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ARTICLE 1

Title, Purpose, and Scope

South Haven Charter Township hereby ordains:

Section 1.00 – Title

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

Section 1.01 – Purpose

This Ordinance shall affect the use and occupancy of all land and every building within South Haven Charter Township. This zoning ordinance is intended to:

- A. Provide for the regulation and the development and use of all land in the Township as authorized by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).
- B. Create zoning districts that regulate land uses, structures, and development.
- C. Explain the dimensions, permitted uses, and design rules for each zoning district.
- D. Define the terminology used within this zoning ordinance.
- E. Establish procedures for the administration and the enforcement of this Ordinance.
- F. Establish a Zoning Board of Appeals per Michigan's PA 110 of 2006, defining its structure, procedures, and conflict of interest rules.
- G. Create submittal standards, procedures, and review standards for approval of all site plan reviews.
- H. Establish specific land uses that are called special land uses. This ordinance describes applying for and approving special land use permits and holding public hearings.
- I. This policy sets rules for managing and approving changes to non-conforming properties.

Section 1.02 – Scope

- A. Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance. The regulations herein established shall be the minimum regulations for proposing and protecting the public health, safety, and welfare, except when otherwise provided by state law.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of the other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction imposed or required by such existing provisions of law or ordinances or by such rules, regulations, or permits, the provisions of this Ordinance shall control.
- C. Apart from valid, lawful nonconforming uses, structures, lots, or parcel rights recognized by Michigan law and pursuant to this Article, nothing in this Ordinance shall be interpreted or construed to create or give rise to any permanent vested or other right in the continuation of any particular ordinance language, zoning district, zoning classification, or allowed activities or uses under this Ordinance.

Section 1.03 – Legal Basis

This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 et seq.), as amended.

Section 1.04 – Existing Uses of Lands, Buildings, and Structures

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

ARTICLE 2

Definitions

Section 2.00 – Construction of Language

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" or "occupied" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- G. The word "person" includes an individual, a corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
- H. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - I. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - J. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - K. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- L. Terms not herein defined shall have the meaning customarily assigned to them. A dictionary may be consulted.
- M. The word "lot" includes the words "plot", "tract", or "parcel."

- N. The words “this Ordinance” mean the text of this Ordinance as well as all maps, tables, graphics, and schedules as included or attached and as enacted or subsequently amended.
- O. The “Township” is the Charter Township of South Haven in Van Buren County in the State of Michigan.
- P. The term “Township Board” is the South Haven Charter Township Board of Trustees. The term “Planning Commission” is the South Haven Charter Township Planning Commission.
- Q. Where any provision of this Ordinance imposes a greater restriction upon the subject matter than another provision, the provision imposing the greater restriction or regulation shall control.
- R. The use of the terms “he” or “his” shall be interpreted as gender neutral and shall be used nonspecifically in reference to gender when found in this ordinance.

Section 2.01 – Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

Section 2.02 – “A”

ACCESS: A way or means of approach to provide vehicular or pedestrian physical entrance to a property or place.

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

ADULT FOSTER CARE FACILITY: A home for a facility that provides foster care to adults of those 18 years of age or older or those 18 years or older placed into a licensed facility for foster care that includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include the following: a nursing home, a home for the aged, a hospital, a hospital for the mentally ill, a county infirmary, a child caring institution, an alcohol or substance use disorder rehabilitation center, or any other facility or residence per Sec. 3 subpart (4) of the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.703.

ADULT FOSTER CARE HOME, FAMILY: A private residence with the approved capacity of at least three but not more than six 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 per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 et seq.

ADULT FOSTER CARE HOME, SMALL GROUP: An adult foster care facility with an approved capacity to receive at least three but not more than 12 adults to be provided with foster care per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 et seq.

ADULT FOSTER CARE HOME, LARGE GROUP: An adult foster care facility with an approved capacity of at least 13 but no more than 20 adults to be provided with foster care per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 et seq.

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 et seq.

ADULT DAYCARE FACILITY: A facility in which one or more adults are given care and supervision for periods of less than 24 hours per day.

ADULT ORIENTED BUSINESS: An establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

A. Specified anatomical areas shall include:

1. Less than completely and opaquely covered human genitals, anus, or female breasts at or below the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. Specified sexual activities shall include:

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

AGED: An adult whose chronological age is 60 years of age or older or whose biological age, as determined by a physician, is 60 years of age or older per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 et seq. (see Adult Foster Care Homes). Additionally, as of February 11, 2018 the minimum age for an “aged” adult to be cared for at a “Home for the Aged” was reduced from age 60 to age 55 (see Home for the Aged).

AGRICULTURE (FARMING): The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products including, but not limited to, tillage of soil; dairying; greenhouse operations; pasturage; the production, cultivation, growing, and harvesting of any agricultural, floricultural, sod, or horticultural commodities; forestry; and livestock or poultry husbandry, but not including concentrated animal feeding operations as defined in this Ordinance; and accessory activities thereto including, but not limited to, the receipt of supplies, materials, and labor, and the marketing or selling at wholesale or retail or in any other manner any products from the farm and of the other supplies that do not exceed in average yearly dollar volume the value of products produced on such farm. Nothing in this definition shall be construed as meaning or authorizing the growing of marihuana.

AGRICULTURAL SERVICE ESTABLISHMENTS: Establishments which engage in performing agricultural, animal husbandry or horticultural services for a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling, sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed fertilizer and other products essential to agricultural production; the storage, sale, and repair of farm equipment; livestock and produce receiving and transfer stations; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.

AGRICULTURAL USE: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive Cervidae (deer, elk, moose, etc.), and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program, a federal conservation reserve program, or a wetland reserve program. Agricultural use does not include the management and harvesting of a woodlot per Part 201 of the Michigan Natural

Resources and Environmental Protection Act (PA 451 of 1994), as amended, MCL 324.36201.

ALLEY: A public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change, addition, reduction, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams, or girders.

AMBULANCE SERVICE: A facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

ANIMAL SHELTER: A facility supported by a governmental unit or agency, or a non-profit corporation where domestic pets and other animals are kept because of requirements of public health officials, loss of pet/animal owner, neglect or violation of public law or ordinance.

ANSI: An acronym that represents the American National Standards Institute, a non-profit organization that oversees and coordinates the voluntary standards system for products, services, and processes in the United States through accreditation of other standardizing coordinatizations. ANSI sets voluntary performance benchmarks and differs from OSHA (Occupational Safety and Health Administration) which is a federal governmental agency that enforces statutory safety and health regulations.

ART STUDIO: An establishment for artists or artisans skilled in photography or art that may involve the retail, lease, practice, service, and/or display of that skill, along with any associated equipment or supplies.

APPLICANT: A person who submits an application pursuant to the provisions of this Ordinance.

ASSISTED LIVING FACILITY: An unlicensed facility that offers community-based residential care for at least three unrelated adults who are 65 years of age or older who need assistance with activities of daily living that are available 24 hours a day, including but not limited to personal, supportive, or intermittent health-related services as defined in the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.2253. Assisted Living Facilities are not foster care facilities or homes for the aged that are licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA).

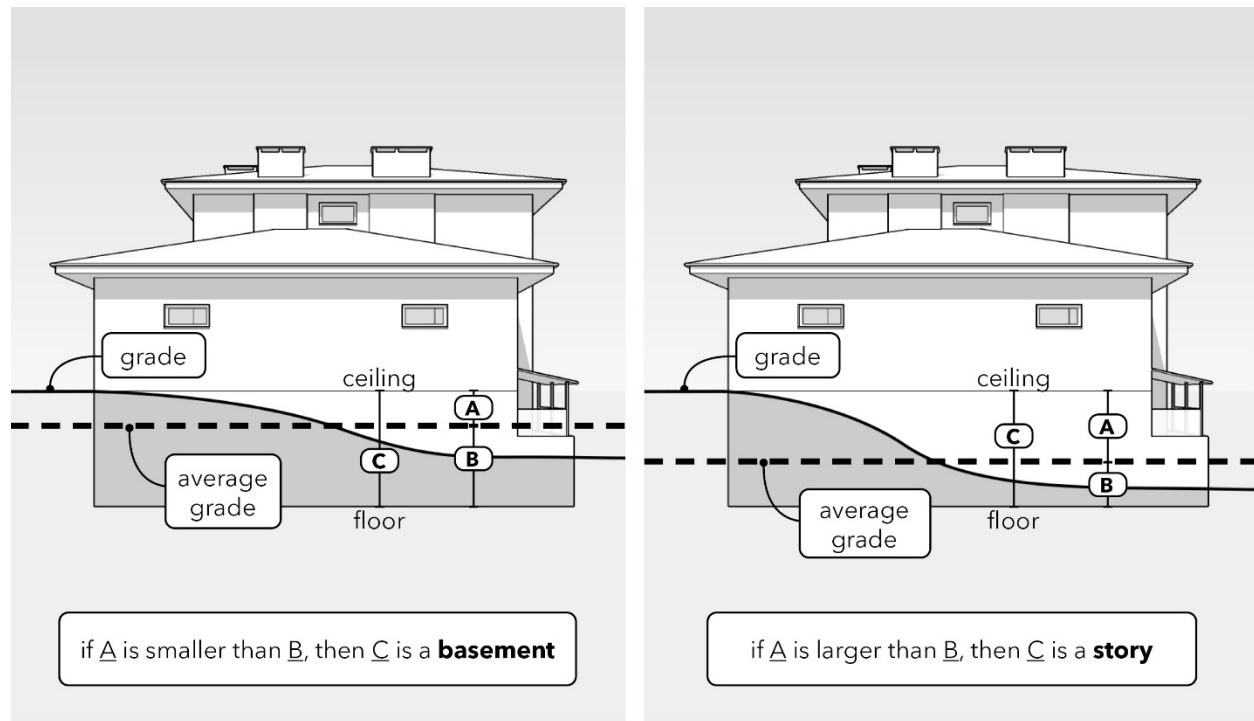
AUTOMOBILE OR VEHICLE SALES: An open-air business selling new or pre-owned motor vehicles.

AUTOMOBILE OR VEHICLE WASH: Any building or premises, or portions thereof, used for the commercial washing of automobiles.

AUTOMOBILE SERVICE OR REPAIR FACILITIES: An establishment engaged in the comprehensive service of automobiles, such as the sale and installation or replacement of tires, oils, lubricants, or brake fluids, including general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Section 2.03 – “B”

BASEMENT: That portion of a building, which is partly or wholly below finished 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 (see Figure 2.01). A basement shall not be counted as a story. A cellar shall be considered a basement. If the vertical distance from the average grade to the floor is less than the vertical distance from average grade to the ceiling, the basement will be considered a story (walkout basement). A walkout basement shall contain at least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty percent (50%) of one wall with no grade and two exists which are fire escape routes as defined by the Michigan Building Code.



BASEMENT - FIGURE 2.01

BATTERY ENERGY STORAGE SYSTEM (BESS): One or more devices, assembled, capable of storing and discharging electricity, primarily intended to supply

electricity to a building or the electrical grid. This includes, but is not limited to, the following: battery cells, enclosures and dedicated use buildings, thermal, battery, and energy management system components; inverters, access roads, distribution, collection, and feeder lines; wire and cables, conduit; footings; foundations; towers; poles; guy lines and anchoring systems; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communication, and radio delay systems, and telecommunication equipment; utility lines and installations; and accessory equipment.

BED AND BREAKFAST ESTABLISHMENT: A building at which overnight accommodations and a morning meal are provided to transients for compensation. For the purposes of this ordinance, a bed and breakfast shall not be considered a short-term rental.

BEDROOM: A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; and (3) gathering spaces such as family rooms, dens, or living rooms.

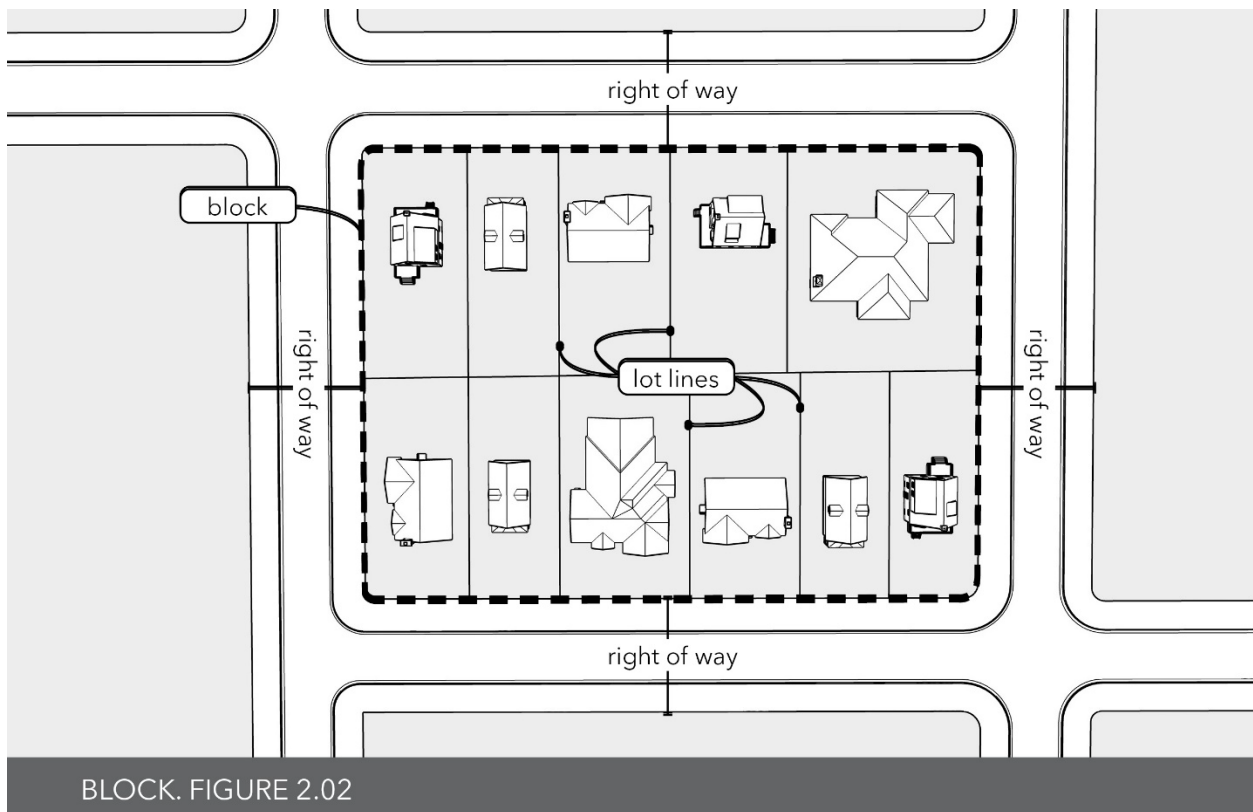
BENEFIT, RECOGNIZABLE AND SUBSTANTIAL: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of a proposed development and use(s) including but not limited to the long-term protection or preservation of natural resources, natural features, historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; the reduction to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

BERM: A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

BIOFUEL PRODUCTION FACILITY: A facility that produces any renewable fuel product, whether solid or liquid, or gas, which is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol or biodiesel as permitted per the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) MCL 125.3513 *et seq* . Biofuel does not include methane or “natural gas” or any other gas fuel by-product from an anaerobic digester.

BLOCK: The property abutting one side of a road and lying between the two nearest intersecting roads (crossing or terminating); or between the nearest such road and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between

any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality (see Figure 2.02).



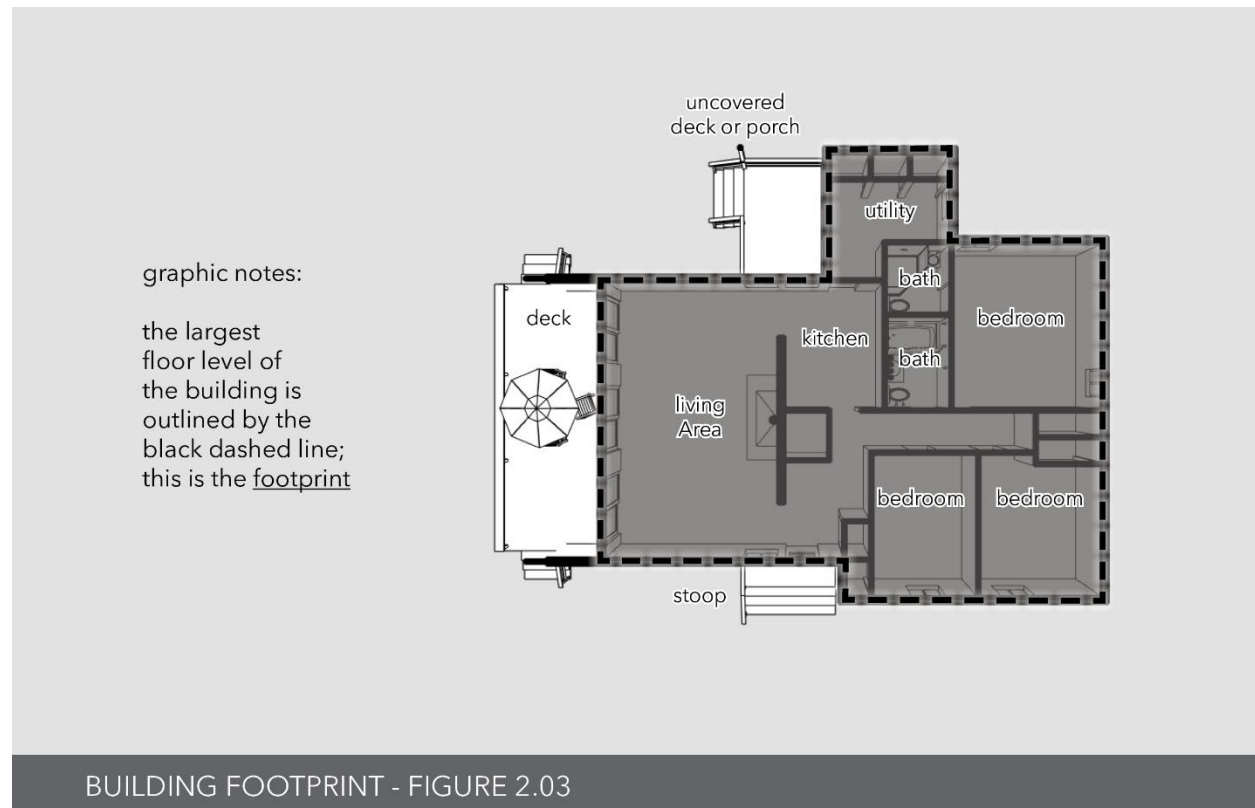
BUFFER STRIP: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light, and related impacts from abutting properties, even if not in a separately established buffer strip, and may be so required by this Ordinance.

BUILDING: Any structure, either temporary or permanent, having a roof supported by columns, walls, or other supports, and used or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. The definition includes, but is not limited to, mobile homes, tents, inflatable structures, sheds, garages, greenhouses, and other principal and accessory buildings.

BUILDING ENVELOPE: The three-dimensional space within which a structure may be built on a lot and that is defined by the maximum height regulations and minimum yard setbacks.

BUILDING FOOTPRINT: The total area contained within the exterior foundation or framing area is taken on a horizontal plane at the largest floor level of a building or an

accessory building, exclusive of unroofed porches, terraces, patios, decks, and steps, and awnings and nonpermanent canopies (see Figure 2.03).



BUILDING HEIGHT: The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, the building height is the vertical distance measured from the finished grade to the average distance measured between the eaves and the ridgeline of a roof. A cupola, widow's watch, or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. When the terrain is sloping, the ground level is measured at the wall line where the average grade is measured (see Figure 2.04).



BUILDING OFFICIAL: The South Haven Charter Township Building Official or their designee.

BUSINESS INCUBATOR FACILITY: An establishment or facility designed to accelerate the growth of entrepreneurial endeavors by providing access to physical space, equipment, working capital, or other common services to multiple users or tenants. Examples include, but are not limited to, co-working spaces, commissary or test kitchens, pop-up retail establishments, artist markets, and similar facilities.

Section 2.04 – “C”

CAMPGROUND: A lot 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 five or more recreational units (see the definition of a “Recreational Unit” in Section 2.19 – “R”). Campgrounds with 5 or more campsites are regulated and licensed by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the administrative rules promulgated by the Van Buren-Cass County District Health Department per Part 125 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.12501-333.12546.

CAMPSITE: An area designated for the exclusive, temporary use of a single recreational unit (see the definition of a “Recreational Unit” in Section 2.19 – “R”).

CARPORT: A partially open structure intended to shelter one or more vehicles. These may be attached or detached to the principal structure. Such structures, if detached shall comply with all yard requirements applicable to detached garages (accessory buildings) and if attached shall comply with all yard requirements applicable to principal buildings, similar to attached garages.

CEMETERY: Property, including crematories, mausoleums, and/or columbaria, used, or intended to be used solely for the perpetual interment of deceased human beings or customary household pets. Cemeteries may be owned and operated by a public entity such as a municipal government or a private entity such as a not-for-profit institution such as, but not limited to, an institution of worship (e.g., church), veterans or memorial institutions for the armed services (e.g., Private Not-for-Profit Organizations), etc.

CERTIFICATE OF OCCUPANCY: A document signed by the Building Official as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the Building Code.

CHANGE OF USE: A use of a building, structure, or lot, or portion thereof, which is different from the previous use in the way it is classified in this Ordinance.

CHILD CARE FACILITY: A facility other than a private residence, licensed by the Child Care Licensing Bureau (CCLB) a part of the Michigan Department of Lifelong Education, Advancement, and Potential (MILEAP) in which one or more preschool or school-age children under the age of 13 years is given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. A child care facility includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is described as a child care center, daycare center, day nursery, nursery school, parent cooperative preschool, playgroup, or drop-in center. A child care facility or daycare center does not include any of the following:

- A. A Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period.
- B. A facility operated by a religious organization where children are cared for not greater than four hours while persons responsible for the children are attending religious classes or services.
- C. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music,

or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

- D. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities, and if the school-age child can come and go at will.

- E. A program that primarily provides therapeutic services to a child.

CHILD CARE HOME, FAMILY: A private home in which one but fewer than seven 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. A Family Child Care Home includes a home in which care is given to an unrelated minor child for more than four weeks during the calendar year. A Family Child Care Home includes a private home with increased capacity.

CHILD CARE HOME, GROUP: A private home in which more than six 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 Homes includes a home in which care is given to an unrelated minor child for more than four weeks during the calendar year. A Group Child Care Home includes a private home with increased capacity.

CLUB OR LODGE: An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics, or the like, and open only to members and not to the general public.

COMMERCIAL GREENHOUSE: Land, or portion thereof, including a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

COMPREHENSIVE PLAN OR MASTER PLAN: The South Haven Charter Township Master Plan adopted pursuant to Act 33 of 2008, as amended.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): A farm which has animals stabled or confined other than in grazing areas and fed for a total of 45 days or more in any given 12-month period and which contains more than the following numbers and types of confined animals:

- A. 1,000 slaughter or feeder cattle.
- B. 1,000 mature dairy cattle.
- C. 1,000 swine each weighing more than 55 pounds.
- D. 150 horses.
- E. 3,000 sheep, lambs, or goats.
- F. 15,000 turkeys or ducks.
- G. 30,000 laying hens or broilers.
- H. Or 300 animal units.

An “animal unit” is a unit of measurement of any animal feeding operation that is calculated by adding the following method: the number of feeder cattle multiplied by 1.0, plus the number of swine multiplied by 0.4, plus the number of chickens multiplied by 0.01, plus the number of turkeys multiplied by 0.02, plus the number of horses multiplied by 2.0, plus the number of dairy cattle multiplied by 1.4, plus the number of sheep and lambs by 0.1, plus the number of ducks multiplied by 0.20, plus the number of other livestock multiplied by 1.0 per 1,000 pounds of mature body weight.

CONSTRUCTION CODE: Means the Michigan State Construction Code as adopted under the Stille-Derossett-Hale Single State Construction Code Act (PA 230 of 1972, as amended) or any Code established in accordance with its provisions.

CONTRACTOR’S OFFICE AND SHOWROOM: An indoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used to advertise a business, product, or service.

CONTRACTOR’S SUPPLY FACILITY: A facility, offering a diverse range of hardware and related materials for retail sale, generally used in the maintenance, repair, or construction of buildings or other structures, primarily offered to contractors and similar persons employed in the building trades.

CONTRACTOR’S WAREHOUSE FACILITY, STORAGE FACILITY, OR YARD: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly, or staging areas.

CONVALESCENT OR NURSING HOME: A nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from an illness, injury, or infirmity, and which is licensed in accordance with Chapter 17 of Act 368 of 1978, as amended.

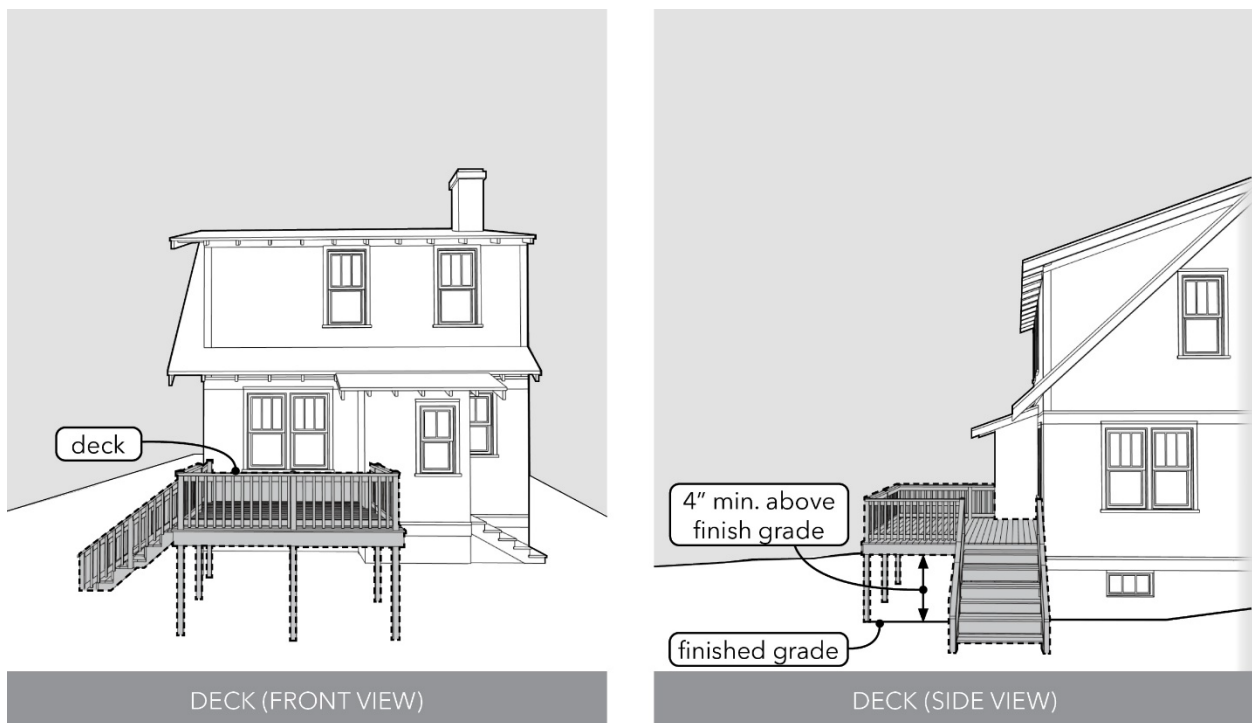
COMPENSATION: Money or other consideration given in return for services, or for the right to occupy or possess a property.

COUNSELING CENTERS: See “Professional Service Establishments” in Section 2.17 – “P”.

Section 2.05 – “D”

DAY CARE CENTER: See CHILD CARE FACILITY

DECK: An unroofed structure, generally with a pole or pier foundation, used for outdoor living purposes, which may or may not be attached to a building and that extends more than four inches above the finished grade (see Figure 2.05).



DECK - FIGURE 2.05

DEED RESTRICTION: A restriction on the use of a lot that is set forth in the deed and recorded with the County Register of Deeds that is binding on subsequent owners and is sometimes also known as a restrictive covenant.

DENSITY: The number of dwelling units situated on or to be developed on a tract of land.

DEVELOPMENT: A lot with one or more structures and/or land uses.

DISTRICT, ZONE, or ZONING DISTRICT: A portion of the incorporated area of the municipality within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

DRIVE THROUGH: A type of accessory service provided by a business that allows customers to purchase products or services without leaving their automobiles.

DRIVEWAY: A means of access for vehicles from a street or approved alley across a lot to a parking or loading area, garage, dwelling, or other structure or area.

DRY-CLEANING FACILITY: A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry, or other similar methods by immersion and/or agitation in solvents or other processes.

DWELLING: A building containing one or more dwelling units.

DWELLING, ACCESSORY UNIT (ADU): A secondary dwelling unit and accessory use established to be occupied by a parent, grandparent, other family member, or guest of the owner/occupant in conjunction with and subordinate to the principal dwelling unit. Accessory Dwelling Units (ADUs) may exist as either part of the same structure as the principal dwelling unit, as a separate detached structure located on the same lot (i.e., standalone), or as a component of an existing detached accessory structure (e.g., garage).

DWELLING, ATTACHED: A single-family dwelling, for the purposes of this ordinance, attached to at least two single-family dwellings units connected by common vertical walls. Dwelling units do not share common corridors or access points. Each dwelling unit maintains its separate entrance or exit. Attached single-family dwellings may be called duplexes, triplexes, quadplexes, townhomes, or row houses.

DWELLING, DETACHED: A dwelling unit that is not attached to any other dwelling unit by any means.

DWELLING, MIGRANT FARM LABOR: Housing which is provided for migrant agricultural laborers location on a tract of land, including all tents, vehicles, buildings, or other structures pertaining thereto, part of which is established, occupied, or used as living quarters for 5 or more migratory laborers engaged in agricultural activities, including related food processing under the administration of the Michigan Department of Agriculture and Rural Development (MDARD) and defined and regulated per the Michigan Public Health Code (PA 368 of 1978, as amended) MCL 333.12401 et seq.

DWELLING, SINGLE-FAMILY: A dwelling unit designed for occupancy by one family.

DWELLING, TWO-FAMILY: A building containing two dwelling units designed for occupancy by two families living independently of each other; also known as a duplex.

DWELLING, MULTIFAMILY: A building containing three or more dwelling units, designed for occupancy by three or more families living independently of each other, which may or may not share a common corridor space from which the entrances for each unit are accessed.

DWELLING UNIT: A building or portion thereof that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation according to the Michigan State Construction Code, as amended, or any Code established in accordance with its provisions.

Section 2.06 – “E”

EASEMENT: A duly recorded interest in land that entitles its holder to the limited use of another’s property for a specified purpose.

EDUCATIONAL FACILITY: A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels, or colleges or universities, in the branches of learning and study required to be taught in the public schools of Michigan.

EFFICIENCY UNIT: A dwelling unit consisting of one room and having such facilities as a kitchen, closets, bathrooms, and hallways in or immediately adjoining such room, often called a “studio unit.”

ENCLOSED BUILDING AREA: An area of space that is enclosed with a roof, walls, and a flooring surface either at, above, or below grade. (see WALL in Section 2.24 – “W”)

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems; collection, telephone, communication, supply or disposal system; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, convenience or welfare of the public, but not including towers, or office buildings, substations, or structures which are enclosures or structures for service equipment, or maintenance depots.

EVENT CENTER (WEDDING BARN): One or more existing agricultural buildings originally constructed for bona fide agricultural purposes and may be presently part of a functioning farm or may be remaining buildings following the cessation of farming activities, that is used by individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions including, but not limited to, meetings, banquets, weddings, gatherings associated with anniversaries, birthday parties, and

reunions, and other similar gatherings and celebrations. Such a use may include designated outdoor areas on the same lot as the agricultural building(s) for event center or wedding barn activities, kitchen facilities for preparation of catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public.

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

Section 2.07 – “F”

FAMILY: One or more persons, occupying a single dwelling unit, all related by blood, legal adoption, or marriage, and not more than three other persons; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. The term “family” shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration or other similar determinable period of time.

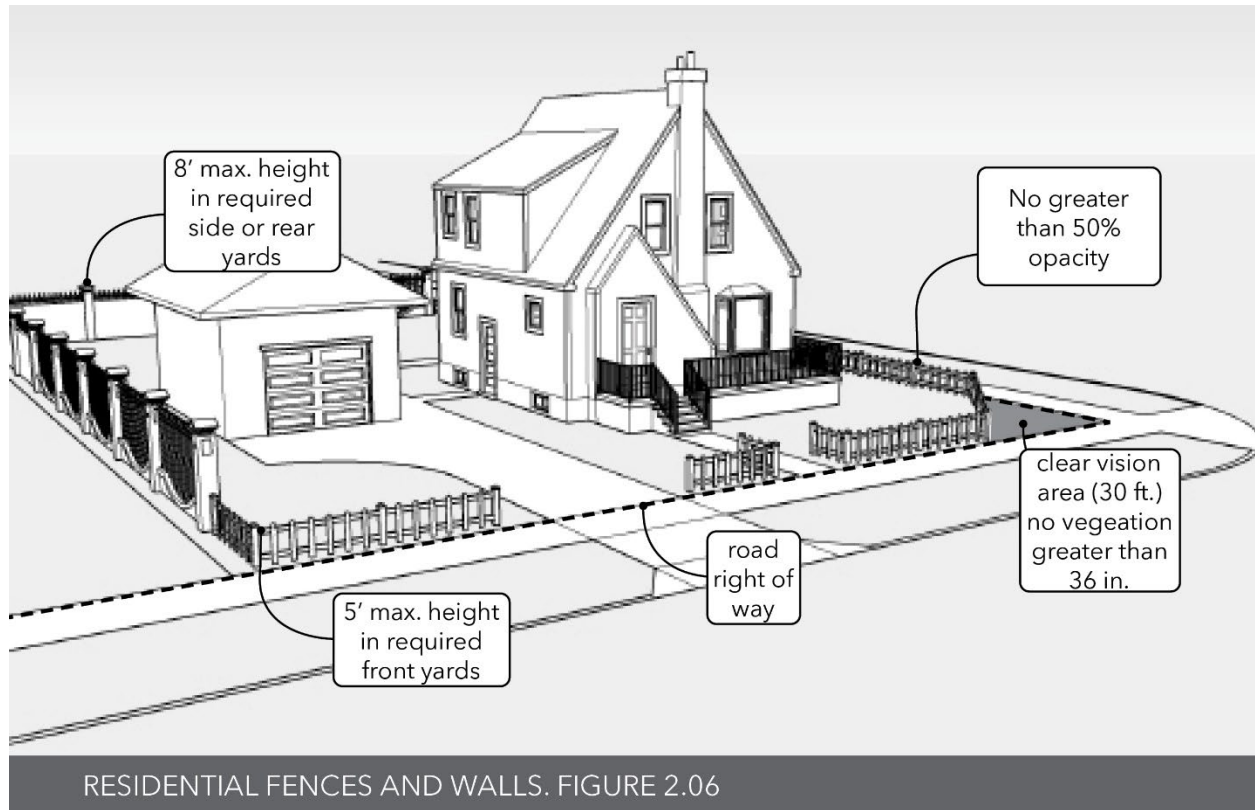
FARM OR FARMLAND: Farm or Farmland per Part 362 of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994), as amended, MCL 324.36201, means 1 or more of the following:

- A. A farm of 40 or more acres in 1 ownership, with 51% or more of the land area devoted to an agricultural use.
- B. A farm of 5 acres or more in 1 ownership, but less than 40 acres, with 51% or more of the land area devoted to an agricultural use, which has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. A farm described in this subparagraph enrolled in a federal acreage set-aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- C. A farm designated by the department as a specialty farm in 1 ownership that has produced a gross annual income of \$2,000.00 or more from an agricultural use. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; the breeding and grazing of Cervidae (deer, elk, moose, etc.), pheasants, and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities.

