall be of adequate width for the particular conditions of the site and shall meet with the approval of the Allegan County Drain Commissioner.
8. **Utilities and Improvements.** Utilities and improvements installed or proposed in site condominium developments shall conform to the following standards:
  - a) **Storm Drainage.** An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances, as approved by the appropriate Ganges Township or Allegan County agencies, shall be required in all residential site condominium developments.
    - i) Adequate provisions shall be made for proper drainage or storm water from the rear yards of condominium units.
    - ii) Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise.
    - iii) The Planning Commission may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the County when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the Township.
    - iv) The Allegan County Drain Commissioner shall review all plans for storm drainage and approve the proposed storm drainage system and grading prior to final approval.
  - b) **Sewage Disposal.** Each unit in the residential site condominium shall be provided with adequate sanitary sewage disposal capabilities constructed in such a manner so as to

- adequately serve all condominium units shown on the condominium subdivision plan. Private systems must be approved by the Allegan County Environmental Health Department prior to Final Site Condominium Plan approval. All sewer mains and appurtenances should be located in general common elements or easements where possible.
- c) **Water Supply.** Each unit in the development shall be provided with adequate water supply capabilities that are constructed in such a manner so as to adequately serve all condominium units. All common or private wells must be approved by the Allegan County Environmental Health Department prior to Final Development Plan approval.
  - d) **Telephone lines, Electric lines, Television lines, etc.** All utility lines within a residential site condominium project shall comply with the following requirements:
    - i) The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways.
    - ii) Overhead lines may be permitted upon the approval of the Planning Commission at the time of the preliminary plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development, and as absolutely necessary for the provision of that particular utility line. The Planning Commission, at their discretion, may seek the opinion from the Zoning Administrator, Township Engineer of record, or another outside party as deemed appropriate to aid in making this determination.
    - iii) All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities.
    - iv) All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations that traverse private property shall be protected by easements granted by the proprietor.
9. **Availability and Capacity of Public Services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and storm water management facilities, availability of water, and capacity of existing or planned sanitary sewer facilities. The appropriate County agency and the Planning commission shall approve all facility improvements necessary for the development due to exceeding existing or planned public services and facilities. All such improvements shall be funded by the applicant.
10. **Condominium Units.** All residential condominium units within site condominium developments shall conform to the following standards:
- a) The residential condominium unit size, width, depth, and shape in any site condominium shall meet the approval of the Planning Commission and shall be appropriate for the location and type of development contemplated.
  - b) Residential condominium units shall be of such size as to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from



the street line and allow sufficient space for household purposes.

- c) Residential condominium units shall be designed so that the building site areas and widths and building setback lines shall conform to at least the minimum requirements of the Ganges Township Zoning Ordinance for the District in which the site condominium is proposed.
  - d) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 4 to 1 shall be considered a maximum.
  - e) Every condominium unit shall front or abut on a street which provides general ingress and egress to the unit.
  - f) Side condominium unit lines shall be at right angles or radial to the street lines.
  - g) Condominium units shall have a front-to-front relationship across all streets where possible.
11. **Ownership.** At the time of preliminary Site Condominium approvals, the proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for the development of the project. This provision shall not prohibit a transfer of ownership or control of separate phases subsequent to preliminary site condominium approval of the overall development.
12. **Phasing.** Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of services and facilities, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the development and residents of the community. Phased projects shall comply with the following requirements:
- a) A description of the phased process in writing, signed and dated by the applicant, that describes all work to be done in each phase and the proposed timing shall be submitted to the Planning Commission with the preliminary plan.
  - b) Construction for each phase shall commence within one (1) year of the schedule set forth in the phasing plan or the phasing plan will expire.
  - c) The applicant may at any time following approval of the Preliminary Site Condominium Plan and phasing plan submit a revised phasing plan for approval by the Planning Commission. The revised plan shall be accompanied by a statement indicating the conditions which made the previous phasing plan unachievable. Once construction has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved development, as determined by the Planning Commission.
  - d) A phase shall not be substantially dependent upon subsequent phases for safe and convenient vehicular and pedestrian access.
  - e) All of the required open space for a site condominium development shall be approved by the time 50% of the development has successfully passed through the Final Site Condominium process.
  - f) Each phase shall require Final Site Condominium review and approval and be consistent with the approved Preliminary Site Condominium Plan and agreements.

13. **Landscaping.** A landscaping plan shall be submitted with both the Preliminary and Final Site Condominium plans.
14. **Schools.** Streets and pedestrian walkways shall be designed and located to facilitate the ability of students to make the best and safest use of existing schools and school related facilities.

## Section 15.4 Application, Review, and Approval Procedure

A. The procedures in this Section will be followed when applying for Site Condominium approval as provided for by this Article.

1. **Pre-Application Conference.** Prior to the submission of an application for Site Condominium approval, the applicant may meet with the Planning Commission for the purpose of preliminary discussion and review regarding the eligibility for consideration, appropriateness, general content and design approach of a proposed Site Condominium. An applicant desiring a pre-application conference must submit to the Zoning Administrator a written request that the conference be placed on the Planning Commission's agenda for a regular monthly meeting. The request must be submitted at least 14 days prior to the Planning Commission meeting at which the conference is to take place.

If multiple meetings are desired, a fee, established by the Township Board, will be charged for each meeting after the first.

No formal action will be taken at a pre-application conference. Statements made by any person during the course of a pre-application conference will not be deemed to constitute legally binding commitments.

2. **Preliminary Site Condominium Plan.**

- a) **Application.** A fully completed application, payment of appropriate fees as established by the Township Board, and a Preliminary Site Condominium plan shall be submitted to the Planning Commission. Twelve (12) 24x36in copies of the Preliminary Site Condominium Plan bearing the seal of the engineer/surveyor preparing the Site Plan shall be submitted to the Zoning Administrator not less than thirty-five (35) consecutive days and to the Planning Commission not less than fourteen (14) consecutive days prior to the regular Planning Commission meeting at which the application will first be considered:
- b) **Narrative.** A written statement shall state the following overall objectives of the proposed development:
  - i) Describe how the proposed project satisfies the requirements provided in this Section III.
  - ii) Review possible impacts on public facilities and services
  - iii) Identify benefits to Ganges Township
  - iv) Provide details and reasons for any proposed modifications or variances required from Zoning Ordinance provisions
  - v) Include a detailed description of the proposed uses, building and site improvements, phasing plans, and open spaces.

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- c) **Required Information.** The following written documentation and graphical information shall be included as part of any Preliminary Site Condominium application submitted for review and approval by the Planning Commission:
- i) Documentation that the application satisfies the standards of Section III General Requirements.
  - ii) Total site acreage and percent of total development area in various uses, including the open space.
  - iii) Identification and descriptions of any proposed modifications from the standards of this Ordinance.
  - iv) An overall Landscape Plan for the development site and illustrating the landscaping planned for the open space and common areas, the plans for existing landscaping, street trees, and landscaping concepts to be applied to the development sites within the Site Condominium.
  - v) Depiction of proposed development phases and estimated schedule for completion.
  - vi) Other data and graphics that will serve to further describe the proposed Site Condominium, and any additional information required by the Zoning Administrator or Planning Commission to ensure complete and efficient review of the proposed development.
3. **Contents of Preliminary Site Condominium Plan.** A preliminary site condominium plan shall include the documents and information required by Section 66 of the Condominium Act and shall also include the following as determined necessary by the Planning Commission for Preliminary Site Condominium Plan review. All maps shall be at scale of not more than 100 feet to 1 inch. The site condominium plan shall comply with the requirements for a site plan (Article 16) in addition to the following:
- a) The name or title of the proposed project.
  - b) Legal description of the proposed project together with appropriate tax identification numbers.
  - c) The name, address and telephone number of the developer and property owner(s).
  - d) A small-scale vicinity map showing the location of the project within the Township, and the name and location of abutting subdivisions and site condominiums.
  - e) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the project.
  - f) Location and dimension of building sites, radii of all curves and location of all setback lines. Lot width shall be shown for each lot, at the required front setback line.
  - g) When any part of the project lies within or abuts a floodplain area, the floodplain area shall be clearly labeled on the plan with the words "floodplain area."
  - h) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 50 feet of the project.
  - i) Existing and proposed topographic elevations at 2 foot intervals on the site and to a

distance of 50 feet outside the boundary lines of the project.

- j) Location of the following: abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site; driveways opposite the site and driveways within 50 feet on either side of the project; and proposed driveway width, curb radii and design of deceleration lanes.
- k) Additional street right of way or easements as required by the Allegan County Road Commission.
- l) Proposed pedestrian ways and street lighting, if any.
- m) Grading plan showing proposed grading to be completed on site in preparation of development.
- n) Existing zoning and use of the proposed project.
- o) The location of all existing off-site features within 50 feet affecting the project, such as railroads, buildings, trees, ditches, water courses and other physical features.
- p) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands located on the site.
- q) A utility plan showing the location and size of all water and sewer lines, hydrants, equipment and facilities and easements to be granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- r) A storm drainage and a storm water management plan indicating the direction of storm water drainage and how storm water runoff will be handled, where storm water will be ultimately discharged such as a creek, stream, lake or wetland. The plan shall include all lines, swales, drains, basins and other facilities and easements to be granted to the appropriate public or private entity for inspection, repair and maintenance of all drainage facilities.
- s) If the project is contiguous to other lands owned or under the control of the applicant, a map showing the proposed street layout and access for subsequent development.
- t) A street construction and paving plan and a maintenance plan for all private streets within the project.
- u) Profiles and details of road construction and paving areas.

#### 4. **Impact Statement.**

- a) The Planning Commission may require the applicant to prepare and submit, at the developer's cost, a developmental impact statement, describing in detail the effect and impact, whether adverse or otherwise, that the proposed development and land use will have, or may have, upon or with respect to any of the following:
  - i) A traffic study which will include the projected traffic trips generated from the completed site condominium, traffic counts, existing levels of service and a road capacity analysis for the roads serving the development.
  - ii) An analysis of the impact the development will or may have on public safety and

- protection services, and the measures to be taken to address those impacts.
- iii) An analysis of the impact the development will or may have on existing water and sewer facilities, and the measures to be taken to address those impacts.
  - iv) A local school system impact statement. This statement shall address current school capacities as well as the projected impact that the development will have on the school systems.
  - v) A property value impact statement. This statement shall address the current property values in the surrounding areas and any potential impact that the proposed development will have or may have on these property values.
  - vi) A listing of any historical structures or places and any archaeological sites or artifacts that may lie within the boundaries of the development.
- b) The developmental impact statement shall include statements and comments from the following public agencies or officials, as applicable, concerning any aspects of the proposed land use within their respective responsibilities and jurisdictions:
- i) County Health Department
  - ii) County Road Commission
  - iii) County Drain Commissioner
  - iv) County Planning Commission
  - v) Michigan Department of Natural Resources
  - vi) Michigan Department of Environment, Great Lakes and Energy
  - vii) Michigan Department of Transportation
  - viii) Intermediate School District and local Board(s) of Education
  - ix) County Sheriff's Department
  - x) Local Fire Department
  - xi) Other agencies as determined appropriate by the Planning Commission
5. **Technical Review.** Prior to the public hearing, the development application and development plan shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the application and development plan to applicable outside agencies and designated Township consultants for review.
6. **Public Hearing.** Upon receipt of a complete Preliminary Site Condominium submittal, a public hearing shall be scheduled and held before the Planning Commission in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended
7. **Planning Commission Review.**
- a) To determine the Preliminary Site Condominium approval, the Planning Commission must find that the proposed development meets the following standards:
    - i) Granting the request will result in a recognizable and substantial benefit to the

- ultimate users of the project and to the community.
- ii) The site condominium is designed to ensure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.
  - iii) The site condominium is designed to protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
  - iv) The site condominium is designed and laid out to preserve and protect natural resources and natural features to the fullest extent possible.
  - v) The site condominium is designed to promote the use of land in a socially and economically desirable manner.
  - vi) The site condominium is compatible with the Township Master Plan objectives for the area and consistent with the intent and purpose of this Ordinance as presented in Section I.
- b) The Preliminary Site Condominium proposal and site plan shall be reviewed in relation to applicable standards and regulations as well as its consistency with the intent and spirit of the Ordinance and the Ganges Township Master Plan.
  - c) Based on the preliminary plan review, comments received during the public hearing, and any reports and reviews from consultants, staff, and other reviewing agencies, the Planning Commission shall take action to approve, approve with conditions, or deny. The applicants shall be notified of the decision within a reasonable time of that decision.
8. **Effect of Action of the Preliminary Site Condominium Plan.** Preliminary Site Condominium Plan approval is intended to provide direction for preparation of the Final Site Condominium Plan but shall not assure approval of the Final Site Condominium Plan.
- a) Preliminary Site Condominium Plan approval shall expire in 1 year after the date of approval, unless the Final Site Condominium Plan has been submitted to the Planning Commission for review. Upon written request, the Preliminary Site Condominium Plan approval may be extended for 1 year by the Planning Commission upon determining that site conditions have not changed in a way that would affect the character, design, or use of the site, that the applicant has made a reasonable attempt to satisfy the timing standards, and that the applicant is likely to submit a Final Site Condominium application within one year. If the Planning Commission denies the extension, the applicant may pursue development or use of the site under conventional zoning standards or may submit a new Preliminary Site Condominium Plan for further consideration.
  - b) Approval of a final preliminary site condominium plan by the Planning Commission shall serve as conditional authorization to commence with the construction of required improvements to the land in accordance with the approved preliminary site condominium plans and approval by the appropriate agencies per Section 16.7.D. Preliminary site condominium plan approval does not authorize the construction of buildings or uses on individual building sites or other structures.
  - c) No site improvements or changes shall be made on the property in connection with a proposed site condominium project except in compliance with a preliminary site

condominium plan as approved by the Planning Commission, including any conditions of approval. This provision shall apply to all phases of a multi-phased development project that have only received approval as part of an overall project site plan and which have not specifically been granted final preliminary approval.

**B. Final Site Condominium Review Procedures.**

1. Application. Following approval of the Preliminary Site Condominium Plan, the applicant shall complete and submit the required application form and fees, as established by the Township Board, and shall submit the Final Site Condominium Plan consisting of twelve (12) 24x36 inch copies of the Site Plan bearing the seal of the engineer/surveyor preparing the Site Plan not less than thirty-five (35) consecutive days and to the Planning Commission not less than fourteen (14) consecutive days prior to the regular Planning Commission meeting at which the application will be considered. This plan shall contain at a minimum the following information:
  - a) All information required under Preliminary Site Condominium approval.
  - b) Three (3) copies of as-built plans, bearing the seal from a registered licensed engineer, shall show all required private and public improvements which shall be reviewed by the Township Zoning Administrator for compliance with applicable Township ordinances.
  - c) Floor plans and elevation drawings for all non-residential buildings.
  - d) Landscape plan.
  - e) The location and type of any hazardous materials or landscape maintenance chemicals to be stored on the site.
  - f) A copy of all final agreements and the Master Deed which is to be recorded with the Allegan County Register of Deeds which shall be reviewed by the Planning Commission for compliance with the final Preliminary Site Condominium Plan as approved by the Planning Commission.
  - g) Projected time for completion of the entire project.
  - h) Proposed phasing, if any, and the projected time for completion of each phase.
  - i) Detailed plans addressing any special concerns or requests of the Township during the Preliminary Site Condominium Plan approval phase.
  - j) Any additional information necessary or requested by the Township to show consistency with the Preliminary Site Condominium Plan.
  - k) Letters of approval from all applicable agencies or utilities listed in Section V.B stating that improvements have been properly installed and inspected, and inspection fees paid, or that performance guarantees or other similar surety have been submitted for uncompleted improvements.

**C. Review of Preliminary Site Condominium Plan by Applicable Agencies.**

1. Prior to submittal of a project plan for Final Site Condominium Plan review by the Planning Commission, the applicant shall prepare and submit a preliminary site condominium plan to the following agencies for their information, review, comment, and and/or approval, as applicable:

- a) Allegan County Environmental Health Department
  - b) Allegan County Road Commission
  - c) Allegan County Drain Commission
  - d) Michigan Department of Environment, Great Lakes and Energy
  - e) Michigan Department of Natural Resources
  - f) The appropriate water and sewer authority(ies)
  - g) Michigan Department of Transportation
  - h) Ganges Township Fire Department
  - i) Gas and electrical utility corporations serving the area.
  - j) The applicable public school district affected by the project.
  - k) Other state and county review and enforcement agencies having jurisdiction or permitting authority over all or part of the project.
2. **Planning Commission Action.** The Planning Commission shall review the Final Site Condominium Plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies. The Planning Commission shall address whether the Final Site Condominium Plan conforms to the following objectives and requirements.
- a) The Final Site Condominium Plan is consistent with the approved Preliminary Site Condominium Plan, any conditions of approval, and the land use goals and objectives of the Township Master Plan.
  - b) All conditions of Preliminary Site Condominium Plan approval have been addressed.
  - c) All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.

