

**CHARTER TOWNSHIP OF SOUTH HAVEN**

**ORDINANCE NO. 144**

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

**SOUTH HAVEN CHARTER TOWNSHIP ORDAINS:**

**Section 1. Purpose.**

The Township adopts the following amendments for the health, safety and welfare of Township residents.

**Section 2. Amendment of Article VIII.** Article 8, Section 8.03 of the Township's Zoning Ordinance is hereby amended to add "Micro-Housing Development" to the list of permitted special uses with conditions in the HDR High Density Residential Zoning District.

**Section 3. Addition of Article VIII A.** The Township's Zoning Ordinance is hereby amended to add an Article VIII A "Public Utility Residential Overlay District" which shall read, in its entirety, as follows:

**ARTICLE VIII A  
PUBLIC UTILITY RESIDENTIAL OVERLAY DISTRICT**

**SECTION 8A.01                      PURPOSE**

The primary purpose of this district is to encourage single-family residential development on smaller lots where public sewer and water is available. This district is limited to roads or highways with existing public sanitary sewer and water lines established prior to 2000. The intent is to increase density along those existing public utility lines in order to reduce costs to the system. This district does not include properties within 500 feet of Lake Michigan (within the Shoreline Protection Overlay District).

**SECTION 8A.02                      USES PERMITTED BY RIGHT**

- A.     Single family dwellings.
- B.     Accessory buildings as defined.
- C.     Accessory uses as defined.

- D. State licensed residential foster care facilities housing six (6) or less persons.
- E. State licensed child care centers.
- F. Home occupations as conditioned by Section 18.21
- G. Private residential swimming pools as conditioned by Section 18.20

**SECTION 8A.03 PERMITTED SPECIAL USES WITH CONDITIONS**

- A. Permitted Special Uses subject to site plan and public hearing approval (Article XV).
  - 1 Two-family dwellings
  - 2 State-licensed care facilities for more than six (6) persons
- B. The above special uses are all subject to the following requirements:
  - 1. The proposed site will have at least one (1) property line abutting on an impervious hard surface paved road, and the site will be planned to provide all access directly to this road.
  - 2. Front, waterfront, side and rear yards will be landscaped in trees, shrubs and grass. All such landscaping will be maintained in a healthy condition. There will be no parking or structures permitted in these yards, except the required entrance drive and any walls, fences or plantings used to screen the use from abutting residential lots and parcels.
  - 3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.
  - 4. Maximum lot width shall not exceed 66 feet.

**SECTION 8A.04 DIMENSIONAL REQUIREMENTS**

Minimum Lot Area:		6,600 square feet with public sewer and water.
Minimum Lot Width:		66 feet on lots with public water and sewer. Parcels fronting on M-43, M-140, and CR-388 (Phoenix Road): shall have an easement for ingress and egress recorded to/from adjacent parcels.
Maximum Lot Width:		66 feet
Minimum Front Yard:	On state hwys or CR 388	50 feet minimum from the right of way line.
	On Blue Star or Ruggles	110 feet from the center line
	On other county roads	35 feet from the right of way line
	On private roads	35 feet from the right of way line or as approved by the Township Board

Water front setback	50 feet minimum from established shorelines for lakes and ponds, and from the centerline of streams but not within a flood hazard area.
Minimum Side Yard	10 feet minimum for each side yard. Parcels with side-yards on M-43, M-140, and Cr-388 (Phoenix Road): 50 feet minimum from the right of way line. Parcels with side yards on Blue Star Highway: 110 feet from the center line of Blue Star Memorial Highway.
Minimum Rear Yard: (corner lots have no rear yard)	25 Feet minimum for the principle building 15 feet for accessory buildings
Minimum Dwelling Floor Area	Minimum floor area of 680 square feet for each dwelling unit.
Height Limitations:	35 feet maximum for all residential structures. 25 feet maximum for all residential related structures.
Maximum Lot Coverage:	25 percent maximum.

**Section 4. Amendment of Article IX.** Article 9, Section 9.03 of the Township's Zoning Ordinance is hereby amended to add "Micro-Housing Development" to the list of permitted principal special uses with conditions in the MFR Multiple Family Residential Zoning District.