- D. Parcels of land in 1 ownership that are not contiguous, but which constitute an integral part of a farming operation being conducted on land otherwise qualifying as farmland may be included in an application under this part.

FARM MARKET: A year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market does not have to be a physical structure. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale at the farm market. Fresh products as well as processed products may be sold at the farm market. At least fifty percent (50%) of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least fifty percent (50%) of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap used in maple syrup, strawberries used in strawberry jam, etc. Farm Markets are subject to the Michigan Department of Agriculture and Rural Development (MDARD) Generally Accepted Agricultural Management Practices (GAAMPs), as amended.

FENCE: An accessory structure artificially constructed as a barrier and made of wood, metal, stone, brick, or various manufactured materials, which is usually erected for the enclosure of yard areas (see Figure 2.06).

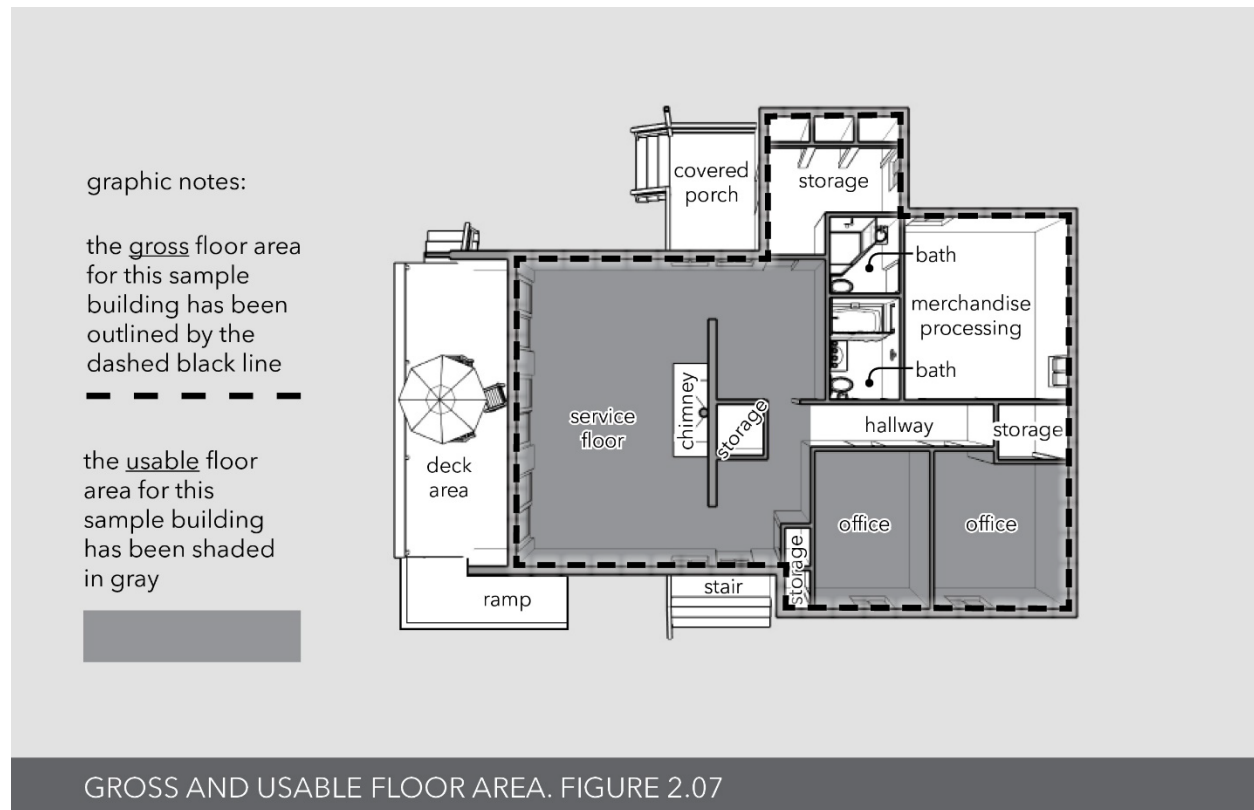


FINANCIAL INSTITUTION: An establishment where the principal business involves the provision of financial and banking services to consumers or clients, such as banks, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.

FLOODPLAIN: The land area that will be inundated by the overflow of water resulting from a 100-year flood (a flood which has a 1% chance of occurring any given year).

FLOOR AREA, GROSS: The sum of the horizontal areas of all floors of a building or an addition to an existing building, measured from the exterior faces of the exterior walls (see Figure 2.07).

FLOOR AREA, USABLE: That area used for, or intended to be used for, the sale of merchandise or services, or for the service of patrons, clients, or customers, but not including floor area used, or intended to be used, principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, janitorial services, utilities, or sanitary facilities. 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 (see Figure 2.07).



FOREDUNE CREST: A foredune is the first dune landward of the ordinary highwater mark, generally not stabilized by vegetation. The crest of the foredune is the highest elevation and frequently changes over time from the effects of nature such as wind erosion.

FRONTAGE: The total continuous length of the front lot line.

FUELING STATION: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, which may include the sale and installation of minor accessories and services, but not including automobile or vehicle repair services.

FUNERAL HOME OR MORTUARY: A facility used for the preparation of the deceased for burial and visitation and the conduct of memorial and funeral services.

Section 2.08 – “G”

GARAGE, PRIVATE: An accessory building or accessory portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages may be attached to the principal building or a detached accessory building. An attached garage may not exceed fifty percent (50%) of the usable floor area of the principal building, nor may an attached garage exceed the maximum height of the district.

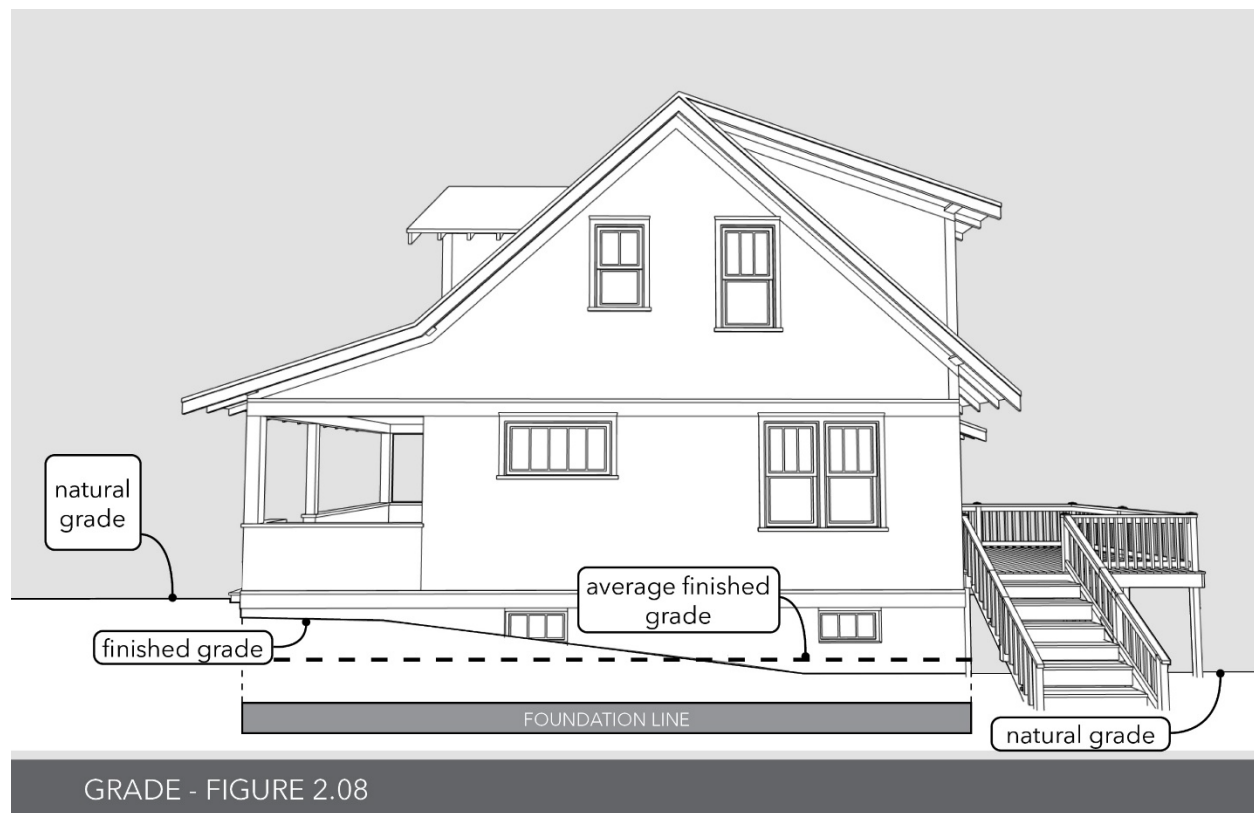
GRADE, AVERAGE FINISHED: The arithmetic mean of the finished grade at the highest point within two feet of any exterior corner of a building and the lowest point within two feet of any exterior corner of a building. For the purposes of this Ordinance, the term “average grade” shall mean average finished grade (see Figure 2.08).

GRADE, AVERAGE NATURAL: The arithmetic mean of the natural grade at the highest point within two feet of any exterior corner of a building or proposed building and the lowest point within two feet of any exterior corner of a building or proposed building.

GRADE, FINISHED: The elevation of the ground after all earthwork associated with the construction of a building has been completed (see Figure 2.08).

GRADE, NATURAL: The elevation of the ground undisturbed by development or, if the lot has already been developed, by redevelopment (see Figure 2.08).

GREEN SPACE: An area of a lot that is covered by a permeable surface.



Section 2.09 – “H”

HAZARDOUS SUBSTANCE: means one of the following:

- A. A chemical or other material that is or may become injurious to the public health, safety, or welfare or the environment.

- B. “Hazardous substance” as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96- 510, 94 Stat. 2767.
- C. “Hazardous waste” as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103.
- D. “Petroleum” as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).

HEALTH CLUB: A facility where members or nonmembers use equipment or space for the purpose of physical health and wellness.

HEIGHT, BUILDING: see BUILDING HEIGHT

HIGHWAY: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic principally designed to move large volumes of through traffic in and out of the community. Highways, as defined by this Ordinance, are regulated by the Michigan Department of Transportation (MDOT).

HOME FOR THE AGED: A supervised personal care facility at a single address, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 55 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home per Part 213 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.21301-333.21335.

HOME OCCUPATION: An occupation or profession customarily carried on by an occupant of a dwelling unit as an accessory use, which is clearly incidental and secondary to the use of the property for residential purposes.

HOSPICE FACILITY: An inpatient facility per Part 214 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.21401-333.21420, providing palliative care and related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices, which are an integral part of the hospice facility.

HOSPITAL: A facility per Part 215 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.21501-333.21571, offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring daily direction and supervision of a physician. A hospital does not include a mental health hospital licensed or operated by the Michigan Department of Health and Human Services or a hospital operated by the Michigan Department of Corrections.

HOTEL OR MOTEL: A building or group of buildings, whether detached or in connecting units, used as temporary individual sleeping units designed primarily for travelers. The term hotel or motel shall include buildings designated as auto courts, hotels, motels, tourist courts, motor courts, motor hotels, and similar appellations. A hotel shall not be considered or construed to be a multifamily dwelling or a bed and breakfast. Hotels may include restaurants, conference centers, meeting spaces, ballrooms, banquet halls, retail shops, and other similar accessory uses.

Section 2.10 – “I”

IMPROVEMENTS: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project area, including, but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, buildings, structures, parking areas, and landscaping.

INSTITUTIONAL FACILITIES: A nonprofit or quasi-public facility such as a religious institution, library, public or private school, or government-owned or government-operated structure used for a public purpose.

Section 2.11 – “J”

JUNK: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, scrap metals or other trash, rubbish, refuse, or scrap materials that are damaged or deteriorated; and obsolete, inoperable, damaged, or scrap renewable energy components, including those originating from utility-scale solar, wind, or battery energy storage facilities. This definition includes inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 30 days, unless it is actively in the process of rehabilitation as an antique car, and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 30 days and which is not in a completely enclosed building. It does not include domestic refuse if stored so as not to create a nuisance and is 30 feet or more from any residential structure for a period not to exceed 7 days.

JUNK OR SALVAGE YARD: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles as defined, administered, and regulated under PA 219 of 1966, as amended and PA 429 of 2008). A junk yard includes automobile salvage yards and any open area of more than 2,000 square feet for storage, keeping, or abandonment of junk.

Section 2.12 – “K”

KENNEL, COMMERCIAL: Any lot or premise on which five or more dogs, cats, or other household pets four months of age or older are either permanently or temporarily boarded for remuneration, breeding, training, transfer, or for sale purposes. This shall include animal daycare facilities.

Section 2.13 – “L”

LANDSCAPE MATERIALS OR NURSERY: A space, building, structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. This does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

LANDSCAPING STRUCTURE: A structure intended as exterior decoration for personal enjoyment, often associated with plantings, gardening, relaxation, permanent outdoor firepits, or permanent outdoor fireplaces, or a permanent barbeque which are open to the sky or contain some sort of chimney covering, and do not support either a floor or a closed roof to a defined principal or accessory structure. Examples include but are not limited to an arbor, gateway arbor, shade arbor, trellis, retaining wall, raised garden bed, ornamental fence post, pillar, monument or statue, permanent outdoor fireplace, permanent outdoor firepit, or permanent outdoor barbeque.

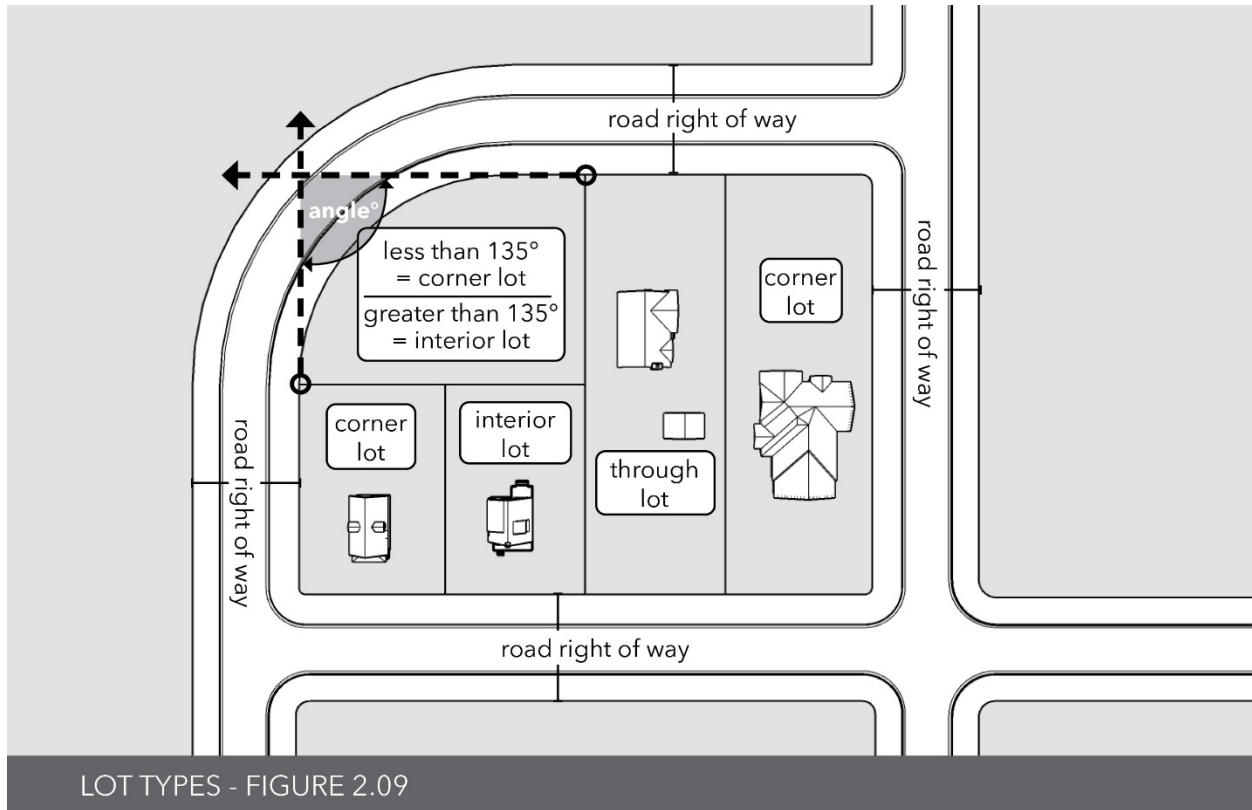
LOADING SPACE: An off-street space for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LODGING RENTAL: A lodging unit secured for transient or temporary occupancy for compensation, which may include but is not limited to daily fees for a hotel room, motel room, or bed and breakfast room.

LODGING UNIT: A hotel, motel, or bed and breakfast room or suite, which is used for temporary or transient lodging in exchange for compensation. Additionally, any residential dwelling unit rented for a period of less than 48 hours, or offered or advertised as a daily rental, shall be considered a lodging unit, and its use shall not be classified as a residential use.

LOT: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage, and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township. A lot may or may not be specifically designated as such on public records. A lot may consist of (a) a single lot of record; (b) a portion of a lot of record; (c) any combination of complete and/or portions

of contiguous lots of record; or (d) a parcel of land described by metes and bounds, provided that in no case of a lot division or combination shall the width or depth of any lot or parcel created including remainders be less than that necessary to comply with the requirements of this Ordinance (see Figure 2.09)

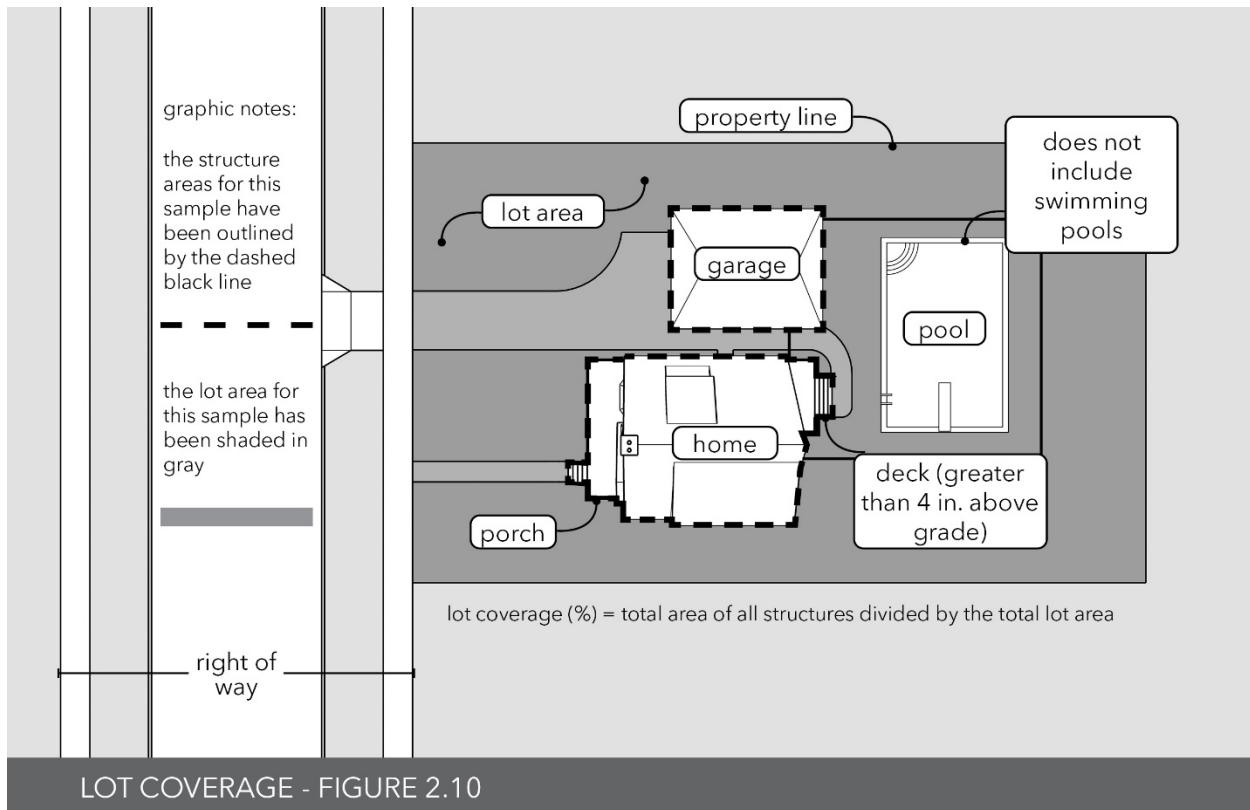


LOT AREA. The area within the boundary lines of the lot, but excluding that portion located within a public road right-of-way or private road easement, or the 100-year Flood Plain as established by the Flood Insurance Rate Map promulgated by the Federal Emergency Management Agency (FEMA).

LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees (see Figure 2.09).

LOT COVERAGE: The amount of a lot, stated in terms of percentage, which is covered by all buildings and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or fewer above the

finished grade), patios or swimming pools. Lot coverage shall be measured from the foundation or the building wall, whichever is closer to the lot line (see Figure 2.10).



LOT DEPTH: The distance from the front lot line to the rear lot line measured at the midpoint between the side lot lines.

LOT, FLAG: A lot whose access to the public street is by a narrow, private right-of-way that is either part of the lot or an easement across another property.

LOT FRONTAGE: The portion adjacent to the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to the street shall be considered frontages (see Front Lot Line).

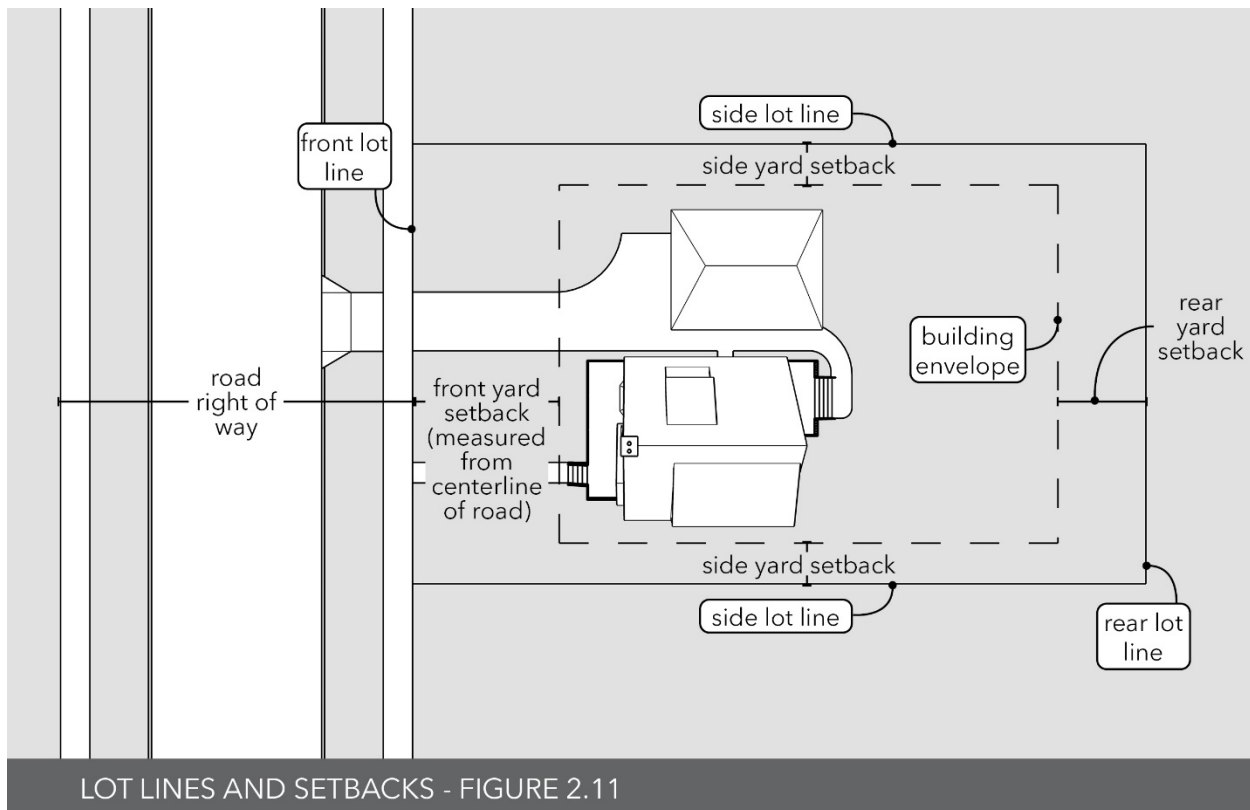
LOT, INTERIOR: Any lot other than a corner lot, which, except for a “through lot”, has only one lot line fronting on a street (see Figure 2.09).

LOT LINES: The lines bounding a lot as defined herein (see Figure 2.11):

- A. **FRONT LOT LINE:** In the case of an interior lot, that line separating the lot from the public or private street. In the case of a corner lot, there shall be a primary front line and a secondary front lot line. The primary front lot line shall be determined by the Zoning Administrator based on the property address, lot and building orientation, and similar factors. The remaining front lot line(s) shall be considered secondary front lot lines. For a through

lot, that line separating the lot from either street shall be the front lot line. In cases where none of these definitions are applicable or the front lot line is not apparent, the Zoning Administrator shall designate the front lot line in consideration of the orientation of existing or proposed buildings, the property's address, the property's relationship to adjoining lots, and similar factors. All front lot lines are measured from the centerline of the street, less half of the road right of way width.

- B. **REAR LOT LINE:** That lot line opposite the front lot line. In the case of a corner lot, the rear lot line shall be opposite the primary front lot line. A through lot shall not have a rear lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot. In cases where none of these definitions is applicable or the rear lot line is unclear, the Zoning Administrator shall designate the rear lot line. In the case of a waterfront lot, the waterfront side shall be the rear lot line.
- C. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line.



LOT OF RECORD: A lot which is part of a subdivision and is shown on a plat, or a parcel of land, the dimensions of which are shown on a document or map, or a parcel of land described by survey or metes and bounds which is the subject of a deed or land

contract and, in all three cases, that was legally created and legally before the effective date of this Ordinance, as such lot was depicted and dimensionally configured on such date, and is on file with the County Register of Deeds, or in common use by municipal or county officials and which actually exists as so shown, or any part of such parcel held in a record of ownership separate from that of the remainder thereof.

LOT, THROUGH: Any interior lot having frontage on two more or less parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered front yards (see Figure 2.09).

LOT, WATERFRONT: A lot having a property line abutting the “Waters of the State” as defined in Part 91 of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994), as amended, MCL 324.9101 (see Figure 2.12).

INSERT FIGURE 2.12 WATERFRONT LOT HERE

LOT WIDTH: The horizontal straight-line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard intersects the side lot lines.

LOT, ZONING: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Section 2.14 – “M”

MAIN BUILDING: A building in which the principal use of the lot upon which it is situated is conducted, also known as a principal building or principal structure.

MAJOR THOROUGHFARE: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property.

MANUFACTURED HOME OR MOBILE HOME: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include campers, travel trailers, motor homes, modular homes, recreational vehicles, recreational units, converted buses, tent trailers, or other transportable structures designed for temporary use.

MANUFACTURED HOUSING COMMUNITY OR MOBILE HOME PARK: A lot under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational 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 incident to the occupancy of a mobile home.

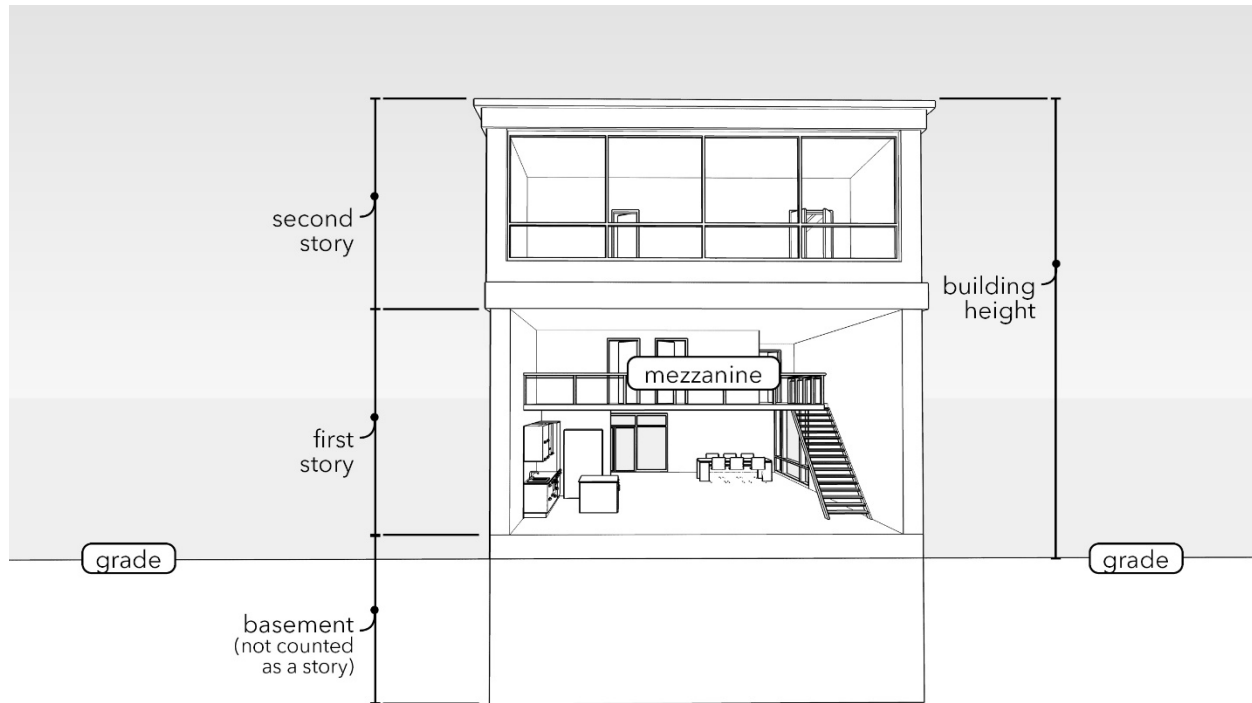
MANUFACTURING, PROCESSING, OR ASSEMBLY FACILITY: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, combining of parts into finished products, or the sub-assembly of components for subsequent finishing on or Principal Use, usually in a continuous and regular action or succession of actions, including the assembling of component parts, the creation of products, blending of materials, and the packaging, shipping, and receiving of manufactured components.

MANUFACTURING, PROCESSING, OR ASSEMBLY FACILITIES, HEAVY: A manufacturing, processing, or assembly facility where the activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials needed for the manufacturing process, or where the facility is reasonably expected to produce noise, dust, glare, odors, or vibration.

MASTER DEED: The document recorded as part of a condominium subdivision to which the approved bylaws and condominium subdivision and the condominium subdivision plan (Exhibit B) are attached as exhibits and incorporated by reference.

MEDICAL OR DENTAL OFFICE: A facility in which medical, health, dental, and related providers maintain offices and provide services to patients on an outpatient basis.

MEZZANINE: An intermediate floor in any story occupying not to exceed one-third ($1/3$) of the floor area of such story (see Figure 2.13).



MEZZANINE. FIGURE 2.13

MOBILE FOOD VENDING: Vending, serving, or offering for sale food or beverages from a mobile food vending unit, along with ancillary sales of branded items consistent with the food or mobile food vendor, such as a tee shirt that bears the name of the company, restaurant, or organization engaged in mobile food vending.

MOBILE FOOD VENDING UNIT: A vehicle or other structure (e.g., a cart) equipped to create, prepare, store, or package food from which the operator vends, serves, or offers food for sale at a given location for more than ten minutes at a time. This term is intended to include the vendors commonly referred to as “food trucks,” as well as other similar types of mobile vendors. The term “mobile food vending unit” shall not include coffee, frozen dessert, or ice cream trucks or other similar vehicles that move from place to place and are stationary in the same location for no more than ten minutes at a time.

MOBILE FOOD VENDING PARK: A permanently established area designed to accommodate multiple mobile food vending units as the primary use of the property, functioning as a single business. This use is commonly referred to as a “food truck park.”