Following the review, the Planning Commission shall approve, approve with conditions, or deny the plan setting forth the reasons for its decision.

Approval of the Final Site Condominium Plan by the Planning Commission shall allow the applicant to submit construction and building plans for the project to the Building Inspector for review. All construction and building plans and permits shall conform to the approved Final Site Condominium Plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final Site Condominium Plan.



3. **Expiration.** An approved Final Site Condominium Plan shall expire 365 days after the date of approval of the Final Site Condominium Plan, unless building permits have been issued or construction has commenced on the project or on the first phase of the project. If such construction has commenced, Final Plan approval shall continue for a period of three (3) years from the date thereof. For significant projects, this period may be extended. This should be done during Preliminary Site Condominium review and the agreed upon extension approval by the Planning Commission, however it may occur at any point prior to expiration. Any extension shall be tied to the phasing plan and any necessary amendments demonstrating when certain phases are to be completed and others are to commence. If construction lapses for more than 180 continuous days during the process, approval shall immediately expire. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site.
4. **Occupancy.** The Planning commission shall require that all required improvements be constructed and completed prior to the issuance of any occupancy permits or occupancy of any buildings. The Zoning Administrator may grant an occupancy permit or permission to occupy buildings before all required improvements are completed if:
  - a) The applicant provides a security, the form and substance of which shall comply with Article 15. Section F.5 below and be acceptable to the Planning Commission, in an amount equal to the cost of the improvements yet to be completed;
  - b) The improvements will be completed within six (6) months from the date the permit is issued; and
  - c) The health, safety, and welfare of the residents or occupants of the Site Condominium will not be impaired by the delay in completion of the improvements.
5. **Security for Completion.** As a condition of final site condominium plan approval and in lieu of completion of some or all required improvements, the Planning Commission may give final site condominium plan approval conditioned upon the developer providing a financial guaranty for performance as provided in this section.
  - a) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.
  - b) Security shall remain in force for a time to be specified by the Planning commission.
  - c) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in a form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.
  - d) The developer may request periodic reductions in the amount of security as public improvements are completed. Township Zoning Administrator may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

- e) Upon completion of all required improvements, one complete copy of as- built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk within 6 months of completion of required improvements.

**D. Expandable or Convertible Condominium Projects.**

1. Approval of a final site condominium plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards and requirements of this Article.

**E. Review and Approval of Changes to Approved Site Condominium Projects.**

1. Changes to an approved Final Site Condominium plan may occur only under the following circumstances:
2. **Notification.** A developer or property owner who has been granted final Site Condominium approval by the Planning Commission shall notify the Township Zoning Administrator if they desire to change an approved final development plan.
3. **Minor Changes.** The Zoning Administrator may approve minor changes to a final site condominium plan provided that the proposed revision does not alter the basic design or conditions of the plan. "Minor changes" are limited to the following:
  - a) For residential buildings, the size of structures may be reduced or increased by 5 percent provided that the overall number or density of units does not increase.
  - b) Square footage of nonresidential buildings may be decreased or increased by up to 5 percent (or 5,000 square feet, whichever is less).
  - c) The relocation of building footprints by not more than 5 feet, unless a specific setback or separation distance is imposed as a condition of approval.
  - d) An increase in area of the site designated as "not to be disturbed".
  - e) Landscape materials may be replaced by similar plant materials on a one- to-one basis or greater.
  - f) A revision in floor plans, if consistent with the character of the use.
  - g) Improvements made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, pedestrian and/or bicycle paths.
  - h) Changes made to exterior materials, if the changes provide for the use of materials of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
  - i) A reduction in the size of signs, or an increase in sign setbacks.
  - j) The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created by the redesign.
  - k) A change in the name of the development.
  - l) Other similar changes of a minor nature proposed to be made to the configuration, design,

layout, or topography of the site condominium which are not significant in relation to the development and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare.

4. **Major Changes.** The Zoning Administrator may refer any decision regarding any proposed change to the Final Site Condominium plan to the Planning Commission for review and approval. If the Planning Commission determines that the modifications significantly alter the intent of the original concept of the project, a new Final Site Condominium submittal, illustrating the modification and satisfying the requirements of E. Final Site Condominium Review Procedures on Pages 15-11 and 15-12, shall be submitted for review by the Planning Commission and the process for Final Site Condominium approvals shall be replicated.
5. **Preliminary Plan Amendments.** If the proposed change is to the Preliminary Site Condominium Plan, the same process and criteria listed above shall be used to determine if the amendment is major or minor. If it is a major amendment, the plan will be resubmitted for Preliminary Site Condominium Plan review.

**F. Incorporation of Approved Provisions in Master Deed.**

1. All provisions of a preliminary site condominium plan which are approved by the Planning Commission as provided by this Article shall be incorporated by reference in the master deed for the site condominium project. Further, all major changes to a project shall be incorporated by reference in the master deed. A copy of the master deed as filed with the Allegan County Register of Deeds for recording shall be provided to the Township within 10 days after filing the plan with the County.

## **Section 15.5 Exemption of Existing Project**

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

# Article 16.

## Site Plan Review

### Section 16.1 Purpose

The purpose of this Article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets, and on existing adjacent and future land uses, rural character, and the natural environment.

### Section 16.2 Site Plans Reviewed

In accordance with the provisions of this Article, a site plan review shall be required prior to the establishment of a new use or the erection of a building in the districts and conditions cited below.

- A. **Staff approval.** The following uses may be approved by the Zoning Administrator:
1. Single family dwellings/duplexes (except as may be provided in a site condominium development);
  2. Agricultural uses, buildings and structures;
  3. A change of use that does not change the building footprint if the use is allowed by right and if an approved site plan is on file;
  4. State licensed residential facilities as described in the MZEA Section 125.3206 Sec.206. 1. (a), (b), (c) as amended that do not require a Special Land Use.
  5. Accessory buildings and uses.
  6. Non-commercial wind energy conversion systems of 80 feet or less in height, with only one NWECS per parcel.
  7. Commercial small cell communications facilities of 75 ft. or less after initial approval by the Planning Commission.
- B. **Planning Commission approval.** Site plan review and approval by the Planning Commission is required as follows:
1. Special land uses in all zoning districts shall comply with the procedures requirements and standards established in Article 18.
  2. Site condominiums in all zoning districts shall comply with the procedures requirements and standards established in Article 15.

3. Planned unit developments shall comply with the procedures requirements and standards established in Article 14.
4. Open Space Preservation Projects shall comply with the procedures requirements and standards established in Section 3.26.
5. A change of use not covered by Section A.3 shall comply with the following requirements of this section, i.e. Sections 16.3 -16.9
6. All uses not addressed by staff approval as provided in A above and permitted in the Manufactured Home Community District; the Commercial District; and the Industrial District shall comply with the following requirements of this section. i.e. Section 16.3-16.9
7. A change of use in an existing facility to a use which is not allowed by right, or which creates the need for five (5) or more additional parking spaces, or where an approved site plan is not on file.

### **Section 16.3 Site Plan Review Requirements**

- A. **Optional Preliminary Site Plan Review.** Twelve (12) 12x18 inch copies of a preliminary site plan may be submitted by the applicant for review and comment by the Planning Commission prior to final site plan submittal. This site plan must be submitted to the Zoning Administrator not less than thirty-five (35) consecutive days and to the Planning Commission not less than fourteen (14) consecutive days prior to the next regular Planning Commission meeting. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Except for PUD and site condominium reviews, no formal action shall be taken by the Planning Commission at this level. The review is merely a work session for the developer to become more familiar with Township goals and objectives as it relates to the particular development.
1. Preliminary site plan submittal shall include the information as listed within Subsection C, below, unless deemed unnecessary by the Zoning Administrator. In no case shall preliminary site plans be at a scale less than 1 inch equals 100 feet (1" = 100').
  2. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant in the context of the standards required by this Ordinance. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan but shall not be bound by any statements or indications of acceptance of the plan.
- B. **Final Site Plan Review.**
1. If submission of a preliminary site plan is not desired by the applicant, or after the applicant has pursued preliminary site plan review, twelve (12) copies of a 24x36 final site plan bearing the seal of the professional engineer, architect, or land surveyor who prepared the site plan shall be submitted to the Zoning Administrator for review not less than thirty-five (35) consecutive days and to the Planning Commission not less than fourteen (14) consecutive days prior to the next regular Planning Commission meeting. Final site plans shall be at a scale not less than one inch equals twenty feet (1"=20') for property under three (3) acres and at least one inch equals one hundred feet (1"=100') for those three (3) acres or more.
  2. Applications for final site plan reviews shall include the information as listed within Subsection C, below, unless a waiver is requested by the Zoning Administrator. In no case shall natural features information be considered unnecessary for new developments.

**C. Site Plan Submission Requirements.****For both Preliminary and Final Site Plan Review**

1. A general location sketch showing at minimum, properties, streets, and use of land within 1/2 mile of the area.
2. Legal description of the subject property.
3. North arrow, and plan scale.
4. Name and address of the property owner or petitioner. If the petitioner is not the owner, owner must give written, notarized approval of the petitioner's plan.
5. Name and address of the person who drafted the plan and the date on which the plan was prepared, and of all persons who will be speaking on behalf of the applicant in the Township proceedings.
6. Existing zoning and use of all properties abutting the subject property.
7. All buildings, parking, and driveways within 100 feet of all property lines.
8. Existing and proposed uses, buildings, and structures.
9. Property lines and dimensions as determined by a staked land survey bearing the seal of the professional licensed surveyor preparing the Site Plan.
10. Existing adjacent streets and proposed streets
11. Parking lots and access points.
12. General location of utilities, storm water management features, septic systems and wells.
13. Location of proposed buffer strips or screening.
14. General topographical features at contour intervals no greater than 5 feet.
15. Significant natural features and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards.
16. Provisions for the safe disposal of hazardous materials and solvents.
17. Narrative: provide written text describing in general terms:
  - a) The overall objectives of the proposed development.
  - b) Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, streets and drives, and open space.
  - c) Dwelling unit densities by type, if applicable.
  - d) Proposed method of providing sewer and water service, as well as other public and private utilities.
  - e) Anticipated grading and filling and proposed method of storm water management.

**D. Site Plan Submission Requirements.****Additional Information for *Final Site Plan Review***

1. Buildable area for proposed structures (i.e., setbacks shown) on the subject property for each lot or site condominium unit.
2. Specifications for and location of existing and proposed utilities.
3. All existing and proposed drives (including dimensions and radii), acceleration/ deceleration lanes serving the site, and cross-sections of internal streets serving the development.
4. Location and specifications for curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas.
5. Location and size of all surface water drainage facilities including storm event data.
6. Location of profiles of all proposed fencing and walls.
7. Location of all solid waste disposal facilities, including recycling and screening.
8. Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.
9. Specifications for disposal of hazardous materials.
10. Dedicated open space, marked, described, and in a recordable form to protect such lands in perpetuity.
11. Exterior lighting showing area of illumination and indicating the type and height of fixture to be used.
12. Any signs not attached to the building(s).
13. Elevation drawings of proposed buildings.
14. Location and specifications for trails and sidewalks.
15. Development agreement (as appropriate).
16. Easement descriptions and dedications.
17. Approved road names (as appropriate).
18. Detailed landscape plan, including method of protecting existing vegetation; listing of species and sizes for new landscaping materials; profile of proposed buffer strips, screening, fence design, and timing of landscaping improvements.

**E. Additional Information.**

1. The Planning Commission may consult with the Township attorney, engineer or planning consultant. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, traffic studies, impacts on significant natural features and drainage, soil tests and other pertinent information.
2. The Planning Commission or Township Board may require a traffic impact assessment or traffic impact study pursuant to the Institute of Transportation Engineer standards as part of the final site plan review. The level of detail required for either the traffic impact assessment or study will be based upon the expected amount of traffic to be generated by the proposed use.

**F. Noncommercial Wind Energy Systems with Tower Height Greater than 80 feet, or more than one NWECS per parcel, must meet the requirements of Section 3.21 and also the following requirements:**

- a) Documentation that sound pressure level, construction code, tower, interconnection (if applicable) and safety requirement have been reviewed and the site plan is prepared to show compliance with these issues.
- b) Location and height of all buildings, structure, towers, guy wires, guy wire anchors, security fencing and other above ground structures associated with the noncommercial wind energy system.
- c) Existing and proposed setbacks of all structure located on the lot.
- d) A copy of the manufacturer's installation instructions. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy system and support structures, including base and footing provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the applicable building codes. Drawing and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.

**G. Additional requirements for groundwater protection in commercial or industrial districts or uses**

1. **Site plan review requirements.** In addition to the usual requirements, the following information is required on the site plan or in attached documents.
  - a) Existing topographic elevations at two (2) foot contour intervals and indications of direction of drainage flow.
  - b) The location and elevations of existing water courses and water bodies, including county drains, manmade surface drainageways, floodplains, and wetlands.
  - c) Proposed stormwater management plan including design of sewers, outlets, and retention/detention ponds. Sufficient data regarding site runoff estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanence of drainage detention and/or retention as well as the impact on local surface and groundwater.



- d) The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
- e) The location for on-site wastewater treatment and disposal systems.
- f) The location of existing and proposed public water mains public and private drinking water wells, monitoring well, irrigation wells, test wells or wells used for industrial processes.
- g) An inventory of hazardous substances to be stored, used or generated on- site, presented in a format acceptable to the local fire marshal or inspector (include CAS numbers).
- h) Descriptions of type of operations proposed for the project and drawing showing size, location, and description of any proposed interior areas of structures for storing, using, loading or unloading or hazardous substances, hazardous wastes, and/or polluting materials
- i) Description and location for any existing or proposed above ground and below ground storage facilities.
- j) Delineation of areas of the site which are known or suspected to be contaminated, with a report on the status of cleanup or closure.

**2. Site plan review standards for groundwater protection.**

- a) The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
- b) Storm water detention, retention, transport, and drainage facilities shall, be designed to use or enhance the natural storm water system on-site, including the storage and filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall be designed so as not to cause flooding or potential pollution of surface water or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the Allegan County Drain Commissioner.
- c) General purpose floor drains shall be connected to a public sewer system or an on-site holding tank (not a septic system) in accordance with state and county requirements. General purpose floor drains which discharge to groundwater are prohibited.
- d) Site at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands. Secondary containment facilities shall be provided for above ground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Above ground secondary containment facilities shall be designed and constructed so that the potentially polluting materials cannot escape from the unit by gravity through sewers, drains, or other means, directly or indirectly into a sewer system, or to the waters of the State (including groundwater).
- e) Underground storage tanks for hazardous or potentially polluting materials are prohibited.
- f) Above ground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Natural Resources and Environment.

- g) Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
- h) Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the MDNRE and the Allegan Health Department.
- i) State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct and indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed.
- j) Land-filling of hazardous, or potentially polluting materials is prohibited.
- k) The quantity of water to be extracted from on-site ground water sources and/or discharged to on-site disposal systems shall not exceed 10,000 gallons per day.

## Section 16.4 Application and Review

- A. A completed site plan review packet including twelve (12) 24 by 36-inch site plans at a scale not less than 1 inch per 100 feet. A completed application form, the application fee, and escrow deposit (if applicable) shall be submitted to the Zoning Administrator twenty-eight (28) days prior to the next regular Planning Commission meeting. The Zoning Administrator shall review the packet for completeness. If deemed complete the Zoning Administrator shall request that the item be placed on the agenda of the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are declared complete by the Zoning Administrator, or a waiver is requested.
- B. The Planning Commission shall approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Article.
- C. Any conditions or modifications recommended by the Planning Commission shall be recorded in the minutes.
- D. Two (2) copies of the final approved site plan shall be signed and dated by the Planning Commission and the applicant. The Zoning Administrator shall keep one (1) of these approved copies on file, and one (1) shall be returned to the applicant or the applicant's designated representative. An unsigned copy shall be kept at Township Hall.
- E. Each development subject to site plan review shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.
  - 1. The Planning Commission may grant a single one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan. The Planning Commission may require a performance guarantee as part of the extension.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.

3. If neither of the above provisions are fulfilled within the one (1) year of approval or an approved extension period for the site plan, then approval shall be null and void and any performance guarantees may be exercised to finalize required improvements.