Article 9 is also amended to amend the maximum height limit section in the dimensional requirements for MFR Multiple Family Residential zoned property as follows:

Maximum Height Limit*	*(Subject to Article XIVA Airport Overlay Zone) <b>50 feet for hotels with 26-foot wide setbacks on all sides with paving to support 75,000 pounds fire apparatus.</b>
Dwelling	35 feet
Residential Accessory Building	20 feet
Wind Energy Generators	Subject to Article XV Special Uses

**Section 5. Amendment of Article XI.** Article 11, Section 11.04 of the Township's Zoning Ordinance is hereby amended to amend the maximum height limit section in the dimensional requirements for CSC Community Service Commercial zoned property as follows:

Maximum Height Limit	35 feet <b>50 feet for hotels with 26-foot wide setbacks on all sides with paving to support 75,000 pounds for fire apparatus.</b>
All structures are subject to Article	Wind Energy Generators – Subject to Article XV Special Uses

XIVA Airport Overlay Zone	
------------------------------	--

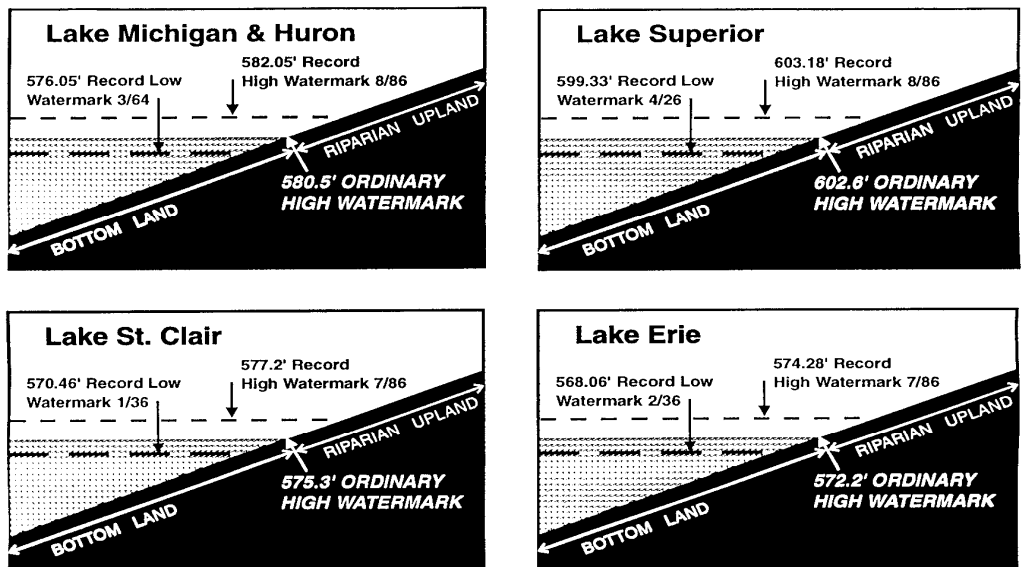
**Section 6. Amendment of Article XIV B.** Article 14B, Section 14B.01(A) of the Township's Zoning Ordinance is hereby amended to add a figure and read as follows:

**SECTION 14B.01 Purpose and Intent**

**A. Purpose**

The Shoreline Protection Overlay District includes all land located within **500 feet of the Historical High Water Mark**, and as depicted on the Official Zoning Map for South Haven Charter Township. This boundary extends across all underlying zoning districts. This overlay zoning district is intended to be used in addition to any requirements of Article XIX Environmental Conservation Provisions.

*1986 Record High Water Mark: the line of highest water level recorded by the state of Michigan : Lakes Michigan and Huron – 582.05 feet; See illustration below:*



**ORDINARY HIGH WATERMARK AS SET BY ACT 247 P.A. 1955 ON THE GREAT LAKES**  
Elevations above the International Great Lakes Datum of 1985 Record Monthly High & Low Levels

Article 14B is also amended to amend Section 14B.02(C) regarding setback requirements in the Shoreline Overlay District as follows:

**C. Setback Requirements**

1. For all earth removal or excavations within the Shoreline Protection Overlay Zone, a side setback of **fifteen (15) feet from the nearest point of any earth change to the lot**