MOBILE FOOD VENDOR: Any individual, company, restaurant, or organization operating a mobile food vending unit.

MODULAR (PRE-MANUFACTURED) HOUSING UNIT: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

MUNICIPAL MAINTENANCE GARAGE: A municipally owned building or structure located thereon, used or intended to be used by any municipal department for the storage, service, or maintenance of public equipment or vehicles, including related improvements such as a parking lot for parking vehicles or automobiles to serve a public purpose.

Section 2.15 – “N”

NONCONFORMING STRUCTURE: A structure or portion thereof that does not conform to the provisions of this Ordinance in the district in which it is located.

NONCONFORMING LOT: A lot that does not conform to the area, width, or other dimensional provisions of this Ordinance in the district in which it is located.

NONCONFORMING LOT OF RECORD: A lot legally created and legally existing at the effective date of this Ordinance that does not conform to the area and/or dimensional provisions of this Ordinance in the district in which it is located (see “LOT OF RECORD” Section 2.13 – “L”).

NONCONFORMING USE: A use that does not conform to the use provisions of this Ordinance in the district in which it is located.

NUISANCE: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

NUISANCE PER SE: Is a nuisance which is subject to remedy as a matter of law and is a violation of this Ordinance.

NURSING HOME: See “Convalescence or Nursing Home”

Section 2.16 – “O”

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, to provide access for entrance and exit for the parking of more than three vehicles.

OPEN-AIR BUSINESS: A business where the goods offered for sale are displayed outside a building. Buildings on the property shall be incidental and used for office space only. This definition does not include seasonal or temporary open-air businesses as regulated in Section 10.03.24.

OPEN SPACE, COMMON: An area of land in a development, the use of which is limited to landscaping, conservation, or recreational purposes and that is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development, or by others if authorized by this Ordinance or other municipal action.

OPEN SPACE, DEDICATED: Common open space dedicated as a permanent recorded easement, or other means of permanent dedication that runs with the deed.

ORDINARY HIGHWATER MARK: The ordinance high water mark that was established by the United States Army Corps of Engineers for the waters of the Great Lakes. The 1986 high water mark is generally considered the most reasonable and applicable highwater mark to for the use of legal definition and is what is used in this Ordinance.

OUTDOOR BARBEQUE (PERMANENT): An outdoor structure that has been permanently constructed or affixed to a foundation or pad, which may be solid fuel or gas burning, and constructed of steel, concrete, clay, or other noncombustible material. A permanent outdoor barbeque may be open in design or may be equipped with a removable or retractable covering of noncombustible material. An outdoor barbeque is used for the private use of the property owner or the property owner’s guests for cooking food for consumption.

OUTDOOR FIREPLACE (PERMANENT): An outdoor structure that is designed for solid fuel or gas burning and has been permanently constructed out of steel, concrete, clay, or other noncombustible material. An outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening at the top. A permanent outdoor fireplace is intended for the private use of the property owner or the property owner’s guests for recreational enjoyment.

OUTDOOR STORAGE: The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junkyards.

OUTDOOR STORAGE FACILITY OR YARD: A facility or storage yard in which the outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junkyards.

OWNER: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Section 2.17 – “P”

PARK: A tract of land, building, or structure used for recreational purposes, including but not limited to playgrounds, sports fields, game courts, beaches, trails, picnicking areas, and leisure-time activities.

PARKING SPACES: An area of definite length and width used for the parking of a motor vehicle, exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERMANENT FOUNDATION: A foundation for a structure that includes all frost-free foundations as regulated by the building code, as well as concrete block, poured concrete, and slabs or other materials used to support the walls of a building, even if they do not extend down below the frost-free line.

PERSON: Means an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.

PERSONAL SERVICE ESTABLISHMENT: A business or use that provides routine and common service to the public, including, but not necessarily limited to, barber shops, hair salons, dry cleaners, tailors, shoe repair, and craftsman, including the sale of products incidental to the principal service-oriented use.

PET: A pet shall mean only such animals that are customarily commonly owned and kept within a domestic household.

PHARMACY OR MEDICAL SUPPLY SALES FACILITY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, medical equipment and supplies, and related items.

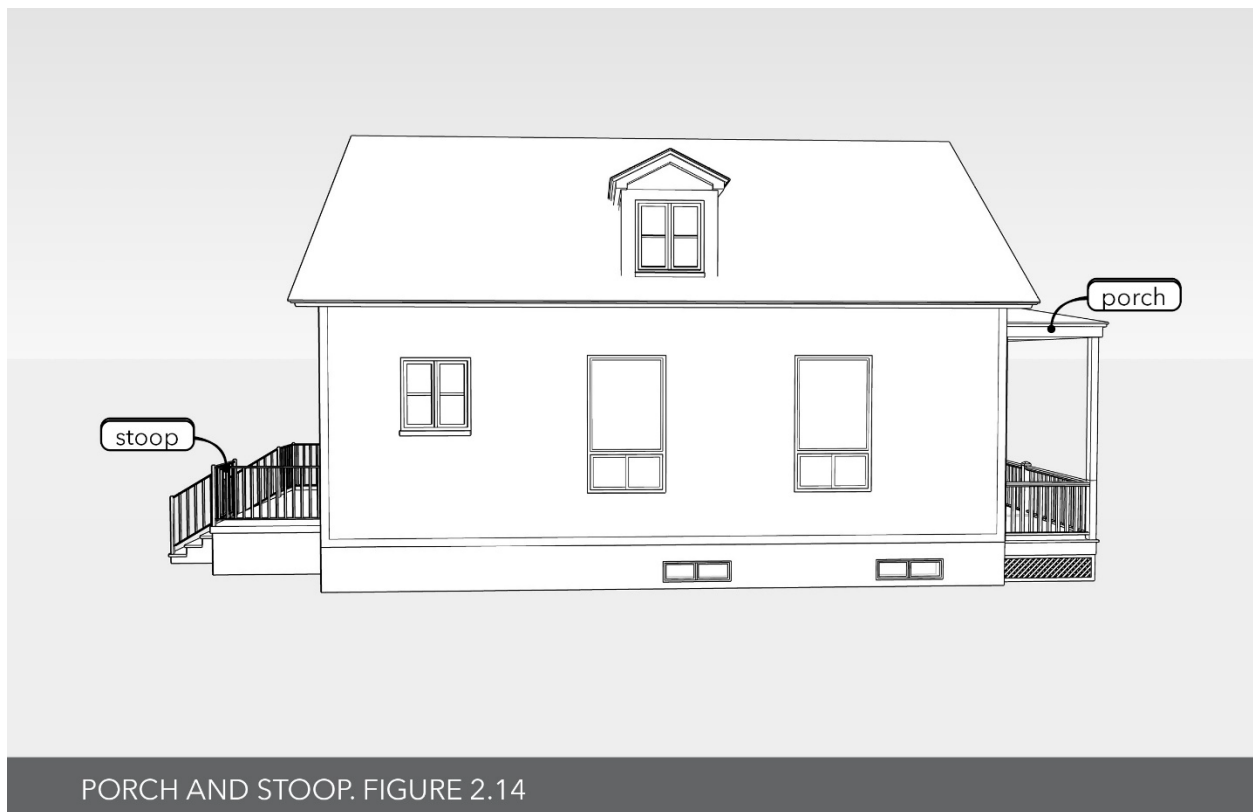
PLACE OF PUBLIC ASSEMBLY: Buildings, structures, and grounds, including theaters, auditoriums, convention space, stadiums, sports arenas, concert halls, lecture halls, and other similar facilities intended for commercial or non-commercial entertainment, instruction, or similar activities involving assembled groups of people numbering 30 or more.

PLACE OF WORSHIP: Buildings, structures, and grounds intended specifically for a place of worship involving assembled groups of people.

PLANNED UNIT DEVELOPMENT: A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan, which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space, and other land uses as provided in this Ordinance.

PLAT: A subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

PORCH: A roofed open structure, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than 50% (See Figure 2.14).



PRINCIPAL BUILDING: A building in which the main or principal use of the lot upon which it is situated is conducted.

PRINCIPAL USE: The primary or predominant use of any lot.

PRIVATE ROAD or PRIVATE STREET: A private way or means of approach, other than an alley, providing access to two or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated to general public use.

PRIVATE RECREATION FACILITIES, INDOOR: A permanent building containing facilities for recreational activities, such as tennis, bowling, billiards, platform games, swimming, exercise rooms, handball, and similar activities.

PRIVATE RECREATION FACILITIES, OUTDOOR: A recreation facility primarily conducted outdoors and open to the public for a fee.

PROFESSIONAL SERVICE ESTABLISHMENT: Establishments of an executive, administrative, or professional nature, including but not necessarily limited to certified public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, chiropodists, architects, attorneys at law, physical therapists, and insurance agents.

PUBLIC FACILITIES: Public parks, administrative offices, fire, and police facilities, libraries, public or private museums, recreational centers, indoor and outdoor storage areas for materials, public equipment, and buildings for essential public services (including but not limited to electric substations, telephone substations, gas regulator stations).

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board, or commission, duly authorized to furnish and/or furnishing under federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

Section 2.18 – “Q”

Reserved.

Section 2.19 – “R”

RECREATION CENTER: A publicly or privately owned business that is open to the public where meetings are held, sports are played, and activities are made available for diverse ages and capabilities.

RECREATIONAL UNIT: A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors, as defined by the Michigan Department of Natural Resources.

A recreational unit includes, but is not limited to, the following:

- A. Travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
- B. Camping trailer, which is a vehicular portable structure, mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- C. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- D. A truck camper, which is a portable structure built on a self-propelled motor vehicle chassis, is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- E. A truck camper, which is a portable structure designed to be loaded onto or affixed to the bed or chassis of a truck, is constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of two basic types:
 - 1. Slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 - 2. Chassis-mount camper, which is a portable structure designed to be mounted on a truck chassis and constructed to provide temporary living quarters for recreational, camping, or travel use.
- F. Boats or other recreational units, which have the characteristics of the definition of recreational unit but are not listed above.

RECREATIONAL USES: Miniature golf, go-carts, automobile or motorcycle tracks, amphitheaters, amusement, and water parks, air gun or survival games, batting cages, skate board park, and similar uses, including accessory uses such as refreshment stands, retail shops selling related items maintenance buildings, office for management functions, spectator seating and service areas, locker rooms and rest rooms.

RENTAL: The permission, provision, or offering of possession or occupancy of a Single-Family Dwelling with some type of remuneration paid to the owner for a period of time to a person who is not the owner, pursuant to a written or verbal agreement (see Ord. Nos. 157 and 168).

REPAIR: The act of restoring something by replacing any part(s) of an existing building or structure for the purpose of maintenance and keeping the building or structure in safe working order. Repair is distinct from the full reconstruction or replacement of a building or structure that has been wholly removed or deconstructed. This exclusion holds true regardless of whether the removal was voluntary or necessitated by the building or structure becoming a hazard to public health, safety, and welfare.

RESEARCH, LABORATORY, OR PRODUCT TESTING FACILITY: An establishment for carrying on investigation in the natural, physical, or social sciences, which may include engineering and process or product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

RESORT OR RETREAT CENTERS: A place typically of seasonal entertainment, recreation, and/or lodging. Resort lodging, if provided, may include hotels, motels, single- or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or combination thereof, as regulated by appropriate sections of the Ordinance and/or the State of Michigan.

RESTAURANT: An establishment where food is prepared and served for consumption on the premises, which may contain drive-through or carry-out services.

RESTORATION: The reconstruction or replication of an existing building's original architectural features. Restoration is often referred to as "historic restoration" and may be completed as a component of a historic preservation project.

RETAIL BUSINESSES: Businesses selling goods or commodities in small quantities directly to consumers. This definition does not include wholesale distributors.

RETREAT CENTER: A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not with individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodation.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road,

sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

ROAD: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Van Buren County Road Commission or other public entity.

ROADSIDE STAND: A structure for the display or sale of agricultural products, with no space for customers within the structure itself. Roadside stands may constitute a lawful “farm market” as defined by the Michigan Department of Agriculture and Rural Development (MDARD) and follow the Generally Accepted Agricultural Management Practices (GAAMPs) for Farm Markets, as amended.

ROOF: An upper covering of a building that provides shelter, protection from weather elements, and structural support for the building. For the purposes of this Ordinance, trellises and pergolas shall not be considered roofs.

ROOF PITCH: The amount of slope of the roofline in terms of angle or other numerical measure; for example, one unit of vertical rise for three units of horizontal shelter is expressed as “1:3.”

Section 2.20 – “S”

SALES AND DISTRIBUTION FACILITY: An establishment devoted to the process of planning, implementing, and controlling the shipping, storage, and receiving of resources from distributors and suppliers. Sales and distribution facilities focus on the rapid movement and redistribution of goods rather than long term storage and are often called fulfillment centers and often distributed through large regional areas as distribution and fulfillment hubs.

SAWMILL: A facility of a permanent nature where trees and logs are cut, split, shaved, stripped, chipped, or otherwise processed to produce wood products, but not including the processing of timber for use on the same lot from which the owner of said lot cuts it.

SCREEN: To conceal from view; or a structure or landscape materials providing enclosure and a visual barrier between the area enclosed and adjacent properties and rights-of-way.

SEASONAL MOBILE HOME PARK: A lot under the control of a person upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. A seasonal mobile home park does not include a campground licensed

pursuant to Sections 12501 to 12516 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.12501 to 333.12516 of the Michigan Compiled Laws.

SELF STORAGE / MINI WAREHOUSE FACILITY, COMMERCIAL: A building that contains individual, compartmentalized, and controlled-access stalls of various sizes leased or rented on individual leases for seasonal recreational vehicles, boats for personal use, or other personal storage uses.

SELF STORAGE, PRIVATE: A building that contains individual, compartmentalized, and controlled-access stalls of various sizes privately owned for seasonal recreational vehicles, boats for personal use, or other personal storage uses.

SENIOR HOUSING: A residential development consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as part of a wholly owned and managed development.

SETBACK, REQUIRED: The distance required to obtain the minimum front, side, or rear yard open space provisions of this Ordinance (see Figure 2.11 in Section 2.13).

SHORELINE: The line which separates land from a surface water feature which may be: (a) established as a matter of record as the mean level elevation of the surface water, or as (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner and/or the Michigan Department of Environment, Great Lakes, and Energy (EGLE). For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

SHOOTING RANGE: Any indoor or outdoor recreation facility designed for and devoted to the shooting of firearms or archery equipment. Depending on the type of shooting range, such shooting range may also be commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, or archery range. Shooting ranges may be an indoor or outdoor recreational facility.

SHORT TERM RENTAL: The rental or subletting of a Single-Family Dwelling for compensation for a term of at least three but not more than 27 nights (rentals for less than three nights are not allowed as Short-Term Rentals). Only one Rental term may begin for a Single-Family Dwelling during any calendar week of Sunday through Saturday. However, the rental of the following shall not be considered Short-Term Rentals: bed and breakfast establishments, motels, resorts, campgrounds, transitional houses operated by a charitable organization, group homes such as convalescent or nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics,

mental-health facilities, other similar healthcare related facilities, and the rental of Single-Family Dwellings in the Agricultural District (see Ord. Nos. 157 and 168).

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. House numbers, addresses, and nameplates not exceeding two square feet, and customary architectural features, including but not limited to crosses on church steeples, shall not be considered signs (see Section 12.01 - Signs).

SITE CONDOMINIUM SUBDIVISION: Means a condominium subdivision that includes units with building envelopes or that grants the owner the right to construct a structure.

SITE PLAN: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A sketch plan depicts a subset of the information required by this Ordinance for a site plan (see Article 11 – Site Plan Review).

SKETCH PLAN: A drawing showing the proposed placement of a new building, dwelling structure, or use, or an addition to a building, structure, or use on a lot, but not as detailed or required to have all the submittal items of a formal site plan.

SLOPE: The gradient, the rate of incline or decline, expressed as a percentage. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a slope of 25%.

SOLAR ENERGY SYSTEM, ACCESSORY USE: An accessory solar energy system generating up to and including 1-Mega Watt Direct Current (MW DC) installed and used for the primary purpose of serving on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be composed of or similar to the following: building-integrated photovoltaic systems (“BIPV”), ground-mounted solar energy collectors, solar-thermal, and/or building-mounted solar energy collectors.

SOLAR ENERGY SYSTEM, PRINCIPAL USE: A commercial and/or utility principal-use solar energy system generating more than 1-Megawatt Direct Current for the primary purpose of Principal Use through the electrical grid or export to the wholesale market.

SPECIAL USE OR SPECIAL LAND USE: A use of land whose characteristics may create a nuisance or nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance (see Article 10.02 – Special Land Use Review Standards). Approval for establishing a special land use is indicated by the issuance of a Special Use Permit.

SPECIAL LAND USE PERMIT: A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special land use pursuant to standards and procedures established in Section 10.01 – Special Land Use Application procedures.

STABLE, COMMERCIAL: A structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded and does not meet the definition requirements of a private stable (see “Stable, Private”), as defined in this Ordinance.

STABLE, PRIVATE: An accessory structure and/or use where no more than twelve (12) horses are bred, reared, cared for, and/or boarded, irrespective of remuneration, and the keeping of such horses complies with the standards of Section 13.06 – Backyard Domestic Livestock Animals. A private stable may provide riding lessons, but a private stable shall not be interpreted as to include a facility providing horse shows, rodeo shows, training exhibitions, or other activity typically categorized by gathering of spectators or observers.

STEEP BLUFF: A bluff is generally comprised of unsorted glacial till (sand, gravel, clay, and cobble stone) that rises from the beach. A minimum slope for a bluff to be classified as “steep” is 30 degrees or greater from the toe of the slope to the crest of the bluff. This is based upon the average angle of repose found along the Lake Michigan Shoreline.

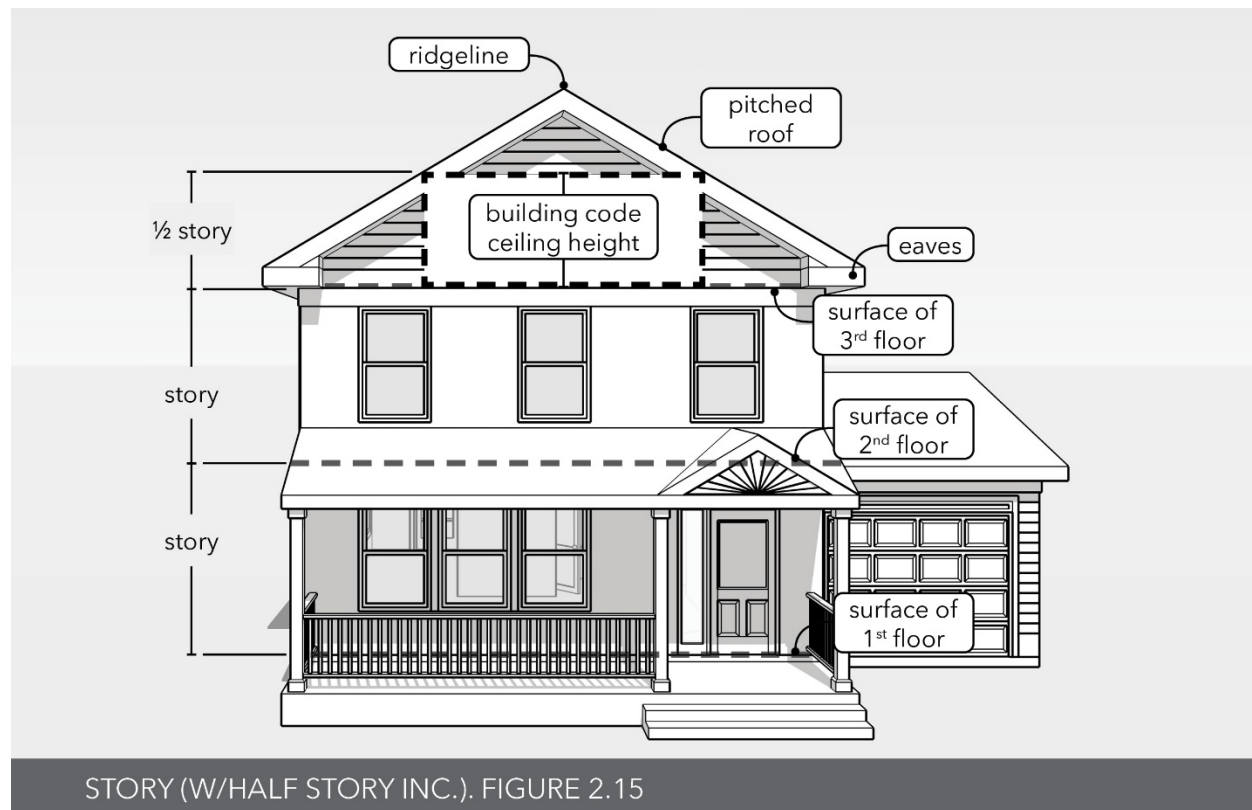
STOP WORK ORDER: An administrative order, which is either posted on the property or mailed, or personally delivered to the property owner, which directs a person not to continue, or not to allow the continuation of an activity, which is in violation of this Ordinance or other applicable codes.

STORAGE, TRANSFER WAREHOUSE, OR SHIPPING FACILITY: A building used primarily for the storage, transfer, and shipping of goods and materials. This type of facility is often referred to as a transloading hub or cross-docking facility, which is a point where goods are transferred between different modal transportation methods of delivery. Storage, transfer warehouses, or shipping facilities act as the middle point of shipping focusing on sorting, loading, and routing of shipments to other facilities in the supply chain.

STORY: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story (see Figure 2.15).

STORY, HALF: No more than two habitable rooms situated wholly or partially within a sloping roof with knee walls no greater than three feet in height and a sufficient minimum room height of seven feet six inches (as defined by the Michigan Construction

Codes) and of at least 200 square feet of floor area. An attic space that is used as a separate family dwelling unit, such as an accessory dwelling unit (ADU) shall be counted as a full story, not a half story (see Figure 2.15)



STREET: see “Road” in Section 2.19 – “R”

STRUCTURE: Anything fabricated, constructed, or erected, the use of which requires fixation or placement in, or attachment to something having location on the ground. For the purposes of this Ordinance, this includes but is not limited to all buildings, independently supported decks, satellite dishes, fences, and free-standing signs; but does not include in-ground swimming pools, at-grade porches, patios, steps, stairs, below-ground structures, anything lawfully in a public right-of-way including but not limited to utility poles, mailboxes, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities, utilities, and essential public services.

SUBDIVISION: The division of land into more lots for the purpose of sale or development, and subject to the platting requirements of Public Act 288 of 1967, as amended, this Ordinance, and the requirements of South Haven Charter Township Land Division Ordinance.

SUBSTANCE ABUSE AND REHABILITATION CENTER: Structures and land used for the treatment of alcohol or other drug abuse where one or more patients are

provided with care, meals, and lodging as regulated under the Michigan Public Health Code (Public Act 368 of 1978).

SWIMMING POOL: Any structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing, for the purposes of this Ordinance, in-ground swimming pools will be added to total lot coverage.

Section 2.21 – “T”

TEMPORARY DWELLING UNIT: A dwelling unit occupied continuously for less than six months of the year, or a dwelling unit occupied intermittently for less than 15 days of each month. A dwelling unit, which is occupied for more than 180 days per year, is not a temporary dwelling unit. A dwelling unit used to gain residency, as a mailing address, or for a homestead tax exemption is not a temporary dwelling unit.

TEMPORARY USE OR BUILDING: A use, building, or structure permitted by procedures established in this Ordinance, to exist during a specified time.

TENT: A temporary shelter made of a pliable material such as canvas, plastic, or similar materials, supported by poles and fastened by cords and stakes driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

TOWNSHIP: Shall mean the Charter Township of South Haven, Van Buren County, Michigan.

TRANSITIONAL HOUSING: Shelter provided to unhoused individuals or families for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

TRAVEL TRAILER: A recreational unit designed to be used for temporary residence purposes (see “Recreation Units” Section 2.19 – “R”) .

Section 2.22 – “U”

UNDERGROUND STORAGE TANK: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is 10% or more beneath the surface of the ground.

UNDEVELOPED STATE: 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.

USE: A purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

Section 2.23 – “V”

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals.

VEHICLE: A motorized conveyance designed and intended for the purpose of moving people or goods.

VETERINARY CLINIC: A facility where animals are given medical care, and the boarding of animals is limited to short-term care incidental to the clinic's use, which may or may not include boarding or kennel facilities. Kennel facilities are those lots or premises on which four or more domestic animals, six months of age or older, are kept temporarily or permanently for the purposes of breeding, boarding, or sale.

VICIOUS ANIMAL: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

Section 2.24 – “W”

WALL: An upright structure of building material, such as masonry, wood, or plaster, serving to enclose, divide, or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building. An exterior wall may contain openings for windows or doors.

WALL, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

WAREHOUSING FACILITY: A use engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions dangerous to the general public. Warehousing facilities emphasize organization, inventory accuracy, security, and effective space and storage utilization.

WILD ANIMAL: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), rodents, any hybrid animal that is part wild, and captive- bred species of common cage birds.

WIND ENERGY SYSTEM FACILITY, UTILITY-SCALE: Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIRELESS COMMUNICATION ANTENNA: A device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, cellular, or other signals transmitted to or from other antennas or telecommunication facilities for commercial or municipal purposes.

WIRELESS COMMUNICATION TOWER: A radio, telephone, or television relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or another structure, used for the transmission or reception of radio, television, microwave, or any other form of wireless telecommunication signals.

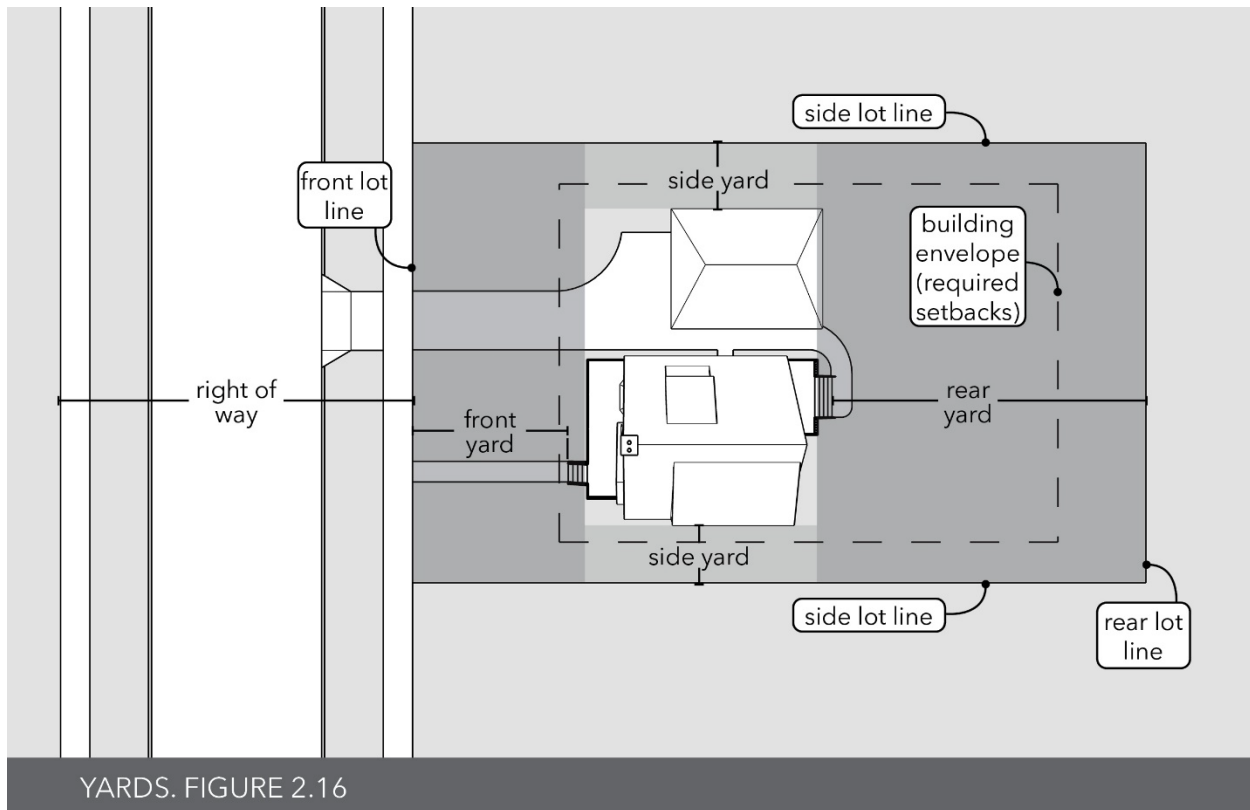
Section 2.25 – “X”

Reserved.

Section 2.26 – “Y”

YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein (see Figure 2.16):

- A. **FRONT YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest wall of the main building.
- B. **REAR YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest wall of the main building. In the case of a waterfront lot, the rear yard shall be defined by the minimum horizontal distance between the nearest wall of the main building and the 100-year Flood Elevation line established by the Flood Insurance Rate Map (FIRM) promulgated by the Federal Emergency Management Agency.
- C. **SIDE YARD:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest wall of the main building.



YARD, REQUIRED: The yard required by this Ordinance when the required front, side, or rear setbacks are applied.

Section 2.27 – “Z”

ZONING ENABLING ACT or **ZONING ACT:** Act 110 of the Michigan Public Acts of 2006, as amended, known as the Michigan Zoning Enabling Act.

ZONING ADMINISTRATOR: The South Haven Charter Township Zoning Administrator is hired or appointed for the purpose of carrying out certain duties and responsibilities as defined in this Ordinance.

ZONING BOARD OF APPEALS: The South Haven Charter Township Zoning Board of Appeals.

ZONING PERMIT: A document signed by the Zoning Administrator or the Township’s designee according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, sketch plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance therefrom.

ARTICLE 3

Zoning Districts and Zoning Map

Section 3.00 – Districts Established

For the purposes of this Ordinance, the Township is hereby divided into the following districts:

- A. Agricultural District (A)
- B. Residential Districts:
 - 1. Low-Density Residential District (LDR)
 - 2. Medium-Density Residential District (MDR)
 - 3. High-Density Residential District (HDR)
 - 4. Manufactured Housing Community District (MHC)
- C. Nonresidential Districts:
 - 1. Neighborhood Commercial District (NCD)
 - 2. Community Service Commercial District (CDC)
 - 3. Highway Service Commercial District (HSC)
 - 4. Industrial District (I)
- D. Overlay Districts:
 - 1. Airport Overlay District (AO)
 - 2. Marihuana Business Overlay District (MBO)
 - 3. Residential Commercial Overlay District (RCO)
 - 4. Shoreline Protection Overlay District (SPO)

The boundaries of these districts are hereby established as shown on the official Zoning Map of South Haven Charter Township, as amended, which is on file in the Township Hall, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

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 which shall be located in the South Haven Charter Township Hall shall be the final authority as to the

current zoning status of any lot, zoning district, use, building, or structure in the Township.

Section 3.01 – Boundaries Interpreted

Where uncertainty exists regarding the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries that are indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries that are indicated as approximately following a recorded property line shall be construed as following such line.
- C. Boundaries that are indicated as following railroad lines shall be construed to be the midway between the main tracks.
- D. Boundaries that are indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- E. Boundaries that are indicated as parallel to or extensions of features indicated in subsections (A) through (D) of this Section shall be so construed. The scale of the map shall determine distances not specifically indicated on the official Zoning Map.
- F. Where physical or natural features existing on the ground are inconsistent with those shown on the official Zoning Map, or in other circumstances not covered by subsections (A) through (E) of this Section, the Zoning Board of Appeals shall interpret the district boundaries.
- G. Where some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 3.02 – Zoning of Vacated Areas

Whenever any street, alley, or public way within the Township shall be vacated, such street, alley, or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

Section 3.03 – District Requirements

All buildings and uses in any district shall be subject to the district in which they are zoned, as well as Article 13 of this Ordinance, pertaining to General Provisions.

Section 3.04 – Application of Regulations

The regulations set forth by this article within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land similarly situated within a zoning district, and particularly, except as provided in this Section:

- A. Unless permitted in this ordinance, no building or other structure shall hereafter be erected or altered to:
- B. Exceed the height or area limitations;
- C. Accommodate or house a greater number of families;
- D. Have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or
- E. Be erected or altered in any manner contrary to this Ordinance.
- F. No part of a yard, other open space, or off-street parking or loading space required for or in connection with any building for complying with this Article shall be included as part of a yard, open space, or off-street parking or loading space required for any other building.
- G. No yard or lot existing upon the effective date of the ordinance from which this Article is derived shall be reduced in dimension or area below the minimum requirements set forth herein.

Section 3.05 – Table of Uses

**P = PERMITTED
LAND USES**

**S= SPECIAL
LAND USES**

**A= MAY BE APPLICABLE IN SHORELINE
LOCATIONS**

Land Use	A	LDR	MDR	HDR	MHC	NCD	CDC	HSC	I	AO	MBO	RCO	SPO
Adult Day Care Facilities						P	P	P					
Adult Oriented Facilities									S				
Adult-Use Marihuana Retailers (MRTMA)											S		
Adult Foster Family or Small Group Home (6 persons or fewer)	P	P	P	P	P								
Adult Foster Care Small Group Home (7-12 persons)	S	S	S	S	S								
Adult Foster Care Large Group Home (13-20 persons)			S	S									
Agriculture (Farming)	P												
Agricultural Service Establishments	P							S	P				
Airports or Landing Strips	S									P			
Ambulance Services						S	P	P					
Art Studios						P	P	P					

Land Use	A	LDR	MDR	HDR	MHC	NCD	CDC	HSC	I	AO	MBO	RCO	SPO
Assisted Living Facilities				S		P	P	P					
Automobile or Vehicle Sales							S	S	S				
Automobile or Vehicle Service or Repair Facilities							S	S	S				
Automobile or Vehicle Wash							S	S	S				
Battery Energy Storage Systems (BESS), Principal Use	S								S				
Bed and Breakfast Establishments	S	S	S										
Biofuel Production Facilities	S												
Business Incubator Facilities								S	P				
Campgrounds	S												
Cemeteries	P												
Child Care Facilities				S		P	P	P					
Child Care Homes, Family (6 persons or fewer)	P	P	P	P	P								
Child Care Homes, Group (7-12 persons)	S	S	S	S	S								
Clubs or Lodges						P	P	P					

Land Use	A	LDR	MDR	HDR	MHC	NCD	CDC	HSC	I	AO	MBO	RCO	SPO
Concentrated Animal Feeding Operations (CAFO)¹	P												
Conservation Areas and Nature Preserves, Public or Private	P												
Contractor's Offices and Showrooms							P	P	P				
Contractor's Supply Facilities							P	P	P				
Contractors Warehouse Facilities, Storage Facilities, or Storage Yards							S	S	P				
Convalescent Homes (Nursing Homes)				S		P	P	P					
Data Centers									S				
Drive Through Businesses						S	S	S					
Dry Cleaning Facility						P	P	P					
Dwellings, Accessory Units (ADUs)	P	P	P	P									A
Dwellings, Migrant Farm Labor	P												
Dwellings, Multiple-Family			S	P									A

¹ Any Concentrated Animal Feeding Operation must meet the Michigan Department of Agricultural and Rural Development Generally Accepted Agricultural Management Practices (GAAMPs) other environmental laws and are protected under the Michigan Right to Farm Act.