## **Section 16.5 Changes in the Approved Site Plan**

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) meet the standards of the Ordinance and the intent of the design and will not alter the basic design, or any specified conditions imposed as part of the original approval. A revised site plan shall be submitted which reflect the approved changes. Minor changes shall include the following.
  1. For residential buildings, the square footage of structures may be reduced or increased by ten (10) percent of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend outside a designated building envelope, or into any required open space or required setback.
  2. Gross floor area of nonresidential buildings may be decreased or increased by up to ten (10) percent or two thousand (2,000) square feet, whichever is smaller of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
  3. Floor plans may be changed if consistent with the character of the use.
  4. Relocation of a building by up to twenty (20) feet, if consistent with required setbacks, open space and other requirements.
  5. Height of buildings may be lowered.
  6. Designated woodlands or areas not to be disturbed may be increased.
  7. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site. For example, if a twelve (12) inch diameter tree is lost during the construction process, six (6) trees, each of which are two (2) inches in diameter, could be planted to replace the single twelve (12) inch tree.
  8. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
  9. Changes of building materials to another of higher quality, or a slight change in exterior material.
  10. Grade change of up to one (1) foot.
  11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved plan.

12. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
  13. Changes required or requested by the Township, County or State for safety reasons.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. If the Zoning Administrator determines that a proposed minor change may have a major impact on the neighborhood or area involved, the Zoning Administrator may refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

## Section 16.6 Review Standards

- A. The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them.
- B. **Review Standards.**
1. The uses proposed will not adversely affect the public health, safety, or general welfare.
  2. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to a development. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
  3. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site.
    - a) A plan for natural feature protection during construction shall be provided.
    - b) Utilities shall be placed underground.
  4. Provisions shall be made to accommodate storm water on-site wherever practical.
    - a) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
    - b) Direct discharge of storm water into surface waters is prohibited.
    - c) Infiltration devices such as rain gardens are preferred over large retention basins.
  5. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided within the site.
    - a) The minimum number of driveway points shall be provided at appropriate locations to maximize convenience and safety.
    - b) Paths, drives and streets shall be designed to promote safe and efficient traffic operations within and between developments.
    - c) The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes motor vehicles and considers rural character.

- d) The Planning Commission may require traffic calming measures, paved street shoulders, and deceleration or turn lanes when necessary.
- e) The Planning Commission may require shared driveways, cross access easements and pathway cross-connections between developments.
6. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission.
7. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 17.4.
9. All loading and unloading areas and outside storage areas, including areas for the storage of trash, shall be provided in accordance with Section 17.3.
10. The general purposes and spirit of this Ordinance and the Master Plan shall be maintained.

## **Section 16.7 Site Plan Approvals**

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained by the Zoning Administrator. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- B. Conditions imposed shall be related to and ensure that the review standards of this Article are met and shall meet the requirements of the Zoning Act.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
- D. The approvals of other agencies, including but not limited to the Michigan Department of Transportation, County Public Health Department, County Drain Commission, County Road Commission and Michigan Department of Environment, Great Lakes and Energy and Michigan Department of Natural Resources, may be accommodated as part of a conditional approval by the Township. If, however, input from another review agency substantially changes the layout of a site, the new site plan may have to be reviewed again by the Planning Commission.
- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
- F. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

- G. Any site plan review approval may be voided by the Zoning Administrator or Planning Commission if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency. The voiding of an approved site plan shall be communicated in writing with reasons for revocation to the property owner. The Zoning Administrator and building official shall also be notified to withhold permits until a new site plan is approved.

### **Section 16.8 Performance Guarantees**

The Planning Commission and Zoning Administrator may require a performance guarantee in accordance with Section 17.4 to ensure compliance with the approved site plan.

### **Section 16.9 Appeal**

Site Plan determinations may not be appealed to the Zoning Board of Appeals.

# Article 17.

## Site Development Requirements

### Section 17.1 Application

A. This Article applies to all uses that require site plan review.

### Section 17.2 General Parking Requirements

#### A. Parking – General.

1. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with the Ordinance.
2. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
3. Parking and pavement (other than access drives) shall be set back a minimum of twenty (20) feet from the street right-of-way.
4. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met.
  - a) Areas proposed for deferred parking shall be shown on the site plan and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  - b) Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator.
  - c) All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed.
5. **Maximum Parking Requirement.**
  - a) To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces

totaling more than an amount equal to ten (10) percent greater than the minimum parking space requirements, as determined by the parking requirements as noted in each zoning district, except as may be approved by the Planning Commission.

- b) The Planning Commission, upon application, may grant additional spaces beyond those permitted in Subsection a, above. In granting additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on professional documented evidence of use and demand provided by the applicant.

**6. Shared Parking Areas.**

- a) The Zoning Administrator may approve a shared parking arrangement for two (2) or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
- b) Required parking shall be calculated from the use that requires the greatest number of spaces.
- c) Should any use involved in the shared parking arrangement change to another use, the Zoning Administrator may revoke this approval and require separate parking facilities as required by this Ordinance.

**B. Off-Street Parking Lot Construction and Design Requirements.**

- 1. Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet.
- 2. Backing directly onto a street shall be prohibited.
- 3. The outdoor storage of merchandise; motor vehicles for sale; trucks or equipment; wrecked, junked or unlicensed vehicles; and the repair of vehicles in areas designated for parking, including the maneuvering lane, are prohibited.

**4. Parking Lot Access.**

- a) Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- b) Ingress and egress to and from a parking lot located in a nonresidential district shall not be across land zoned in a residential district or land used for residential purposes.

Access drives and maneuvering lanes shall be a minimum of twelve (12) feet in width for one (1) way traffic and twenty-two (22) feet in width for two (2) way traffic.

**5. Construction Requirements.**

- a) Parking areas shall be maintained to prevent dust using gravel with binding agents, slag, or pavement.
- b) Off-street parking areas shall be drained so as to dispose of storm water at least four (4) feet from the edge of a property line or sidewalk.
- c) All surface water shall be accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Sunken landscape islands



and rain gardens are preferred as a means to avoid large detention basins.

- d) The Planning Commission may require that parking spaces be marked with bumper stops. Bumper stops shall be secured to prevent their movement and prevent encroachment on green spaces.
- e) Frontage and internal sidewalks or trails may be required by the Planning Commission as part of site plan review.
- f) The off-street parking area shall be provided with lighting, landscaping and screening as required in this Article.

#### C. Off-Street Parking Requirements.

1. Parking space requirements for specific uses are found in the respective zoning districts.
2. When units or measurements determining the number of required parking or loading spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
3. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that is similar in type. If there is no requirement that is reasonably applicable to the use, the Zoning Administrator shall determine the number of parking spaces that must be provided.

#### D. Stacking Spaces.

1. Certain uses are greatly reliant on vehicle access and possess characteristics that create the need for additional area devoted to stacking of vehicles. This Subsection addresses these individual uses and outlines requirements for stacking spaces.
2. Each stacking space shall be shown on a site plan.
3. Each stacking space shall have a minimum dimension shown of twenty- two (22) feet in length by nine (9) feet in width. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.
4. The location of stacking spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
5. Regardless of the number of stacking spaces required or provided, in no instance shall the operator permit vehicles to stack up out into any adjacent public or private street.

### Section 17.3 Loading Requirements

- A. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same lot with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise.
- B. Loading, unloading or parking of delivery vehicles and trailers in a nonresidential district shall take place only in approved areas.

- C. At least one (1) loading space per commercial or service establishment shall be provided in commercial and industrial districts in addition to any required off- street parking area. Required spaces shall be provided in the side or rear yard.

## Section 17.4 Lighting

The following lighting standards shall apply to all uses requiring site plan review.

- A. Off-street parking areas shall be adequately lit to ensure security and safety. Ground lighting and wall lighting is encouraged in small developments over pole lighting to prevent unnecessary glare and sky glow which inhibits the view of the night sky and, therefore, negatively effects rural character.
- B. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.

## Section 17.5 Landscaping Requirements

The Planning Commission may require landscaping to achieve the following.

- A. **Conserve the value of land and buildings.**
1. Integrate various elements of a site to attain and maintain attractive properties.
  2. Blend harmonious land uses, buffer incompatible land uses, and define outdoor and architectural spaces.
  3. Control soil erosion by slowing or constraining the effects of wind or water.
  4. Minimize the transmission from one land use to another of nuisances associated with noise, dust and glare.
  5. Distinguish and separate vehicular and pedestrian traffic system.
  6. Minimize visual pollution; minimal screening provides an impression of separation of spaces, and more extensive screening can entirely shield the visual effects of an intense land use from a less intense land use.
  7. Establish a greater sense of privacy from visual or physical intrusion of intense land uses, the degree of privacy varying with the intensity of the screening.
  8. Safeguard the public health, safety and welfare, and preserve the aesthetic qualities and enhance rural character.
- B. **General Requirements.** For all uses requiring site plan review a landscape/ screening plan may be required by the Planning Commission for review and approval. The plan shall contain the following:
1. The location, general size, and type of existing vegetation to be retained;
  2. Planned vegetation to be introduced;
  3. Landscaping may be required to serve as windbreaks;

4. Berms and swales, if required, shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be no more than four (4) feet in height and shall be a minimum of three (3) feet in width at the highest point of the berm.

## **Section 17.6 Change Of Land Use**

- A. Change of use of an existing structure: When a commercial or office building has a change of use which does not require site plan review because there is no change in a building footprint or the increase in the parking requires less than five (5) spaces, the new use shall comply with the following:
  1. The previously approved site plan, should one exist;
  2. All maintenance-related standards of this Ordinance; and
  3. Screening and landscaping requirements of this Ordinance.
  4. A change in use from commercial to residential requires approval of the Zoning Administrator.
- B. Sites that add five (5) or more parking spaces or reconfigure access points and parking areas shall obtain site plan approval. Submission of twelve (12) copies of a 24x36 inch Site Plan bearing the seal of the engineer/surveyor preparing the Site Plan to must be received by the Zoning Administrator not less than 35 consecutive days prior to the regular Planning Commission meeting at which the request will be considered. The Planning Commission shall receive copies of the 24x36 inch Site Plans bearing the seal of the engineer/surveyor preparing the Site Plans not less than 14 consecutive days prior to that meeting.

# Article 18.

## Special Land Uses

### Section 18.1 Purpose

- A. Special land uses are those uses of land which are not essentially incompatible with uses permitted in a district but possess characteristics or location qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations. The purpose of this Article is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish special land uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the special land use under consideration.

### Section 18.2 Application and Review Procedures

- A. An application for permission to establish a special land use shall be submitted in accordance with the following procedures:
1. Applications for a special land use shall be submitted to the Planning Commission through the Zoning Administrator. The Zoning Administrator will review the application for completeness and then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. An application for a special land use shall consist of the following:
    - a) Twelve (12) copies of a 24x36 inch Site Plan bearing the seal of the engineer/surveyor preparing the Site Plan must be received by the Zoning Administrator not less than thirty-five (35) consecutive days and to the Planning Commission not less than fourteen (14) consecutive days prior to the scheduled Planning Commission meeting at which the SLU Application will be reviewed.
    - b) A completed application form, as provided by the Township;
    - c) Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the Zoning Administrator;

- d) A legal description of the entire property that is the subject of the special land use;
- e) A statement with regard to compliance with the criteria required for approval in Section 16.3 and other specific criteria imposed by this Ordinance affecting the special land use under consideration; and
- f) Other materials as may be required by the Planning Commission or Township Board.

**B. Public Hearing.**

1. Upon receipt of an application for a special land use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the special land use application.
2. One (1) notice of the public hearing for a special land use shall be published in a newspaper that circulates in the Township not less than fifteen (15) days prior to the public hearing. Written notice must also be sent by mail or personal delivery to property owners and occupants of buildings within three hundred (300) feet of the boundary of the property except for commercial Wind Energy Conversion Systems (WECS) and Solar Farms where the notice distance shall be six hundred (600) feet.
3. One (1) copy of the notice shall also be sent to the Township Clerk. The notice shall include:
  - a) The nature and location of the request;
  - b) When and where the request shall be considered;
  - c) When and where the Ordinance, request and pertinent material may be examined; and
  - d) When and where written comments shall be received concerning the request.
4. The application for a special land use permit shall be submitted to the Zoning Administrator not less than thirty-five (35) consecutive days and to the Planning Commission not less than fourteen (14) days prior to the regular Planning Commission meeting at which a public hearing shall be held on the request.
5. After the public hearing, the Planning Commission shall deliberate and approve, approve with conditions, or deny the request.
6. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit. When the conditions of approval require a revised site plan, it must be submitted and approved prior to the acceptance of a building permit application.
7. If denied by the Planning Commission, the reasons for such denial shall be stated in the minutes of the Planning Commission meeting and the applicant shall be provided a copy or a written explanation.
8. The applicant may not appeal the decision to the Zoning Board of Appeals.

### **Section 18.3 Basis of Determination**

Prior to approval of a special land use application, the Planning Commission shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.

- A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards and shall approve a special land use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
  - 1. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - 2. The special land use shall not change the essential character of the surrounding area.
  - 3. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
  - 4. The special land use shall not place demands on public services and facilities in excess of current capacity.
  - 5. The special land use shall be in general agreement with the Master Plan.
  - 6. The special land use shall comply with all site plan review standards.
- B. The Planning Commission may impose conditions with the approval of a special land use that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the Zoning Administrator.
- C. The Planning Commission may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the special land use complies with the conditions of approval.
- D. If, after the establishment, the special land use is found in noncompliance with the approval granted by the Planning Commission, the noncompliance shall be corrected in sixty (60) days to eliminate any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 18.5 shall be initiated.

### **Section 18.4 Approval Term and Expiration**

- A. A special land use, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded by the applicant with the Allegan County Register of Deeds within ninety (90) days of approval and prior to the issuance of a zoning or building permit.

- B. A special land use must be initiated within one (1) year from the date of approval, or the special land use permit shall be null and void. The Planning Commission may grant up to a one (1) year extension, with adequate explanation from the applicant, provided the approval has not been revoked as provided in Section 18.5.
- C. If, by the end of the one (1) year extension, one (1) of the following exists, the special land use shall be deemed expired and no longer valid, and any zoning or building permit issued shall be revoked:
  - 1. The special land use has not been initiated;
  - 2. Construction necessary for the special land use has not been initiated; or
  - 3. Construction has been initiated but is not proceeding meaningfully toward completion.
- D. Reapplication for approval of an expired special land use shall be considered in the same manner as the original application.

### **Section 18.5 Revocation of Special Land Use**

The Planning Commission may revoke any special land use or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Article, any conditions placed on approval by the Planning Commission, or any other applicable provisions of this Ordinance. Prior to revoking a special land use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 18.2.B.

### **Section 18.6 Specific Special Land Use Standards**

The following special land uses shall be subject to the requirements of the district in which they are located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Bed and Breakfast establishment
- B. Biofuel Production Facility
- C. Campgrounds, public or private
- D. Cemeteries
- E. Childcare center
- F. Cottage industry
- G. Drive-through establishments
- H. Excavating, septic, well-drilling, crane service
- I. Golf course or country club
- J. Group childcare home
- K. Greenhouses and Nurseries, Commercial
- L. Kennels, commercial
- M. Libraries, museums, community centers, and similar uses that are owned and operated by a governmental agency or a noncommercial organization
- N. Lodging: hotel or motel
- O. Mineral Mining
- P. Mini-storage, commercial
- Q. Municipal and public service activities
- R. Nursing or convalescent homes
- S. Religious Institutions

- T. Restaurants
- U. Schools, elementary, middle, high school, trade, industrial, commercial (non- public)
- V. Sexually oriented businesses
- W. Shooting, ranges
- X. Sports facilities, indoor and outdoor (not including golf courses and racetracks)
- Y. Truck maintenance facilities
- Z. Vehicle repair, vehicle service station, vehicle wash establishment
- AA. Wind energy conversion systems (WECS) for commercial purposes
- BB. Winery, Meadery, or Cider Mills
- CC. Wireless communication towers over seventy-five (75) in height
- DD. Brewery, Microbrewery, Brewpubs
- EE. Solar Farms
- FF. Energy Storage Facilities
- GG. Event Center or Event Venues
- HH. Bowling Alleys
- II. Elderly Housing

**A. Bed and Breakfast Establishments.**

1. The use shall only be established in a single-family dwelling.
2. The establishment shall contain the principal residence of the operator.
3. Parking shall be located to minimize negative impacts on adjacent properties.
4. The number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet of lot area, or fraction thereof, in excess of one (1) acre of lot area, not to exceed a maximum of nine (9) guest rooms in any case.
5. Exterior refuse storage facilities beyond what is normally expected for a single-family dwelling shall not be located in any front yard and shall be properly fenced in or screened from view on three sides.
6. State license may be required.
7. A Site Plan as described in Section 18.2 2(a) must include an interior floor plan to show all guest bedrooms and other bedrooms.
8. The building occupancy numbers must comply with the building code.
9. The Ganges Township Fire Chief must certify that smoke alarms are in each bedroom and fire extinguishers are on each level of the building and that all are in good working order..
10. The Allegan County Health Department must certify that the well and septic system are adequate for the facility.
11. No accessory buildings shall be used for guest accommodation or as Event centers.