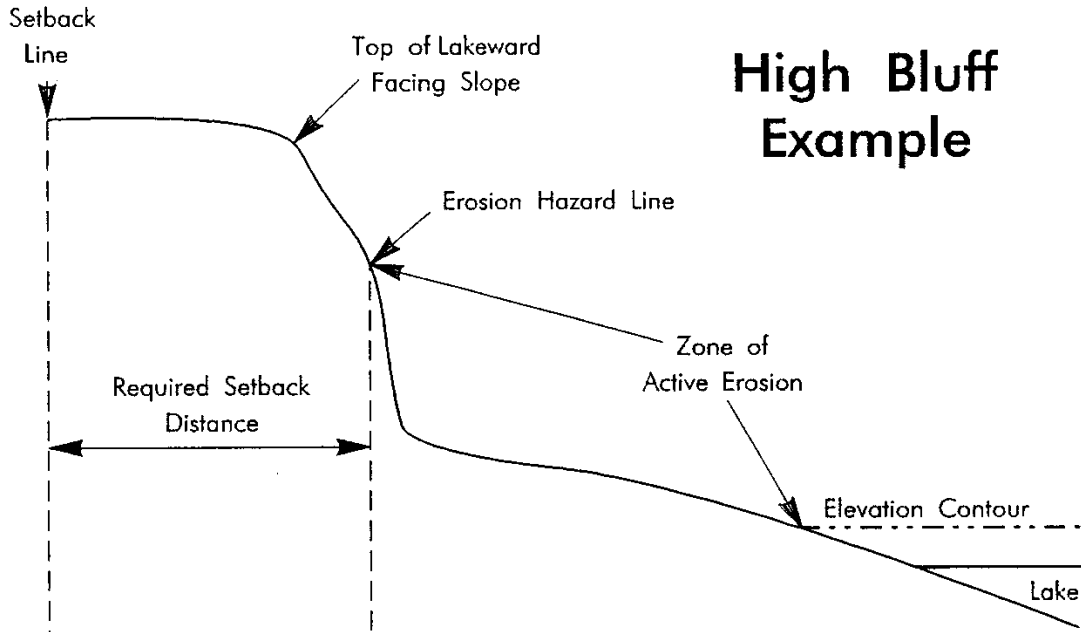
- line** shall be required.
2. All structures proposed to be built within the Shoreline Protection Overlay Zone shall be set back according to the requirements below, except for the following exempt structures: pump houses, recreational docks, storm water and erosion control devices, picnic tables, benches, recreational watercraft, and stairways and walkways.
    - a) Within the Shoreline Protection Overlay boundary, the following setback requirements apply:
      - i) No structure, except those listed in subparagraph (2) above, shall be allowed within 50 feet of **the Historical High Water Mark**;
      - ii) All structures, except those specifically exempted in subparagraph (2) above, shall be set back 100 feet from **the Historical High Water Mark**.
      - iii) On lots with a steep bluff which begins within 100 feet of the **Historical High Water Mark** all structures, except those specifically exempted in subparagraph (2) above, shall be set back at least 50 feet from the top of the bluff;
    - b) If a greater setback is required under the provisions of any state or federal law than is required by this section, then such greater setback requirement shall apply. Where the imposition of the setbacks in the above table precludes the location of a dwelling or other primary structure, the applicant may request a variance. Any variance must be obtained from the Zoning Board of Appeals in accordance with Article XXIV. No variance shall be granted for any use or structure in violation of the intent and purpose of this Article or state law.

Article 14B is also amended to add a subsection 14B.02(D) as follows:

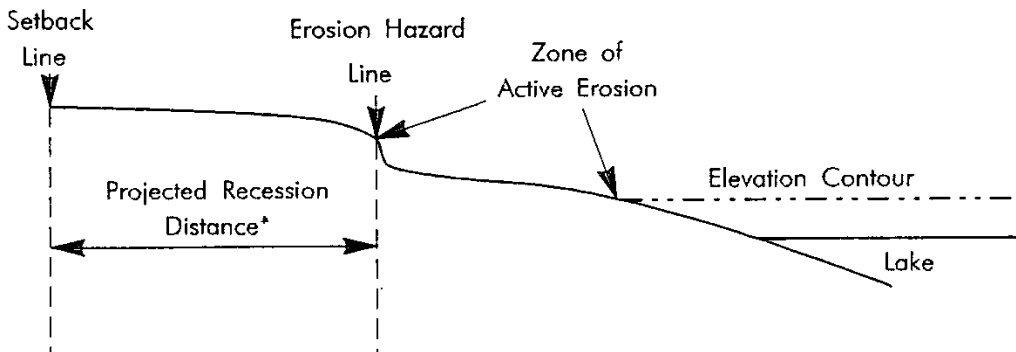
**D. Minimum Requirements for New Lots or Land Divisions Outside of Plats**