Land Use	A	LDR	MDR	HDR	MHC	NCD	CDC	HSC	I	AO	MBO	RCO	SPO
Dwellings, Single-Family Attached (3- 4 units)			S	P									A
Dwellings, Single-Family Detached	P	P	P	P									A
Dwellings, Two-Family (Duplex)	P	P	p	P									A
Essential Services	P	P	P	P		P	P	P	P				
Event Centers (Wedding Barn)	S												
Farm Markets and Roadside Farm Stands	P												
Financial Institutions						P	P	P					
Fueling Stations						S	S	S	S				
Funeral Homes, Mortuaries, Crematoria						S	P	P	P				
Greenhouses, Commercial	P						P	P	P				
Health Clubs						P	P	P					
Homes for the Aged						P	P	P					
Home Occupations	P	P	P	P	P								
Hospice Facilities				S		P	P	P					

[illegible]

[illegible]

Land Use	A	LDR	MDR	HDR	MHC	NCD	CDC	HSC	I	AO	MBO	RCO	SPO
Restaurants						P	P	P					
Retail Businesses						P	P	P					
Sales and Distribution Facilities							S	S	S				
Sawmills	S												
Self-Storage / Mini Warehouse Facilities, Commercial							P	P	P				
Self-Storage, Private	S					P	P	P	P				
Senior Housing		S	S	S									
Short-term Rental Units		P	P	P									
Solar Energy Systems Facility, Principal Use	S								S				
Stables for Boarding or Riding, Commercial	S												
Stables for Boarding and Riding, Private	P												
Storage, Transfer Warehouses, or Shipping Facilities								S	S				
Substance Abuse and Rehabilitation Facilities	S					P	P	P					
Transitional Housing	S					P	P						

Land Use	A	LDR	MDR	HDR	MHC	NCD	CDC	HSC	I	AO	MBO	RCO	SPO
Veterinarian Clinics						P	P	P					
Warehousing Facility							S	S	S				
Wind Energy Systems Facility, Principal Use	S							S	S				
Wireless Communication Towers	S	S	S			S	S	S	S				

Section 3.06 – Table of Dimensional Standards

NP = Not Permitted by right or by special use permit

Y = SHAWSA Connection

N = No SHAWSA Connection

District Standard		Uses/Road Frontage	Public Utility	Zoning Districts							
Requirement	Specific Standards		Water & Sewer (SHAWSA)	A	LDR	MDR	HDR	NCD	CSC	HSC	I
Lot Area (min.)		Residential Uses, Detached	Y	5 acres	21,780 ft. ² (1/2 ac.)	10,890 ft. ² (1/4 ac.)	5,445 ft. ² (1/8 ac.)				NP
		Residential Uses (2-Units)	Y	5 acres	21,780 ft. ² (1/2 ac.)	21,780 ft. ² (1/2 ac.)	5,445 ft. ² (1/8 ac.)				NP
		Residential Uses (3-4 Units)	Y	NP	NP	21,780 ft. ² (1/2 ac.) + 1,500 ft. ² per unit over 2 (units 3 and/or 4)	5,445 ft. ² (1/8 ac.) + 1,500 ft. ² per unit over 2 (units 3 and/or 4)				NP

District Standard		Uses/Road Frontage	Public Utility	Zoning Districts							
Requirement	Specific Standards		Water & Sewer (SHAWSA)	A	LDR	MDR	HDR	NCD	CSC	HSC	I
		Residential Uses, Multifamily	Y	NP	NP	21,780 ft. ² (1/2 ac.) + 1,500 ft. ² per unit over 2 (units 3 and/or 4)	43,560 ft. ² (1 ac.) + 1,500 ft. ² per unit over 4.				NP
		Residential Uses, Detached	N	5 acres	1 acre	1 acre	1 acre				NP
		Residential Uses (2-Units)	N	5 acres	1 acre	1 acre	1 acre				NP
		Residential Uses (3-4 Units)	N	NP	NP	NP	NP				NP
		Residential Uses, Multifamily	N	NP	NP	NP	NP				NP
		Nonresidential Uses	Y	10 acres	1 acre	1 acre	1 acre	10,890 ft. ² (1/4 ac.)	10,890 ft. ² (1/4 ac.)	10,890 ft. ² (1/4 ac.)	1 acre

District Standard		Uses/Road Frontage	Public Utility	Zoning Districts							
Requirement	Specific Standards		Water & Sewer (SHAWSA)	A	LDR	MDR	HDR	NCD	CSC	HSC	I
		Nonresidential Uses	N	10 acres	2 acres	2 acres	2 acres	1 acre	1 acre	1 acre	2 acres
Lot Width (min.)	State or County Hwy.	Residential Uses (2 units or fewer)	Y	330 ft.	330 ft.	330 ft.	330 ft.				
			N	330 ft.	330 ft.	330 ft.	330 ft.				
		Residential Uses (3-4 units)	Y	NP	NP	330 ft.	330 ft.				
			N	NP	NP	NP	NP				
		Residential Uses (5 units or greater)	Y	NP	NP	NP	330 ft.				
			N	NP	NP	NP	NP				
		Nonresidential Uses	Y	330 ft.	330 ft.	330 ft.	330 ft.	330 ft.	330 ft.	100 ft.	200 ft.
			N	330 ft.	330 ft.	330 ft.	330 ft.	330 ft.	330 ft.	330 ft.	330 ft.
	All Other Roads	Residential Uses (2 units or fewer)	Y	300 ft.	100 ft.	100 ft.	66 ft.				
			N	300 ft.	150 ft.	150 ft.	66 ft.				
		Residential Uses (3-4 units)	Y	NP	NP	100 ft.	150 ft.				
			N	NP	NP	NP	NP				
			Y	NP	NP	NP	200 ft.				

District Standard		Uses/Road Frontage	Public Utility	Zoning Districts							
Requirement	Specific Standards		Water & Sewer (SHAWSA)	A	LDR	MDR	HDR	NCD	CSC	HSC	I
		Residential Uses (5 units or greater)	N	NP	NP	NP	NP				
		Nonresidential Uses	Y	300 ft.	100 ft.	100 ft.	200 ft.	80 ft.	100 ft.	80 ft.	120 ft.
			N	300 ft.	150 ft.	150 ft.	200 ft.	120 ft.	150 ft.	150 ft.	200 ft.
Setbacks (Principal Structure) (min.)	Front Yard	State Highways or Phoenix St. (CR-388)		50 ft.	50 ft.	50 ft.	110 ft.	50 ft.	50 ft.	110 ft.	110 ft.
		Blue Star Hwy. (A-2) or Ruggles Rd.		110 ft.	110 ft.	110 ft.	110 ft.	110 ft.	110 ft.	110 ft.	110 ft.
		County Roads (all others)		35 ft.	35 ft.	35 ft.	75 ft.	35 ft.	50 ft.	75 ft.	75 ft.
		Private Roads		35 ft.	35 ft.	35 ft.	50 ft.	35 ft.	50 ft.	50 ft.	50 ft.
		Waterfronts		50 ft.	50 ft.	50 ft.	75 ft.	50 ft.	75 ft.	75 ft.	75 ft.
	Side Yard	Residential Uses (2 units or fewer)		20 ft.	20 ft.	10 ft.	10 ft.				

District Standard		Uses/Road Frontage	Public Utility	Zoning Districts							
Requirement	Specific Standards		Water & Sewer (SHAWSA)	A	LDR	MDR	HDR	NCD	CSC	HSC	I
		Residential Uses (3-4 units)		NP	NP	35 ft.	35 ft.				
		Residential Uses (5 units or greater)		NP	NP	NP	50 ft.				
		Nonresidential Uses		20 ft.	20 ft.	35 ft.	50 ft.	10 ft. / 30 ft. (both)	10 ft. / 30 ft. (both)	10 ft. / 25 ft. (both)	25 ft. / 50 ft. (both)
	Rear Yard	Residential Uses (2 units or fewer)		50 ft.	50 ft.	35 ft.	25 ft.				
		Residential Uses (3-4 units)		NP	NP	35 ft.	35 ft.				
		Residential Uses (5 units or greater)		NP	NP	NP	50 ft.				
		Nonresidential Uses		50 ft.	50 ft.	35 ft.	50 ft.	35 ft.	35 ft.	50 ft.	50 ft.
Setbacks (Accessory)	Front Yard	Residential Uses (2 units or fewer)		NP	NP	NP	NP				

District Standard		Uses/Road Frontage	Public Utility	Zoning Districts							
Requirement	Specific Standards		Water & Sewer (SHAWSA)	A	LDR	MDR	HDR	NCD	CSC	HSC	I
Structure) (min.)		Residential Uses (3-4 units)		NP	NP	NP	NP				
		Residential Uses (5 units or greater)		NP	NP	NP	NP				
		Nonresidential Uses		NP	NP	NP	NP				
	Side and Rear Yards	Residential Uses (2 units or fewer)		15 ft.	15 ft.	10 ft.	5 ft.				
		Residential Uses (3-4 units)		NP	NP	10 ft.	10 ft.				
		Residential Uses (5 units or greater)		NP	NP	NP	20 ft.				
		Nonresidential Uses		15 ft.	15 ft.	10 ft.	20 ft.	10 ft.	10 ft.	10 ft.	20 ft.
Height (Principal)		Residential Uses (2 units or fewer)		35 ft.	35 ft.	35 ft.	35 ft.			NP	NP

District Standard		Uses/Road Frontage	Public Utility	Zoning Districts							
Requirement	Specific Standards		Water & Sewer (SHAWSA)	A	LDR	MDR	HDR	NCD	CSC	HSC	I
Structure) (max.)		Residential Uses (3-4 units)		NP	NP	35 ft.	35 ft.			NP	NP
		Residential Uses (5 units or greater)		NP	NP	NP	50 ft.			NP	NP
		Nonresidential Uses		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	50 ft.	40 ft.
Height (Accessory Structure) (max.)		Residential Uses (2 units or fewer)		25 ft.	25 ft.	20 ft.	20 ft.	NP	NP	NP	NP
		Residential Uses (3-4 units)		NP	NP	20 ft.	20 ft.	NP	NP	NP	NP
		Residential Uses (5 units or greater)		NP	NP	NP	20 ft.	NP	NP	NP	NP
		Nonresidential Uses		25 ft.	25 ft.	20 ft.	20 ft.	N/A	N/A	N/A	N/A
Lot Coverage (max.)				20%	25%	30%	35%	40%	40%	45%	50%

ARTICLE 4

Agricultural District – (A)

Section 4.00 – Purpose

This district is designated for the harmonious integration and advancement of land parcels intended for agricultural or residential construction, situated within a rural, farming, forested, or marshland setting. Within this district are considerable regions of land that exhibit fragility and susceptibility to the effects of extensive development. Consequently, to facilitate the preservation and protection of vulnerable species and aquatic habitats, the district will uphold its heritage by maintaining low population density and principally agricultural activities. Lands in this district include many uses, often long existing, that may regularly or occasionally use traditional farming machinery generating traffic, noise, odors, and the applications of pesticides and fertilizers, in addition to any other acceptable and lawfully protected agricultural activities following the Michigan Department of Agriculture and Rural Development's (MDARD) Generally Acceptable Agricultural Management Practices (GAAMPs).

To protect agricultural land and natural habitats, the agricultural district imposes limitations on housing density, allowing only one dwelling unit per five acres, and precludes the availability of public utility services. These housing densities are consistent with the guidelines established in the Township Master Plan. This article's regulatory framework encourages and simplifies the implementation of land use development and building designs that are in harmony with the established rural character.

Section 4.01 – Uses Permitted by Right Accessory Uses and Structures

- | | |
|--|---|
| A. Accessory Uses and Structures | F. Child Care Home, Family (6 persons or fewer) |
| B. Adult Foster Care Family Homes and Small Group Homes (6 persons or fewer) | G. Concentrated Animal Feeding Operations (CAFO) |
| C. Agriculture (Farming) | H. Conservation Areas and Nature Preserves, Public or Private |
| D. Agricultural Service Establishments | I. Dwellings, Accessory Use (ADU) |
| E. Cemeteries | |

- | | |
|---|--|
| J. Dwellings, Migrant Farm Labor ² | P. Home Occupations |
| K. Dwellings, Single-Family Detached | Q. Institutional Facilities |
| L. Dwellings, Two Family (Duplex) | R. Nursery and Commercial Landscaping |
| M. Essential Services | S. Public Facilities |
| N. Farm Markets and Roadside Farm Stands | T. Recreation, Private Outdoor |
| O. Greenhouses, Commercial | U. Stables for Boarding or Riding, Private |

Section 4.02 – Special Land Uses

- | | |
|---|---|
| A. Adult Foster Care Small Group Homes (7-12 persons) | M. Municipal Maintenance Garage |
| B. Airports or Landing Strips | N. Places of Public Assembly |
| C. Battery Energy Storage Systems (BESS), Principal Use | O. Places of Worship |
| D. Bed and Breakfast Establishments | P. Recreation, Private Indoor |
| E. Biofuel Production Facility ³ | Q. Resort or Retreat Centers |
| F. Campgrounds | R. Sawmills |
| G. Child Care Homes, Group (7-12 persons) | S. Self-Storage, Private |
| H. Clubs or Lodges | T. Solar Energy Systems Facility, Principal Use |
| I. Event Centers (Wedding Barns) | U. Stables for Boarding or Riding, Commercial |
| J. Kennels, Commercial | V. Substance Abuse and Rehabilitation Facility |
| K. Landscaping Material Supply | W. Transitional Housing |
| L. Mineral Mining and Extraction Operations | X. Wind Energy Systems Facility, Principal Use |

² As authorized under the Public Health Code (Act 368 of 1978, as amended) and administered by the Michigan Department of Agriculture and Rural Development.

³ As regulated by the Michigan Zoning Enabling Act (Act 110 of 2006), as amended.

Y. Wireless Communication
Towers⁴

Section 4.03 – Dimensional Standards

Dimensional Standards – Agricultural District (A) (Figure 4.01)		
Minimum Lot Area:	Residential Uses	5 acres
	Nonresidential Uses	10 acres
Minimum Lot Width:	State or County Highways	330 feet
	All Other Roads	300 feet
Minimum Front Yard Setback ⁵ :	State Highway or Phoenix Street	50 feet ⁶
	Blue Star Hwy. or Ruggles Rd.	110 feet ⁷
	County Roads	35 feet ⁸
	Private Roads	35 feet ⁹
	Waterfronts	50 feet ¹⁰
Minimum Side Yard Setback	Residential Uses and Nonresidential Uses	20 feet
Accessory Building Side or Rear Yard Setback	15 feet	

⁴ This Section does not apply to an activity or use that is regulated by the Small Cell Wireless Communications Facilities Deployment Act (Act 365 of 2018), as amended.

⁵ All corner lots contain two front yards as defined in this Ordinance (see Article 2 – Definitions).

⁶ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

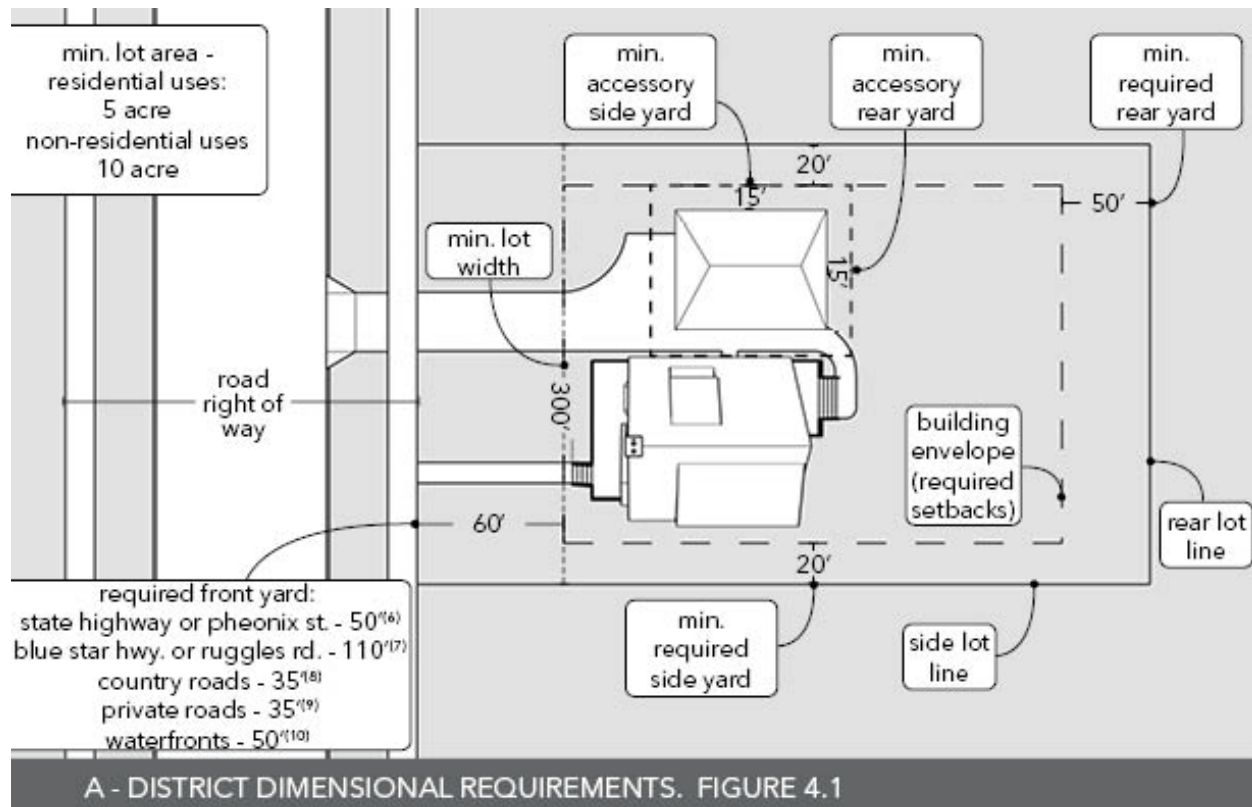
⁷ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

⁸ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

⁹ Required front yard setback from right of way line for all private roads.

¹⁰ Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

Minimum Rear Yard Setback¹¹	50 feet
Maximum Height	35 feet
Residential Accessory Building Maximum Height	25 feet
Maximum Lot Coverage Percentage	20% ¹²



Section 4.04 – Additional District Regulations

- A. In instances where no lots are created for development, such as a condominium project the maximum residential density of dwelling units on the site shall not exceed that permitted by this standard if dwelling units are on individual lots, unless developed per the open space provisions of the Michigan Zoning Enabling Act (Act 110 of 2006), as amended. This shall be determined by developing a parallel plan, demonstrating the

¹¹ The rear lot line, and therefore rear yard, are defined as opposite the primary front lot line. See rear lot line as defined in this Ordinance (see Article 2 – Definitions).

¹² Maximum lot coverage for residential properties.

maximum permitted dwelling unit density feasible on the site if individual lots were created, meeting the standards outlined in Section 4.03 above.

ARTICLE 5

Residential Districts

Section 5.00 – Purpose

South Haven Charter Township understands the importance of preserving the character of its residential areas while addressing the need for modern housing options. Reconciling the demands of modern residential usage with the preservation of traditional neighborhood character poses a challenge. Township leaders have prioritized embracing new housing options for all individuals and the overall simplification of numerous residential areas to be highly important. To achieve this, the Township has designated four residential districts. Each district offers distinct residential uses, densities, and dimensional requirements. Permitting particular non-residential or residentially oriented land uses in designated districts may also prove advantageous for residents. Therefore, each district has made it possible to develop specific uses through the special land use or planned development process.

The residential districts herein are divided into the following:

- A. Low-Density Residential District – LDR
- B. Medium-Density Residential District – MDR
- C. High-Density Residential District – HDR
- D. Manufactured Housing Community District – MHC

The sub-articles herein articulate the purpose, permitted and special land uses, dimensional standards, and any further necessary requirements.

Section 5.01 – Low-Density Residential District – (LDR)

Section 5.01.00 – Purpose

The purpose of this district is to accommodate detached and attached single-family dwellings, alongside other land uses, within neighborhoods deemed most appropriate for such a designation. Such neighborhoods are either currently serviced or are slated to be serviced by public water and sewer infrastructure and possess a dwelling unit density not exceeding two units per acre. The minimum lot area for properties serviced by public water and sewer is 21,780 square feet (0.5 acres) if connected to public utilities, or 43,560 square feet (1 acre) if not. These dwelling unit densities are in accordance with the standards outlined in the Township Master Plan. The regulations outlined in this article encourage and facilitate land use development and building designs that align with the established residential character.

Section 5.01.01 – Uses Permitted by Right Accessory Uses and Structures

- | | |
|--|--------------------------------------|
| A. Accessory Uses and Structures | E. Dwellings, Single-Family Detached |
| B. Adult Foster Care Family Homes and Small Group Homes (6 persons or fewer) | F. Dwellings, Two Family (Duplex) |
| C. Child Care Home, Family (6 persons or fewer) | G. Essential Services |
| D. Dwellings, Accessory Units (ADU) | H. Home Occupations |
| | I. Short-term Rental Units |

Section 5.01.02 – Special Land Uses

- | | |
|---|--|
| A. Adult Foster Care Small Group Homes (7-12 persons) | E. Places of Worship |
| B. Bed and Breakfast Establishments | F. Public Facilities |
| C. Child Care Homes, Group (7-12 persons) | G. Recreation, Private Outdoor |
| D. Institutional Uses | H. Senior Housing |
| | I. Wireless Communication Towers ¹³ |

¹³ This Section does not apply to an activity or use that is regulated by the Small Cell Wireless Communications Facilities Deployment Act (Act 365 of 2018), as amended.

Section 5.01.03 – Dimensional Standards

Dimensional Standards – Low-Density Residential District (LDR) (Figure 5.01)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
Minimum Lot Area:	With Water and Sanitary Sewer	All Roads	Dwelling, Single-Family (2 units or fewer)	21,780 ft. ² (1½ ac.)
		All Roads	Nonresidential	1 acre (43,560 ft. ²)
	Without Water and Sanitary Sewer	All Roads	Dwelling, Single-Family (2 units or fewer)	1 acre (43,560 ft. ²)
		All Roads	Nonresidential	2 acres
Minimum Lot Width:	With Water and Without Sanitary Sewer	State and County Highways ¹⁴	Dwelling, Single-Family (2 units or fewer)	330 feet
			Nonresidential	330 feet
	With Water and Sanitary Sewer	All Other Roads	Dwelling, Single-Family (2 units or fewer)	100 feet
			Nonresidential	150 feet
	Without Water and Sanitary Sewer		Dwelling, Single-Family (2 units or fewer)	100 feet
			Nonresidential	150 feet

¹⁴ Parcels fronting M-43, M-140, and CR-388 (Phoenix Street), unless an access easement has been recorded from neighboring parcels.

Dimensional Standards – Low-Density Residential District (LDR) (Figure 5.01)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
Minimum Front Yard Setback¹⁵	With or Without Water and Sanitary Sewer	State Highway or Phoenix Street	Dwelling, Single-Family (2 units or fewer)	50 feet ¹⁶
		Blue Star Hwy. or Ruggles Rd.		110 feet ¹⁷
		County Roads		35 feet ¹⁸
		Private Roads		35 feet ¹⁹
		Waterfronts		50 feet ²⁰
	With or Without Water and Sanitary Sewer	State Highway or Phoenix Street	Nonresidential	50 feet ²¹
		Blue Star Hwy. or Ruggles Rd.		110 feet ²²
		County Roads		35 feet ²³

¹⁵ All corner lots contain two front yards as defined in this Ordinance (see Article 2 – Definitions).

¹⁶ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

¹⁷ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

¹⁸ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

¹⁹ Required front yard setback from right of way line for all private roads.

²⁰ Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

²¹ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

²² Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

²³ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

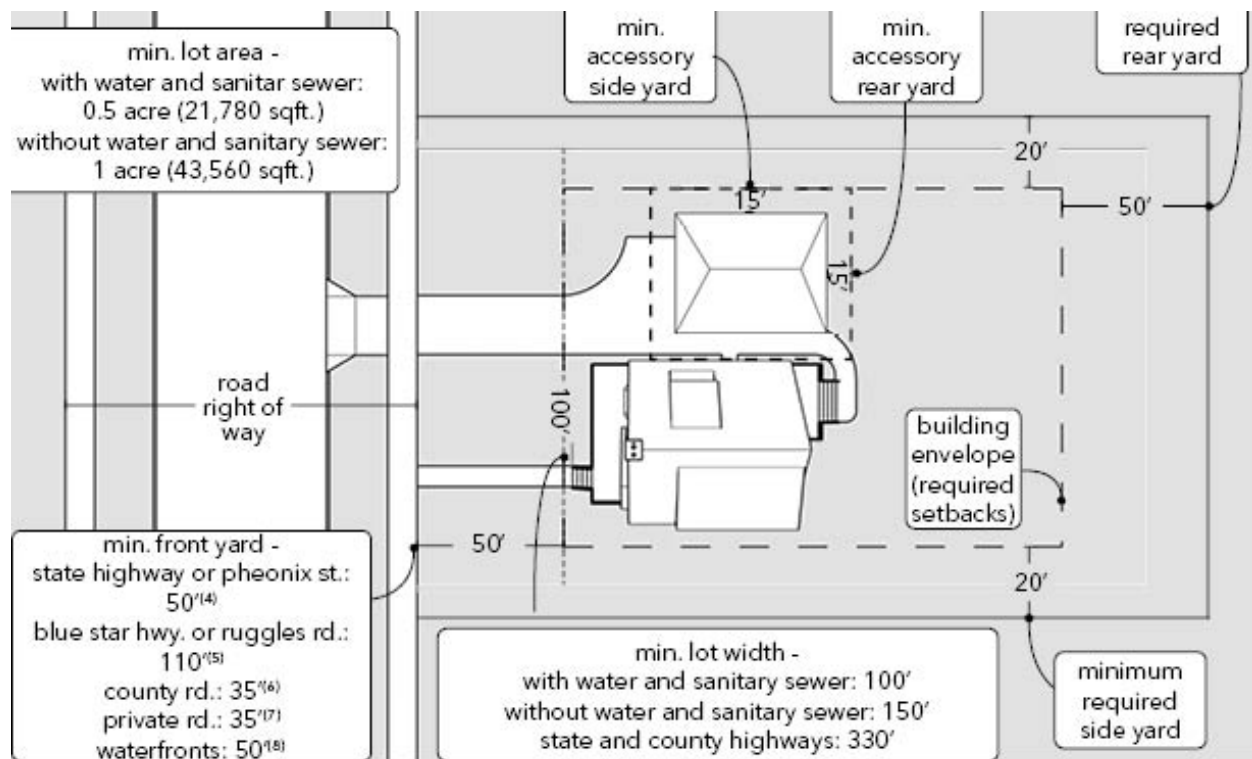
Dimensional Standards – Low-Density Residential District (LDR) (Figure 5.01)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
		Private Roads		35 feet ²⁴
		Waterfronts		50 feet ²⁵
Minimum Side Yard Setback	With or Without Water and Sanitary Sewer	All Road Frontages	Dwelling, Single-Family (2 units or fewer) and Nonresidential Uses	20 feet
Minimum Accessory Building Side Yard Setback	With or Without Water and Sanitary Sewer	All Road Frontages	Dwelling, Single-Family (2 units or fewer) and Nonresidential Uses	15 feet
Minimum Rear Yard Setback²⁶	With or Without Water and Sanitary Sewer	All Road Frontages	Dwelling, Single-Family (2 units or fewer) and Nonresidential Uses	50 feet
Minimum Accessory Building Side or Rear Yard Setback	With or Without Water and Sanitary Sewer	All Road Frontages	Dwelling, Single-Family (2 units or fewer) and Nonresidential Uses	15 feet

²⁴ Required front yard setback from right of way line for all private roads.

²⁵ Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

²⁶ The rear lot line, and therefore rear yard, are defined as opposite the primary front lot line. See rear lot line as defined in this Ordinance (see Article 2 – Definitions).

Dimensional Standards – Low-Density Residential District (LDR) (Figure 5.01)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
Maximum Height	With or Without Water and Sanitary Sewer	All Road Frontages	Dwelling, Single-Family (2 units or fewer) and Nonresidential Uses	35 feet
Residential Accessory Building Maximum Height	With or Without Water and Sanitary Sewer	All Road Frontages	Dwelling, Single-Family (2 units or fewer)	25 feet
Maximum Lot Coverage Percentage	With or Without Water and Sanitary Sewer	All Road Frontages	Dwelling, Single-Family (2 units or fewer) and Nonresidential Uses	25%



LDR DISTRICT DIMENSIONAL REQUIREMENTS. FIGURE 5A.1

Section 5.01.04 – Additional District Regulations

- A. In instances where no lots are created for development, such as a condominium project the maximum residential density of dwelling units on the site shall not exceed that permitted by this standard if dwelling units are on individual lots. This shall be determined by developing a parallel plan, demonstrating the maximum permitted dwelling unit density feasible on the site if individual lots were created, meeting the standards outlined in Section 5.01.03 above.

Section 5.02 – Medium-Density Residential District (MDR)

Section 5.02.00 – Purpose

This zoning designation is intended for single-family detached and attached residences, as well as other land uses, in neighborhoods determined to be appropriate for such designation. These neighborhoods will be serviced by public water and sewer and have a dwelling unit density not exceeding two units per acre and permitted lot areas of 10,890 square feet ($\frac{1}{4}$ acre), if connected to public utilities, or at least 1 acre (43,560 square feet) if not. These dwelling unit densities conform to the standards outlined in the Township's Master Plan.

Section 5.02.01 – Uses Permitted by Right

- | | |
|--|-------------------------------------|
| A. Accessory Uses and Structures | E. Dwelling, Single-Family Detached |
| B. Adult Foster Care Family Homes and Small Group Homes (6 persons or fewer) | F. Dwelling, Two-Family (Duplex) |
| C. Child Care Home, Family (6 persons or fewer) | G. Essential Services |
| D. Dwellings, Accessory Units (ADU) | H. Home Occupations |
| | I. Short-term Rental Units |

Section 5.02.02 – Special Land Uses

- | | |
|--|---|
| A. Adult Foster Care Small Group Homes (7-12 persons) | F. Dwellings, Single-Family Attached (3- or 4-units with utility connections) |
| B. Adult Foster Care Large Group Homes (13-20 persons) | G. Institutional Facilities |
| C. Bed and Breakfast Establishments | H. Places of Worship |
| D. Child Care Homes, Group (7-12 persons) | I. Public Facilities |
| E. Dwellings, Multiple-Family (3- or 4 units with utility connections) | J. Recreation, Private Outdoor |
| | K. Senior Housing |
| | L. Wireless Communication Towers ²⁷ |

²⁷ This Section does not apply to an activity or use that is regulated by the Small Cell Wireless Communications Facilities Deployment Act (Act 365 of 2018), as amended.

Section 5.02.03 – Dimensional Standards

Dimensional Standards – Medium-Density Residential District (MDR) (Figure 5.02)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
Minimum Lot Area:	With Water and Sanitary Sewer	All Roads	Dwelling, Single-Family Detached	10,890 ft. ² (¹ / ₄ ac.)
			Dwelling, Two-Family	21,780 ft. ² (¹ / ₂ ac.)
			Dwelling, Single-Family Attached (3- or 4 units)	21,780 ft. ² (¹ / ₂ ac.) + 1,500 ft. ² per unit over 2 (units 3 and/or 4)
			Dwelling, Multiple-Family (3 units or greater)	21,780 ft. ² (¹ / ₂ ac.) + 1,500 ft. ² per unit over 2.
		All Roads	Nonresidential	1 acre (43,560 ft. ²)
	Without Water and Sanitary Sewer	All Roads	Dwelling, Single-Family Detached	1 acre (43,560 ft. ²)
			Dwelling, Two-Family	1 acre (43,560 ft. ²)
		All Roads	Nonresidential	2 acre (87, ft. ²)
Minimum Lot Width:	With or Without		Residential Uses	330 feet

Dimensional Standards – Medium-Density Residential District (MDR) (Figure 5.02)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
	Water and Sanitary Sewer	State and County Highways ²⁸	Nonresidential Uses	330 feet
	With Water and Sanitary Sewer	All Other Roads	Residential Uses (2 units or fewer)	100 feet
			Residential uses (3-4 units)	100 feet
			Nonresidential Uses	100 feet
	Without Water and Sanitary Sewer		Residential uses (2 units or fewer)	150 feet
			Nonresidential Uses	150 feet
Minimum Front Yard Setback ²⁹	With or Without Water and Sanitary Sewer	State Highway or Phoenix Street	Residential Uses	50 feet ³⁰
		Blue Star Hwy. or Ruggles Rd.		110 feet ³¹
		County Roads		35 feet ³²

²⁸ Parcels fronting M-43, M-140, and CR-388 (Phoenix Street), unless an access easement has been recorded from neighboring parcels.