**B. Biofuel Production Facility.**

1. Must comply with the MZEA Section 125.3513 as amended.



2. If less than 75% of the feedstock for a biofuel facility is produced on the farm where a biofuel production facility is located or if less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm or if a biofuel production facility has an annual production capacity of more than 100,000 gallons but less than 500,000 gallons of biofuel then the facility shall be permitted subject to the following requirements:
  - a) The application for special land use approval shall include all of the following:
  - b) Submission of twelve (12) copies of a 24x36 inch Site Plan bearing the seal of the engineer/surveyor preparing the Site Plan to must be received by the Zoning Administrator not less than 35 consecutive days prior to the regular Planning Commission meeting at which the request will be considered. The Planning Commission shall receive copies of the 24x36 inch Site Plans bearing the seal of the engineer/surveyor preparing the Site Plans not less than 14 consecutive days prior to that meeting.
  - c) A description of the process to be used to produce biofuel.
  - d) The number of gallons of biofuel anticipated to be produced annually.
  - e) An emergency access and fire protection plan that has been reviewed and approved by the Ganges Township Fire Department.
  - f) For an ethanol production facility that will produce more than 10,000 proof gallons annually, a completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor national forms, required to implement regulations under the environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
  - g) The biofuel production facility must be located on a farm as defined in the Michigan Right to Farm Act of 1981.
  - h) The biofuel production facility must be located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the facility is located.
  - i) Buildings, facilities, and equipment used in the production or storage of biofuel must comply with local, state, and federal laws.
  - j) The owner or operator of the biofuel production facility must provide the Planning Commission with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - k) Air pollution emissions.
    - l) Transportation of biofuel or additional products resulting from biofuel production.
    - m) Use or reuse of additional products resulting from biofuel production.
    - n) Storage of raw materials, fuel, or additional products used
    - o) in, or resulting from, biofuel production.

- p) The biofuel production facility shall include sufficient storage for both of the following:
  - q) Raw materials and fuel.
  - r) Additional products resulting from biofuel production or the capacity to dispose of additional product through land application,
  - s) livestock consumption, sale, or other legal use.
3. The biofuel production facility shall located on a farm that meets the definition of farm in Article 2 of this Ordinance.
  4. The biofuel production facility shall be located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located.
  5. The biofuel production facility shall meet all applicable setback requirements of the zoning district for which it is located.

**C. Campgrounds, public or private.**

1. Campsites shall not be located within one hundred (100) feet of any property line.
2. Minimum lot area shall be ten (10) acres.
3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
  - a) All commercial uses allowed shall occupy no more than two thousand (2,000) square feet;
  - b) Retail uses shall be included in the site plan; and
  - c) All commercial uses shall be set back seventy-five (75) feet from any property line.
4. Non-campsite area at a minimum of twenty-five (25) percent of the total site area must be set aside for common use.
5. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

**Cl. Cemeteries (public and commercial).**

1. Minimum lot area shall be five (5) acres and there shall be a minimum frontage of two hundred (200) feet.
2. The use shall be located on property with direct access to a public street.
3. Gravesites shall be setback a minimum of fifty (50) feet from the property line of any residential district or use.
4. Buildings, including buildings for storage of equipment, shall be set back one hundred (100) feet from the property line of any abutting residential district or use.
5. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
6. Allegan County Health Department approval is required as a condition of final site plan approval.
7. Screening that complies with Section 17.5 shall be provided along that property line.

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- E. **Childcare center.** A facility other than a private dwelling that serves one or more preschool or school age children under the age of eighteen.
1. Must be located no closer than 1500 feet as measured along a public street or road to any of the following:
    - a) An adult foster care small group home or large group home licensed under the Adult Foster Care Licensing Act, 1979 PA218, as amended.
    - b) A facility offering substance abuse treatment and rehabilitation service to more than 7 people licensed under article 6 of the public health code, 1978 PA368, as amended.
    - c) A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
  2. Must have appropriate fencing for the safety of the children.
  3. The property must be consistent with the visible characteristics of the neighborhood.
  4. Hours of operation are less than 24 hours per day.
  5. Signage must comply with Section 3.28 of the zoning ordinance.
  6. For corner lots must comply with Section 3.13 CLEAR VISION of the zoning ordinance.
  7. Must provide off street parking of one space per three persons allowed within the maximum occupancy load.
  8. The Township reserves the right to inspect and enforce the facility's compliance with the Township's Zoning Ordinance.
- F. **Cottage Industry.**
1. The types of cottage industries that are permitted shall include, but not be limited to, small scale production and retail sales of arts and crafts, custom art framing and woodworking, bee keeping and those activities the Planning Commission determines to be substantially similar.
  2. Not more than two (2) employees are allowed in addition to the family members residing in the home.
  3. The cottage industry shall be clearly incidental and subordinate to the use of a lot as the principal residence of the owner or operator of the cottage industry.
  4. Multiple uses may be permitted within a cottage industry. The area occupied by all uses within the cottage industry, including storage, shall not exceed one thousand (1,000) square feet.
  5. Minimum lot size shall not be less than one and one-half (1-1/2) acres; provided that a smaller parcel may be approved by the Planning Commission upon finding that the intent and other requirements of this Section can still be met, as long as the lot satisfies the minimum lot size for the zoning district in which it lies.
  6. All aspects of the cottage industry shall be located and conducted within a dwelling unit or one (1) or more enclosed accessory building, unless approved by the Planning Commission.

7. There shall be no change in the outside appearance of the building or lot, except one (1) non-illuminated sign not exceeding six (6) square feet in area and four (4) feet in height.
8. In the event a new building is constructed to accommodate the cottage industry, it shall maintain a vernacular similar to that of existing buildings on the lot and within the vicinity. The buildings shall have a traditional rural residential, farmstead or lakeside cottage character.
9. The sale of merchandise is restricted to those products the Cottage industry produces on the lot.
10. Parking shall be provided in such a manner that it does not adversely affect neighboring residences.
11. Large vehicles and construction equipment (such as trucks of over one (1) ton rating) are not permitted as part of a cottage industry;
12. Any equipment or process used in the cottage industry may not create a nuisance by reason of noise, smoke, odor, electrical disturbance, night lighting or increased and unreasonable traffic.

**G. Drive-through establishment.**

1. Shall comply with applicable sections of this zoning ordinance.
2. Shall have all State, County, Federal and DNRE permits or approval.
3. Parking without indoor facilities 15 spaces required.
4. Parking with indoor facilities, 15 spaces for each 1,000 square feet of gross floor area plus on-site spaces.
5. Sufficient stacking capacity for the drive through portion of the operation shall be provided to ensure that traffic does not extend into the public right of way. A minimum of (4) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces for vehicles not using the drive through portion of the facility.
6. In addition to parking space requirements, at least one parking space shall be provided in close proximity to the exit of the drive through portion of the operation to allow for customers waiting for delivery orders.
7. Access driveways shall be located no less than 100 feet from any intersection measured from the nearest right of way line to the nearest edge of said access or from the nearest edge of another driveway.
8. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring properties and uses.
9. The proposed site shall front upon a paved County road. All ingress and egress shall be from said road.
10. The parking and maneuvering areas of the site shall be screened from the view of any abutting Residential District or use.
11. If the site abuts a Residential District or use the Planning Commission may restrict hours of operation.

**H. Excavating, septic, well drilling, crane service.**

1. Equipment and materials (for example, gravel, sand, piping, etc.) must be kept in an enclosed storage building when not in use OR if outside, must be as least fifty (50) feet from the road right of way.
2. Buffering must be provided between the facility (including equipment and materials) and abutting non-commercial uses. The buffer must be fifty (50) feet of natural vegetative landscaping material.
3. Septic waste hauling and servicing facilities must comply with applicable Allegan County and State of Michigan statutes and shall not be permitted within 100 feet of residential districts or uses. There shall be no emissions of odorous matter in such quantities as to be apparent at lot property lines.

**I. Golf course or country club.**

1. The lot shall be a minimum of forty (40) acres.
2. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public street to ensure pedestrian and vehicular traffic safety.
3. Development features shall be shown on the site plan, including the main and accessory buildings, structures and parking areas. These features shall be located to minimize adverse effects upon adjacent property.
4. Buildings and parking areas shall not be less than one hundred (100) feet from any property line, unless existing topographic conditions would provide additional screening. In this case the Planning Commission may reduce the required setback to no less than fifty (50) feet.
5. Whenever a swimming pool is to be provided, it shall be located at least one hundred (100) feet from any abutting Residential District or residential use and shall be provided with a protective fence six (6) feet in height. Entry shall be by means of a controlled gate.
6. The minimum site area for tennis or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from any abutting Residential District or residential use.
7. Where the site abuts a Residential District or residential use, screening shall be provided along that property line. Grass, plant materials, and sight obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer strip. The Planning Commission shall use Section 17.5 when determining screening is needed.
8. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
9. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant, driving range, tennis and other racket courts, and swimming facilities.

10. Major accessory uses such as a restaurant shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.
11. No building shall be erected to a height greater than that permitted in the district in which it is located.
12. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
13. No outdoor loudspeaker or call system shall be audible on adjoining property.
14. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker, unless the golf course is part of a PUD.
15. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and one hundred (100) foot side and rear yard setbacks. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
16. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. Such facilities shall be approved by the Allegan County Health Department.
17. Golf courses shall retain and preserve native vegetation over at least thirty (30) percent of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run off.
18. Water quality protective measures are required as follows.
  - a) Erosion control barriers shall be maintained during construction and until all ground cover is established.
  - b) To the extent feasible, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
  - c) Areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
  - d) A chemical storage area must be designated within an accessory building.
  - e) The area must provide secondary containment to prevent the spread of spills.
  - f) All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
  - g) An inventory manifest of stored chemicals must be posted at the entrance of the building housing them.
  - h) At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted adjacent to the treated areas. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
  - i) All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.

- j) Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate State statutes and administrative directives.

19. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.

J. **Group childcare home.** Must be a private home of the person who operates the facility, and that person must live in the home as a full-time resident. The home serves 7 to 12 minor children with one adult for every 6 children.

A group childcare home shall be issued a Special Land Use permit if it meets all the following standards:

1. It is located no closer than 1500 feet as measured along a public street or road to any of the following:
  - a) Another licensed group childcare home.
  - b) An adult foster care small group home or large group home licensed under the Adult Foster Care Licensing Act, 1978 PA 368, as amended
  - c) A facility offering substance abuse treatment and rehabilitation service to more than 7 people licensed under article 6 of the public health code, 1978 PA368, as amended.
  - d) A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
2. Has appropriate fencing for the safety of the children.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24- hour period and preferably does not operate between 10 p.m. and 6 a.m.
5. Signage per Section 3.27 of the zoning ordinance.
6. Off street parking 1 per 3 persons allowed within the maximum occupancyload.
7. The Township reserves the right to inspect and enforce the group home's compliance with the Township's Zoning Ordinance.

K. **Greenhouses and Nurseries, Commercial.**

All commercial greenhouses shall be subject to the following requirements:

1. Access driveways shall be located a sufficient distance away from any intersection, street, and from other driveways, to avoid adverse traffic conditions.
2. Adequate and safe locations shall be established for the picking up and loading of plants, shrubs and trees and other landscape supplies and materials in customers' motor vehicles, situated so as not to interfere with vehicle circulation areas or pedestrian routes on the site.
3. Outdoor storage of landscape supplies and materials shall be adequately screened from view from adjacent and nearby lands. Other screening and buffering shall be provided in accordance with Section 17.5.

- a) Outdoor storage of mulch, dirt and other gardening commodities shall be suitably contained so as not to become unsightly or be tracked into areas used for motor vehicle traffic.
- b) All outdoor storage shall comply with clear corner vision requirements of Section 3.13.
- c) Outdoor storage areas shall comply with all setback requirements for the zoning district in which the commercial greenhouse is located.

**L. Kennels, commercial.**

1. The minimum lot size shall be five (5) acres for the first fifteen (15) animals, plus one (1) additional acre for each additional five(5) animals.
2. All buildings or areas in which the animals are kept or exercised shall be set back a minimum of one hundred (100) feet from any adjoining property.
3. A screened/landscaped area shall be provided between all buildings or areas in which the animals are kept or exercised, and any adjacent residential use or district.
4. Animal waste shall be managed to prevent odors and other nuisances.
5. A kennel permit shall be obtained from the Allegan County Animal Control Department.

**M. Libraries, museums, community centers, and similar uses** that are owned and operated by a governmental agency or a noncommercial organization

1. The proposed site shall front upon, and all ingress and egress shall be from, a public street.
2. Unless greater setbacks are required by the district in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the road right of way and twenty-five (25) feet from the side and rear lot lines.

**N. Lodging: Hotel or motel.**

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet.
2. Health department approval shall be provided for the septic field. The Planning Commission may require regular inspections of the septic system.
3. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Ingress and egress shall be from a public street.
5. Minimum floor area of each guest unit shall be two hundred fifty (250) square feet.
6. Maximum building height shall not exceed the height limits of the district.

**O. Mineral Mining.**

1. **Purpose.** To allow for legal mineral mining with a Special Land Use permit approved by the Ganges Planning Commission. This Article at the same time will provide protection for our natural resources and the health, safety, morals and general welfare of the citizens.



2. **Intent.** It has been recognized that there are activities and impacts which require regulation in view of the noise, dirt, dust, temporary and permanent changes to the topography and environment which are inherent in mineral mining operations. It is the intent of the Township to classify, regulate, inspect and monitor mining operations in order to minimize the existence of dangerously steep slopes, shifting earth, impairments or pollution of ground water, water table, surface water, and the watershed, and to protect the air, water and natural resources and the public trust therein, and the health, safety and general welfare of the residents of Ganges Township. To meet these objectives, such mineral mining operations shall require Special Land Use permits and to this regulation provide penalties for the violation thereof.
3. **Definitions.** For the purpose of this Article, certain terms, words and phrases, the following definitions shall apply. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
  - a) Bank Run Pit shall mean a pit or excavation from which mineral substances are removed without additional on-site processing operations.
  - b) A mine shall mean a pit or excavation in the earth from which mineral substances are taken by digging or by some other method of extraction together with the land, buildings, and machinery belonging to it. Mining is the process or business of working a mine.
  - c) Minerals shall include, but are not limited to, sand, gravel, topsoil, clay, peat, stone, rock, limestone, sandstone, marl or other soil materials.
  - d) Reclamation shall mean the established, recovery and reconstruction of the land contained in a mining site, or part thereof, to a condition approved by the Planning Commission as part of a plan incorporated into a permit issued hereunder.
  - e) Berm shall mean a mound or wall of earth.
  - f) Forb shall mean a seed-producing annual, biennial or perennial that does not develop a persistent woody tissue but dies at the end of a growing season other than grass.
4. **Preliminary Review.** A Mineral Mining operation shall be reviewed by the Planning Commission in accordance with the standards contained in this Article and the requirements of Site Plan Review (Section 12.03) and provided further that all references in said sections of this Article to the compatibility of the proposed project with adjoining properties and the effect of the proposed project on the surrounding neighborhood.
  - a) Topsoil or subsurface soils may be removed from a parcel for the purpose of erecting or constructing a building, structure or pond on the parcel. If any removal from a parcel shall exceed two thousand (2000) cubic yards of material, then the applicant shall comply with the provisions of this section. In addition, topsoil or subsurface soils may be moved from one part of a parcel to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties and a earth change permit is obtained from the appropriate agency if property affected is over one (1) acre.
  - b) Mineral mining operations shall be classified into two (2) classes using the following criteria.
    - i) **Class 1.** Mineral mining operations that remove less than fifteen thousand (15000) cubic yards of minerals from a parcel during a twelve (12) month period

of time; or Bank run mining pits whose total operating time from initial excavation of an area to reclamation of that area does not exceed 90 days.