1. For new lots or land divisions located outside of existing plats, the minimum lot depth shall be 300 feet.
2. The minimum lot width for new parcels shall be 75 feet. Lots deeper than 300 feet shall not exceed the length to width ratio of 4 to 1.

Article 14B is also amended to add the following figures at the end of the Article following Section 14B.03:



## Low Bluff Example



\* Is the required setback distance on low bluffs.



**Section 7. Amendment of Article XV, Section 15.29.** Article 15 Section 15.29 of the Township's Zoning Ordinance entitled "Micro-Housing Developments" is hereby amended to (1)

change the reference in the first paragraph from "Sections 5.04, 7.04 and 9.05" to just read "the zoning ordinance" and (2) add a subparagraph "L" which shall read as follows:

L. Such development shall not be located within the Shoreline Protection Overlay District

**Section 8. Amendment of Article XVIII.** Article 18 Section 18.15 of the Township's Zoning Ordinance is hereby amended to incorporate language from deleted sections 18.18, 18.29 and 18.30. Section 18.15 as amended shall read, in its entirety, as follows:

**SECTION 18.15      ~~VISIBILITY AT INTERSECTIONS~~ — **FENCES****

**A.      VISIBILITY AT INTERSECTIONS**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher ~~than three (3)~~ **four (4)** feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

**B.      FENCES, WALLS AND SCREENS**

1.      The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development.
2.      Fences in a RD and AR Districts are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses.
3.      Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
4.      Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
  - a.      No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet in height above the grade of the surrounding land, except as provided in Section 18.15, B, 4, c.

- b. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.
- c. In an "I" Industrial District and "HC" Heavy Commercial District, no fence shall exceed twelve (12) feet in height. In an "CSC" Community Service Commercial District, no fence shall exceed eight (8) feet in height.
- d. Fences on all lots in MDR, LDR, HDR, and MFR Residential Districts which extend toward the front of the lot, ~~past the front line of the main building,~~ within twenty-five (25) feet of the right-of-way line, shall not exceed four (4) feet in height.
- e. No fence or structure shall be erected, established or maintained on any corner lot except as provided in Section 18.15, A.
- f. Fences shall be constructed of materials commonly used in conventional fence construction, such as wood, vinyl or plastic, and metal. All fences shall be constructed with posts imbedded in the ground and horizontal top bar securely fastened.
- g. Exempt Fences: Temporary snow fences shall be exempt from these regulations so long as they are removed in the spring. Garden fences of a decorative nature shall also be exempt.

### **C. WALLS AND PROTECTIVE SCREENING**

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

1. Where a OSC, NSC, CSC, HSC, HC and I District abuts directly upon an MDR, LDR, HDR, and MFR residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined below, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall four (4) to six (6) feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines or firs from 5 to 6 feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Township. The remainder of the landscaped area which is not planted with the



aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.

2. Required walls shall be located ~~on~~ **up to** the property line, except as otherwise approved by the Planning Commission. ~~Such walls, may upon approval by the Planning Commission, be located on the opposite side of an alley right of way from a nonresidential district which abuts a residential district whenever the affected owners also so agree. When vehicles or open air displays generally exceed a five (5) foot height said wall shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.~~
3. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.
4. The Planning Commission may require an alternative type of visual screen in lieu of the masonry wall specified in **C.1.** above, if it is determined that another type of screen would be more in keeping with the character of the residential area being screened.

Article 18 is also amended to remove sections 18.18 "Fences, Walls and Screens", 18.29 "Fences", and 18.30 "Walls and Protective Screening" and mark each deleted section as "Reserved."

### **Section 9. Validity and Severability.**

Any section or subsection not expressly amended by this Ordinance shall remain in full force and effect. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 10. Repealer Clause.**

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 11. Effective Date.**

This Ordinance shall take effect seven days after publication as provided by law.