²⁹ All corner lots contain two front yards as defined in this Ordinance (see Article 2 – Definitions).

³⁰ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

³¹ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

³² Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

Dimensional Standards – Medium-Density Residential District (MDR) (Figure 5.02)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
		Private Roads		35 feet ³³
		Waterfronts		50 feet ³⁴
	With or Without Water and Sanitary Sewer	State Highway or Phoenix Street	Nonresidential	50 feet ³⁵
		Blue Star Hwy. or Ruggles Rd.		110 feet ³⁶
		County Roads		35 feet ³⁷
		Private Roads		35 feet ³⁸
		Waterfronts		50 feet ³⁹
Minimum Side Yard Setback	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses (2 units or fewer)	10 feet
			Residential Uses (3-4 units)	35 feet

³³ Required front yard setback from right of way line for all private roads.

³⁴ Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

³⁵ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

³⁶ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

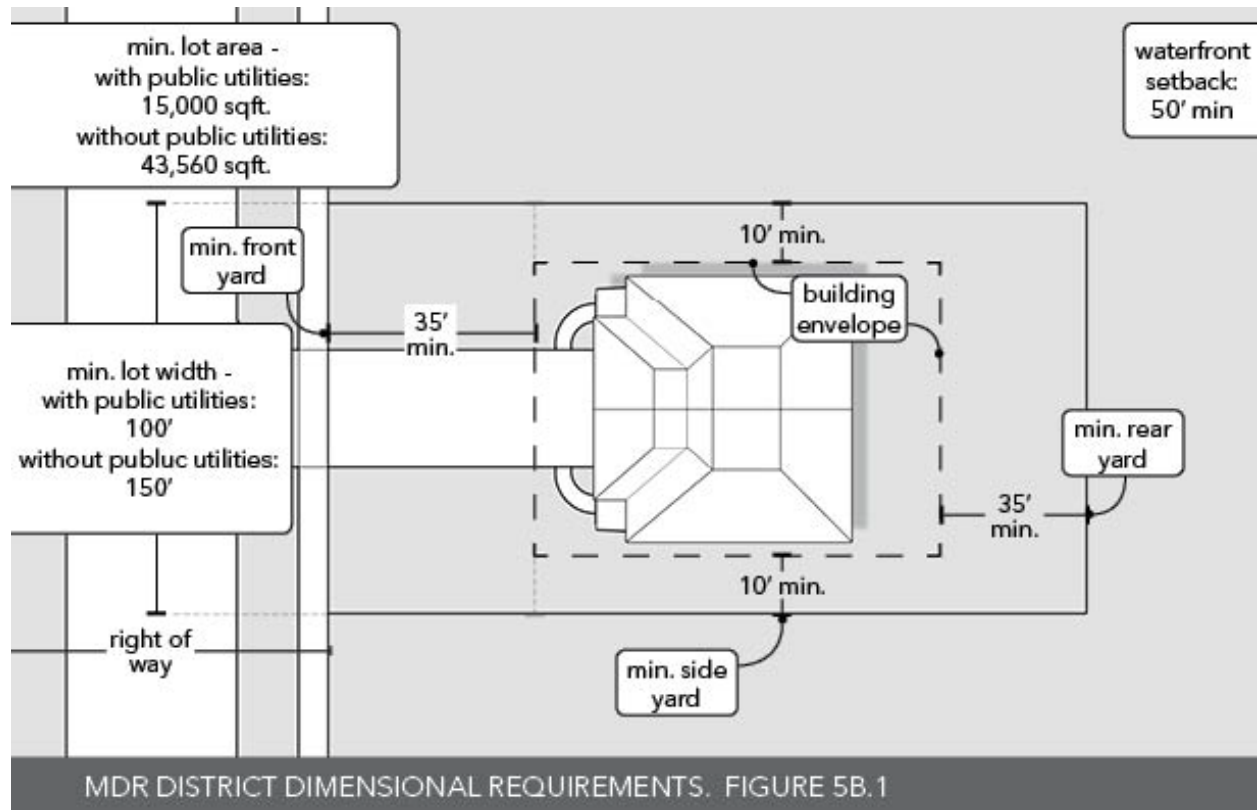
³⁷ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

³⁸ Required front yard setback from right of way line for all private roads.

³⁹ Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

Dimensional Standards – Medium-Density Residential District (MDR) (Figure 5.02)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
			Nonresidential Uses	35 feet
Minimum Accessory Building Side or Rear Yard Setback	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses and Nonresidential Uses	10 feet
Minimum Rear Yard Setback⁴⁰	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses and Nonresidential Uses	35 feet
Maximum Height	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses and Nonresidential Uses	35 feet
Residential Accessory Building Maximum Height	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses and Nonresidential Uses	20 feet
Maximum Lot Coverage Percentage	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses and Nonresidential Uses	30%

⁴⁰ The rear lot line, and therefore rear yard, are defined as opposite the primary front lot line. See rear lot line as defined in this Ordinance (see Article 2 – Definitions).



Section 5.02.04 – Additional District Regulations

In instances where no lots are created for development, such as a condominium project, the maximum residential density of dwelling units on the site shall not exceed that permitted by this standard if dwelling units were on individual lots. This shall be determined by developing a parallel plan, demonstrating the maximum permitted dwelling unit density feasible on the site if individual lots were created, meeting the standards outlined in Section 5b.03 above.

Section 5.03 – High-Density Residential District (HDR)

Section 5.03.00 - Purpose

Within this district, provisions are made for detached and attached single-family residences, multiple-family housing, and varied land uses, thereby encouraging more concentrated residential land utilization and enabling the construction of developments featuring private interior or exterior open areas. Detached and attached single-family neighborhoods will have a dwelling unit density of no greater than three (3) dwelling units on lots no larger than 5,445 square feet ($\frac{1}{8}$ (0.125) acre). This District will also offer areas for high-intensity residential developments. Multifamily developments will be exclusively serviced by areas of the Township with access to public water and sewer. Multifamily developments four (4) dwellings units or greater will have a density of at least 1,500 square feet of lot area per dwelling unit. These dwelling unit densities conform to the standards outlined in the Township Master Plan

Section 5.03.01 – Uses Permitted by Right Accessory Uses and Structures

- | | |
|--|--|
| A. Accessory Uses and Structures | F. Dwelling, Single-Family Attached (3- and 4-units) |
| B. Adult Foster Care Family Homes and Small Group Homes (6 persons or fewer) | G. Dwelling, Single-Family Detached |
| C. Child Care Home, Family (6 persons or fewer) | H. Dwelling, Two-Family (Duplex) |
| D. Dwelling, Accessory Units (ADU) | I. Essential Services |
| E. Dwelling, Multiple-Family | J. Home Occupations |
| | K. Short-term Rental Units |

Section 5.03.02 – Special Land Uses

- | | |
|--|---|
| A. Adult Foster Care Small Group Homes (7-12 persons) | E. Child Care Homes, Group (7-12 persons) |
| B. Adult Foster Care Large Group Homes (13-20 persons) | F. Convalescent Homes (Nursing Homes) |
| C. Assisted Living Facilities | G. Dwelling, Multifamily |
| D. Child Care Facilities | H. Hospice Facilities |
| | I. Institutional Facilities |
| | J. Places of Worship |

K. Public Facilities

L. Recreation, Private Outdoor

M. Senior Housing

N. Wireless Communication
Towers⁴¹**Section 5.03.03 – Dimensional Standards**

Dimensional Standards – High-Density Residential District (HDR) (Figure 5.03)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
Minimum Lot Area:	With Water and Sanitary Sewer	All Roads	Residential Uses, Detached	5,445 ft. ² (1/8 ac.)
			Residential Uses (2 units)	5,445 ft. ² (1/8 ac.)
			Residential Uses, Attached (3- or 4 units)	5,445 ft. ² (1/8 ac.) + 1,500 ft. ² per unit over 2 (units 3 and/or 4)
			Dwelling, Multiple-Family (5 units or greater)	43,560 ft. ² (1 ac.) + 1,500 ft. ² per unit over 4
		All Roads	Nonresidential	1 acre (43,560 ft. ²)
	Without Water and Sanitary Sewer	All Roads	Dwelling, Single-Family Detached	1 acre (43,560 ft. ²)
			Dwelling, Two-Family	1 acre (43,560 ft. ²)
		All Roads	Nonresidential	2 acres

⁴¹This Section does not apply to an activity or use that is regulated by the Small Cell Wireless Communications Facilities Deployment Act (Act 365 of 2018), as amended.

Dimensional Standards – High-Density Residential District (HDR) (Figure 5.03)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
Minimum Lot Width:	With or Without Water and Sanitary Sewer	State and County Highways ⁴²	Residential Uses	330 feet
			Nonresidential Uses	330 feet
	With Water and Sanitary Sewer	All Other Roads	Residential Uses (2 units or fewer)	66 feet
			Residential uses (3-4 units)	150 feet
			Residential Uses (5 units or greater)	200 feet
			Nonresidential Uses	200 feet
	Without Water and Sanitary Sewer		Residential Uses (2 units or fewer)	66 feet
			Nonresidential uses	200 feet
Minimum Front Yard Setback⁴³	With or Without Water and	State Highway or Phoenix Street	Residential Uses	110 feet ⁴⁴

⁴² Parcels fronting M-43, M-140, and CR-388 (Phoenix Street), unless an access easement has been recorded from neighboring parcels.

⁴³ All corner lots contain two front yards as defined in this Ordinance (see Article 2 – Definitions).

⁴⁴ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

Dimensional Standards – High-Density Residential District (HDR) (Figure 5.03)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
	Sanitary Sewer	Blue Star Hwy. or Ruggles Rd.		110 feet ⁴⁵
		County Roads		75 feet ⁴⁶
		Private Roads		50 feet ⁴⁷
		Waterfronts		75 feet ⁴⁸
	With or Without Water and Sanitary Sewer	State Highway or Phoenix Street	Nonresidential	110 feet ⁴⁹
		Blue Star Hwy. or Ruggles Rd.		110 feet ⁵⁰
		County Roads		75 feet ⁵¹
		Private Roads		50 feet ⁵²

⁴⁵ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

⁴⁶ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

⁴⁷ Required front yard setback from right of way line for all private roads.

⁴⁸ Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

⁴⁹ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

⁵⁰ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

⁵¹ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

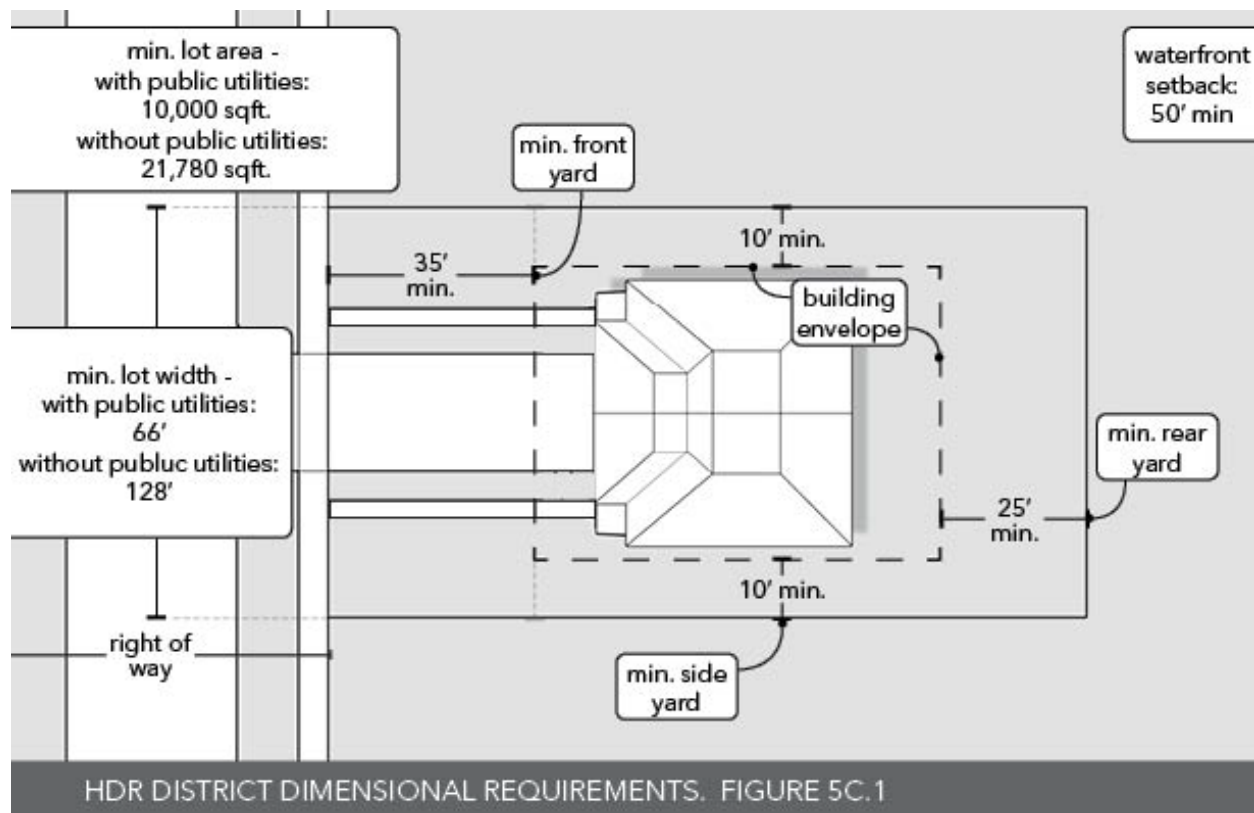
⁵² Required front yard setback from right of way line for all private roads.

Dimensional Standards – High-Density Residential District (HDR) (Figure 5.03)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
		Waterfronts		75 feet ⁵³
Minimum Side Yard Setback	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses (2 units or fewer)	10 feet
			Residential Uses (3-4 units)	35 feet
			Residential Uses (5 units or greater)	50 feet
			Nonresidential Uses	50 feet
Minimum Accessory Building Side and Rear Yard Setback	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses (2 units or fewer)	5 feet
			Residential Uses (3-4 units)	10 feet
			Residential Uses (5 units or greater)	20 feet
			Nonresidential Uses	20 feet
Minimum Rear Yard Setback⁵⁴	With or Without Water and	All Road Frontages	Residential Uses (2 units or fewer)	25 feet

⁵³ Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

⁵⁴ The rear lot line, and therefore rear yard, are defined as opposite the primary front lot line. See rear lot line as defined in this Ordinance (see Article 2 – Definitions).

Dimensional Standards – High-Density Residential District (HDR) (Figure 5.03)				
	Public Utility Connection	Road Frontage	Land Use	Minimum or Maximum
	Sanitary Sewer		Residential Uses (3-4 units)	35 feet
			Residential uses (5 units or greater)	50 feet
			Nonresidential Uses	50 feet
Maximum Height	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses (2 units or fewer)	35 feet
	Water and Sanitary Sewer	All Road Frontages	Residential Uses (3-4 units)	35 feet
			Residential uses (5 units or greater)	50 feet
			Nonresidential Buildings	35 feet
Residential Accessory Building Maximum Height	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses	20 feet
			Nonresidential Uses	20 feet
Maximum Lot Coverage Percentage	With or Without Water and Sanitary Sewer	All Road Frontages	Residential Uses and Nonresidential Uses	35%



Section 5.03.04 – Additional District Regulations

- A. In instances where no lots are created for development, such as a condominium project, the maximum residential density of dwelling units on the site shall not exceed that permitted by this standard if dwelling units were on individual lots. This shall be determined by developing a parallel plan, demonstrating the maximum permitted dwelling unit density feasible on the site if individual lots were created, meeting the standards outlined in Section 5c.03 above.
- B. All multifamily developments must meet the required off-street parking and loading standards outlined in Article 12, unless the Planning Commission determines with satisfactory evidence from the developer that a lesser amount of off-street parking or loading spaces may be developed.
- C. All off-street parking lots must meet the screening requirements outlined in Article 12.

Section 5.04 – Manufactured Housing Community District (MHC)

Section 5.04.00 – Purpose

The MHC district is intended to provide for the location and regulation of manufactured housing communities in South Haven Charter Township. It is further intended to provide these communities with necessary services in a setting that provides a high quality of life for residents consistent with all other residential districts in the Township. This use shall be located in areas where it will be compatible with adjacent land uses and consistent with the policies and recommendations of the Township's Master Plan. Determining the appropriate location for a manufactured housing community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses, as a manufactured housing community may contain specific site conditions, unlike other types of residential development. Sites with an abundance of natural features, such as forested areas, wetlands, and steep slopes, and sites lacking the transportation and public water and public sanitary sewer to support a high-density living environment are not suitable for the development of a manufactured housing community.

Within the MHC district, manufactured housing communities shall be governed by the requirements of Act 96 of the Public Acts of 1987, as amended, and the standards set forth in the rules and regulations promulgated by the Michigan Manufactured Housing Commission, including Part 9, Community Construction. The intent of this Section is to provide for a manufactured home development of long-term duration of stay in areas that take into account such special characteristics as locational needs, transportation and utility infrastructure, site layout, and design, demand upon community services, and the relationship to and effect upon surrounding uses of land, and consistency with the South Haven Charter Township Master Plan.

All manufactured housing developments shall comply with the applicable requirements of Public Act 96 of 1987, as amended. The standards in this Article are not designed to generally exclude mobile homes of persons who engage in any aspect pertaining to the business of mobile homes or mobile home parks.

Section 5.04.01 – Uses Permitted by Right

- | | |
|--|---|
| A. Adult Foster Care Family Homes and Small Group Homes (6 or fewer persons) | C. Home Occupations |
| B. Child Care Homes, Family (6 persons or fewer) | D. Manufactured Housing Community |
| | E. Manufactured Housing Community, Seasonal |

Section 5.04.02 – Special Land Uses

- | | |
|--|--|
| A. Adult Foster Care Small
Group Homes (7-12 persons) | B. Child Care Group Homes (7-
12 persons) |
|--|--|

Section 5.04.03 – Site Development Requirements

- A. The site development requirements of the Manufactured Housing Commission, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be complied with. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the State of Michigan. An inspection of construction may be performed at any appropriate time, pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).
- B. The development of a manufactured housing community shall require site plan approval by the Planning Commission in accordance with Article 11, Site Plan Review.

ARTICLE 6

Nonresidential Districts

Section 6.00 – Purpose

Nonresidential districts facilitate the strategic location of select commercial and industrial establishments. Regulating the placement of certain commercial and industrial land uses by the Township could be beneficial to business owners and township residents. However, the character and magnitude of particular businesses or industries may be inappropriate in specific districts or near residential development. Three commercial districts and an industrial district have been designated to address these circumstances, offering varying levels of intensity and development.

The nonresidential districts herein are divided into the following:

- A. Neighborhood Commercial District – NC
- B. Community Service Commercial District – CSC
- C. Highway Service Commercial District – HSC
- D. Industrial District – I

These sub-articles herein articulate the purpose, permitted and special land uses, dimensional standards, and any additional requirements necessary.

Section 6.01 – Neighborhood Commercial District (NCD)

Section 6.01.00 - Purpose

This district provides for convenience shopping, including certain retail businesses and service establishments that meet the daily needs of the neighborhood in which these land uses are located. Therefore, these establishments may be located immediately adjacent to higher density residential areas that and not specifically located along a major county or state highway. Any business in this zone should be scaled to be compatible with the neighboring residential character.

Section 6.01.01 – Uses Permitted by Right

- | | |
|---------------------------------------|--|
| A. Accessory Uses and Structures | O. Medical or Dental Offices |
| B. Adult Day Care Facilities | P. Municipal Maintenance Garage |
| C. Assisted Living Facilities | Q. Personal Service Establishments |
| D. Art Studios | R. Pharmacies/Medical Supply Sales Facilities |
| E. Child Care Facilities | S. Places of Worship |
| F. Clubs or Lodges | T. Public Facilities |
| G. Convalescent Homes (Nursing Homes) | U. Recreation, Private Indoor |
| H. Dry Cleaning Facilities | V. Restaurants |
| I. Essential Services | W. Retail Businesses |
| J. Financial Institutions | X. Substance Abuse and Rehabilitation Facilities |
| K. Health Clubs | Y. Transitional Housing |
| L. Homes for the Aged | Z. Veterinarian Clinics |
| M. Hospice Facilities | |
| N. Institutional Facilities | |

Section 6.01.02 – Special Land Uses

- | | |
|--|---|
| A. Ambulance Services | E. Kennels, Commercial |
| B. Drive Through Businesses | F. Open Air Businesses |
| C. Fueling Stations | G. Outdoor Storage Facilities and Yards |
| D. Funeral Homes, Mortuaries, Crematoria | H. Place of Public Assembly |

- | | |
|---|--|
| I. Recreation, Private Outdoor | L. Wireless Communication Towers |
| J. Self-Storage/Mini Warehouse Facilities, Commercial | M. Wireless Communication Towers ⁵⁵ |
| K. Self-Storage, Private | |

Section 6.01.03 – Dimensional Standards

Dimensional Standards – Neighborhood Commercial District (NC) (Figure 6.01)		
Minimum Lot Area	With Water and Sanitary Sewer	0.25 acre (10,890 square feet)
	Without Water and Sanitary Sewer	1 acre (43,560 square feet)
Minimum Lot Width	With Water and Sanitary Sewer	80 feet
	Without Water and Sanitary Sewer	150 feet
	State and County Highways ⁵⁶	330 feet
Minimum Front Yard Setback ⁵⁷	State Highway or Phoenix Street	50 feet ⁵⁸
	Blue Star Hwy. or Ruggles Rd.	110 feet ⁵⁹
	County Roads	35 feet ⁶⁰
	Private Roads	35 feet ⁶¹
	Waterfronts	50 feet ⁶²

⁵⁵ This Section does not apply to an activity or use that is regulated by the Small Cell Wireless Communications Facilities Deployment Act (Act 365 of 2018), as amended.

⁵⁶ Parcels fronting M-43, M-140, and CR-330 (Phoenix Road), unless an access easement has been recorded from neighboring parcels.

⁵⁷ All corner lots contain two front yards as defined in this Ordinance (see Article II – Definitions).

⁵⁸ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

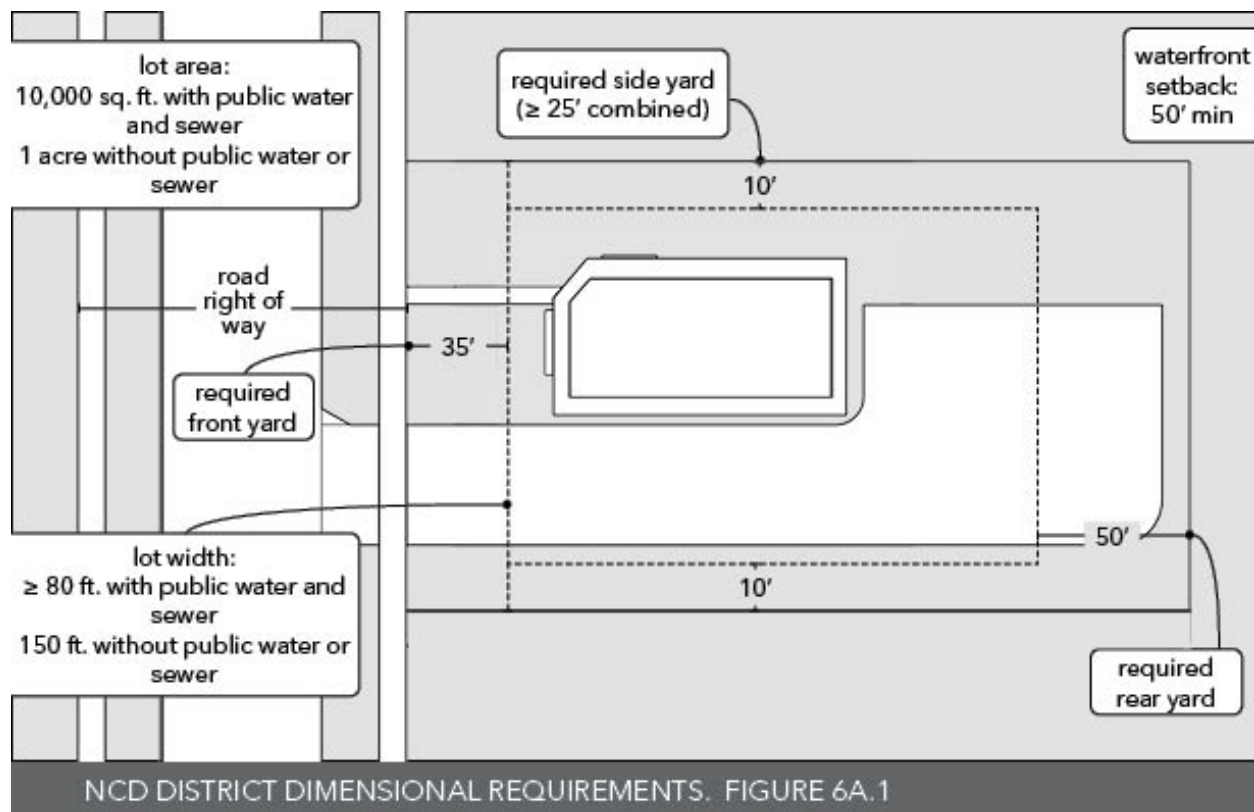
⁵⁹ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

⁶⁰ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

⁶¹ Required front yard setback from right of way line for all private roads.

⁶² Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

Minimum Side Yard Setback	One side yard	≥10 feet
	Both side yards totaled	≥30 feet
Minimum Accessory Building Side or Rear Yard Setback	20 feet	
Minimum Rear Yard Setback⁶³	35 feet	
Maximum Height	35 feet	
Maximum Lot Coverage Percentage	40% ⁶⁴	



Section 6.01.04 – Development Standards

⁶³ All corner lots contain no rear yard as defined in this Ordinance (see Article II – Definitions).

⁶⁴ Lot coverage calculations and definition in this Ordinance apply (see Article II – Definitions).

- A. Parcels fronting M-43, M-140, or Phoenix Road (CR-388) must have a minimum lot width of 330 feet, except when an easement is created for a service road to serve the lot and neighboring lots.
- B. Parcels fronting M-43, M-140, or Phoenix Road (CR-388) must have a front yard setback of 50 feet.
- C. Parcels fronting Blue Star Highway or Ruggles Road must have a front yard setback of 110 feet.
- D. All off-street parking lots must meet the screening requirements outlined in Article 12 – Landscaping.

Section 6.01.05 – Additional District Regulations

- A. The outdoor storage of goods and materials shall be prohibited, except as provided for in Section 10.03.23.
- B. All vehicular ingress and egress shall be accessed from acceleration/deceleration lanes onto a service road in accordance with Section 13.02, or an approved private road connecting directly to a major road or highway as defined in the Master Plan.
- C. All parcels in the NCD district shall have at least one property line abutting either a major road or highway arterial, upon which it fronts and from which a service road is accessed per Section 13.02. Or, an approved private road connecting directly to a major road or highway arterial.
- D. The Planning Commission has the authority to alter or waive any of the requirements of this Section if they determine that the requirement(s) are inapplicable, unnecessary, or a more suitable alternative is available

Section 6.02 – Community Service Commercial District (CSC)

Section 6.02.00 – Purpose

This district accommodates the needs of a larger community and those passing through the Township. This is usually categorized by development patterns that prioritize automobiles, planned developments of retail or service hubs that share a communal parking space. The activities and functions occurring within this district may cause the generation of considerable vehicular traffic.

Section 6.02.01 – Uses Permitted by Right

- | | |
|--|---|
| A. Accessory Uses and Structures | R. Health Club |
| B. Adult Day Care Facilities | S. Homes for the Aged |
| C. Ambulance Services | T. Hospice Facilities |
| D. Art Studios | U. Hospitals and Medical Clinics |
| E. Assisted Living Facilities | V. Hotels and Motels |
| F. Automobile and Vehicle Sales | W. Institutional Facilities |
| G. Automobile or Vehicle Wash Facilities | X. Kennels, Commercial |
| H. Child Care Facilities | Y. Medical or Dental Offices |
| I. Clubs or Lodges | Z. Municipal Maintenance Garage |
| J. Contractors Offices and Showrooms | AA. Nursery and Commercial Landscaping |
| K. Contactor Supply Facilities | BB. Personal Service Establishments |
| L. Convalescent Homes (Nursing Homes) | CC. Pharmacies/Medical Supply Sales Facilities |
| M. Dry Cleaning Facilities | DD. Places of Worship |
| N. Essential Services | EE. Public Facilities |
| O. Financial Institutions | FF. Recreation, Private Indoor |
| P. Funeral Homes, Mortuaries, and Crematoria | GG. Research, Laboratory, or Product Testing Facilities |
| Q. Greenhouses, Commercial | HH. Restaurants |

- | | |
|--|---------------------------|
| II. Retail Businesses | KK. Self-Storage, Private |
| JJ. Self-Storage/Mini
Warehousing, Commercial | LL. Transitional Housing |
| | MM. Veterinarian Clinics |

Section 6.02.02 – Special Land Uses

- | | |
|---|---|
| A. Automotive and Vehicle Sales | I. Outdoor Storage Facilities or Yards |
| B. Automotive and Vehicle Wash | J. Place of Public Assembly |
| C. Contractors Warehouse
Facilities, Storage Facilities,
or Storage Yards | K. Recreation, Private Outdoor |
| D. Drive Through Businesses | L. Sales and Distribution
Facilities |
| E. Fueling Stations | M. Substance Abuse and
Rehabilitation Centers |
| F. Landscape Materials Supply | N. Warehousing Facility |
| G. Marine Sales, Service, and
Storage | O. Wireless Communication
Towers ⁶⁵ |
| H. Open Air Business | |

Section 6.02.03 – Dimensional Standards

Dimensional Standards – Community Service District (CSC) (Figure 6.02)		
Minimum Lot Area:	With Water and Sanitary Sewer	10,890 ft. ² (1/4 ac.)
	Without Water and Sanitary Sewer	1 acre
Minimum Lot Width:	With Water and Sanitary Sewer	80 feet
	Without Water and Sanitary Sewer	120 feet
	State and County Highways ⁶⁶	330 feet

⁶⁵ This Section does not apply to an activity or use that is regulated by the Small Cell Wireless Communications Facilities Deployment Act (Act 365 of 2018), as amended.

⁶⁶ Parcels fronting M-43, M-140, and CR-330 (Phoenix Road), unless an access easement has been recorded from neighboring parcels.

Minimum Front Yard Setback⁶⁷:	State Highway or Phoenix Street	50 feet ⁶⁸
	Blue Star Hwy. or Ruggles Rd.	110 feet ⁶⁹
	County Roads	35 feet ⁷⁰
	Private Roads	35 feet ⁷¹
	Waterfronts	50 feet ⁷²
Minimum Side Yard Setback	One side yard	≥10 feet
	Both side yards total	≥30 feet
Minimum Accessory Building Side Yard Setback	10 feet	
Minimum Rear Yard Setback⁷³	35 feet	
Maximum Height	35 feet	
Maximum Lot Coverage Percentage	40%	

⁶⁷ All corner lots contain two front yards as defined in this Ordinance (see Article II – Definitions).

⁶⁸ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

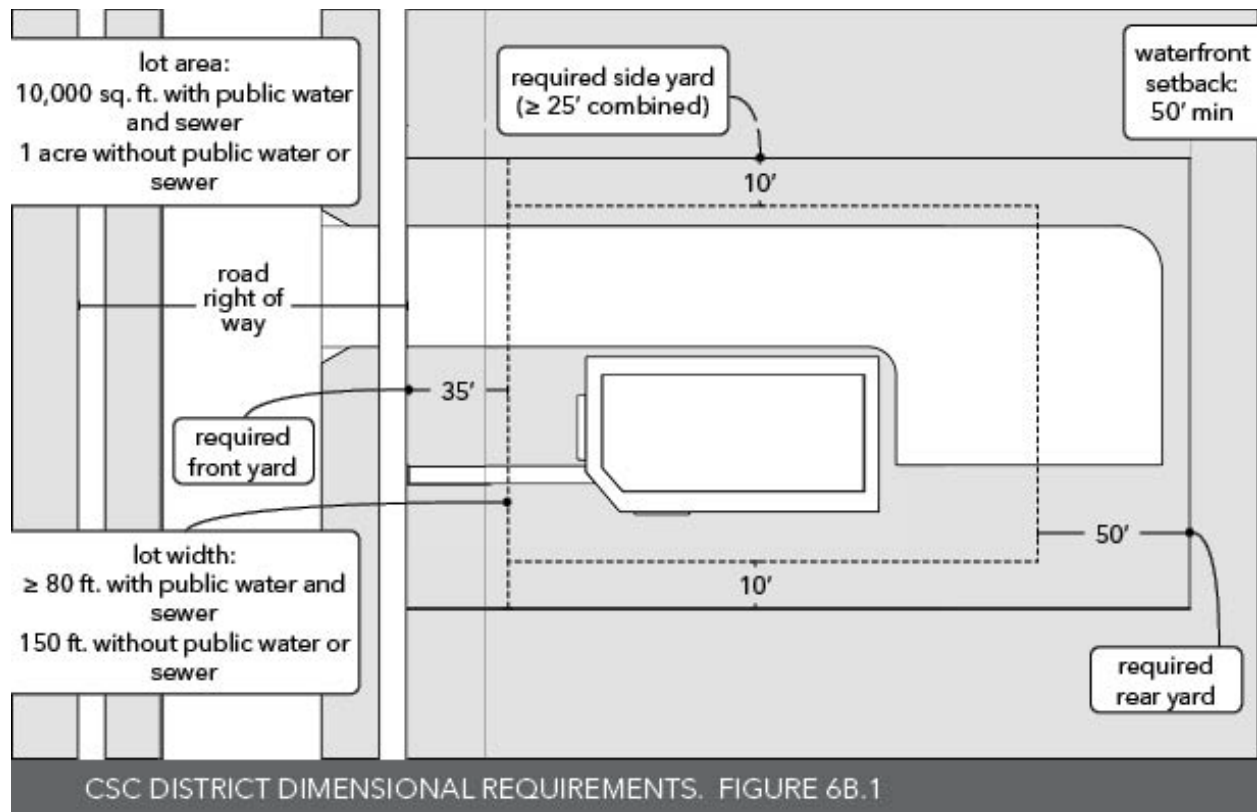
⁶⁹ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

⁷⁰ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

⁷¹ Required front yard setback from right of way line for all private roads.