- ii) **Class 2.** Mineral mining operations that remove more than fifteen thousand (15000) cubic yards of minerals from a parcel during a twelve (12) month period of time; or Mineral mining operations that have two or more contiguous parcels that remove more than fifteen thousand (15000) cubic yards of minerals during a twelve (12) month period of time.
- c) This type of classifications would allow for a class 1 mining operation to grow and expand into a class 2 mining operation, provided that those class 2 requirements and standards were satisfied and approved by the Planning Commission.

#### 5. **Items Submitted for Review.**

- a) The applicant shall submit a Special Land Use application along with the required application fees to the Zoning Administrator no less than thirty-five (35) consecutive days prior to the scheduled Planning Commission meeting. The Zoning Administrator who will review the application and plans for completeness. If compliant, the Zoning Administrator will then transmit the application and plans to the Planning Commission for review and approval.
- b) **Required Information.** An application for a Special Land Use Permit shall be accompanied by the following documents and information:
  - i) A site plan, information as specified in Section 16.3 (Site Plan Review).
  - ii) One original and 12 copies of a preliminary or final site plan as stated in Section 16.3.
  - iii) Names and addresses of all applicants and owners or parties of interest in the proposed mining site, together with their legal or equitable interest in the property. Notification of any deed restrictions.
  - iv) A written legal description of all of the lands proposed for the use.
  - v) The purpose of such mineral mining.
  - vi) The size of the property from which such topsoil, sand, gravel, or other such materials are to be removed.
  - vii) Clearly show the areas of land on which mineral mining operations, stockpiling, and other activities will take place
  - viii) The maximum amount of topsoil, sand, gravel or other such materials which is to be removed, moved, deposited or relocated from the whole site. Total amount of material to be removed, moved, deposited or relocated per year.
  - ix) Location and direction of all water courses, flood control channels and wetlands which may be affected or are likely to be affected by the mineral mining operations.
  - x) Location and type of proposed processing plant.
  - xi) Proposed method of removal and extraction, processing, and/or other procedures undertaken prior to transport of minerals from the site.

- xii) A map showing the proposed access route to and from the operations and the generally anticipated haul route within the Township.
- xiii) Proposed surface treatment and means to limit dust
- xiv) Any measures which applicant proposes to take to insure public safety, the exclusion of children and other trespassers from the premises, and the lateral support of surrounding land and structure.
- xv) Area to be actively excavated, and if the same shall be in phases, a designation of such phases.
- xvi) A plan for reclamation of the site, shown at a minimum of five (5) foot vertical intervals and its relationship to adjoining lands.
- xvii) When reviewing Class 2 mining operations, the following additional information shall be provided. Geological and Engineering survey and data prepared by a geologist or civil engineer licensed by the State of Michigan, indicating the following:
  - a. The level of water table throughout the planned mining area for which a permit is sought.
  - b. Opinion as to each and every effect on the water table and private wells of property owners within the reasonable anticipated area of impact during and subsequent to the operation, and benchmarks as to the water level table.
  - c. Quality of surface water, ground water and watershed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected.
  - d. Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where proposed, will establish a stable water level at the level or levels proposed as part of the operation, and that the same will not interfere with existing subterranean water or cause any harm or impairment to the general public.
  - e. Detailed plan for the disposition by controlled flow or controlled drainage of any excess water into existing drains or watercourses or drains or watercourses to be established.
- xviii) Any additional information, which the Planning Commission may request, which is reasonably necessary to evaluate the proposed project.

## 6. Mineral Mining Review Procedures.

The Planning Commission shall review the application along with information and such items as may be requested by the Planning Commission, from its review of the plan, unless the Planning Commission decides that some of the information is not reasonably necessary because of the scope or impact of the proposed operation.

The Planning Commission shall consider these following factors in their review of the application.

- a) The standards contained in this section of the Ganges Township Zoning Ordinance.
- b) The purpose of such removal for background information.
- c) The effect of such removal on adjoining property and on properties along the haul

route in Ganges Township and neighboring Townships.

- d) The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
- e) The potential adverse effect, if any, upon property values adjacent to the mining project and properties along the haul route.
- f) The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
- g) The potential for such removal to cause the creation of sand blows, stagnant water pools, swampy areas, landslides, erosion, bogs, vibration, glare, noise, or any other type of injurious condition on the removal site or adjoining properties and haul route.
- h) The effect of such removal on the environment and the natural topography, and the potential contamination/destruction of any natural resource.
- i) The potential damage to creeks, rivers, water bodies, and wetlands.
- j) Potential traffic congestion, road damage and problems because of trucks or other vehicles utilized to haul and transport the materials removed.
- k) In addition to the matters heretofore mentioned, the Planning Commission, in considering the granting of such a permit, may hear any other person or consider any other factor(s) which may bear on the public health, safety or general welfare in the particular situation.
- l) Other Permits that would be required as conditions, including but not limited to
  - i) Soil erosion and sedimentation control permit from the Allegan County Drain Commission.
  - ii) If applicable, a permit from the State of Michigan under MCL 324, Part 301, as amended, to create an inland lake.
  - iii) Any required National Pollution Discharge Elimination System (NPDES) permits.
  - iv) Any required Environmental Protection agency (EPA) permits.
  - v) Wetland permits as determined by a Professional Wetland Scientist (PWS)} or Wetland Professional in Training {WPIT} as certified by the Society of Wetland Scientists; or MDEGLE
  - vi) Any other permits required by law.

## 7. Mineral Mining Standards, Requirements, and Fees.

The following conditions will be included in any Special Land Use permit, as well as such other conditions as the Planning Commission determines to be appropriate under the particular circumstances involved in an application for a mineral mining Special Land Use permit.

- a) Special Land Use Permits are conditions and are part of the land and shall be recorded with the Allegan County Register of Deeds. If the land is transferred, all conditions and requirements previously permitted shall be reviewed for approval or disapproval.

- b) Permits shall be reviewed on an annual yearly base and shall be stated in such permit. Upon performance review, the permit may be re-approved by the Planning Commission for another year. In order to promote uninterrupted operations, review application shall be made to the Zoning Administrator no less than thirty (30) days and no more than sixty (60) days prior to the expiration date.
- c) Projects shall show beginning site topography, phases of mineral removal, phases of reclamation and after all reclamation, ending site topography at a minimum of five (5) foot vertical intervals and its relationship to adjoining lands. A detailed reclamation landscape plan shall be included.
- d) Allowable hours and days of operation shall be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Planning Commission has discretionary approval for Saturday hours.
- e) No, Sunday or other legal holidays are permitted with the exception of emergency repair activity, however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 a.m. and later than 6:00 p.m.
- f) The amount of mineral removal in cubic yards per year may be limited.
- g) No business or industrial buildings, structures or machinery of a permanent nature shall be erected, except where such building is a permitted use within the zone in which the extraction activity is located.
- h) Fuel storage will be limited to 500 gallons on site with MDOT approved storage standards. All types of petroleum spills will be reported to the proper authorities by law.
- i) No mineral stockpiles, machinery storage, or parking of trucks, vehicles and equipment shall be located within two hundred (200) feet of an adjacent residence or within one hundred (100) feet of any adjacent property. No processing equipment shall be located within five hundred (500) feet of any property line, right-of-way, or easement.
- j) No cut or excavation shall take place within a minimum setback of one hundred (100) feet of any property line, right-of-way, or easement. If berms are required, they shall be set back a minimum of twenty-five (25) feet from any property line, right-of-way or easement. Berms shall be set back a minimum of twenty-five (25) feet from any cut or excavation. The Planning Commission may require greater set back distances for cuts or excavation, for machinery, storage, or parking of equipment, or limits of excavation where site is located within two hundred (200) feet of any residence or commercial zone. Operations and activities for the mining and removal of minerals shall take place only in the area shown on the Site Plan.
- k) All of the operation shall be fenced with a chain link or page wire fence at least four (4) feet in height and entrance to the mine shall be gated and locked. The Planning Commission may, in its discretion, modify the requirement for fencing, provided that a good and reasonable cause shown in relation to the protection of public safety in view of the operations. "No Trespassing" signs shall be posted at regularly spaced intervals, no more than two hundred (200) feet apart along the fence. On-site lighting may be restricted.

- l) Measures as determined by the Planning Commission shall be taken to minimize the nuisance of noise, blow sand, dust, smoke, fume, glare, year around visual impact, and vibration to adjacent property owners, passerby, and the community. Such measures may include limitations upon the practices and methods of stockpile excavated material upon the site. Such measures may also include, but not be limited to, evergreen screening, berms, fencing, (snow fence, silt screen solid wood fence, etc.).
- m) Acceptable screening methods are raised earth berms with perennial plantings, coniferous trees with sufficient rows and depth to provide 70% solid visual screening barrier at time of planting, and/or natural topography. Coniferous trees shall have a minimum height above the root ball of six (6) feet at the time of planting and any loss or die-out of plantings shall be promptly replanted.
- n) Trees, herbs, grasses and forbs within the setback area or which are part of buffer zones now existing onsite may not be removed and fugitive sand/soils shall be kept out of the setback area along with other areas of the existing trees, herbs, grasses and forbs prior to the mining of that phase by whatever means necessary (snow fence, silt screen, etc.) to prevent die out.
- o) Noise from operations shall be limited to 90 decibels at the property line as monitored using a sound pressure meter ANSI S 1.4. Type 2 or better accuracy.
- p) Mining equipment, moving equipment, processing equipment, loading equipment and transportation equipment which is normal to the type of mining operation specifically mentioned through the permit process of this article is permitted on the mining site. If a permittee wishes to change the type of mining operation after a permit has been issued pursuant to this ordinance, the permittee shall notify in writing the Zoning Administrator, in which the Zoning Administrator shall refer the request to the Planning Commission for review with standards contained in this Article.
- q) Silica levels, dust and dirt control will meet State and Federal EPA standards.
- r) The removal of all mining equipment, all moving equipment, all processing equipment, all loading equipment, and all transportation equipment, above or below ground, or in, on, over or under water shall be completed within 30 days of termination of mining activities.
- s) No Minerals, whether natural or artificial, shall be brought to the Site for processing, storage, or disposal without Planning Commission approval.
- t) The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to residents and properties in the community. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible. The Allegan County Road Commission and/or Ganges Township shall specify Road improvements and/or road maintenance in township, which may be required.
- u) Roads within the area of operation on the premises shall be provided with a dustless surface, graded, and maintained free of potholes and ruts, kept moist with chloride or water. The ingress and egress shall be properly maintained and kept reasonably clean in appearance.

- v) Class 2 mineral mining operations in addition to Section 7.(u). shall have the first two hundred (200) feet of roads or drives on the site used for ingress or egress from the public road right-of-way paved with a hard surfaced material to county road standards with a minimum width of twenty four (24) feet, with additional width and skirting at the entrance to minimize dust, mud and debris being carried onto the public street.
- w) Township employees are permitted to come upon the mining site premises at any reasonable time for the purpose of inspecting, monitoring, and/or administering the ordinance.
- x) Cost Reimbursement and Escrow Account estimated to assure Ganges Township adequate resources for inspections, monitoring and enforcement including reasonable fees for attorneys, engineers and/or other experts, to ensure compliance with this article.

#### **8. Mineral Mining Performance Bond.**

- a) The mining operation shall not commence until such time as the permittee has posted with the Township Clerk a performance bond or irrevocable letter of credit in an amount determined by the Township Board.
- b) The Ganges Township Planning Commission shall require such bond or letter of credit as deemed necessary to insure complete reclamation of mined properties, removal of all equipment, removal of internal roadways if required, and to insure the viability of the end use according to the land use plan requirements. Beginning in the year 2003 the cost of reclamation bond would be in no case less than Two Thousand Dollars (\$2,000.00) per acre for class 1 mining operations. Eight Thousand Dollars (\$8,000.00) per acre for class 2 mining operations. These amounts would be adjusted for inflation in each succeeding year.

#### **9. Mineral Mining Reclamation Standards.**

- a) In such cases as the reclamation plan provides for a permanent body of water, excavations shall be made to a water depth of at least ten (10) feet below the low water mark, for at least eighty percent (80%) of the entire water area upon completion of any phase of reclamation wherein a permanent body of water is provided said water area shall be tested for water quality for body contact by the County Health Department prior to continuation of reclamation.
- b) The surface area of all land not to be permanently submerged under water shall be graded and back filled as necessary so as to reduce peaks and depressions, and so as to produce a gently rolling surface that will minimize erosion due to rainfall, and which will produce a natural appearance in relation to the property as it existed prior to the commencement of mining operations and in relation to the property in the area of the subject property.
- c) Slopes shall be graded to permanent bodies of water, if any and to the pit floor in connection with an operation without permanent bodies of water and shall not be graded to the exterior area of the property so as to create the potential of flooding on adjoining properties and roads. In no event shall a reclaimed slope have a grade in excess of a minimum ratio of one (1) foot vertical to three- (3) feet horizontal. Moreover, for permanent bodies of water, for a distance for not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7)

feet horizontal.

- d) As phases of mining allow, the property shall be reclaimed by the use of sufficient soil and overburden, and by appropriate seeding of perennial grasses and ground cover or planting of shrubs or trees in all parts of the reclaimed mining area not to be submerged under the water. All excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. Berms shall have a maximum slope of thirty (30) degrees. The excavation area, berms, and reclamation areas shall be planted within twenty (20) days with a suitable perennial ground cover or planting of shrubs or trees sufficient to control erosion and shall be protected from loss. Any loss or die out shall be promptly replanted with perennial plantings to assure continued stabilization for two years past the life of the project. On-site burying of existing vegetation is prohibited.
- e) In the event filling of the mined area is necessary in the course of reclamation, the fill material shall not consist of and/or contain any organic waste, hazardous waste, industrial waste, or sludges and sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and, moreover, such fill material shall not contain any other material which will, or is likely to, impair or harm the air, water and natural resources, and public trust therein, and/or the public health and safety. Any solid waste regulated by Act 641 of the Public Acts of 1978, as amended, and any hazardous waste regulated by Act 64 of the Public Acts of 1979, as amended, shall not be used for fill and/ or reclamation material of a mined area.
- f) The Planning Commission may waive or amend this section where the final land configuration would render it impractical, i.e. if the final reclamation plan includes a large pond or lake.

#### 10. Mineral Mining Inspections, Violations.

Quarterly and Annual Operational reports including loading data shall be submitted to the Zoning Administrator and Planning commission to verify compliance with the conditions of the Special Land Use permit, stating the following.

- a) Actual quarterly and annual removal of minerals, stating the number of vehicles that have left the site with loads of minerals and quantity of minerals removed, expressed in cubic yards.
- b) A report showing the nature and results of mining operations and reclamation during the previous year as well as the current status of operations on the site.
- c) Such a report shall also be prepared and submitted at the time of closure of all operations, and in the final report, all final grades on the site shall be shown, together with other information required by the reclamation provisions of a Special Use permit.
- d) Any refusal to allow inspections permitted may lead to suspension or a revocation of the permit.
- e) The permittee shall correct any and all violations forthwith, and in all events in a period not to exceed sixty (60) days from the date of the violation notice unless, due to circumstances beyond the permittee's control, completion of the corrective measures are not possible within such period, in which event the permittee shall have a



reasonable additional time within which to make the correction.

- f) In the event the Planning Commission shall determine that a violation of this Ordinance exists or that the permittee has failed to cure a violation in a timely manner, the Planning Commission is authorized to take action, taking into consideration whether the permittee made a reasonable effort to prevent the occurrence of a violation and/or cure the same in a timely manner.
- g) In the event the Planning Commission shall determine, in its discretion, that serious and irreparable harm and damage is likely to occur to person or property, or that an impairment or pollution of the environment is likely to occur, the Planning Commission may order an emergency suspension of the permit which shall become effective upon service of same upon the permittee and will remain in effect pending further hearing.

#### 11. Penalties and Revocation.

- a) A permit may be revoked if the permittee operates in any manner inconsistent with the conditions of the permit or any amendment thereto or fails to comply with any condition which the Planning Commission may order set forth in the permit to protect the public health, safety and welfare in the special circumstances of the situation.
- b) **Written notice of revocation.** The permittee shall be given written notice, mailed or personally served, at least fourteen (14) days prior to the date of the Planning Commission meeting at which revocation is considered, and the opportunity to be heard in person or by counsel. Said notice shall specify the date, time and place of the meeting at which revocation will be considered and inform the permittee of the reason or reasons why revocation is under consideration and of his right to be heard either in person or by counsel. Revocation of a permit shall not exempt the permittee from punishment for any violation of this article as hereinafter provided.
- c) Mining operations legally in existence with a valid Special Land Use Permit on the effective date of this Article shall be required to comply with this Article within twelve (12) months of the effective date of this Article, whenever mining operations are extending to new untouched or virgin areas not currently approved by the Special Land Use Permit. If and to the extent it is alleged by the permittee with an existing valid Special Land Use Permit on the effective date of this Article that it is unlawful to enforce one or more of the requirements of this Article, the permittee may request and shall be granted a hearing before the Planning Commission. The request for hearing shall identify each requirement alleged to be inapplicable and shall state the reason why the requirement is alleged to be inapplicable.
- d) Existing legal nonconforming mining operations from and after the effective date of this Article, shall be required to obtain a Special Land Use permit and comply with this Article within twelve (12) months of the effective date of this ordinance, whenever mining operations are extending beyond their normal amount of mineral removal to new untouched or virgin areas. If and to the extent it is alleged by the land owners on the effective date of this Article that it is unlawful to enforce one or more of the requirements of this Article, the land owners may request and shall be granted a hearing before the Planning Commission. The request for hearing shall identify each requirement alleged to be inapplicable and shall state the reason why the requirement is alleged to be inapplicable.
- e) The purpose of the hearing shall be to provide the permittee or land owner with an opportunity to be heard on the request, and for the Planning Commission to thereafter

determine if and/or the extent to which the one or more requirements identified in the request of the permittee or land owner shall apply to the pre-existing operation. In acting upon the request of the permittee or landowner, the Planning Commission shall consider, among other criteria, the following:

- i) The nature and extent of harm, danger, injury, and the like, the Article provision is designed to address.
  - ii) The economic impact upon the permittee or landowner, taking into consideration that the termination of a pre-existing operation may not be required.
  - iii) The relationship between the ordinance provision and the promotion or protection of the public health, safety and welfare.
- f) Any person violating any of the provision of this Article shall be guilty of a civil infraction, and thereof shall be subject to a fine, as determined by the Court, together with costs.
- g) The rights and remedies provided in this Article are cumulative and in addition to such other remedies provided in this Ordinance, and/or by law and/or by equity. The Township shall not be prohibited from pursuing any other lawful remedy it may have in order to bring compliance with this Ordinance.
- h) The township is specifically authorized to bring an action in equity to obtain injunctive relief to prohibit violations of this Ordinance.

**P. Mini-storage, Commercial.**

1. The use shall be developed on a lot of at least two (2) acres, but not more than ten (10) acres in size. No more than sixty (60) percent of the lot may be used for buildings, parking lots and access.
2. Access to the site shall be located according to County or State requirements as applicable.
3. A six (6) foot, solid fence may be required by the Planning Commission if natural screening of storage areas is not present. The fence shall be set back at least ten (10) feet from the front property line.
4. The front yard, up to the fence, shall be landscaped in accordance with Section 17.5.
5. Outdoor storage of boats and recreational vehicles is permitted provided the storage area is properly screened.
6. Minimum side and rear yards as specified for the district shall be maintained.
7. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
8. Traffic direction and parking shall be designated by signs or painting.
9. The lot area used for parking shall be drained so as to dispose of all surface water.
10. Where the site abuts a residential district or use, screening that complies with Section 17.5 shall be provided along that property line.

**Q. Municipal and public service activities.**

1. The proposed site shall front upon, and all ingress and egress shall be from, a public street.
2. Unless greater setbacks are required by the district in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the road right of way and twenty-five (25) feet from the side and rear lot lines.

**R. Nursing or convalescent home.**

1. Minimum lot size shall be three (3) acres with at least two hundred (200) feet of frontage.
2. The lot location shall be such that at least one (1) property line abuts a public street. The ingress and egress for off-street parking areas for guests and patients shall be directly from that street.
3. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
4. The facility shall be designed to provide a minimum of two hundred (200) square feet of open space for every bed used or intended bed to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.

**S. Religious Institutions.**

1. Religious institutions shall be located on a minimum lot size of two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) person seating capacity or fraction thereof in excess of one hundred (100) and have direct access to a paved county primary road.
2. No building or structure may be located within twenty-five (25) feet of the property line of any residential use or district.

**T. Restaurant.**

1. Trash and waste shall be contained in a commercial container or dumpster and shall be removed at least on a weekly basis. Container or dumpster shall be screened on all four sides.
2. Parking must be provided at a rate of one (1) per three (3) persons allowed within the maximum occupancy load plus one per employee.
3. Restaurants shall only be located on a paved county road.

**U. Schools, elementary, middle and high school (non-public).**

1. Such uses shall require a minimum lot size of ten (10) acres, except for parks and playgrounds, which shall meet the minimum lot requirement of the district in which they are located.
2. The main and accessory buildings and structures shall not be located within fifty (50) feet of any residential use or district.

3. All stadium and all other exterior sports arena luminaries used for the purpose of illumination of the playing area must be extinguished by 11:00 p.m. or immediately after the conclusion of the final event of the day. The remainder of the facility lighting, except for reasons of security, must be extinguished at 11:00 p.m. or within one (1) hour after the event, whichever is later, and remains extinguished until one (1) hour prior to the commencement of the next event the following day.

**V. Sexually oriented businesses.**

1. In the development and execution of this Subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential use or district, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Subsection. These controls are for preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities prohibited in other Sections of the Ordinance.
2. Any sexually oriented business use is permitted if the following requirements are met.
  - a) The proposed use is not an accessory or incidental use and it is located within a zoning district where the use may be permitted as a special land use.
  - b) The use is not located within a one thousand (1,000) foot radius of a residential use or district, church, public or private nursery school, preschool, kindergarten, elementary or secondary school, public park or licensed childcare center.
  - c) The use shall not be within a five hundred (500) foot radius of another such use. Separation distances between sexually oriented businesses may be waived by the Planning Commission if the following findings are made.
    - i) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this Subsection will be observed.
    - ii) The proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings,
    - iii) The establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
    - iv) Applicable State laws and local ordinances will be observed.
  - d) Prior to the granting of any waiver as provided in Subsection c above, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may be, in its judgment, necessary for the protection of the public interest. Evidence and guarantees may be required such that the conditions stipulated in connection with the use will be fulfilled.

3. For purposes of this Subsection, the separation between a sexually oriented business and a use listed in this Subsection shall be measured from the sexually oriented business to the boundary line of the use or district in which the other use is located and the separation distance between a sexually oriented business and another sexually oriented business shall be measured from the sexually oriented business to the lot line of the other sexually oriented business.
4. If any portion of the building in which the sexually oriented business is located fails to meet the separation distance requirements of this Subsection, then the entire building shall be ineligible for a sexually oriented business use.
5. The presence or existence of a city, township, county, or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this Subsection.
6. A sexually oriented business lawfully operating is not rendered a nonconforming use by the location, subsequent to the location or grant or renewal of the sexually oriented business, of a church, public or private nursery school, preschool, kindergarten, elementary or secondary school, public park, licensed child care center, any entertainment business that is oriented primarily toward children or family entertainment, or another sexually oriented business.
7. Parking spaces shall be provided at the ratio of one (1) space per 4 persons permitted by the maximum occupancy load established by fire, health, or building codes.
8. Parking shall be provided in front of the building.
9. No sexually oriented business shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. and no such use shall be open on Sundays.
10. No alcohol shall be served at any sexually oriented business.
11. No sexually oriented business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that minors are not allowed.
12. All parking areas and the building shall be well lit to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
13. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or ordinance.

**W. Shooting ranges.**

1. Minimum lot area shall be forty (40) acres.
2. A minimum setback of two hundred fifty (250) feet from all lot lines shall be maintained. No shooting activities shall take place in this setback.
3. Hours of operation shall not begin before 10:00 a.m. nor end later than 9:00 p.m. for outdoor ranges.
4. No outdoors shooting range shall be located any closer than one (1) mile from any residential district or use, church or school.
5. Rifle and pistol ranges shall have a sufficient backstop to prevent further range of a bullet or an errant shot.

6. All ranges shall have a shot fall zone no closer than one thousand (1,000) feet from adjacent properties.
7. All ranges must follow the Environmental Protection Agency's Best Management Practices for shooting ranges.

**X. Sports facilities, indoor and outdoor (not including golf courses).**

1. Hours of operation may be between 8:00 a.m. and 11:00 p.m. daily.
2. Parking must be provided at a rate of one (1) per three (3) persons allowed within the facility's maximum capacity.
3. Buffering must be provided between the facility and abutting non- commercial or non-industrial uses.

**Y. Truck maintenance facility.**

1. Minimum lot area shall be five (5) acres,
2. All equipment and activities associated with repair operations, except those with incidental use such as air hoses, shall be kept within an enclosed building.
3. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by a solid fence or wall, not less than six (6) feet in height.
4. All lubrication, repair, and servicing equipment shall be within an enclosed building.
5. If lot abuts a residential zone or use, the buildings/structures must be a least one hundred (100) feet from any property line.
6. When adjoining property is residentially zoned or used, parking and storage areas shall be fenced or screened.

**Z. Vehicle repair, vehicle service station, vehicle wash establishment.**

1. Fueling facilities are limited to a total of six (6) pumps, with two parking spaces per pump plus one for each employee and for each 200 square feet of retail area.
2. Washing facilities are limited to a total of four (4) bays with five on-site stacking spaces for each wash bay entrance plus 2 drying spaces at the exit. Industrial grade vehicle wash recycling systems must be used.
3. Buffering must be provided between the facility and abutting non- commercial uses. The buffer must be fifty (50) feet from property line and include at least five (5) feet of natural vegetative landscaping material.

**AA. Wind energy conversion systems (commercial).**

1. WECS facilities may be a principal use or an accessory use on a lot.
2. Minimum lot size for a commercial WECS shall be twenty (20) acres, but a minimum of three (3) acres of site area is required for each WECS proposed within an eligible property. WECS may be clustered on the lot.
3. In addition to the requirements for site plan application and review outlined in Section 16.3, the following information shall be included with any application of a special land use for a WECS:

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- a) Pre-application permits:
    - i) Utility Infrastructure: Shall comply with Federal Aviation Association [FAA] requirements, the Michigan Airport Zoning Act [Public Act 23 of 1950 as amended, M.C.L. 259.481 et seq.], the Michigan Tall Structures Act [Public Act 259 of 1959, M.C.L. 259.431 et seq.], local jurisdiction airport overlay zone regulations, applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards, and applicable parts of the Michigan Natural Resources and Environmental Protection Act [Act 451 of 1994, M.C.L. 324.101 et seq.].
    - b) Location of overhead electrical transmission or distribution lines.
    - c) Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
    - d) Locations and height of all adjacent buildings, structures, and above ground utilities located within six hundred (600) feet of the exterior boundaries of the site housing the WECS. The boundaries shall include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
    - e) A proper buffer or greenbelt to screen the use from any adjacent residential district or use and the public street.
    - f) Existing and proposed setbacks of all buildings and structures located on the property in question.
    - g) Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all buildings and structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.
    - h) Access road to the WECS facility with detail on dimensions, composition, and maintenance. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
    - i) Planned security measures to prevent unauthorized trespass and access.
    - j) WECS maintenance programs shall be provided that describes the maintenance program used to maintain the WECS, including removal when determined to be obsolete.
    - k) The applicant shall enter into a road use agreement with the Allegan County Road Commission or the Michigan Department of Transportation to cover all costs of all road damage resulting from the construction of the WECS.
  4. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the building code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State.
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5. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the applicable electrical code. Additionally, Commercial Wind Energy Conversion System towers and interconnections shall comply with all applicable State construction and electrical codes and local building requirements.
6. A minimum of a eight (8) foot tall fence shall be provided around the perimeter of the WECS, or in the case of several WECSs, around the perimeter of the site at the Planning Commission's discretion.
7. No part of a WECS shall be located within or above any required front, side or rear yard setback of the district in which it is located.
8. WECS towers shall be setback a horizontal distance equal to 1.5 times the maximum blade tip height from the edge of the road right of way and WECS towers shall be setback a horizontal distance equal to 3 times the maximum blade tip height from non-participating property lines.
9. WECS shall not be located within thirty (30) feet of an above ground utility line.
10. The height of a commercial WECS shall be measured from grade to the height of the blade in the vertical position or the highest point of the WECS, whichever is greater. Maximum height for a commercial WECS shall be five hundred (500) feet.
11. Colors and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
12. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any building, structure, land or tree within a two hundred (200) foot radius of the tower.
13. To prevent unauthorized climbing, WECS towers must comply with one (1) of the following provisions.
  - a) Tower climbing apparatus shall not be located within twelve (12) feet of the ground;
  - b) A locked anti-climb device shall be installed on the tower; or
  - c) Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
14. A sign not to exceed 24 square feet in area shall be placed at the road access to the WECS facility to warn visitors about the potential danger of falling ice. Each WECS shall have one (1) sign, not to exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:
  - a) Warning high voltage;
  - b) Manufacturer's name;
  - c) Emergency phone number; and
  - d) Emergency shutdown procedures.
15. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations. Light mitigating technology should be used where possible.



16. No utility scale WECS facility shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, wireless phone or other personal communication systems would produce interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before the operation of the WECS facility. No utility scale WECS facility shall be installed in any location within the line of sight of an existing microwave communication link where the operation of the WECS facility is likely to produce electromagnetic interference in the link's operation.
17. Noise emanating from the operation of WECS shall not exceed fifty (50) decibels, as measured on the dBA scale, measured at the nearest property line. If the ambient sound pressure level exceeds 50 dB[A] the standard shall be ambient dB[A] plus 5 dB[A]. Estimates of noise levels shall be provided by the applicant for property lines under normal operating conditions.
18. Any proposed WECS shall not produce vibrations humanly perceptible beyond the property on which it is located.
19. The on-site electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.
20. A shadow flicker analysis shall be done at occupied structures including their surrounding yards, livestock structures and livestock lots to identify the locations of shadow flicker that may be caused by the project and the expected duration of the flicker at these locations from sunrise to sunset over the course of a year. The Site Plan shall identify problem areas where shadow flicker may affect occupants or livestock and show measures that shall be taken to eliminate or mitigate the problems.
21. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the applicable electrical code.
22. The applicant shall demonstrate mitigation plans to minimize impacts to birds and other wildlife that may collide with rotor blades. Bird flyways and migration patterns shall be considered when siting WECS. Power lines should be placed underground when feasible to prevent avian collisions and electrocutions. All above ground lines, transformers or conductors should comply with the Avian Power Line Interaction Committee published standards to prevent avian mortality. The applicant shall demonstrate mitigation measures to minimize potential impacts on the natural environment including but not limited to wetlands and other fragile ecosystems. Applicants must comply with applicable sections of the Federal Endangered Species Act and Michigan's Endangered Species Protection Law.
23. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
24. The Township reserves the right upon issuing any WECS special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
25. The applicant shall submit a decommissioning plan describing the intended disposition of the WECS facility at the end of its useful life or if deemed abandoned, that is, not used for 6 successive months. The plan also shall describe how the land will be restored.

26. The applicant shall maintain a current general liability insurance policy covering bodily injury and property damage with limits of at least \$5 million dollars per occurrence and \$20 million dollars in the aggregate and provide proof that it meets the insurance requirement to the Zoning Administrator prior to approval of the SLU. The applicant shall also maintain a performance bond made out to Ganges Township sufficient to cover 125% of the estimated cost of removal of the abandoned or decommissioned WECS facility and the restoration of the property to its original condition before construction can begin. This bond must be indexed to the Federal Consumer Price Index and the bond company shall notify Ganges Township if the bond is about to expire or be terminated.

**BB. Winery, Meadery, or Cider Mill.**

1. Minimal lot size for the facility shall be ten (10) acres if located in the Res/Ag or Ag Districts and two (2) acres if located in the Commercial District. Meaderies are only allowed in the Commercial District and require a minimal lot size of two (2) acres.
2. These facilities require a Special Land Use.
3. Facilities located in the Res/Ag or Ag Districts must be located on the farm from which the fruit is grown for wine production. This is not required of facilities located in the Commercial Districts.
4. In the Res/Ag and Ag Districts the facility shall be located no closer than two Hundred (200) feet from any lot line that abuts a residential district or use. In the Commercial District the side and front yard setbacks shall be fifty (50) feet and the rear yard setback shall be thirty (30) feet.
5. Activities may include functions associated with the winery, meadery or cider mill products including but not necessarily limited to tours and a retail area for products not made at the winery, meadery or cider mill. No more than five thousand (5,000) square feet shall be devoted to these activities.
6. No activity or structure shall be located within fifty (50) feet of the public street right-of-way.
7. One parking space shall be provided for each three (3) persons permitted under the maximum building occupancy code.
8. The access drive shall be wide enough to accommodate two (2) vehicles side-by-side. Two (2) access drives may be required by the Township where a facility is large enough to need additional access points.
9. Access to the lot shall be located according to County or State road requirements as applicable.
10. Hours of operation shall be limited to between the hours of 7:00 a.m. and 9:00 p.m.