⁷² Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

⁷³ All corner lots contain no rear yard as defined in this Ordinance (see Article II – Definitions).



Section 6.02.04 – Additional District Regulations

- A. In instances where no lots are created for development, such as a condominium project, the maximum residential density of dwelling units on the site shall not exceed that permitted by this standard if dwelling units were on individual lots. This shall be determined by developing a parallel plan, demonstrating the maximum permitted dwelling unit density feasible on the site if individual lots were created, meeting the standards outlined in Section 6.02.03 above.

Section 6.03 – Highway Service Commercial District (HSC)

Section 6.03.00 – Purpose

This district is clustered around the two highway interchanges located along Interstate 196. These commercial businesses typically cater to the convenience of those traveling on the highway. These land uses are most likely automobile-centric and more difficult for pedestrians to access. Land uses are typically designed with large parking lots to cater to a large volume of vehicular traffic. Access to and from these land uses should be designed efficiently and safely for both vehicles and pedestrians alike.

Section 6.03.01 – Uses Permitted by Right

- | | |
|---|---|
| A. Accessory Uses and Structures | R. Homes for the Aged |
| B. Adult Day Care Facilities | S. Hospice Facilities |
| C. Ambulance Services | T. Hospitals and Medical Clinics |
| D. Art Studios | U. Hotels and Motels |
| E. Assisted Living Facilities | V. Institutional Facilities |
| F. Automobile or Vehicle Service or Repair Facilities | W. Kennels, Commercial |
| G. Child Care Facilities | X. Landscape Materials Supply |
| H. Clubs or Lodges | Y. Marine Sales, Service, and Storage |
| I. Contractors Offices and Showrooms | Z. Medical or Dental Offices |
| J. Contractors Supply Facilities | AA. Municipal Maintenance Garages |
| K. Convalescent Homes (Nursing Homes) | BB. Personal Service Establishments |
| L. Dry Cleaning Facilities | CC. Pharmacies/Medical Sales Supplies |
| M. Essential Services | DD. Places of Worship |
| N. Financial Institutions | EE. Professional Offices |
| O. Funeral Homes, Mortuaries, and Crematoria | FF. Public Facilities |
| P. Greenhouse, Commercial | GG. Recreation, Private Indoor |
| Q. Health Clubs | HH. Research, Laboratory, or Product Testing Facilities |

- | | |
|---|---------------------------|
| II. Restaurants | LL. Self-Storage, Private |
| JJ. Retail Businesses | MM. Veterinarian Clinics |
| KK. Self-Storage/Mini Warehouse
Facilities, Commercial | |

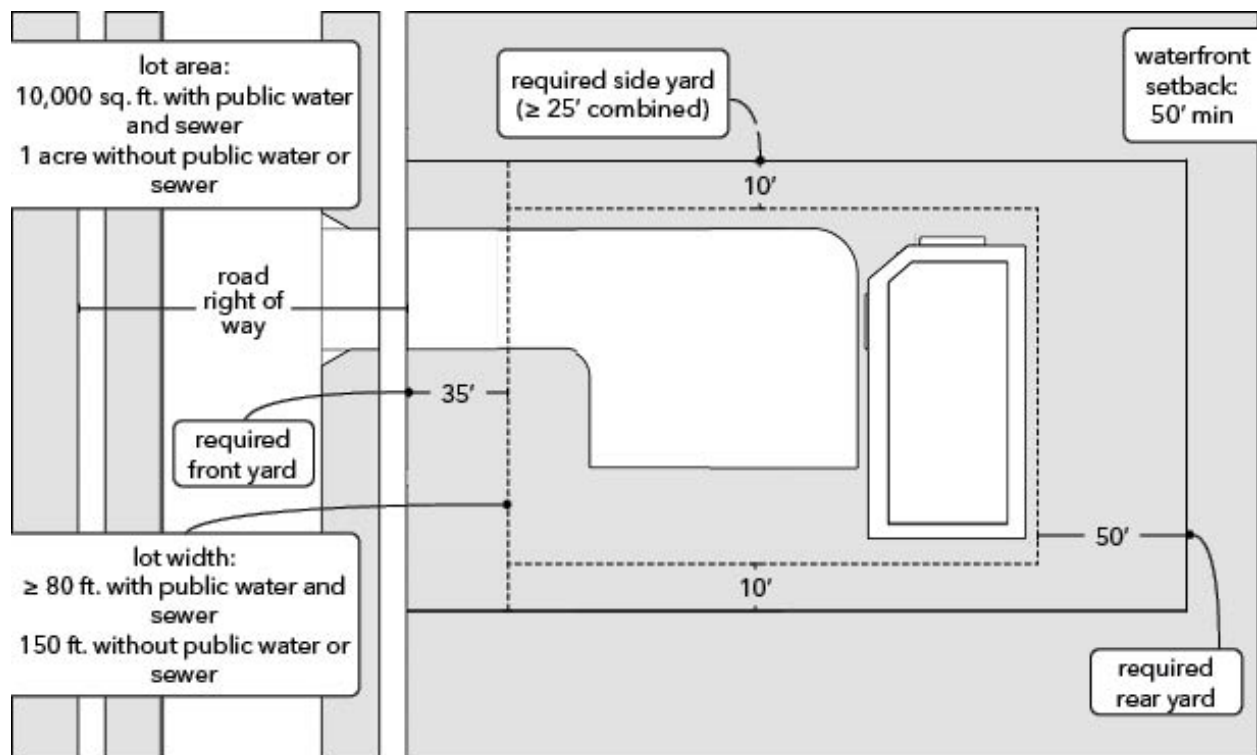
Section 6.03.02 – Special Land Uses

- | | |
|---|---|
| A. Agricultural Service Establishments | J. Outdoor Storage Facilities or Yards |
| B. Automobile or Vehicle Sales | K. Places of Public Assembly |
| C. Automobile or Vehicle Wash Facilities | L. Recreation, Private Outdoor |
| D. Business Incubator Facilities | M. Sales and Distribution Facilities |
| E. Contractors Warehouse Facilities, Storage Facilities, or Storage Yards | N. Substance Abuse and Rehabilitation Facilities |
| F. Drive Through Businesses | O. Storage, Transfer Warehouses, or Shipping Facilities |
| G. Fueling Stations | P. Warehousing Facility |
| H. Nursey and Commercial Landscaping | Q. Wireless Communication Towers |
| I. Open Air Businesses | |

Section 6.03.03 – Dimensional Standards

Dimensional Standards – Highway Service Commercial District (HSC) (Figure 6.03)	
Minimum Lot Area:	10,890 sq. ft. (with public water and sewer)
	1 acre (without public water or sewer)
Minimum Lot Width:	No less than 80 Feet (with public water and sewer)
	150 feet (w/o public water and sewer)(see regulations for parcels fronting M-43, M-140, or CR-388)

Minimum Front Yard Setback	No less than 50 feet (see notes for highway regulations or specific road regulations)
Minimum Side Yard Setback	25 feet, no less than 50 feet combined (see notes for corner lot regulations)
Minimum Rear Yard Setback (corner lots have no rear yard)	50 Feet for the principal building
Maximum Height	35 Feet (see note for hotels)
Maximum Lot Coverage Percentage	50%



HSC DISTRICT DIMENSIONAL REQUIREMENTS. FIGURE 6C.1

Section 6.03.04 – Development Standards

- A. Parcels fronting M-43, M-140, or Phoenix Road (CR-388) must have a minimum lot width of 330 feet, except when an easement is created for a service road to serve the lot and neighboring lots.
- B. Parcels fronting M-43, M-140, or Phoenix Road (CR-388) must have a front yard setback of 50 feet.
- C. Parcels fronting Blue Star Highway or Ruggles Road must have a front yard setback of 110 feet.
- D. All off-street parking lots must meet the screening requirements outlined in 12.04.04.
- E. Hotels may not be greater than 50 feet in height and are required to have a 26-foot paved fire lane setback.

Section 6.03.05 – Additional District Requirements

- A. The outdoor storage of goods and materials shall be prohibited, except as provided for in Section 10.03.24
- B. All vehicular ingress and egress shall be accessed from acceleration/deceleration lanes onto a service road in accordance with Section 13.02, or an approved private road connecting directly to a major road or highway as defined in the Master Plan.
- C. All parcels in the HSC district shall have at least one property line abutting either: a major road or highway arterial, upon which it fronts, and from which a service road is accessed per Section 13.02. Or, an approved private road connecting directly to a major road or highway arterial.

Section 6.04 – Industrial District (I)

Section 6.04.00 – Purpose

The primary purpose of the Industrial District is to facilitate industrial activities, including manufacturing, processing, wholesale trade, shipping, and warehousing. To prevent detrimental effects on surrounding areas, these operations are regulated to ensure their external physical consequences are confined within the district's boundaries. Within the District's established framework, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products derived from previously prepared materials are permitted, alongside any specified uses. The intention is further to disallow the processing of raw materials for bulk shipment to another industrial site.

Section 6.04.01 – Uses Permitted by Right

- | | |
|--|--|
| A. Accessory Uses and Structures | L. Gasoline Stations |
| B. Agricultural Service Establishments | M. Intuition Facilities |
| C. Automobile or Vehicle Service or Repair Facilities | N. Kennels, Commercial |
| D. Building Incubator Facilities | O. Landscape Materials Supply |
| E. Commercial Greenhouses | P. Marine Sales, Service, and Storage |
| F. Contractors' Offices and Showrooms | Q. Manufacturing, Processing, or Assembly, Light |
| G. Contractors Supply Facilities | R. Municipal Maintenance Garage |
| H. Contractors' Warehouses, Facilities, or Storage Yards or Facilities | S. Open Air Business |
| I. Essential Services | T. Public Facilities |
| J. Funeral Homes, Mortuaries, or Crematoria | U. Research, Laboratory, or Product Testing Facilities |
| K. Greenhouses, Commercial | V. Self-Storage/Mini Warehouse Facilities |
| | W. Self-Storage, Private |

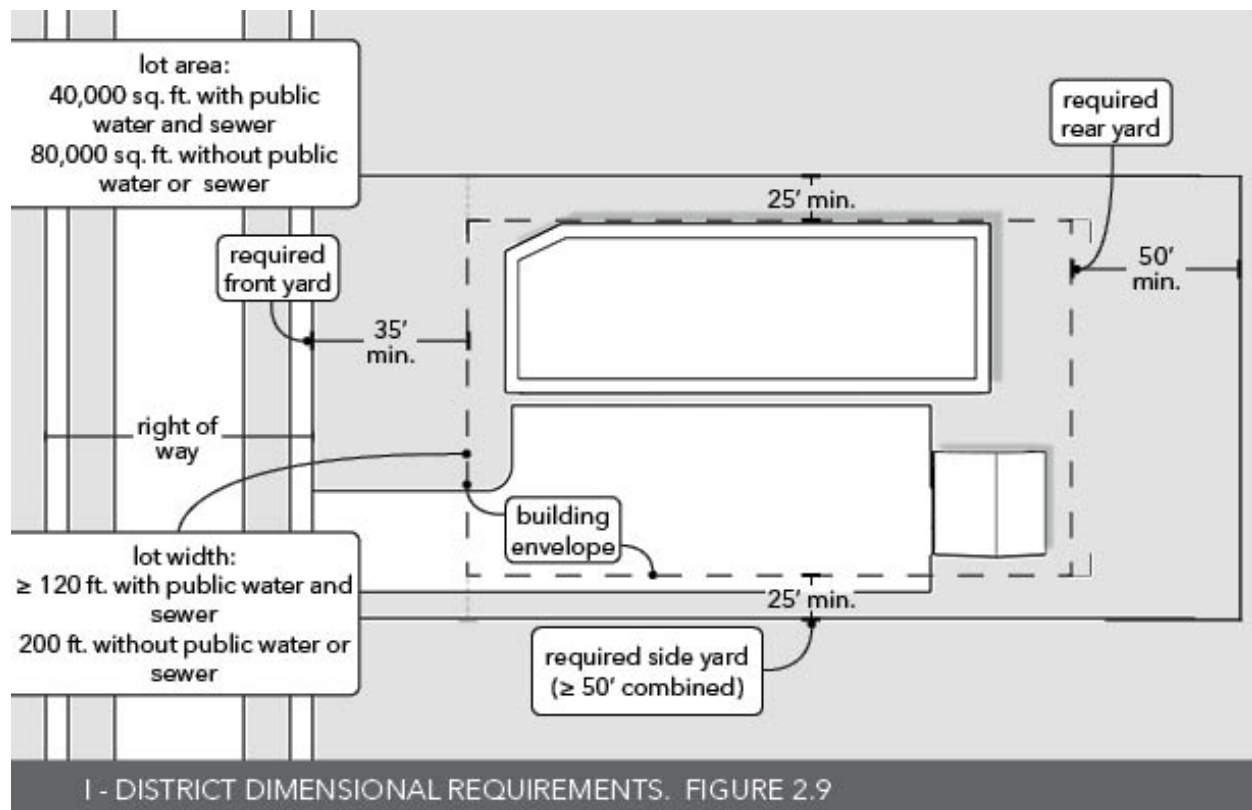
Section 6.04.02 – Special Land Uses

- | | |
|---|---|
| A. Adult Oriented Facilities
Automobile and Vehicle Sales | I. Outdoor Storage Facilities or
Yards |
| B. Automobile or Vehicle Wash | J. Sales and Distribution
Facilities |
| C. Battery Energy Storage
Systems (BESS), Principal
Use | K. Storage, Transfer
Warehouses, or Shipping
Facilities |
| D. Data Centers | L. Solar Energy Systems Facility,
Principal Use |
| E. Fueling Stations | M. Wind Energy Systems Facility,
Principal Use |
| F. Junk or Salvage Yards | N. Warehousing Facility |
| G. Manufacturing, Processing, or
Assembly, Heavy | O. Wireless Communication
Tower |
| H. Open Air Business | |

Section 6.04.03 – Dimensional Standards

Dimensional Standards – Industrial District (D) (Figure 6.04)	
Minimum Lot Area:	1 acre (with public water and sewer)
	2 acres (without public water or sewer)
Minimum Lot Width:	No less than 120 feet (with public water and sewer)
	200 feet (w/o public water and sewer)(see regulations for parcels fronting M-43, M-140, or CR-388)
Minimum Front Yard Setback	No less than 50 feet (see notes for highway regulations or specific road regulations)
Minimum Side Yard Setback	25 feet, no less than 50 feet combined (see notes for corner lot regulations)
Minimum Rear Yard Setback (corner lots have no rear yard)	50 feet for the principal building

Maximum Height	40 Feet
Maximum Lot Coverage Percentage	50%



Section 6.04.05 – Development Standards

- A. Parcels fronting M-43, M-140, or Phoenix Road (CR-388) must have a minimum lot width of 330 feet, except when an easement is created for a service road to serve the lot and neighboring lots.
- B. Parcels fronting M-43, M-140, or Phoenix Road (CR-388) must have a front yard setback of 50 feet.
- C. Parcels fronting Blue Star Highway or Ruggles Road must have a front yard setback of 110 feet.
- D. All off-street parking lots must meet the screening requirements outlined in Section 12.04.04.

Section 6.04.05 – Additional District Requirements

- A. The outdoor storage of goods and materials shall be prohibited, except as provided for in Section 10.03.24.

- B. All vehicular ingress and egress shall be accessed from acceleration/deceleration lanes onto a service road in accordance with Section 13.02 or an approved private road connecting directly to a major road or highway as defined in the Master Plan.
- C. All parcels in the Industrial District shall have at least one property line abutting either: a major road or highway arterial, upon which it fronts and from which a service road is accessed per Section 13.02. Or, an approved private road connecting directly to a major road or highway arterial.

ARTICLE 7

Overlay Districts

Section 7.00 – Purpose

The purpose of this Article is to establish supplemental zoning regulations that address unique geographic areas, development patterns, environmental features, public infrastructure, and community character objectives that are not fully addressed by the underlying zoning districts. These districts are intended to complement the base zoning regulations. This is accomplished through the provision of additional standards, incentives, or restrictions specifically designed to address the unique needs and policy goals of defined areas. These regulations have been put in place to encourage unified development, ensure the protection of public health, safety, and welfare, maintain natural and cultural resources, sustain economic viability, promote harmonious land use relationships, and execute the aims outlined in the adopted Master Plan and related Ordinances. Notwithstanding any other provisions, properties situated within an overlay district are subject to the regulations of both the underlying zoning district and the pertinent overlay district standards.

The Overlay Districts herein are divided into the following:

- A. Airport Overlay District – AO
- B. Marihuana Business Overlay District – MBO
- C. Residential-Commercial Overlay District – RCD
- D. Shoreline Protection Overlay District – SPO

These sub-articles herein articulate the purpose, permitted and special land uses, dimensional standards, and any additional requirements necessary.

Section 7.01 – Airport Overlay District (AO)

Section 7.01.00 – Purpose

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

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

Section 7.01.01 – Airport Approach and Layout Protection Plan

The Michigan Department of Transportation, Aeronautics Division has prepared and the Michigan Aeronautics Commission has approved an Approach (or Layout) Plan prepared pursuant to Section 151 of the Michigan Aeronautics Code, P.A. 327 of 1945, as amended, for the South Haven Airport. This Plan is composed of two maps and one explanatory sheet, including the: MDOT Bureau of Aeronautics Land Use Zoning for South Haven Regional Map which describe accident safety zones on and surrounding the airport where land use planning and regulatory measures will be applied.

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

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

Section 7.01.02 – Jurisdiction of the Airport Overlay District

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

Section 7.01.03 – Relationship to the Underlying Zoning District

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

Section 7.01.04 – Uses Permitted by Right but Subject to the Maximum Height Limitations

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

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

Section 7.01.05 – Nonconforming Uses of Land, Buildings and/or Structures

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

Section 7.01.06 – Site Plan and Approval Requirements

A site plan prepared pursuant to Article 11- Site Plan Review, Section 11.04, showing the location and height of all buildings and structures shall accompany an application for a building permit for new construction or renovation of an existing building or structure on any property within the AO District. The Zoning Administrator or Building Official may accept less information than required in cases where the applicant can provide adequate information to determine the exact location of the building(s) and/or structure(s) upon the property and the location of boundaries of the height requirements imposed by the Part 77 Surface Map.

Section 7.01.07 – Notification of the Federal Aviation Administration (FAA)

All applicants for a building permit in the AO District shall provide notice to the Michigan Department of Transportation, Aeronautics Division and the Federal Aviation

Administration as required pursuant to CFR Title 14, Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.13, Construction or Alteration Requiring Notice.

Section 7.01.08 – FAA Determination & MDOT Permit to be filed Prior to Issuance of Building Permit

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

Section 7.01.09 – Zoning Map Designation and Part 77 Map Incorporation by Reference

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

Section 7.02 – Marihuana Business Overlay District (MBO)

Section 7.02.00 – Purpose

This Overlay District is intended to provide suitable locations for adult-use marihuana establishments that are otherwise authorized under state law and the Township's Code of Ordinances and Zoning Ordinance, taking into account neighboring land uses, natural resources, and quiet, comfort, and repose of the community.

Section 7.02.01 – Delineation of the Marihuana Business Overlay District

The Marihuana Business Overlay District overlays existing zoning districts delineated on the official South Haven Charter Township Zoning Map. The boundaries of the Marihuana Business Overlay Zone are depicted on the Zoning Map incorporated herein by reference.

If there are disputes as to the location of a Marihuana Business Overlay District boundary, the Zoning Board of Appeals will resolve the dispute in accordance with Section 3.01 of the Zoning Ordinance

In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article is required for all development occurring within the Marihuana Business Overlay District.

Section 7.02.02 – Uses Permitted by Right

There are no uses permitted by right in the Marihuana Business Overlay District

Section 7.02.03 – Special Land Uses

The following uses are permitted following approval by the Planning Commission as a Special Land Use Section 10.02 and per Section 7.02.04 and 7.02.05 of this Article of the South Haven Charter Township Zoning Ordinance.

- A. Adult-Use Marihuana Retailers
- B. Adult-Use Marihuana Retailers with Drive-through facilities

Section 7.02.04 – Adult-Use Marihuana Business Development Standards

In addition to all requirements of Ordinance No. 153, Articles 10 (Special Land Uses) and Article 11 (Site Plan Review), and any other requirements of this Zoning Ordinance or Township Ordinances, and any conditions imposed by the Planning Commission in granting special use approval, all adult-use marihuana establishments

must comply with the following requirements. All terms defined in Ordinance No. 153  have the same meaning when used in this section.

Section 7.02.05 – Adult-use marihuana establishments must comply with MRTMA and the MRTMA rules, as well as any other applicable state laws or regulations.

- A. Co-located establishments are prohibited.
- B. Stacked grower licenses are prohibited.
- C. Establishments shall be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- D. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.
- E. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
- F. Signage for establishments may be approved pursuant to the standards provided in Article 12.01, with the additional restriction that establishment signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
- G. Marihuana establishments must control and eliminate odor as follows:
 - 1. Any building in which marihuana is stored, processed, or located must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 - 2. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - 3. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be

changed per manufacturers' recommendation to ensure optimal performance.

4. Negative air pressure must be maintained inside the building.
5. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
6. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.

H. The following minimum-distancing regulations apply:

1. 1,000 Feet from K-12 Schools (Measured Parcel to Parcel). An establishment may not be located within 1,000 feet of an existing public or private K-12 school. The distance in this subsection is computed by measuring a straight line from the nearest property line of land used for an existing public or private K-12 school to the nearest property line of the parcel used as a marihuana establishment.
2. 100 Feet Setback from Parcel with Dwelling.
3. An establishment building must be set back 100 feet from the property line of any adjacent parcel with an existing Dwelling. This setback requirement applies only to the property line abutting a parcel with an existing Dwelling.
4. If a parcel with an existing Dwelling is located immediately across a street from the parcel with the marihuana establishment, then the establishment building must be set back 100 feet from the property line of the parcel on which the marihuana establishment is located that is closest to the parcel with the existing Dwelling.

I. The following additional requirements apply to provisioning centers and retailers:

1. Operational Requirements:
 - a. Provisioning centers and retailers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
 - b. Provisioning centers and retailers may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.

- c. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
- d. Consumption of marihuana shall be prohibited in the retail establishment, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
- e. Provisioning centers and retailers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a minimum period of 14 days.
- f. Provisioning centers and retailers shall install, maintain, and consistently use a security alarm system that meets industry standards for building and inventory security.
- g. The public or common areas of the provisioning center or retailer must be separated from restricted or non-public areas.
- h. No drive-through window on the portion of the premises occupied by a provisioning center or retailer shall be permitted.
- i. Provisioning centers and retailers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

2. Special Use Permit Specific to Applicant.

- a. Any special use permit granted for an adult-use retailer is unique and specific to the applicant and does not run with the land.

J. Violations; Remedies; Revocation.

Notwithstanding any other provision in this Zoning Ordinance to the contrary, penalties for violations of this subsection shall be as follows:

- 1. If at any time an establishment violates the Zoning Ordinance, any condition imposed through a special use permit, or any other applicable Township ordinance or state law or regulation, the Township may take any or all of the following actions:

2. The Township may request that LARA revoke or refrain from renewing the establishment's state operating license.
3. Following notice and a public hearing, the Township may revoke the establishment's special use permit.
4. The Township may treat the violation as a municipal civil infraction, for which each day the violation continues will be a separate offense, and impose the following fines:
 - a. First violation = \$500 Second offense = \$2,500
 - b. Each subsequent offense = \$5,000
5. The Township may seek other appropriate and proper remedies, including actions in law or equity.

Section 7.03 – Residential Commercial Overlay District (RCO)

Section 7.03.00 – Purpose

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

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

Section 7.03.01 – Uses Permitted by Right

- | | | | |
|----|---|----|--|
| A. | Including normally accepted accessory uses so long as there is a principle use on the property. | | |
| B. | Single and two-family dwellings. | | |
| C. | State licensed residential care homes housing six (6) of fewer persons. | | |
| D. | Child day care centers licensed by the state of Michigan | | |
| E. | Conversion of existing dwelling to office use without additions, subject to Article XXII Site Plan Review, and Article XX Parking Requirements. | | |
| F. | Office use in converted dwelling is limited to one (1) | | |
| | | | professional office of the following types only: Medical, dental, sociological, psychological, finance, insurance, real estate, or other licensed professional plus administrative support staff. |
| | | G. | Mixed Use: Office/dwelling in an existing structure without additions, subject to Article XXII Site Plan Review, and Article XX Parking Requirements. |
| | | H. | The non-residential use in such structures shall be limited to one (1) professional including: Medical, dental sociological, psychological, finance, insurance, real estate or other licensed professional |

- plus administrative support staff.
- I. Religious, educational, seminary living & social institutions on at least three (3) acres.
- J. Offices for finance, insurance, real estate and licensed professional, where a new building or addition is constructed.
- K. Medical, dental, and sociological/psychological professional offices, limited to no more than one (1) professional plus support staff, where a new building or addition is constructed.
- L. Business management consultant (1 only)
- M. Customary home occupations

Section 7.03.02 – Special Land Uses

- A. Auto repair with limited outside storage, no fuel sales, limited auto sales, and a maximum of 5,000 square feet gross floor area.
- B. Grocery or convenience store less than 5,000 square feet gross floor area
- C. Bakery or coffee shop
- D. Barber and beauty shop
- E. Butcher shop without on-site processing of animals
- F. Book and stationary store
- G. Delicatessen
- H. Drug store
- I. Dry goods & notions stores
- J. Dry cleaning & laundry stores
- K. Gift shops & specialty shops
- L. Hardware & paint stores
- M. Home Businesses (see definition)
- N. Medical and dental offices in complexes which may include: clinics & emergency care
- O. Music store
- P. Novelty store
- Q. Office supply store
- R. Professional Offices for: Finance, Insurance, Real estate, Licensed professionals
- S. Public parks & recreation areas
- T. Public buildings
- U. Public service installations and utilities
- V. Recreational uses (commercial such as: water sports parks, mini-golf & etc.)
- W. Restaurant, without drive-in/through service (may have outdoor seating/service area)
- X. Shoe repair shop

Y.	Sporting goods and bait shop	Consumer credit reporting agency, Mailing and stenographic services, Public transportation passenger station,
Z.	Tailor and dressmaker shop	
AA.	Variety store	
BB.	Ice cream stand	
CC.	Veterinary clinic without kennel or outside animal runs	EE. Animal welfare organizations for small animals with outside dog runs with incidental and related uses including operation of a retail store.
DD.	Miscellaneous: Business management consultant, Business service store,	

Section 7.03.03 – Dimensional Standards

Dimensional Standards –Residential Commercial Overlay District (RCO) (Figure 7.03.01)		
Minimum Lot Area:	With Water and Sanitary Sewer	0.25 acre (10,890 square feet)
	Without Water and Sanitary Sewer	1 acre (43,560 square feet)
Minimum Lot Width:	State and County Highways ⁷⁴	330 feet
	All other roads	150 feet
	Shared Drives on State and County Highways	66 feet
Minimum Front Yard Setback ⁷⁵ :	State Highway or Phoenix Street	50 feet ⁷⁶
	Blue Star Hwy. or Ruggles Rd.	110 feet ⁷⁷
	County Roads	35 feet ⁷⁸

⁷⁴ Parcels fronting M-43, M-140, A-2 (Blue Start Memorial Highway), and CR-330 (Phoenix Road), unless an access easement has been recorded from neighboring parcels.

⁷⁵ All corner lots contain two front yards as defined in this Ordinance (see Article II – Definitions).

⁷⁶ Required front yard setback from right of way line for properties fronting M-43 and CR-388 (Phoenix Street).

⁷⁷ Required front yard setback from centerline for properties fronting Blue Star Memorial Hwy. (A-2) and Ruggles Road.

⁷⁸ Required front yard setback from right of way line for all Van Buren County Roads unidentified in this Section.

	Private Roads	35 feet ⁷⁹
	Waterfronts	50 feet ⁸⁰
Minimum Side Yard Setback	10 feet	
Minimum Accessory Building Site Yard Setback	5 feet	
Minimum Rear Yard Setback⁸¹	35 feet	
Minimum Accessory Building Rear Yard Setback	5 feet	
Maximum Height	35 feet	
Residential Accessory Building Maximum Height	25 feet	
Maximum Lot Coverage Percentage	30%	

⁷⁹ Required front yard setback from right of way line for all private roads.

⁸⁰ Required front yard setback for any property located on a lakeshore, pond (larger than 5 acres), centerline of stream, or regulated and unregulated wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy.

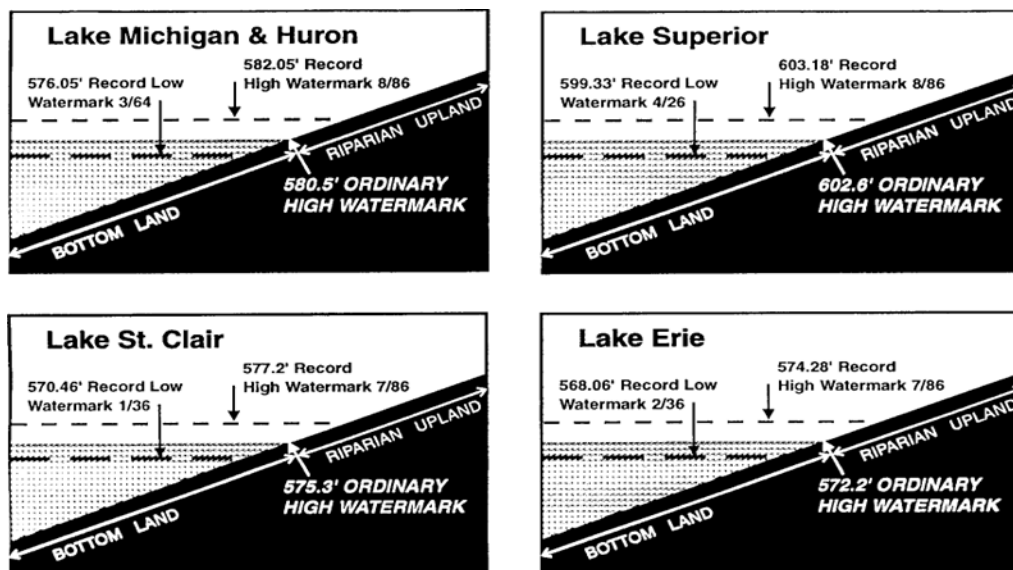
⁸¹ All corner lots contain no rear yard as defined in this Ordinance (see Article II – Definitions).

Section 7.04 – Shoreline Protection Overlay District (SPO)

Section 7.04.00 – Purpose

The Shoreline Protection Overlay District includes all land located within 500 feet of the 1986 Record High Water Mark, and as depicted on the Official Zoning Map for South Haven Charter Township. This boundary extends across all underlying zoning districts.

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

Section 7.04.01 – Intent

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

- A. The economic and environmental well-being and health, safety, and general welfare of South Haven Charter Township is dependent on, and connected with the preservation of its Lake Michigan shoreline areas.
- B. The shoreline zone has unique physical, biological, economic, and social attributes.
- C. Future land development and redevelopment should not be conducted at the expense of these attributes.

- D. Property values will be enhanced when the natural features of the shoreline zone are preserved.
- E. Pollution, impairment or destruction of the shoreline area and the adjacent bottomlands and waters of Lake Michigan should be prevented or minimized.

Section 7.04.02 – General Requirements

A. Allowable Uses

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

B. Requirements to Receive Certificate of Zoning Compliance

- 1. Prior to any construction, earth moving or removal of vegetation within the Shoreline Protection Overlay District, and prior to the issuance of any Zoning Compliance Permit, all of the following criteria must be met:
 - a. A site plan meeting the requirements outlined in Article 11 and in Section 7.04.03 of this Article, shall be submitted to the Zoning Administrator.
 - b. A zoning compliance permit shall be withheld pending verification that the applicant has received all required county, state or federal permits, including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetland permits; flood plain and culvert permits; driveway permits; or building permits.
 - c. If a permit or approval has been issued by the State of Michigan for a building, structure, or any grading, filling, earth moving, clearing, or removal of vegetation within the jurisdiction and scope of regulations set forth above, a copy of such permit shall be filed with the Zoning Administrator, and such permits or approvals shall be attached to and made a condition of performance for any permit issued under this Article. This Article is intended to supplement, and

not abrogate, the Michigan Department of Environment, Great Lakes, and Energy's authority over the review of applications and issuance of permits for construction activities under the provisions of the Sand Dune Protection and Management Act (Part 353, Natural Resources Environmental Protection Act, MCL 324.35301 et. seq.) and the Shore Lands Protection and Management Act, (Part 323, Natural Resources Environmental Protection Act, MCL 324.32301 et. seq.).

- d. Prior to receiving site plan approval, slopes of over 30 degrees from the toe of the slope to the crest shall be protected in a natural state, as defined in Article II of this Zoning Ordinance.

C. Setback Requirements

1. For all earth removal or excavations within the Shoreline Protection Overlay Zone, a side setback of 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 1986 Record High Water Mark.
 - ii. All structures, except those specifically exempted in subparagraph (2) above, shall be set back 100 feet from the 1986 Record High Water Mark.
 - iii. On lots with a steep bluff which begins within 100 feet of the 1986 Record 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 16. No variance shall be granted for any use or structure in violation of the intent and purpose of this Article or state law.

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 4:1.

Section 7.04.03 – Site Plan Review

- A. Site Plan Approval Standards. In addition to Site Plan Review Standards set forth elsewhere in the South Haven Township Zoning Ordinance, the following standards shall be considered by the Zoning Administrator or Planning Commission when reviewing a Site Plan submission in the Shoreline Protection Overlay District:

- 1. The Site Plan shall demonstrate that erosion and sedimentation shall be prevented, and that the risk of structural loss due to future changes in lake levels is minimized;
- 2. Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance on adjacent properties.