**CC. Wireless communication towers over 75 feet.**

1. The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower or building within the service area of the proposed tower.
2. The applicant shall offer collocation to other vendors and shall provide evidence of such offer in addition to an inventory of its existing towers, antennas, or sites approved for towers or antennas that are either within the Township or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower.

3. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
4. All towers and antennas shall be located so that the fall zone is within the lot on which it is located OR the owner shall record an easement on that property which falls within the fall zone, such that no building may be built within the fall zone.
5. No communication tower or antenna shall be located closer than five hundred (500) feet from the boundary of an existing residential use or district. This requirement may be waived by the Planning Commission if one (1) of the following conditions are met:
  - a) The proposed communication facility is located on an existing communication tower; or
  - b) The communication tower is to serve solely a governmental or educational institution.
6. Area for equipment shelters shall be provided for all potential tower vendors.
7. No communication tower and antenna shall be greater than two hundred (200) feet in height, except if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
8. The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
9. The applicant shall provide the legal description of the lot and any leased portion thereof.
10. A security fence at least six (6) feet in height, but not more than ten (10) feet, shall be constructed around the tower and any other related apparatuses (i.e., ground antennas, satellite dishes, accessory structures).
11. The Planning Commission may require a buffer zone in compliance with Section 13.05 of the Ordinance.
12. All communication towers shall be equipped with an anti-climbing device to prevent unauthorized access.
13. No signs shall be permitted on site, except for warning, or other cautionary signs, which shall not exceed two (2) square feet in area.
14. All new communication towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
15. The collocation of an antenna shall not require an additional special land use permit and may be approved by review of the Zoning Administrator provided that:
  - a) The wireless communication support structure or existing equipment compound was previously approved by the Ganges Township Planning Commission and the Ganges Township Board.
  - b) The increase in overall height of the wireless communication support structure is not more than 20 feet or 10% of its original height, whichever is greater.

- c) The increase in width of the wireless support structure is not more than minimally necessary to permit collocation.
  - d) The increase in area of the existing equipment compound is not more than 2500 square feet.
16. The applicant shall submit details of communication tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on- site security.
  17. All communication tower permits issued by the Township shall be contingent upon any necessary approval of the Federal Aviation Administration, Federal Communication Commission, State Bureau of Aeronautics – Tall Structures Act and any other applicable State or Federal acts.
  18. The applicant shall submit a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of the Township.
  19. Communication towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
  20. Any communication tower that is abandoned or its use discontinued for a period of twelve (12) months shall be required to be removed immediately by the owner or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, buildings, or grounds have fallen into disrepair; or the removal of all antennas or support structures.
  21. The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the communication tower when it has been abandoned or is no longer needed.

**DD. Brewery, Microbrewery, or Brewpub.**

1. These facilities are allowed by Special Land Use in the Commercial Districts. Minimal lot size shall be two (2) acres with fifty (50) feet side and front yard setbacks and thirty (30) feet back yard setbacks.
2. Facilities must be licensed by the Michigan Liquor Control Commission.
3. An appropriate food establishment license must be obtained from the Michigan Department of Agriculture and Rural Development and/or the Allegan County Health Department.
4. Activities may include functions associated with the brewery products including but not limited to brewery tours and a retail area for products not made at the brewery. No more than five thousand (5,000) square feet shall be devoted to these activities.
5. One parking space shall be provided for each three (3) persons permitted under the maximum building occupancy load.
6. The access drive shall be wide enough to accommodate two (2) vehicles side-by-side. Two access drives may be required by the Township where a facility is large enough to need additional access points.

7. Access to the lot shall be located according to County or State road requirements as applicable.
8. Hours of operation shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. for breweries and microbreweries.
9. Free samples may be offered to consumers and sales for on or off premises consumption is allowed.
10. For brewpubs, hours of operation shall be between 11:30 a.m. and 11:00 p.m. Not less than 25% of the gross sales of the brewpub shall be derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises annually.

#### EE. Solar Farm.

1. **Solar Farm.** A utility scaled commercial facility that converts sunlight into electricity for the wholesale or retail sale of the generated electricity off site. Solar farms shall require a special land use and shall be located only in the Agricultural, Commercial or Industrial Districts. Solar Farms are only allowed in non-prime farmlands Class V through VIII as determined by the United States Department of Agriculture (USDA), National Resources Conservation Service (NRCS).
2. **Solar Farm Special Land Use.**
  - a) **Landowner Authorization.** The applicant shall provide the following Information with respect to the site.
    - i) A legal description of the property on which the Solar Farm will be located.
    - ii) The name, address and phone number of the applicant, including the name of the authorized representative of the applicant, the owner of all equipment to be installed, and the owner of the property.
    - iii) Written authorization from the property owners to seek land use
3. **Liability Insurance.** The applicant shall maintain a current general liability insurance policy covering bodily injury and property damage with limits of at least \$5 million dollars per occurrence and \$20 million dollars in the aggregate and provide proof that it meets the insurance requirement to the Zoning Administrator prior to approval of the SLU. The applicant shall also maintain a performance bond made out to Ganges Township sufficient to cover 125% of the estimated cost of removal of the abandoned or decommissioned Solar facility and the restoration of the property to its original condition before construction can begin. This bond must be indexed to the Federal Consumer Price Index and the bond company shall notify Ganges Township if the bond is about to expire or be terminated.
4. A site plan must include the proposed number, location and spacing of solar panels; proposed height of panels; location of access roads; planned location of underground or overhead electric lines connecting the solar farm to the substation or other electric load; proposed storm water management facilities; proposed erosion and sediment control measures; and other related facilities or appurtenances.
  - a) Identify the type, size, rated power output, performance, safety and noise characteristics of the proposed system including the transmission line/grid connection for the project.
  - b) The estimated construction timeline.

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- c) A graphical demonstration of the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
  - d) Details of the access road to the solar farm including dimensions, composition and maintenance.
  - e) Planned security measures to prevent unauthorized trespass and access.
  - f) An environmental analysis identifying any impacts on the surrounding environment, including the identification of any solid or hazardous waste generated by the project.
  - g) Identify potential hazards to adjacent properties, public roadways and to the general public that may be created. Include emergency and normal shutdown procedures.
  - h) Identify noise levels at the property lines of the project when completed and operational.
  - i) Identify any electromagnetic interference that may be generated by the project.
  - j) A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the solar farm, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Township Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
  - k) A detailed description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the solar farm must be supplied. The applicant shall maintain and make available to nearby residents a telephone number where the project representative can be reached.
  - l) Dark sky friendly lighting required.
  - m) An agreement is required to implement vegetative ground cover to meet pollinator standards throughout the lifetime of the proposed facility as established by the "Michigan Pollinator Habitat Planning Scorecard for Solar Sites" developed by the Michigan State University Department of Entomology. The seed mix used to establish pollinator plantings shall not include invasive species as identified by the Midwest Invasive Species Information Network. If a detailed plan utilizing agrivoltaics at the proposed facility is submitted and approved by the Planning Commission, such use can be used in lieu of the pollinator standards. If at any point during the life of the project agrivoltaics is no longer implemented, vegetative ground cover using the pollinator standards will be required henceforth.
5. All photovoltaic solar panels and support structures excluding perimeter fencing and landscaping associated with a solar farm shall be setback a minimum of fifty (50) feet from the right-of-way, fifty (50) feet from adjacent property lines, and three hundred (300) feet from non-participating buildings and dwellings.
  6. All photovoltaic solar panels and support structures shall be restricted to a maximum height of sixteen (16) feet when oriented at maximum tilt.
  7. Solar farms require a minimum lot size of 10 acres but are exempt from the maximum lot coverage requirements of the Ordinance.
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8. A security chain-link fence of eight (8) feet in height shall be placed around the perimeter of the solar farm and electrical equipment. Additionally, a sign not to exceed twenty-four (24) square feet in area shall be posted at the entrance containing the following information: emergency contact, emergency phone number, and emergency shutdown procedures.
9. Noise emanating from the solar farm shall not exceed 50 dB(A) (not calculated as an average) at the property line.
10. A ten (10) foot area clear of trees, bushes, or brush is required surrounding all ground-mounted photovoltaic arrays. Vegetation in the area must be kept trimmed to less than 18 inches.
11. Solar farms shall be sited so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of day.
12. Solar farms shall include a landscaping and screening/buffering plan. The plan will be reviewed through the approval process to assure that the proposed solar farm is appropriately landscaped in relation to adjacent land uses and road right-of-ways. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Exceptions to landscaping requirement may be granted by the planning commission on a case-by-case basis if there is perceived environmental or contamination issues on the land.
13. The solar farm shall comply with all applicable state construction and electrical codes including local building permit requirements. The interconnection of the solar farm with the utility company shall adhere to the State Electrical Code as adopted by the State and enforced by the Township. Solar energy storage systems must comply with all Federal, State and local laws, regulations and safety codes.
14. An approved special land use permit for a solar farm project shall expire if construction of the solar farm has not commenced within twelve (12) months from the date of issuance. An applicant may request an extension of the approval of the special land use permit by letter addressed to the Zoning Administrator. The Planning Commission may grant or deny an extension of up to twelve (12) months for the construction to commence provided the written request to extend the special use permit is submitted prior to the expiration of the special land use permit and provided that the proposed use continues to satisfy the applicable standards set forth within the Ordinance.
15. An approved special use permit for a solar farm shall constitute approval to operate and use the solar farm twenty-four (24) hours per day.
16. The Township hereby reserves the right upon issuing any solar farm special land use permit to inspect the premises on which the solar farm is located. If a solar farm is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

17. The solar farm application shall contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of project life, inoperability of the solar farm, or facility abandonment. Decommissioning shall include the removal of all structures, fencing and equipment, foundations, footings and debris to a depth of four (4) feet, as well as restoration of the soil and vegetation. The decommissioning including restoration shall be completed within one (1) year of the end of project life, inoperability of the solar farm or facility abandonment, at the owner's or operator's expense. Extensions may be granted upon written request to the Planning Commission prior to expiration of the one (1) year decommissioning period. A site will be considered decommissioned when, after inspection and approval by the Township, all structures and equipment are removed, and the site is in natural condition. The Decommissioning Plan shall state (a) how the facility will be decommissioned, (b) the Professional Engineer's estimated cost of decommissioning, and (c) the financial resources to be used to accomplish decommissioning.
- a) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit, which shall be deposited in an escrow account with an escrow agent acceptable to the Township.
  - b) The Township shall have access to the escrow account funds for the express purpose of completing the decommissioning, if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of the solar farm, or facility abandonment, or upon expiration of any extension granted by the Planning Commission. Escrow funds may be used for administrative fees and costs associated with decommissioning.
  - c) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning as necessary.
  - d) The Township is also granted the right to seek and obtain injunctive relief to effect or complete decommissioning, as well as the right to collect reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess costs, and to take all steps allowed by law to enforce the lien.

#### **FF. Energy Storage Facility.**

1. Setbacks must be 300 feet from non-participating occupied buildings.
2. Setbacks must be 50 feet from road right of ways and 50 feet from non-participating property lines.
3. Noise must not be greater than 50dBA as measured at the nearest outer wall of a dwelling located on an adjacent nonparticipating property.
4. The facility complies with the version of NFPA 855 for energy storage systems.
5. Dark sky friendly lighting required.

#### **GG. Event Center or Event Venue.**

1. Minimum lot area shall be five (5) acres.
2. The establishment shall be located on property with direct access to a public street and shall only be located in the Commercial District or the Glenn Mixed Use District.



3. The hours of operation of an event located within two hundred (200) feet of a residential district or use shall be from 7:00 am to 10:00 pm on weekdays and 7:00am to 12:00 pm on weekends.
4. Where the site abuts a residential district or use screening shall be provided along that property line.
5. Maximum capacity to be determined by the building code.
6. Allegan County Health Department to determine well and septic adequacy.
7. Events are to be held indoors unless an Outdoor Entertainment Permit is approved by the Township Board.
8. A State Banquet Facility permit is required.
9. The Township Board by resolution must approve the Event Center or Event Venue.

#### HH. **Bowling Alley.**

1. Hours of operation may be between 8:00 am and 11:00 pm daily.
2. Parking must be required At a rate of (1) per (3) persons allowed within the facilities maximum capacity.
3. Buffering must be provided between the facility and abutting residential district or use.

#### II. **Elderly Housing.**

1. The minimal lot area shall be three (3) acres.
2. The establishment shall be located on a property with direct access to a public street.
3. The Site shall be served by public water and sewer facilities if available. If not available approval from the Allegan County Health Department for well and septic system is required.
4. The principal building and all accessory buildings shall be setback a minimum distance of seventy-five feet (75) from all property lines.
5. The maximum height of a building is thirty-five (35) feet.
6. Each dwelling unit shall provide separate bedrooms and sanitary facilities for each occupant, (e.g. husband and wife constituting one occupant), together with a shared kitchen, dining and living space.
7. Dwellings may be provided for as one family or two family detached units.
8. Each dwelling unit must be provided with adequate management services to maintain the premises.
9. All dwellings must be compatible with abutting and surrounding single family dwellings with respect to scale, character, materials and landscaping. Elderly Housing does not include adult foster care homes.
10. The required parking shall include one (1) off-street parking space per each residential unit. There shall be additional off-street parking space area for designated guest parking, with a minimum of one (1) guest parking space for every five (5) residential units.

11. The total open space required shall be a minimum of fifteen (15) percent of the site.

# Article 19.

## Nonconformities

### Section 19.1 Nonconforming Uses, Structures, and Lots

#### A. General Provisions.

1. Any lot, use of land, building or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land, building or structure was established, and any lot, use of land, building or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing lot, use of land, building or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Article.
3. A lawful use of land or structure which is under construction at the time of adoption of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this Section.
4. Lawfully established nonconforming single family and duplex dwellings that are damaged or destroyed may be replaced or restored provided that the nonconformity is not increased, and a new nonconformity is not created.

#### B. Nonconforming Uses.

1. No part of any nonconforming use shall be relocated unless the movement eliminates the nonconformity.
2. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

- a) Utilities, such as water, gas and electricity to the property, have been disconnected;
  - b) The property, buildings, and grounds, have fallen into disrepair;
  - c) Signs or other indications of the existence of the nonconforming use have been removed;
  - d) Removal of equipment or fixtures necessary for the operation of the nonconforming use;  
or
  - e) Other actions which, in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
3. A nonconforming use shall not be changed in use to another use that is also nonconforming unless it is more conforming than the previous use. Once a conforming use is established the prior nonconforming use may not be reestablished.
  4. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.

**C. Nonconforming Buildings and Structures**

1. The expansion of a nonconforming building or structure shall be permitted provided that the addition complies with this Ordinance and does not increase the nonconformity.
2. Buildings or structures in a designated floodway shall not be expanded in any way.
3. In the event any nonconforming building or structure with the exception of a lawfully established nonconforming single family or duplex dwelling shall be damaged by fire, wind, act of God or the public enemy, it may be rebuilt or restored provided that the loss shall not exceed sixty (60) percent of the replacement value as determined by the building official, and nonconformity shall not be increased or create a new nonconformity.
4. If a nonconforming building or structure with the exception of a lawfully established nonconforming single family or duplex dwelling is greater than sixty (60) percent destroyed and the lot has the area to comply with the setbacks, the lot shall thereafter only be improved in compliance with this Ordinance. If a nonconforming building or structure is greater than sixty percent destroyed and cannot be restored in a conforming manner, then the owner may request a dimensional variance from the Zoning Board of Appeals for the restoration to be allowed. The restoration of the building or structure shall not increase its noncompliance with the minimum requirements of this Ordinance.
5. A nonconforming building or structure shall not be moved in whole or in part except when the moving results in full compliance with the provisions of this Ordinance.
6. Normal repairs and maintenance of existing buildings and structures is permitted, as long as no new non-conformities are created.

- D. **Nonconforming Lots of Record.** A single lawfully created nonconforming lot of record not contiguous to another lot or lots under the same or similar ownership may be used for the purpose for which it is zoned. The lot area or lot width shall not be divided or reduced so as to increase its noncompliance with the minimum requirements of this Ordinance. Buildings or structures shall be located on such a lot so as to maximize compliance with all area and setback requirements of the applicable zoning district. Where setbacks cannot be met the owner may request a dimensional variance from the Zoning Board of Appeals.