- B. Site Plan Data Required. An application for a land use permit in the Shoreline Protection Overlay District requires submission of a site plan, even if the underlying zoning district does not require a site plan. The site plan must contain the following documents and information:

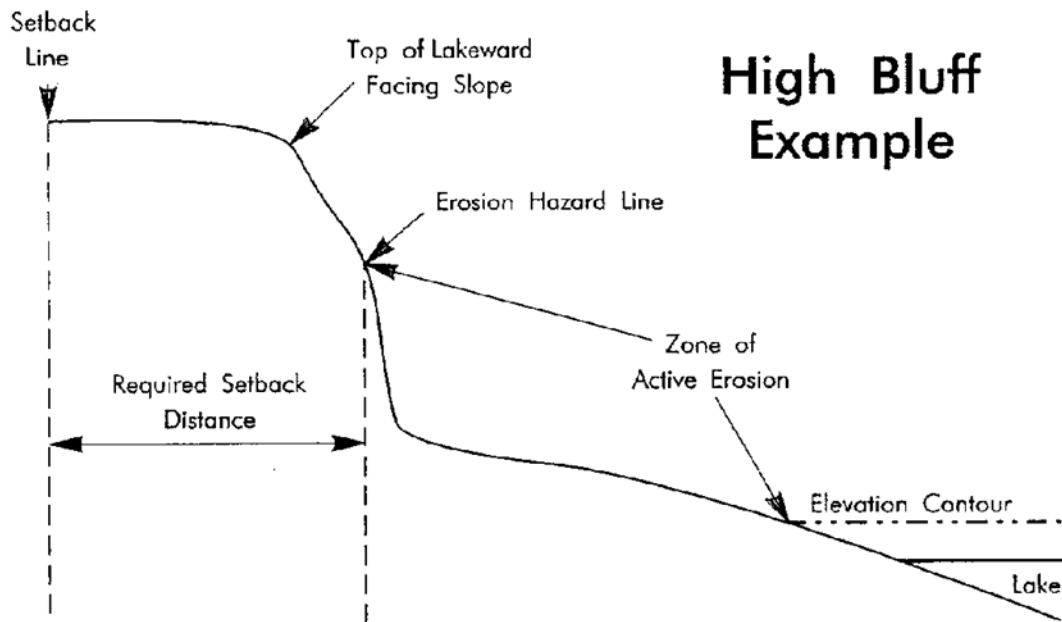
- 1. Two complete sets of plans that show the placement of any buildings or other structures, delineate a perimeter line encompassing all proposed activities, and identify the location and extent of the Shoreline Protection Overlay District boundary.

2. All shoreline types and coastal resources should be identified, including bluff ridges, wetland boundaries, dune crest, ordinary high-water mark, and tree line (as defined by trees with a minimum diameter of 4" DBH), and first landward boundary of native grasses.
3. A description of outdoor lighting.
4. A plan for controlling traffic to the lakefront, detailing construction and maintenance of paths, stairs or boardwalks.
5. A Grading Plan that delineates areas of cut and fill, and identifies changes in topography and drainage. If the area to be graded exceeds a depth or fill of two (2) feet the applicant shall submit a map showing the existing contours of the site and finished contours to be achieved by grading. Contours shall be sufficiently detailed to define the topography over the entire site (generally at two-foot intervals) and shall be design to have no impact upon neighboring properties.
6. Detailed drawings and descriptions of all temporary and permanent soil erosion and sedimentation control measures, and bank stabilization measures as submitted to the Soil Erosion Control Enforcement Officer.
7. Detailed drawings delineating areas to be cleared of vegetation before and during development activities, with area calculations and descriptions of the vegetation to be removed, and detailed drawings and descriptions of proposed vegetation restoration for those same areas.
8. Detailed drawings that show the location of existing structures on the property, as well as dwellings on neighboring parcels.
9. Detailed map identifying the location of property, including a full tax identification number, location of the nearest public road intersection, a north arrow and map scale.
10. The name, address, professional status, license number (if applicable), and phone number of the person who prepared the plan.

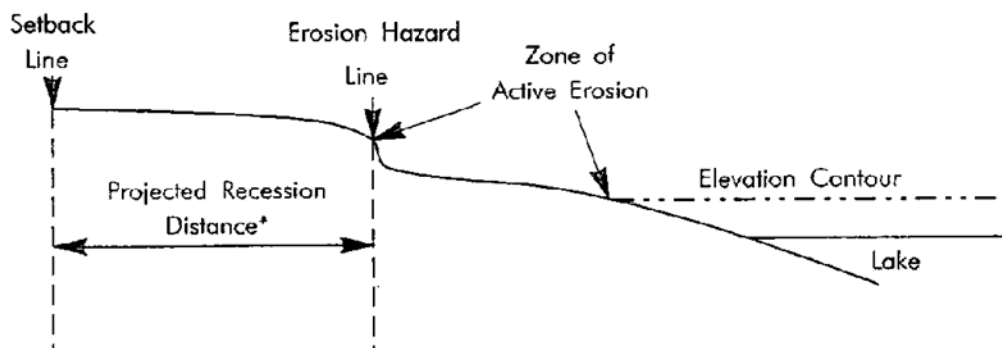
C. Site Plan Review Procedures.

1. The Zoning Administrator shall review and approve permits for the construction of any residential dwelling, or accessory buildings or structural additions to a proposed or existing residential dwelling,

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



Low Bluff Example



* Is the required setback distance on low bluffs.

ARTICLE 8

Planned Unit Development (PUD) District

Section 8.00 – Purpose

The provisions of this Article are intended to offer an alternative to conventional development and traditional zoning standards and to permit flexibility in the development or redevelopment of areas through the authorization of Planned Unit Development (PUD) districts. The standards in this Article are intended to promote and encourage creativity and flexibility in the development or redevelopment of land that is suitable in size, location, and character for the uses proposed. It is also the intent of this Article to ensure compatibility with adjacent land uses, the Township Master Plan, and, where applicable, existing natural features.

In certain instances, the application of the strict requirements of this Ordinance may result in developments less in the interest of public health, safety, and welfare than if some degree of flexibility were permitted. The purpose of a PUD, therefore, is to permit the development of planned areas for various compatible uses allowed by the zoning ordinance and for other uses not so provided. PUDs are also intended to enhance flexibility in building placement, height, bulk, and other standards in order to achieve a recognizable and commensurate benefit that furthers Township goals and the public interest.

Section 8.01 – Objectives and Qualifying Conditions

- A. The degree to which the following objectives are satisfied shall be considered by the Planning Commission and Township Board in their review of a PUD in order to realize the advantages of coordinated, flexible, and comprehensive planning that are afforded through the use of Planned Unit Developments. The objectives of PUDs are:
1. To encourage the provision and protection of open spaces, cultural and/or historic resources, the development of recreational amenities, and, where necessary, other support facilities within a reasonable distance of dwelling units.
 2. To encourage developers to use a more creative and imaginative approach in the development or redevelopment of property in the Township.
 3. To promote flexibility in design and to permit planned diversification in the location of structures.

4. To allow for market-driven development or redevelopment in places most conducive to accommodating additional activity.
5. To facilitate economic development through the permission of mixed uses and/or varied building types and forms.
6. To create walkable developments with pedestrian-oriented buildings that are well-integrated into the Township and connect to nearby destinations and/or neighborhoods.
7. To provide for the adaptive re-use of significant or historic buildings.
8. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.
9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
10. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation.
11. To provide for the redevelopment of sites and/or buildings that are underdeveloped or have fallen into disrepair.
12. To combine and coordinate architectural styles, building forms, and building relationships.

B. Qualifying Conditions.

1. Ownership. The tract of land for which a PUD application is received must be either in 1 ownership or have written approval of the owners of all affected properties.
2. Minimum Acreage. The gross area of a tract of land to be developed as a residential PUD shall be a minimum of 2 acres. There shall be no minimum area for non-residential and mixed-use PUDs.
3. Utilities. All PUDs should be connected to public water and public sanitary sewer service; however, drinking wells and septic systems may be approved upon approval from the County Health Department.
4. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted Township Master Plan.

Section 8.02 – Uses Permitted and Residential Density

- A. The following uses may be permitted in a PUD:
1. Uses permitted by right or by special land use in the underlying zoning district.
 2. Any use that is determined to be consistent with the Township Master Plan.
 3. A combination of uses that are compatible with existing and adjacent land uses and the Township Master Plan.
 4. Only those uses approved for the PUD shall thereafter be permitted within the PUD.
- B. PUDs in a Non-Residential District. For PUDs containing a residential component but located in a non-residential district, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the Zoning Ordinance, Master Plan, existing and future surrounding land uses, the capacity of public utilities and services, and other applicable factors.
- C. PUDs in a Residential District. For PUDs containing a residential component and located in a residential zoning district, the permitted density shall not exceed that permitted by the underlying zoning district, unless a density bonus is permitted pursuant to subsection E below. If the PUD lies in more than one zone district, then the number of dwelling units shall be calculated on a proportionate basis.
- D. The maximum density permitted by subsection C above shall be determined using a parallel plan. A parallel plan shall be submitted by the applicant and shall illustrate the maximum number of dwelling units that could be feasibly developed on the property under conventional application of the underlying zoning district requirements, including any requirements for off-street parking, internal streets, and stormwater management facilities. Parallel plans are intended for comparison only and do not require the same level of detail as is required for site plans submitted for development approval.
- E. Density Bonus for PUDs in a Residential District. For PUDs containing a residential component and located in a residential zoning district, a density bonus of up to 25% over what is allowed by the underlying zoning district may be granted at the discretion of the Planning Commission and Township Board if the PUD provides substantive additional amenities,

preserves substantive additional open space, or otherwise results in a substantial and recognizable benefit to the South Haven Charter Township. By way of example, a “substantial and recognizable benefit” may consist of public gathering spaces, usable open space beyond the minimum requirements, non-motorized connections to adjacent properties, tree-lined streets, public amenities, public art, and similar features that are consistent with the existing or desired character of South Haven Charter Township.

Section 8.03 – Non-Residential or Mixed-Use PUDs

- A. All uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
- B. A mix of residential and non-residential uses may be permitted only if they will not materially alter the character of the neighborhood and/or the PUD, and if the mixed-use development is consistent with the Township Master Plan.
- C. When a PUD contains a mix of residential and non-residential uses, buildings designed for non-residential uses shall be constructed according to the following requirements:
 - 1. If the entire PUD contains fewer than 20 dwelling units, 75% of these units must be constructed prior to the establishment or occupancy of any non-residential use.
 - 2. If the PUD contains more than 20 dwelling units, 50% of these units shall be constructed prior to the establishment or occupancy of any non-residential use.

Section 8.04 – Design Standards

- A. Deviations from Minimum Requirements. In approving a PUD, the Township may permit deviations from the lot area and width requirements, parking requirements, required buffers, building setback requirements, height limitations, dwelling unit minimums, and other similar dimensional requirements of the zoning ordinance in accordance with the following standards:
 - 1. The applicant shall identify, in writing, the nature and extent of any proposed deviation from the requirements of the underlying zoning district.

2. Deviations from minimum requirements may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) within the vicinity.
3. Deviations from the minimum requirements shall also satisfy at least 1 of the following criteria:
 - a. The proposed deviations shall preserve any ecologically significant natural features of the site;
 - b. The proposed deviations shall create, maintain, or improve habitat for wildlife;
 - c. The proposed deviations shall create, maintain, or improve open space, walkability, safety, or otherwise improve the quality of the development for its residents;
 - d. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property; and/or
 - e. The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.
 - f. The proposed deviations shall be consistent with the Township Master Plan.
- B. Other Requirements.
 1. All electric, cable, internet, and telephone transmission wires within the PUD shall be placed underground.
 2. Signs are permitted in accordance with the zone district in which the proposed uses are permitted.
- C. Conditions. The Township Board may impose conditions with the approval of a PUD that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Article. Such conditions shall be considered an integral part of the PUD approval and shall be enforceable by the Zoning Administrator.

Section 8.05 – General Application Procedures

The following steps, which are outlined in Sections 8.05-8.09, shall govern all applications for PUD approval, whether residential, non-residential, or mixed use:

- A. Pre-application Conference. The applicant shall attend a pre-application conference with Township staff to determine general compliance with PUD

eligibility and design requirements and to identify issues of significance regarding the proposed application.

- B. Conceptual Planning Commission Review (Optional). A conceptual plan may be submitted to the Planning Commission for initial review. The applicant may also attend a pre-application review of the proposed PUD Plan with the Planning Commission.
- C. PUD Preliminary Plan and PUD Rezoning.
 - 1. The Planning Commission shall review the PUD Preliminary Plan and PUD rezoning application, hold a public hearing (if required), and make a written recommendation to the Township Board.
 - 2. The Township Board shall review the PUD Preliminary Plan and PUD rezoning application, the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
- D. PUD Final Site Plan Review. The Planning Commission and other applicable Township personnel shall review the PUD final site plan in accordance with Section 8.09 of this Article.
 - 1. Either concurrently with the PUD Preliminary Plan application, or upon approval by the Township Board (with or without conditions), the applicant may apply for preliminary plat approval, condominium or site condominium approval, private road approval, and other approvals as applicable. Unless specifically stated, approval of a PUD shall not constitute approval of a preliminary plat, condominium, site condominium, or private road and shall not obviate the need for the applicant to obtain such approvals.
 - 2. Approval of a PUD pursuant to this Article shall constitute an amendment to the South Haven Charter Township Zoning Ordinance and Zoning Map to include the approved PUD.

Section 8.06 – Pre-Application Conference

Prior to the submission of an application for PUD, the applicant shall meet with the Zoning Administrator, Planner, Engineer, and any other staff or consultants as deemed appropriate. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements and to identify issues of significance regarding the proposed application. If the applicant proceeds with the PUD application, a summary of the pre-application meeting may be forwarded to the Planning Commission. No formal action shall be taken at the pre-application

conference. The applicant shall present a sketch plan of the Planned Unit Development, and the following information:

- A. A legal description of the property in question;
- B. The total number of acres to be included in the project;
- C. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
- D. The approximate number of acres to be occupied and/or devoted to or by each type of use;
- E. The number of acres to be preserved as open space or recreation space; and
- F. All known natural resources and natural features on the site.

Section 8.07 – Conceptual Planning Commission Review (Optional)

- A. Following the pre-application conference, preliminary plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs, which will be necessary for PUD review.
- B. As part of the pre-application review, the applicant shall submit a copy of a sketch plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
- C. The Planning Commission shall advise the applicant in general terms whether the proposed sketch plan complies with the purpose and intent of this Article and if it qualifies for PUD rezoning pursuant to the objectives and qualifying conditions of Section 801.
- D. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval (implied or otherwise) of the PUD.

Section 8.08 – Procedures for PUD Preliminary Plan and PUD Rezoning

- A. Required Information. Following the conceptual review in Section 8.07 (if conducted), the applicant shall submit a completed application form for PUD rezoning, the required application fee, and eight (8) hard copies and a PDF of the PUD Preliminary Plan to the Zoning Administrator at least 30 days prior to the next Planning Commission meeting or as the Zoning Administrator may deem acceptable.
- B. The PUD Preliminary Plan shall be professionally prepared by a licensed engineer, surveyor, architect, and/or landscape architect and shall be drawn to a scale of not less than 1 inch = 100 feet. The PUD Preliminary Plan shall, at a minimum, contain the following information, unless specific items are determined to be not pertinent to the application by the Planning Commission or Zoning Administrator:
 1. General Information.
 - a. Name and firm address of the professional individual responsible for preparing the preliminary plan and their professional seal.
 - b. Name and address of the property owner or petitioner.
 - c. Scale, north arrow, and date.
 - d. Acreage (gross and net).
 - e. Zoning of adjacent properties.
 - f. Legal property description.
 - g. Existing site conditions:
 - i. Boundary survey lines and setbacks.
 - ii. Location sketch showing site, adjacent streets, and properties within 200 feet or as otherwise directed.
 - iii. Location, width, and purpose of all existing easements and lease areas, including cross-access.
 - iv. Abutting street right(s)-of-way and width.
 - v. Topography with contour intervals of no more than 2 feet.
 - vi. Natural features such as wooded areas, surface water features, floodplains or floodways, wetlands, slopes

exceeding 8%, lakes, rivers, creeks, county drains, and other significant site features, including the area of such features.

- vii. Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
- viii. Size and location of existing utilities and status, where applicable.

2. Proposed Development:

- a. Layout of proposed buildings, structures, driveways, parking lots, streets, landscaped areas, and other physical infrastructure, as applicable, including the area and height of these improvements.
- b. Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
- c. Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
- d. Layout and typical dimensions of building envelopes, proposed lots.
- e. Parking, stacking, and loading calculations, if applicable.
- f. Phasing plan, if applicable.
- g. Preliminary plan for the provision of water and sanitary sewer services.
- h. Preliminary grading plan.
- i. Preliminary stormwater plan.
- j. Proposed building types, including building elevations and footprints.

3. Additional Information:

- a. A written narrative shall be provided, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project (if applicable), and documentation indicating how the objectives and qualifying conditions in Section 8.01 and the standards of Section 8.04(1) are met. By way of example, the written narrative

may address the following, along with other topics deemed relevant:

- i. How the proposed PUD is meeting a need in the marketplace
 - ii. How the proposed PUD will benefit the Township
 - iii. The overall vision for the property and the development
 - iv. Justification for any requested deviations from the underlying zoning district
- b. A written list of all requested deviations as specified in Section 8.04 shall be provided at the time of the application, but may be supplemented or modified at any time during the PUD approval process if the applicant or the Township determines that the proposed plans require additional deviations beyond those originally noted.
 - c. The Planning Commission may require additional information from the applicant and may allow supplementation or modification of submitted materials as needed to better assist in the determination of PUD qualification. Additional information may include, but is not limited to, market studies, fiscal impact analyses, parking studies, traffic impact studies, and environmental reports.

C. Planning Commission Review.

- 1. The Planning Commission shall review the PUD Preliminary Plan at a regular or special meeting. A public hearing shall be held by the Planning Commission for an application for a new PUD. For an amendment to an existing PUD, a public hearing by the Planning Commission is not required, but may be held at the discretion of the Township. If a public hearing is held, notice shall be given pursuant to Section 16.07 of this Ordinance.
- 2. The Planning Commission shall review the PUD Preliminary Plan in consideration of public comments, technical reviews from Township staff and consultants (if requested), and other applicable standards and requirements. Within a reasonable timeframe, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD Preliminary Plan and PUD rezoning to the

Township Board. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.

3. In order to recommend approval of the PUD Preliminary Plan and PUD rezoning, the Planning Commission shall find that the standards of Section 8.08 are satisfied.

4. **Township Board Review and Required Public Hearing.**

4. Following receipt of a recommendation from the Planning Commission on the PUD Preliminary Plan and PUD rezoning, the Township Board shall hold a public hearing on the proposed PUD. Notice of the hearing shall be given pursuant to Section 16.07 of this Ordinance.
 5. After the public hearing, the Township Board shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from Township staff and consultants, and other applicable standards and requirements. Within a reasonable time, the Township Board shall approve, approve with conditions, or deny the PUD Preliminary Plan and PUD rezoning. The Township Board's decision shall be documented with written findings to justify its decision.
 6. In accordance with the Michigan Zoning Enabling Act, as amended, the Township Board may place reasonable conditions on the approval of a PUD Preliminary Plan. Conditions attached to the approval shall be incorporated into the ordinance adopting the PUD Preliminary Plan and PUD rezoning.
 7. Approval of the PUD Preliminary Plan and PUD rezoning by the Township Board shall be incorporated into an ordinance amending the zoning ordinance and map. Such rezoning and PUD plan approval shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.
- D. Development Agreements. Prior to the issuance of any building permits or commencement of construction on any portion of the PUD, the Township Board may require the applicant to enter into a development agreement with the Township in recordable form acceptable to the Township Attorney, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final PUD site plan with all required revisions, other documents that comprise the PUD, and all conditions of approval imposed by the Township Board. The agreement

shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Van Buren County Register of Deeds.

Section 8.09 – PUD Preliminary Plan and Rezoning Standards for Approval

In order to approve a PUD Preliminary Plan and PUD rezoning, the Planning Commission and Township Board shall find that all of the following standards are met:

- A. The proposed PUD complies with the purpose, objectives, and qualifying conditions of Sections 8.01 and 8.02.
- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with the policies of the adopted Township Master Plan.
- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- E. The proposed PUD shall not place demands on public services and facilities more than the current or anticipated future capacity.
- F. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules, and regulations.

Section 8.10 – PUD Final Site Plan

- A. Either concurrently with the submission of the PUD Preliminary Plan, or within one year of the approval of the PUD Preliminary Plan and PUD rezoning by the Township Board, a minimum of 1 copy and a PDF of the PUD final site plan for at least one phase of the PUD shall be submitted by the applicant in accordance with Article 11 of this Ordinance. After the first phase is granted PUD final site plan approval, subsequent phases need not be submitted within one year.
- B. All PUD final site plans subsequently submitted shall conform to the approved PUD Preliminary Plan (subject to minor revisions) and all

conditions attached to its approval, the ordinance adopting the PUD Preliminary Plan and PUD rezoning, and the requirements of this Article.

- C. If the PUD final site plan substantially conforms to the approved PUD Preliminary Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this Article, and if such PUD final site plan is otherwise compatible with the Master Plan, then the Planning Commission shall approve the PUD final site plan.
- D. Unless otherwise required by subsection 6 below, PUD final site plans shall be reviewed by the Planning Commission and any other applicable Township personnel.
- E. For land uses within the PUD subject to additional special land use requirements, such uses shall comply with all such required conditions, unless deviations were approved pursuant to this Article.
- F. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, or elements that require Planning Commission approval, such uses shall be reviewed and approved in accordance with all other applicable sections of the Zoning Ordinance and other adopted ordinances of the Township. These review processes may occur concurrently with the process for PUD plan review and PUD rezoning.

Section 8.11 – Approved PUDs

- A. **Phased Projects.** Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the PUD and residents of the Township. Each phase of a PUD shall require the submittal of a site plan as outlined in Section 8.08.
- B. **Amendments to an Approved PUD.** An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and Township Board pursuant to Section 8.08(2) & (3), except that the Zoning Administrator may review and approve minor amendments to the PUD or refer minor amendments to the Planning Commission for a decision. Minor amendments include, but are not limited to, the following:
 - 1. Reduction of the size of any building, building envelope, or sign.

2. Movement of buildings or signs in a way that does not alter the overall layout, density, or other significant characteristics of the PUD.
3. Changes requested by the Township for safety reasons.
4. Changes that will preserve natural features of the land without changing the basic site layout.
5. Changes in the boundary lines of lots or condominium units that do not change the overall density of the development or that do not change the average lot or unit width throughout the development.
6. Modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan, provided that the amount of landscaping provided is not substantially decreased.
7. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change in a manner that significantly alters the viability of the PUD.
8. Other changes proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety, and welfare.

C. Expiration

1. A PUD (or at least the first phase of a PUD) shall be under meaningful construction of proposed improvements consistent with the approved PUD final site plan within 1 year after the date of approval of the PUD final site plan, which shall proceed diligently to completion.
2. Upon expiration of the time period for: (a) submitting a PUD final site plan as required by Section 8.08 or; (b) commencing meaningful construction as required by subsection A above, all PUD approvals previously granted shall automatically become null and void and all rights of development based on any approved plan shall terminate.

3. The Township Board may approve extensions of up to 2 years at a time, if requested in writing by the applicant. In requesting an extension, the applicant shall provide the reason(s) it is requesting the proposed extension.
 4. Upon expiration of a PUD Preliminary Plan or PUD final site plan, the Planning Commission may conduct a public hearing and make a recommendation to rezone the property to its original designation or another district as deemed appropriate.
 5. If the Planning Commission does not rezone the property from PUD to another zoning district, the property shall remain in the PUD zoning district, but no development in furtherance of the expired PUD, or a new PUD, shall occur on the property. Approval of a PUD Preliminary Plan and PUD Final Site Plan shall be required pursuant to Sections 8.09 and 8.08, except that rezoning to PUD shall not be required.
- D. Appeals and Variances. Because an approved PUD has been reviewed and approved by the Planning Commission and Township Board, the Zoning Board of Appeals shall not have jurisdiction to consider variances from the requirements of this Article, nor may decisions related to a PUD be appealed to the Zoning Board of Appeals.
- E. Performance Guarantees. The Planning Commission and/or Township Board may require the applicant for PUD rezoning to furnish a performance guarantee pursuant to Section 17.07 of this Ordinance.

ARTICLE 9

Open Space Developments

Section 9.00 – Purpose

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to “Open Space Developments” (OSD) under this Article, more effectively encourage the preservation of the Township’s natural resources including farmland and sensitive environmental areas, and the Township’s rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSD is proposed to be located, so that the remainder of the site can be preserved as open space or for agricultural use.

Section 9.01 – Review and Approval Process

OSDs are permitted as Planned Unit Developments only, and their review and approval shall follow the same procedures and requirements for special land uses under Article 8, including the approval of a preliminary and final site plan, and conformance to the requirements and standards of this Article, except as provided below:

- A. Parallel Plan: At the time the applicant submits a site plan for the OSD, the applicant shall also submit a Parallel Plan, which shall illustrate a practical and reasonable manner for developing the project parcel according to the standard development standards of the zoning district in which it is located. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall be the determining body regarding the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSD proposal.
- B. The Parallel Plan referenced in subsection (A) need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, stormwater management including necessary on-site management options such as detention and retention ponds, and general road design and construction. The Parallel Plan shall demonstrate the feasibility of the proposed plan both regarding its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage

courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A Parallel Plan shall not be considered by the Planning Commission if it determines that it does not provide the necessary level of detail or information to assess such Parallel Plan for the purposes of subsection (A) above.

- C. Recording of Approval Action: The applicant shall record an affidavit with the Van Buren County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSD plan unless a change is approved by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Van Buren County Register of Deeds. Copies of recorded documents shall be presented to the Township Clerk.
- D. Permit Issuance: Upon receipt of the recorded documents, the Zoning Administrator shall issue a Land Use Permit for the OSD.

Section 9.02 – Approval Standards

- A. Approval Standards: No application for an OSD shall be approved except upon a finding that the following standards have been met:
 - 1. Section 11.06, Site Plan Approval Standards
 - 2. Section 9.03, OSD Design Standards
 - 3. Unified Control: The proposed development shall be under single ownership or control, such that a single person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
 - 4. The OSD proposal shall support the purpose of this Article as defined in Section 9.00.

Section 9.03 – Open Space Development (OSD) Design Standards

- A. **Regulatory Flexibility:** To encourage flexibility and creativity consistent with the OSD concept, departures from the conventional regulations of the zoning district may be permitted, subject to review and approval by the Planning Commission. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and lot area requirements. However, in no case shall an OSD's design features exceed the following:
1. **Permitted Principal Uses:**
 - a. **Agricultural District:** Residential condominium subdivisions and residential platted subdivisions, and the associated required open space as provided by this Article.
 - b. **Residential Districts:** Residential condominium subdivisions, residential platted subdivisions, multiple family developments, and the associated required open space as provided by this Article. However, in no case shall the number of multiple-family dwelling units exceed thirty percent (30%) of the total number of dwelling units in the OSD.
 2. **Number of Lots/Dwellings:** The number of dwellings and lots in an OSD shall not exceed the number attainable by the Parallel Plan.
 3. **Building Setbacks in the A - Agricultural District:** All buildings in the A – Agricultural District shall be setback the following minimum distances:
 - a. **Along OSD parcel perimeter, adjacent to a road outside of the OSD parcel:** seventy-five feet (75) feet (measured from the road right of way), except where the Planning Commission finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering, in which case such setback may be reduced to no less than fifty (50) feet. The Planning Commission may increase the minimum setback to a maximum of one hundred and one hundred (100) feet (measured from the road right of way) where the OSD is to include lots of less than one acre in area, and the Planning Commission finds

such increased setbacks are necessary to ensure compatibility with adjacent land uses.

- b. Along OSD parcel perimeter buffering along a non-roadway parcel line: twenty (20) feet.
- c. Along a road inside the OSD parcel: thirty-five (35) feet.
- d. Along lakes, ponds, rivers, streams, and wetlands: One hundred (100) ft., except where federal, state, or local regulations require a greater distance.
- e. No dwelling shall be located within ten (10) feet of a side lot line or forty (40) feet of a rear lot line. Where such lot lines serve as perimeter boundary lines of the OSD parcel, subsections c(i) and c(ii) above shall apply.

4. Minimum Lot Area

- a. Agricultural Districts: The minimum lot area for a dwelling in an OSD in the A - Agricultural District shall be one (1) acre, except where such dwelling is to be served by public sewer, in which case the minimum lot area shall be 20,000 sq. ft.
- b. Residential Districts: The minimum lot area for a dwelling in an OSD in a Residential District shall be 21,780 sq. ft. (0.5 ac.) except where such dwelling is to be served by public sewer, in which case the minimum lot area shall be one-half (1/2) of the conventional minimum lot area for the district, according to Section 3.06 (Table of Dimensional Standards).

- B. Guarantee of Open Space: An OSD shall include permanently dedicated open space in perpetuity. The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for anything other than conservation, agricultural uses, or preservation in an undeveloped state, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Planning Commission that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Zoning Administrator and the land uses continue as approved in the open space development.

1. A minimum of fifty percent (50%) of the OSD parcel shall be designated as permanent open space, except where the OSD is located in a Residential District, in which case a minimum of twenty percent (20%) of the OSD parcel shall be designated as permanent open space.
2. Any structure(s) or building(s) accessory to the permanently dedicated open space may be erected within the dedicated open space, subject to the approved site plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent (1%) of the total required dedicated open space area in the A - Agricultural District, and twenty percent (20%) in a Residential District.
3. Dedicated open space may include flood plain areas, but the minimum required dedicated open space shall not include lot areas and required yard setback areas, roads and road rights-of-way, public rights-of-way, year-round submerged lands, and wetlands in excess of thirty percent (30%) of the required dedicated open space provided such wetlands are not year-round submerged.
4. All land within a development that is not devoted to a building, dwelling unit, required yard, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. This provision shall not prohibit the inclusion of non-residential buildings, required yards, accessory uses, vehicle access, vehicle parking, a roadway, or other approved land improvements in the designated common land.
5. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Planning Commission such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non-profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes to the authorized uses or improvements to the open space are prohibited except where the

Planning Commission approves a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the OSD concept as presented in this Article. Such conveyance shall: Indicate the proposed allowable use(s) of the dedicated open space.

- a. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
- b. Provide standards for scheduled maintenance of the open space.
- c. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

C. Utilities and Stormwater Management:

- 1. The OSD shall provide for the underground installation of all utilities.
- 2. An OSD permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
- 3. Provisions shall be made for appropriate stormwater management, including the construction of necessary stormwater facilities. The stormwater system may include the establishment of detention or retention basins and associated infrastructure. The stormwater management plan shall rely upon natural systems to the greatest extent possible and preserve the quality and integrity of such systems, rather than systems that encourage unnecessary topographic alterations, erosion, heightened impurities directed to surface and ground water systems, and similar negative impacts.
- 4. Fire protection measures shall be provided in all OSDs which provide public water, and in OSDs which are generally characterized by lots of approximately one-half (1/2) acre or less in size, where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and

associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

D. Access and Circulation:

1. Access: The nearest edge of any entrance or exit drive for an OSD shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). All dwellings within an OSD shall gain access from an interior road within the OSD.
2. Non-motorized Circulation: A non-motorized circulation system may be required along one side of, or all of, the internal roads of the OSD to ensure safe non-motorized travel. The exact location and alignment of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Pedestrian circulation networks shall assure ease of access from residences to the designated open space areas.

E. Natural Features: The development shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The Planning Commission may also require a minimum of fifty (50) foot wide undisturbed open space setback from the edge of any, lake, pond, river, stream or wetland; provided that 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.

F. Phased Development:

1. Phased Development: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of the same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changes in conditions in the area, or the case of fraud or violation of the terms of the original approval.

ARTICLE 10

Special Land Uses

Section 10.00 – Purpose

This Ordinance contemplates the development of a variety of land uses within the Township's zoning districts. It is recognized that there are some land uses which, because of their unique characteristics, may only be appropriate in particular locations and under certain circumstances, which are deemed special land uses. Therefore, this Article provides a set of procedures and standards for these special land uses that require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards in this Article are designed to allow reasonable use of land while maintaining adequate protection of the health, safety, convenience, and general welfare of South Haven Charter Township. For purposes of this Ordinance, all land uses or situations that are referred to as special land uses or are deemed to require special land use approval are subject to the standards of this Article.

Section 10.01 – Application Procedures

- A. A special land use permit is required prior to the commencement of any special land use in South Haven Charter Township. The application for a Special Land Use permit shall be processed under the following procedures:
 - 1. Application. An application for a special land use permit shall be submitted to the Zoning Administrator not less than 30 days prior to the next scheduled Planning Commission meeting, unless otherwise waived by the Zoning Administrator. Upon receipt of an application, the Zoning Administrator shall review the application for completeness, and when complete, transmit it to the Planning Commission.
 - 2. Required Information. An application for special land use approval shall be accompanied by the following documents and information:
 - a. An application form that has been completed in full by the applicant.
 - b. The payment of application and escrow fees as established by resolution of the Township Board.
 - c. A site plan as specified in Article 11, Site Plan Review.

- d. A written narrative outlining compliance with Section 10.02 and any other requirements of this Ordinance relating to the proposed special land use.
- 3. Any additional information deemed necessary by the Zoning Administrator or Planning Commission that will enable the Planning Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may include, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county, or local departments of public safety (police and fire), health, highways or roads, and/or environment.
- B. Public Hearing Required. Upon receipt of the materials required above, the Planning Commission shall hold a public hearing on the application, providing notice of such hearing in accordance with Section 16.07 – Public Hearings and Notices of this Ordinance.
- C. Planning Commission Review. After the public hearing, the Planning Commission shall review the application for special land use, comments received at the public hearing, the site plan, and any other materials submitted in relation to the application. Within a reasonable time following the receipt of all materials, the Planning Commission shall approve, approve with conditions, or deny the special land use application, and incorporate the basis for the decision into the meeting minutes. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article and any other standards in this Ordinance applicable to the proposed special land use. A special land use shall be approved if it meets all applicable requirements of this Ordinance.
- D. Issuance of a Special Land Use Permit. A special land use permit shall be issued by the Zoning Administrator upon the approval of the special land use by the Planning Commission and upon the fulfillment of any required conditions of approval. The special land use permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward copies of the special land use permit to the applicant and shall retain one copy of the Township's records.
- E. Performance Guarantee. In authorizing a special land use permit, the Planning Commission may require a performance guarantee pursuant to Section 17.07 – Performance Guarantee of this Ordinance.