Contiguous nonconforming lots of record or combination of lots and portions of lots of record shall be considered to be an undivided parcel for the purpose of this Ordinance if they meet the following:

1. Are in the same or similar ownership
2. Are adjacent to each other or have contiguous frontage.
3. Individually do not meet the lot width or lot area requirements of this Ordinance.

The contiguous nonconforming lots shall be combined so as to maximize compliance with the lot width and lot area requirements of the applicable zoning district. Where lot width or lot area requirements cannot be met the owner may request a dimensional variance from the Zoning Board of Appeals.

# Article 20.

## Zoning Board of Appeals

### Section 20.1 Membership and Procedures

- A. The Zoning Board of Appeals (ZBA) shall consist of three (3) to five (5) members appointed in compliance with the Zoning Act, who shall serve terms of three (3) years, except for members who are also on the Planning Commission or Township Board, who shall serve only as long as they are members of those bodies.
- B. A member of the Planning Commission shall be a member of the ZBA, while a member of the Township Board may be a member of the ZBA. The remaining members shall be selected from the electors of the Township. A Township Board member may not be chairperson of the ZBA.
- C. Meetings shall be held at the call of the Chairperson, and at other times as the ZBA in its rules of procedure may specify. The Chairperson, or in the Chairperson's absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- D. All meetings of the ZBA shall be open to the public. The ZBA shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk, and shall be a public record.
- E. **Alternates.**
  - 1. The Township Board may appoint up to two (2) alternate members for the same term as regular members of the ZBA.
  - 2. An alternate member may be called to sit as a regular member of the ZBA to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
  - 3. An alternate member may be called to sit as a regular member if a regular member is absent from one (1) or more meetings.
  - 4. An alternate member called to serve on a case shall serve on that case until a final decision has been made. The *alternate* member shall have the same voting rights as a regular member.

5. The records maintained by the Board of Appeals shall reflect the attendance and participation of an alternate member when applicable.

## Section 20.2 Interpretations

The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other questions on which the ZBA is authorized to pass. In exercising all of its powers, the ZBA shall apply the standards of this Section.

- A. **Text Interpretations:** The ZBA may hear and decide upon requests for the interpretation of the provisions of this Ordinance. In deciding text interpretations, the ZBA shall be governed by the following rules.
  1. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance and not have the effect of amending this Ordinance.
  2. Interpretations shall give weight to practical interpretations by the Zoning Administrator if applied consistently over a long period of time.
  3. Records shall be kept of all interpretations.
  4. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one (1) interpretation, the benefit of doubt shall go to the property owner.
  5. Nothing contained in this Section shall be construed to give or grant to the ZBA the power or authority to alter or change the language of this Ordinance.
- B. **Map Interpretations:** When there is any question as to the location of any boundary line between districts, upon a request for an interpretation of the Official Zoning Map, the ZBA shall establish the boundary based upon the map and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this Ordinance and the Master Plan.

## Section 20.3 Appeals

- A. Upon application, the ZBA shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other official or body charged with the administration of this Ordinance. Any person aggrieved, or any officer, department or board of the Township may make an appeal to the ZBA. The grounds of every appeal shall be stated in writing as part of the application. Appeals of decisions made pertaining to Site Plan Reviews, Planned Unit Developments, Site Condominiums or Special Land Uses cannot be appealed to the Zoning Board of Appeals.

- B. An application for appeal shall be filed within twenty-one (21) days after the date of the decision that is the basis of the appeal, as demonstrated by the approval of the minutes of the meeting at which the action was taken. The appellant must file a notice of appeal and a fee with the Zoning Administrator. The notice shall specify the nature and grounds of the appeal and the application fee shall be submitted in an amount as established by the Township Board from time to time.
- C. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action being appealed was taken.
- D. An appeal stays all proceedings from furthering the action being appealed unless the Zoning Administrator certifies to the ZBA that a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court.
- E. The ZBA shall fix a reasonable time for the hearing of the appeal, and give due notice to all property owners and occupants within three hundred (300) feet of the subject property via a letter sent first class mail fifteen (15) days before the public hearing, giving the time and place of the hearing. Any party may appear in person or by agent. A public hearing shall also be published in a newspaper of general circulation not less than fifteen (15) days before the public hearing. Notices shall comply with the Zoning Act.
- F. Following the public hearing, the ZBA shall decide the matter within a reasonable time. The ZBA may 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 premises, and to that end shall have the authority to direct the Zoning Administrator to issue a permit.

## Section 20.4 Variances

- A. **Non-Use (Dimensional) Variances:** The ZBA may authorize upon written application in specific cases variances from the terms of this Ordinance where, owing to special conditions related to the applicant's property, a literal enforcement of the provisions of this Ordinance would result in a practical difficulty to the applicant. A variance from the terms of this Ordinance shall not be granted by the ZBA unless and until a written application for a variance is submitted and the ZBA finds all of the following standards are met.
  - 1. There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include any of the following:
    - a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
    - b) Exceptional topographic conditions or other extraordinary situations on the land, building or structure; or
    - c) Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.



2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  3. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
  4. The variance will not impair the intent and purpose of this Ordinance.
  5. The immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.
  6. The reasons set forth in the application justifies the granting of the variance and the variance is the minimum variance necessary.
- B. Use Variances: Use variances are prohibited.

## **Section 20.5 Applications and Hearings**

- A. Applications for variances shall be submitted to the Zoning Administrator who will review the application for completeness and validity, then transmit it to the Zoning Board of Appeals. Applications not meeting the requirements shall be returned to the applicant for completion.
- B. A valid application for a variance to the ZBA shall consist of the following:
1. Six (6) copies of a site plan drawn to scale, which is sufficient to describe the nature of the request;
  2. A completed application form as provided by the Township;
  3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time;
  4. A legal description and parcel number of the entire property that is the subject of the request, including a staked land survey of the parcel bearing the seal of the licensed professional surveyor preparing the land survey, must accompany the variance application along with appropriate property markings on site to indicate the location of the variance request.
  5. A statement with regard to compliance with the standards of Section 16.04, as applicable; and
  6. Other materials as may be required by the ZBA.

## Section 20.6 Decisions of the ZBA

- A. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or affirm or modify any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter. The ZBA shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing thereon.
- B. The ZBA may require a performance guarantee or impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision that it is required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
- C. All decisions of the ZBA shall become final at the entry of an order, or at the adoption of the minutes, unless the ZBA shall find, and so certify on the record, that it is necessary to cause the order to have immediate effect, in order to preserve property or personal rights.
- D. For each decision of the ZBA a record shall be prepared including at a minimum, the following items:
  - 1. Description of the applicant's request;
  - 2. The ZBA's motion and vote;
  - 3. A summary or transcription of all competent material and evidence presented at hearing; and
  - 4. Any conditions attached to an affirmative decision.
- E. The decision of the ZBA shall be final. However, a person having an interest affected by the decision of the ZBA may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm, reverse, or modify the decision of the ZBA, or may remand the decision to the ZBA for further hearings or action.
- F. Period of Validity. No variance granted by the ZBA shall be valid for a period longer than twelve (12) months, from the date of its issuance if not used. However, the applicant may upon written request, seek up to one (1) twelve (12) month extension of the variance from the ZBA. The ZBA may grant an extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were reasonably beyond the control of the applicant.

## **Section 20.7 Re-Submission**

- A. No variance request which has been decided by the ZBA shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the ZBA finds that at least one (1) of the following conditions exists:
1. That the conditions involving all of the reasons for the original denial have been significantly altered; or
  2. That new conditions or circumstances exist which change the nature of the original request.

# Article 21.

## Administration and Enforcement

### Section 21.1 Administration and Enforcement

- A. An administrative official who shall be known as the Zoning Administrator shall be designated by the Township Board to administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of other persons as the Township Board may direct.
- B. If the Zoning Administrator shall find any of the provisions of this Ordinance are being violated, the Zoning Administrator shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

### Section 21.2 Zoning Administrator Duties

- A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
  - 1. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a non-conforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issued a zoning compliance permit.
  - 2. The Zoning Administrator shall evaluate the structure, plans, specifications and intended use of any structure that exceeds one hundred (100) square feet. Documented approval shall be provided once the Zoning Administrator has determined that such structure complies in all respects with this Ordinance. Prior to this approval, it shall be unlawful to commence land clearing or excavation for the construction, relocation, or repair of any structure regulated by this Ordinance.
  - 3. The Zoning Administrator shall not approve the issuance of a zoning permit if all final plans, development agreements, escrow fees and any required performance guarantees are not provided to the Township.

4. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
  5. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
  6. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts such as covenants or private agreements to which the Township is not a party, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
  7. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
  8. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
- B. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the Ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land.
  - C. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out required duties in the enforcement of the Ordinance.
  - D. The Zoning Administrator may not make changes to this Ordinance or vary the terms of this Ordinance in carrying out his duties.
  - E. If a proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this Ordinance and in conformance with the provisions of the building code, the Zoning Administrator shall permit a building permit to be issued, provided all other requirements for the permit are satisfied. If the Zoning Administrator does not approve an application for the permit, the reasons for the rejection shall be stated in writing on an appropriate form.
  - F. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those required by this Ordinance in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval.

### **Section 21.3 Schedule of Fees, Escrow Charges, and Expenses**

- A. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning compliance permits, certificates of occupancy, appeals, special land uses, variances, site plan reviews, rezoning applications and other matters pertaining to this Ordinance. The schedule of fees shall be available in the office of the Zoning Administrator and may be amended only by the Township Board.

- B. An appropriate fee established by the Township Board shall accompany any application. Additionally, a separate deposit may be collected from the applicant, as determined by the Township Board, and used to reimburse another party retained by the Township to provide expert consultation and advice including but not limited to legal, planning and engineering professionals regarding the application. The amount of the deposit shall be based on a reasonable estimate to provide such services. Any unused portions of this fee shall be returned to the applicant after the Township has paid all costs for consultant services. If the deposit is inadequate to cover the costs, the applicant shall deposit an additional amount as determined by the Township.

## Section 21.4 Performance Guarantee

- A. As a condition of approval of a site plan review, special land use, or variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.
- B. The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items as allowed by the Zoning Act.
- C. Performance guarantees shall be processed in the following manner.
1. Prior to the issuance of a building permit, the applicant or the applicant's agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
  2. The amount of the performance guarantee shall be not more than one hundred (100) percent of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
  3. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
  4. The Zoning Administrator shall not sign off on the issuance of a building permit until all final plans, development agreements, escrow fees and any required performance guarantees are provided.
  5. The Zoning Administrator, upon the written request of the obligor and if allowed by this Ordinance, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
  6. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.

7. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
8. The Zoning Administrator shall maintain a record of required performance guarantees.

## **Section 21.5 Zoning Ordinance Amendments**

- A. Amendment to this Ordinance may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person filing an application therefore with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this Ordinance through the Zoning Administrator and recommend Ordinance amendments to the Township Board for adoption.
- B. The following guidelines shall be considered by the Planning Commission and may be used by the Township Board in consideration of amendments to the Zoning Ordinance.
  1. Text Amendment:
    - a) The proposed text amendment would clarify the intent of the Ordinance.
    - b) The proposed text amendment would correct an error in the Ordinance.
    - c) The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State.
    - d) The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
    - e) In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
    - f) The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
    - g) The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
    - h) As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
    - i) The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.
  2. Map Amendment (Rezoning): In making its recommendation to the Township Board, the Planning Commission shall consider the following criteria:
    - a) Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area;
    - b) Whether the proposed district and the uses allowed are compatible with the site's

physical, geological, hydrological and other environmental features. (The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts);

- c) Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting; and
  - d) Other factors deemed appropriate by the Planning Commission.
3. Consideration of Amendment by Township Board: Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Township Board may modify the proposed amendment or adopt it as presented by the Planning Commission. The modified language may be referred to the Planning Commission for additional comment.

### C. Amendment Procedure.

1. Filing of Applications: All petitions for amendments to this Ordinance shall be in writing, signed and filed with twelve (12) copies provided to the Zoning Administrator, who will forward them to the Planning Commission.
2. All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following.
  - a) The petitioner's name, address and interest in the petition shall be included, as well as the name, address and interest of every person having a legal or equitable interest in the land.
  - b) The nature and effect of the proposed amendment shall be described.
  - c) If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the Township, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting districts, and all public and private rights-of-way and easements bounding and intersecting the land under consideration shall be described.
  - d) Any changed or changing conditions in the area or in the Township which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare shall be described.
  - e) All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment shall be included.
3. The Zoning Administrator, after examining the submitted materials and approving the application as to form and content, shall refer the request to the Planning Commission for study and report to the Township Board.
4. Before submitting its recommendations of the petition to amend, the Planning Commission shall hold at least one (1) public hearing. Written notice of the meeting will be given to landowners and occupants within three hundred (300) feet of the boundary of the property to be affected by the application. Notice shall be given in a newspaper of general circulation not less than fifteen (15) days prior to the public hearing. The notice shall comply with the Zoning Act and include:



- a) The nature of the request;
  - b) The property(s) that are the subject of the request including a listing of all existing street addresses within property(s) (if there are no addresses other means of identification may be used);
  - c) Location and time of the hearing; and
  - d) Where and when written comments may be received.
5. Following the public hearing, the Planning Commission shall refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons, therefore.
  6. Upon enactment, this Ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one (1) notice of ordinance adoption shall be published in accordance with the requirements of the Zoning Act.
  7. Within seven (7) days after publication, the amendment to the zoning ordinance shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the Official Zoning Map, the change shall be made on the map in accordance with provisions of Article 4 within ten (10) days after enactment of the amendment.

## **Section 21.6 Enforcement**

- A. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- B. A violation of this Ordinance constitutes a civil infraction. Any person, who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- C. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- D. The Township Board, or its duly authorized representative(s), is hereby charged with the duty of enforcing the Ordinance and is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court of Allegan County, Michigan, or any other Court having jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy or abate the non-compliance or violation. Any person aggrieved or adversely affected by this noncompliance or violation may institute suit or join the Township in the suit to abate the same.
- E. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

## Section 21.7 Zoning Compliance Permit

- A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance, specifically Section 21.02.A.
- B. The zoning compliance permit may be applied for through the Zoning Administrator and, if granted, is valid for one (1) year. One (1) extension of a zoning compliance permit for one (1) additional year may be allowed. A second and final extension of a zoning compliance permit may be granted if seventy-five (75) percent of the overall project is completed.
- C. In addition to a zoning compliance permit other permits may be required by various County, State and Federal entities, copies of which may be required for the property files by the Zoning Administrator or building official. Such permits include, but may not be limited to:
  - 1. An approved driveway permit from the State Highway Department or Allegan County Road Commission;
  - 2. Septic system permit from the Department of Public Health;
  - 3. Well permit from the Department of Public Health;
  - 4. Soil erosion and sedimentation control permit;
  - 5. Electrical, mechanical and plumbing permits ;
  - 6. MDNRE permit for wetland, floodplain or inland stream modifications.

Depending on the project, type of development or other factors, proof of various inspections or certifications of approval or completion may also be required for the record by the Township.

## Section 21.8 Stop Work Order

- A. Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any conditions, under which work, or the use will be permitted to resume.
- B. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

## Section 21.9 Severability Clause

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

## Section 21.10 Repeal of Prior Ordinance

The Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the prior Zoning Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### Adoption

This Ordinance was approved and adopted by the Township Board on February 23, 2011, and is ordered to take effect on March 10, 2011.

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John Hebert, Supervisor  
Ganges Township

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Robin Phelps, Clerk  
Ganges Township

**CERTIFICATE**

I, Cindy Yonkers, the Clerk for the Township of Ganges, Allegan County, Michigan, certify that the foregoing Ganges Township Zoning Ordinance was adopted at a meeting of the Township Board held on February 23, 2011. The following members of the Township Board were present at that meeting: Hutchins, Reimink, Yonkers, Hebert. The following members of the Township Board were absent: Looman. The Ordinance was adopted by the Township Board with members of the Board Hutchins, Reimink, Yonkers, Hebert voting in favor and members of the Board (None), voting in opposition. Notice of Adoption of the Ordinance was published in the Allegan County News on March 3, 2011.

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Cindy Yonkers, Clerk  
Ganges Township

**RESOURCE PROTECTION OVERLAY DISTRICT**



Resource Protection and Flood Damage Prevention Overlay District

TOWNSHIP OF  
GANGES,  
MICHIGAN  
ALLEGAN COUNTY



**FIRM**  
FLOOD INSURANCE RATE MAP