- F. Appeals. Appeals from any decision or condition related to a special land use application shall only be taken to Circuit Court; at no time shall the decision be appealed to the Zoning Board of Appeals.
- G. Amendments. Amendments to special land use permits shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a special land use, as determined by the Zoning Administrator, may be made to an existing special land use permit with the approval of the Zoning Administrator.
- H. Transfers. Unless specifically provided for in this Ordinance or by a condition of special land use approval, a special land use shall run with the land, and any and all associated benefits, conditions, and required security, shall transfer to a new owner upon the sale or transfer of the property in question, unless otherwise voluntarily withdrawn or abandoned by the new owner. Upon transfer, a special land use permit may continue to be exercised, provided that the new owner complies with the terms of the original permit, including all associated conditions of approval and applicable provisions of this Ordinance.
- I. Re-Submission. No petition for special land use approval which has been disapproved may be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Zoning Administrator after learning of new and significant facts or conditions that may result in favorable action upon resubmission.
- J. Construction. A special land use approved pursuant to this Article shall either be under substantial construction, or operations exercising the permit shall have commenced, within one year after the date of approval.
- K. Expiration. A special land use permit shall run with the land and shall be valid for as long as the approved use continues in accordance with all terms and conditions of the permit. The special land use permit will expire on the occurrence of one or more of the following conditions:
 - 1. If replaced or superseded by a subsequent permitted use or special land use.
 - 2. If the applicant or current owner of the property requests that the special land use permit be rescinded.
 - 3. If the special use is considered abandoned pursuant to Section 10.01(L).

4. If a building permit has not been obtained or if on-site development has not commenced within one year of approval of the special land use.
- L. Abandonment. Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:
1. The owner declares or otherwise makes evident his/her intent to discontinue such use.
 2. When the use has been replaced by a different use.
 3. The cessation of the permitted special land use for a period of one year or more.
- M. Violations. A violation of the terms, conditions, or limitations of a special land use permit shall be a violation of this Ordinance and shall be cause for revocation or suspension of the permit.
1. Upon identifying a violation(s) of the special land use permit, the Zoning Administrator shall inform the property owner and/or permit holder in writing of such violation(s). The permit holder shall be given a reasonable opportunity to correct the violation(s).
 2. If, after a reasonable time, the violations have not been cured, the Zoning Administrator shall refer the matter in writing to the Planning Commission.
 3. Upon referral, the Planning Commission shall review the matter and if it determines that a violation exists, it shall provide notice to the permit holder and all alleged violations shall be specified in such notice. Before suspending or revoking the permit, the Planning Commission shall hold a public hearing on the matter pursuant to Section 16.07 – Public Hearings and Notices.
 4. Following a public hearing, and after providing a reasonable opportunity for the permit holder to cure the violation(s), the Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit. In revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists.
 5. A special land use permit that has been revoked may not be reinstated until a new special land use permit is granted pursuant to this Article. A special land use permit that has been suspended may

be reinstated by the Planning Commission upon finding that all violations have been cured.

- N. Previously Approved Special Land Uses. Land uses that were granted zoning approval by the Township prior to the adoption of this Ordinance may continue and shall be considered permitted uses, provided that the requirements and conditions of the original permit are met. If changes are proposed to a previously-approved use that is considered to be a special land use by this Ordinance, the application shall be processed according to the procedures and standards of this Article.

Section 10.02 – Special Land Use Review Standards

- A. In addition to standards for specific special land uses contained in Section 10.03 –Standards for Specific Land Uses, the Planning Commission must find that the following general standards are met in order to approve a special land use:
 1. The proposed special land use shall be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
 2. The proposed special land use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental or hazardous to existing or future uses, or to any persons, property, or the general welfare by reason of excessive production of traffic, lighting, noise, smoke, vibration, water runoff, fumes, glare, or odors.
 3. The proposed special land use shall be consistent with the policies of the South Haven Charter Township Master Plan.
 4. The proposed special land use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, public or private water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
 5. The proposed special land use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and minimizing topographic modifications.

6. The proposed special land use shall comply with all applicable local, state, and federal regulations and requirements.
- B. In approving a special land use, the Planning Commission may require additional conditions and safeguards. Failure to comply with such conditions may result in the suspension or revocation of the special land use approval pursuant to Section 10.01(M). Conditions imposed on a special land use shall be designed to:
1. Meet the intent and purpose of the Zoning Ordinance;
 2. Relate to the standards established in the Ordinance for the land use or activity under consideration with the subject application;
 3. Ensure compliance with those standards;
 4. Protect the general welfare; and
 5. Protect individual property rights

Section 10.03 – Specific Standards for Special Land Uses

Uses designated in this Ordinance as special land uses shall be subject to the requirements outlined below, along with the general standards of Section 10.02(A) and all other requirements of this Ordinance.

Section 10.03.01 – Adult Entertainment Facilities

Purpose and Intent. Adult entertainment facilities are recognized as having a deleterious effect on adjacent areas, causing blight, a chilling effect on other businesses and occupants, and a disruption in neighborhood development. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

It is the intent and purpose of the Township to adopt reasonable regulations for adult entertainment facilities to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Further, the purpose of the locational requirements is to prevent crime, protect and preserve the quality of life in the Township, maintain property values, preserve areas frequented by children from increased criminal activity, blight, or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of land within the Township.

- A. Regulations. Adult Entertainment Facilities are subject to the following regulations:

1. Adult entertainment businesses are permitted as a special land use in the I – Industrial zoning district only, provided that all other standards of this Ordinance are met. Adult entertainment facilities shall not be located within 1,000 feet of another adult entertainment facility and not within 300 feet of any Township-owned property as measured along a line forming the shortest distance between any portion of the properties.
2. All adult entertainment facilities shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multiple uses within the same structure do not constitute a freestanding building.
3. No betting or gambling shall be allowed on the premises.
4. Children under 18 years of age shall not be permitted on the premises at any time
5. No adult entertainment facility shall be conducted in any manner that permits the observation of any material depicting, describing, or related to specified sexual activities or specified anatomical areas from any public way or any property not regulated as an adult entertainment facility. This provision shall apply to any display, decoration, sign, show window, or another opening.
6. The proposed adult entertainment facility owner/operator shall have provided an exterior maintenance program to the Zoning Administrator, together with its special land use application, which shall provide for routine reasonable and necessary grounds maintenance and shall include, at a minimum, the clearing of trash and rubbish from all parking areas and other portions of the premises not less than daily. Continued adherence to such exterior maintenance program shall be a condition to the issuance of any special land use permit pursuant to this Section.
7. The interior of the building shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Enclosed viewing booths shall not be permitted. Restrooms shall not contain video reproduction equipment. If the building has two or more manager's stations designated, then the interior of the building shall be configured in such a manner that there is an unobstructed view of each area of the building to which any patron is permitted access

for any purpose from at least one of the manager's stations. The view required by this subsection must be by direct line of sight from the manager's station.

8. Any booth, room, cubicle, or similar area available in any adult entertainment facilities used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall meet the following standards:
 - a. It shall be constructed in accordance with the Michigan Building Code, as may be amended;
 - b. It shall be unobstructed by any door, lock, or other entrance and exit control device;
 - c. It shall have at least one side totally open to a lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. It shall be illuminated by a light bulb of not less than 1,600 lumens; and
 - e. It shall have no holes or openings, other than doorways, in walls.
9. The number of patrons allowed on premises at any one time shall be limited to the amount of seating available, but shall not exceed the maximum occupancy permitted by applicable codes.
10. The applicant shall provide an overall management plan for the facility including explicit rules that prohibit total nudity and prevent any physical contact between or among performers, dancers, or entertainers and the establishment patrons. Other rules shall include, but not be limited to, hours of operation which shall conform to the requirements of this Section, the prohibition of alcoholic beverages, and other rules that may be imposed by the Planning Commission.
11. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effects reasonably documented to emanate from adult entertainment facilities for the protection of the general welfare and individual property rights of affected property owners, and for ensuring that the intent and objectives of this Section will be observed.

Section 10.03.02 – Airports and Landing Strips (Private)

- A. The following site and developmental requirements shall apply:
 - 1. Runways shall be one thousand two hundred (1,200) feet in land length and fifty (50) feet in useable width, with a clear approach in each direction of 10:1 for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of “ultra-light” aircraft.
- B. Performance Standards:
 - 1. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.

Section 10.03.03 – Assisted Living Facilities

- A. The use shall be established and maintained in accordance with any and all applicable local, state, and federal laws.
- B. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the Planning Commission finds that such requirements may be modified due to varying hours of operation, shared parking, or other factors.
- C. All dwelling units shall consist of at least 450 square feet of floor area per dwelling unit.
- D. The owner shall file with the Township a covenant, reviewed as to form by the Township attorney that the owner's heirs, personal representatives, successors, and assigns that occupancy of the development shall be limited to the “aged” as defined in Section 20106 of Michigan Public Act 368 of 1978, the Public Health Code, as amended or as superseded and replaced. The covenant shall be executed and recorded with the county register of deeds prior to the issuance of a building permit.

Section 10.03.04 – Automobile or Vehicle Sales

- A. A site plan for a vehicle sales facility shall designate areas for required off-street parking and vehicle display. All display vehicles shall be positioned to avoid interference with off-street parking, loading, maneuvering, sidewalks, or other pedestrian areas.
- B. Any outdoor vehicle displays or parking areas shall have a 10-foot setback from the right-of-way and adjacent properties.

- C. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
- D. An opaque fence or wall and/or an evergreen landscape buffer not less than 6 feet in height at the time of planting shall be required along any side and rear lot line shared with a residential district or use.
- E. Outdoor storage of parts, materials, or equipment shall not be permitted, except licensed vehicles for sale.
- F. No inoperative vehicles shall be stored on the premises for more than 2 weeks.
- G. For facilities with new underground storage tanks, the site shall be 300 feet from any residential well, 800 feet from a non-community public water well and 2,000 feet from any public water well.
- H. A vehicle sales facility with a vehicle service and repair facility shall comply with the special land use standards for a vehicle service and repair facility set forth in Section 11.03.05.

Section 10.03.05 – Automobile or Vehicle Wash

- A. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site. Stacking shall be planned to minimize conflicts with entering and exiting traffic, pedestrians, and parking areas.
- B. All washing activities shall be carried out within a building, however, drying and waxing activities associated with manual and coin-operated automobile washes may occur outdoors.
- C. Vacuum equipment shall be considered an accessory structure and shall meet accessory structure setback requirements.
- D. Where adjoining a residential zoning district or use, a solid fence or wall shall be erected along the common rear and side lot line. Such fence or wall shall be continuously maintained in good condition.
- E. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.

Section 10.03.06 – Automobile or Vehicle Service or Repair Facilities

- A. Access shall be only from a major thoroughfare, or from a shared access drive to a major thoroughfare.
- B. The lot width and frontage shall be a minimum of 150 feet.
- C. No buildings associated with a vehicle service and repair facility shall be erected within 25 feet of any residential zoning district or use.
- D. The site shall be no less than 200 feet from any place of worship, place of public assembly, hospital, school, or other institution, measured from the closest lot lines.
- E. All equipment including hydraulic hoists, pits, and lubrication and repair facilities shall be entirely enclosed within a building.
- F. All repair work and maintenance activities shall be conducted completely within an enclosed building.
- G. The entire lot used for vehicular activities, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
- H. There shall be no above-ground outdoor storage/dispensing tanks on the site without leakproof secondary containment sufficient to accommodate 120% of the volume of the tank.
- I. Not more than 4 dismantled, wrecked, or inoperable vehicles of any kind shall be parked or stored where visible from any adjoining property or right-of-way, and shall not be stored in the front yard. Regardless of any screening, no dismantled, wrecked, or inoperable vehicle or vehicle parts may be stored outdoors for longer than 90 days.
- J. The Planning Commission may require an opaque fence or wall and/or an evergreen landscape buffer not less than 6 feet in height at the time of planting to screen any vehicles from neighboring uses or adjacent rights-of-way.
- K. The view of all restroom doors shall be shielded from adjacent roads and residential districts.
- L. Any wrecked vehicles stored outside shall be stored within or upon containment equipment intended to capture any fluids that may leak from the motor vehicles.

- M. All floor drains shall be connected to a public sanitary sewer system, subject to appropriate approvals.
- N. All gasoline pumps shall be located not less than 15 feet from any lot line or within 30 feet from the street right-of-way and shall be arranged so that vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
- O. All flammable liquids, solvents, cleaners, and other hazardous substances shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- P. No public address system shall be audible from any abutting residential lot.
- Q. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained.
- R. The premises shall not be used for the sale or rental of vehicles unless approved for such use as part of the special land use review.
- S. A vehicle service and repair facility with any portion of the site used for vehicle sales shall also comply with the special land use standards for a vehicle sales facility set forth in Section 1103.03.

Section 10.03.07 – Battery Energy Storage Facilities (BESS)

Principal Use

- A. Principal use BESS facilities, which due to their nameplate energy capacity, that are less than 50MW, as defined, are not subject to the statutory requirements of the Michigan Clean Energy Siting Act, as amended (Act 233 of 2023). Therefore, all principal use BESS shall meet all applicable requirements of the South Haven Township Zoning Ordinance and the following:
 - 1. Principal use BESS facilities are subject to all applicable submittal items, standards, and procedures of Article 11 – Site Plan Review of this Zoning Ordinance.
 - 2. In addition to the items referenced in provision (1) of this Section, principal use BESS facilities shall comply with the following site plan and use standards:
 - a. Site Plan and Other Applicable Plans and Documents.

- b. A narrative describing the project in detail, all parcel(s) within the BESS, name, address, and contact information for the proposed installer and the owner/and or operator of the BESS.
- c. The location and dimension (including footprint and height) of all BESS components proposed for the final stage of installation, accounting for any future augmentation, if applicable, all enclosures or dedicated use buildings, ancillary structures and electrical equipment, buried or above ground wiring, utility connections, and any temporary or permanent access drives.
- d. The location of any existing structures on the participating parcel(s).
- e. The location of existing residential dwellings on non-participating parcels within one thousand (1,000) feet of the property line.
- f. All participating and non-participating lot lines, identifying them accordingly.
- g. Setback dimensions.
- h. The location of perimeter or any other fencing and a detail of the fence construction, height, and material.
- i. Any proposed screening/landscaping (including the natural or cultivated variety and scientific name (genus and species)).
- j. Any proposed signage and its location(s)
- k. A photometric plan with details of each type of lighting on site and evidence that all lighting is dark-sky compliant and meets the illumination temperature standards of this Ordinance.
- l. Excavation and grading plan(s) showing existing conditions and proposed clearing/excavation required for the operation of the system.
- m. A stormwater management plan shall be submitted for the design of the stormwater management system meeting the minimum standards of the Township and Van Buren County. A complete set of stormwater calculations shall be supplied

and approved by the Township Engineer before the Planning Commission may approve the site plan.

- n. A sound modeling study including sound isolines extending from the sound source(s) to all surrounding property lines and dwellings on non-participating parcels within one thousand (1,000) feet of the site's property lines.
- o. An augmentation plan, if applicable, demonstrating through description and annotated site plan the anticipated augmentation phases, including which structures or components are expected to be installed and in which time frames.
- p. A preliminary equipment specifications sheet is required at the time of submittal documenting the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A final equipment specifications sheet shall be submitted as a component of the Post Construction Report.
- q. Contact information shall be supplied listing the name, address, and contact information of the proposed or potential system installer and the owner/operator of the BESS. Information of the final system installer shall be submitted as part of the Post Construction Report.
- r. A system maintenance plan shall be provided at the time of application detailing maintenance schedules covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for the installation of Stationary Energy Storage Systems.
- s. Emergency Response Plan. An Emergency Response Plan developed in consultation with the South Haven Area Emergency Services (SHAES) shall be submitted and include the following:
 - i. An identification of contingencies that would constitute a safety or security emergency.
 - ii. Emergency response measures, evacuation control measures, and community notification measures by contingency.

- iii. An identification of potential approach and departure routes to and from the facility for police, fire, ambulance, and other emergency services.
 - iv. A commitment to review and update the Emergency Response Plan with SHAES at least once every five (5) years.
 - v. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency services response capacity.
 - vi. Any other information the applicant or SHAES finds relevant and beneficial to planning or implementing the Emergency Response Plan.
- t. Fire Response Plan. A Fire Response Plan developed in consultation with the South Haven Area Emergency Services (SHAES) shall be submitted and include the following:
 - i. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - ii. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
 - iii. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with SHAES before commencing operations, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize SHAES with the project, hazards, procedures, and current best practices.
 - iv. A commitment to review and update the Fire Response Plan with SHAES and county emergency managers at least once every five (5) years.
 - v. An analysis of whether the plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific

- equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate said deficiencies.
- vi. Any other information the applicant or SHAES finds relevant and beneficial to planning or implementing the Fire Response Plan.
 - vii. A copy of the Emergency and Fire Response Plans shall be maintained at a location on-site to all facility personnel, SHAES, and other emergency first responders, which is located in a secure but accessible location on the perimeter fencing to these emergency service providers.
- u. Setbacks. Setback distances shall be measured from the nearest edge of the perimeter fencing.
- i. 300 feet from any community buildings and occupied dwellings on a non-participating property.
 - ii. 50 feet from the nearest edge of road right of way.
 - iii. 50 feet from any nonparticipating property line.
 - iv. Principal use BESS facilities are not subject to shared property line setbacks when two or more participating parcels share common lot lines, with the exception of right of way line setbacks in which the right of way setback shall apply.
- v. System Certification.
- i. All principal use BESS shall be in compliance with the latest edition of the National Fire Protection Association (NFPA) 855 Standard for the installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Facility to the Underwriters Laboratory (UL) 9540 (Standard for Energy Storage Systems and Equipment) and that principal use BESS are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable.

- ii. All application plans and materials shall be submitted to and approved by South Haven Area Emergency Services (SHAES) prior to a Planning Commission approval. The applicant is responsible for supplying evidence of the evaluation, any recommendations or conditions, and the appropriate permits required by SHAES at the time of the site plan review application submission.
- w. Noise.
 - i. Principal use BESS facilities shall maintain a sustained average sound pressure level of no greater than fifty-five decibels (55 dB) measured in dBA (Leq (1-hour)) or the existing ambient noise level, whichever is greater, measured at the nearest property line of an adjoining non-participating parcel. Decibel modeling shall always use the A-weighted scale as designed by the American National Standards Institute (ANSI).
 - ii. The construction, decommissioning, or any other operation of a principal use BESS facility shall conform with the South Haven Charter Township Anti-Noise Ordinance (Ord. No. 74) as applicable.
- x. Lighting.
 - i. All principal use BESS shall conform with the outdoor lighting standards of Section 12.03 – Outdoor Lighting and are required to implement dark sky friendly solutions that are designed to minimize the amount of light that escapes upward into the sky. Outdoor lighting shall maintain a color temperature of no greater than 3,000 Kelvin (K).
- y. Fencing.
 - i. Fencing shall be installed per the requirements of any regulating authority such as the North American Electric Reliability Corporation (NERC), National Electric Safety Code (NESC), Cybersecurity and Infrastructure Security Act (CISA), National Fire Protection Association (NFPA), Occupational Safety and Health Administration (OSHA), or any other

federal or state agency. Perimeter fencing for BESS shall not be subject to the fencing provisions outline in this Ordinance (Section 13.13).

- z. Screening and Landscaping.
 - i. Principal use BESS shall be subject to the screening or landscaping provisions outlined in Article 11 – Site Development Standards of this Zoning Ordinance. Any screening or landscaping shall be placed outside of the perimeter fencing. The Planning Commission has the authority to alter or eliminate any screening or landscaping requirement for the application due to any exiting neighborhood or natural site features provided that any such adjustment is in keeping with the intent of this Zoning Ordinance and is recorded in the approval conditions and kept on file at Township Hall.
- aa. Lot Size and Lot Coverage.
 - i. All principal use BESS facilities are not subject to the minimum lot size and maximum lot coverage standards of the underlying zoning district(s).
- bb. Access Drives.
 - i. Access drives shall receive a driveway permit from the Van Buren County Road Commission and designed in accordance with the Township and County driveway standards. The driveway shall be designed in consultation with SHAES for fire access safety purposes and shall be maintained to enable year-round emergency vehicle access.
- cc. Stormwater Management.
 - i. The entire site upon which the principal use BESS facility is located shall comply with the stormwater requirements as outlined by Van Buren County and this Zoning Ordinance. Stormwater management structures shall be designed based on the final footprint of the BESS project, accounting for any planned augmentation, such as a phased development, if applicable.

- ii. For a BESS that is located in a wellhead protection area (WHPA) and/or the proposed Fire Response Plan requires liquids for firefighting, then the stormwater management system must include a containment system within ten (10) feet of any principal use BESS facility enclosure, designed so as to retain any run-off on site in case of emergency release of liquids with the use of water retention liners or similar impervious materials.
- dd. Height.
 - i. Any dedicated-use building shall be a single story subject to the height restrictions of the underlying zoning district(s), but not to exceed twenty-five (25) feet.
 - ii. The total height of a principal use BESS enclosure fifteen (15) feet, including any roof-mounted mechanical equipment (e.g., cooling systems), shall not exceed fifteen (15) feet. Other required equipment (e.g., poles, substations, towers, etc.) is exempted from the height requirements if alternative design options are not feasible.
- ee. Wiring.
 - i. All on-site utility lines shall be placed underground to the extent feasible, with the exception of the main service connection at the utility company right of way and any new interconnection equipment, including without limitation, any poles, with new easements and rights of way.
- ff. Repair, Augmentation, and Repowering.
 - i. In addition to repairing or replacing BESS components to maintain the system, a principal use BESS may at any time be augmented or repowered without the need to submit a new site plan so long as the augmentation or repowered facility is within the same footprint (e.g., the same dedicated use building or on footings/foundations in the same location) as the original footprint and there is no significant change in the battery chemistry (e.g., a change from one

lithium-ion battery type, such as Lithium Iron Phosphate, to another, such as Nickel Manganese Cobalt). When a principal use BESS is anticipated to be augmented, the applicant shall submit an Augmentation Plan as part of the original site plan application.

- ii. Any proposal to change the project footprint or any significant change in battery chemistry shall be considered a major change and require a new application, subject to the standards of this Ordinance at the time of request.

gg. Decommissioning and Financial Security.

- i. A Decommissioning Plan is required for any principal use BESS facility at the time of application.
- ii. The Decommissioning Plan shall include the requirements for Decommissioning Plans outlined in the NFPA 855 Standard for the installation of Stationary Energy Storage Systems.
- iii. A principal use BESS owner/operator may at any time amend the Decommissioning Plan with Township Board approval and proceed according to the revised plan after prior notification and approval from SHAES.
- iv. A principal use BESS that has not stored electrical energy for more than twelve (12) consecutive months shall prompt an abandonment hearing.
Decommissioning a principal use BESS, in accordance with an approved Decommissioning Plan, must be completed within twelve (12) months after abandonment.
- v. The applicant shall provide to the Township a form of monetary surety or security through an escrow account, letter of credit, bond, or another instrument acceptable to the Township Attorney. The purpose of the surety is to cover the costs of removal of the principal use BESS facility in the event the owner/operator does not fully remove the BESS and associated components. The amount of financial surety or security shall not exceed one hundred

twenty five percent (125%) of all cost of removal and compliance with the additional requirements set forth herein.

- vi. The estimated costs of removal shall be submitted by the applicant to the Township and be prepared by a mutually agreed upon third-party qualified and licensed engineer with expertise in decommissioning, hired by the BESS owner/operator. The surety or security shall be subject to review by the Planning Commission and the Township Attorney and shall be a condition of site plan approval. The amount of surety or security shall increase by the Federal Consumer Price Index (CPI) every five (5) years and shall remain in place for the length of the lease/contracts and until decommissioning is complete to the satisfaction of the Township. If the Township is required to enforce the guarantee or otherwise take legal action to enforce compliance with this paragraph, the Township shall be entitled to recovery of any and all costs and expenses, including attorney fees.
- vii. If the BESS facility owner/operator fails to complete decommissioning within the time period prescribed in item (iii) above, including any extensions, the Township may designate a contractor to complete decommissioning with the expense thereof to be charged against the decommissioning surety or security bond guarantee.
- viii. A condition of the Surety Bond shall be a notification by the surety company to the Township thirty (30) days prior to its expiration or termination.
- ix. Failure to keep the Surety Bond in full force and effect while the principal use BESS facility is in place shall constitute a violation of the approval. If a lapse of the Surety Bond occurs, the Township may act up to and including requiring cessation of operation of the BESS until the Surety Bond is restored.

- x. The surety company shall pay over to the Township the decommissioning funds when the Township has demonstrated that decommissioning has not been satisfactorily completed as required herein.
 - xi. The Surety Bond shall be terminated when the owner/operator(s) have demonstrated, and the Township concurs that decommissioning has been satisfactorily completed in accordance with the plan submitted as specified above.
- hh. Decommissioning Plan. The Decommissioning Plan shall, in addition to all requirements outlined in the NFPA 855 Standard for the installation of Stationary Energy Storage Systems include:
 - i. A narrative description of the activities to be accomplished for removing the principal use BESS from service, including who will perform the activity and at what point in time, for complete physical removal of all BESS components, structures, equipment, security barriers, and transmission lines from the site. The description shall also include any hazardous material use and removal from the site based upon what is known at the time the application is filed.
 - ii. A description of which above-grade and below-grade improvements will be removed, retained, or restored for viable use of the property consistent with the zoning district.
 - iii. A listing of any contingencies for removing an intact operational BESS, and for removing a BESS that has been damaged by a fire or other event.
 - iv. The projected decommissioning costs for the BESS removal and site restoration, not including salvage value, and how said estimate was determined by a mutually agreed upon third party with experience in decommissioning BESS, and hired by the applicant.
 - v. The method for ensuring that funds totaling no greater than one hundred twenty five percent (125%) of projected costs will be available for site

decommissioning and restoration per items (a)iv and (a)v above.

- vi. The method by which the decommissioning cost will be kept current, including the case of a change of ownership or operational authority.
- vii. Post-Approval Documentation , Post Construction Reporting and Sound Survey.
- viii. Any zoning permit issued for a principal use battery energy storage system (BESS) shall be conditioned upon the submission of the following documents and reports:
- ix. Pre-Construction Documents. Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with the National Fire Protection Association's (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems and developed in consultation with SHAES. These shall be submitted to the SHAES and the Township Zoning Administrator. Copies of all pre-construction documents shall be maintained at an approved on-site location accessible to facility personnel, SHAES, and other emergency responders.
- x. A final equipment specifications sheet documenting the final battery energy storage system components, inverters, and associated electrical system.
- xi. Contact information including the name, address, and the process of contacting the system installer and the owner and/or operator of the BESS.
- xii. Any amended Emergency or Fire Response Plans such as changes to the design, type, manufacturer, etc. of the BESS facility or equipment after site plan approval must be analyzed to determine if changes are necessary are necessary to the Emergency or Fire Response Plans. Additional consultation with SHAES is required for any amended plans.

- xiii. A commissioning plan as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.
 - xiv. Hazard Mitigation Analysis (HMA) as outlined by the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.
 - xv. Post-Construction Reporting. Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems and developed in consultation with SHAES. These shall be submitted to SHAES and the Township Zoning Administrator prior to the final inspection and approval by the Township Building Inspector. Copies of all post-construction reporting shall be maintained at an approved on-site location accessible to facility personnel, SHAES, and other emergency responders.
- ii. Any amendments or updates to pre-construction documents.
 - i. Commissioning Report as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.
 - ii. Emergency Operations Plan as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems. This emergency operations plan shall be required for all applications, including applications for any facilities under the executive control of electric utilities, notwithstanding any potential exemptions of this requirement by the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.

Section 10.03.08 – Child Care Homes, Group

- A. An outdoor recreation area shall be provided in accordance with the requirements of the State of Michigan shall be enclosed with fencing having a minimum height of four feet. Such areas shall be located in the rear yard.

- B. Off-street parking shall be provided for family members and employees of the facility. Client pick-up and drop-off areas shall be located in such a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
- C. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- D. The facility shall comply with all applicable state licensing requirements.

Section 10.03.09 – Bed and Breakfast Establishments

- A. The operator of the bed and breakfast establishment shall occupy the dwelling as their principal residence.
- B. The applicant shall provide a scaled floor plan of the premise as part of the special use application.
- C. The primary use of a bed and breakfast must be as a residence for the owner or manager, who operates and occupies said structure. The bed and breakfast establishment may have up to 6 bedrooms used for transient guests for compensation. The exterior appearance of the bed and breakfast shall be maintained in a residential character.
- D. 1 parking space per room to be rented shall be provided on-site, in addition to the parking required for a single-family dwelling. Parking shall not negatively impact adjacent properties or require on-street parking.
- E. Meals may be served only to the operator's family, employees, and overnight guests.
- F. Any accessory use(s) must comply with the zoning district in which the property is located.
- G. Guest stays shall not exceed 100 days in any 120-day continuous interval.
- H. A fire escape plan shall be developed and graphically displayed in each guest room. A minimum of 1 fire extinguisher, in proper working order, shall be located on each floor. The establishment shall have at least two exits to the outdoors. No guest room shall be located in a basement.
- I. The establishment shall contain at least two exits to the outdoors. No guest room shall be located in a basement or cellar.
- J. The rental sleeping rooms shall have a minimum size of 100 square feet for each 2 occupants, excluding bathrooms, with an additional 30 square feet for each occupant, to a maximum of 4 occupants per room.
- K. Each sleeping room shall be equipped with a smoke detector.

- L. No receptions, private parties, or activities for which a fee is paid shall be permitted except for those which involve only registered guests.
- M. Lavatories and bathing facilities shall be available to all persons using the premises.
- N. No separate or additional kitchen facilities shall be provided for the guests.
- O. Retail sales are not permitted beyond those activities serving the registered overnight patrons.
- P. The driveway and parking areas shall be paved.

Section 10.03.10 – Biofuel Production Facilities

In addition to the requirements for a Special Land Use as set forth in Article 10 herein a biofuel production facility is subject to the following:

- A. The application materials shall include a description of the process to be used to produce biofuel and the number of gallons of biofuel anticipated to be produced annually.
- B. An emergency access and fire protection plan shall be prepared by the applicant for approval by South Haven Area Emergency Services.
- C. For an ethanol production facility that will produce more than 10,000 proof gallons, annually 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 33USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
- D. A Special Land Use approval of a biofuel production facility shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - 1. Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable laws of South Haven Charter Township, the State of Michigan and the federal government.
 - 2. The owner or operator of the biofuel production facility provides the local unit of government 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:

- a. Air pollution emissions.
 - b. Transportation of biofuel or additional products resulting from biofuel production.
 - c. Use or reuse of additional products resulting from biofuel production.
 - d. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- E. The biofuel production facility includes sufficient storage for both raw materials and fuel.

Section 10.03.11 – Campgrounds

- A. The application for a recreational camp shall include a clear definition of the sponsoring agency or organization, if applicable, including names of owners/operators and/or officers of the camp. Any affiliation with regional or national organizations shall be disclosed.
- B. The applicant shall provide a detailed description of the proposed camping program to be carried out at the facility. Such description shall include the times of the year when the camp is proposed to be occupied, the nature of any instruction or educational program that may be provided, the numbers, ages, and gender of campers to be accommodated, the ratio of camp staff to campers, and other information which the Township determines is necessary to provide a complete presentation of the proposed facility.
- C. Campsites shall not be located within 100 feet of any property line.
- D. Commercial campsites shall be subject to the following requirements:
 - 1. Each campsite shall have a minimum area of 1,500 square feet.
 - 2. A common area shall be provided at the ratio of 1,000 square feet for each campsite.
 - 3. Driveways and parking areas shall be at least 50 feet from any adjacent property line.
 - 4. The applicant shall provide a detailed plan for refuse disposal, restrooms, potable water, and similar facilities.

5. The applicant shall secure all necessary permits from township, county, state, and federal authorities.

Section 10.03.12 – Reserved

Section 10.03.13 – Convalescent Homes (Nursing Homes)

- A. The minimum lot size shall be 3 acres.
- B. The main and accessory buildings shall be set back at least 75 feet from all property lines.
- C. The facility shall be designed to provide a minimum of 500 square feet of open space for every bed used or intended to be used. This open space shall include landscaping but may not include off-street parking, driveways, required yard setbacks, and accessory use areas.

Section 10.03.14 – Data Centers

- A. General Provisions.
 1. Data Centers are allowed in the Township only as a special land use in the I – Industrial Zoning District
 2. Data Centers shall not be located in any portion of the Shoreline Protection Overlay District, Residential Districts, or the Airport Overlay District, or any Wellhead Protection Area identified on the South Haven Charter Township Zoning Map and described by EGLE.
- B. Application Requirements. In addition to the site plan submittal requirements of Chapter 11 and the special land use requirements of Chapter 10 of this Ordinance, an applicant for special land use approval of a Data Center must provide the Township with all of the following:
 1. Documentation establishing the ownership of each subject parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
 2. An operations plan setting forth the parameters of the operation, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
 3. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road

rights-of-way. The site plan must be drawn to scale and must indicate how the Data Center will be connected to the power grid. (include specification of all equipment and specification of maximum building size and maximum number of buildings)

4. A written plan for maintaining the Data Center buildings, facilities and site in good condition and repair at all times, which is subject to the Township's review and approval.
5. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Data Center, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Data Center (and its buildings and facilities) and restore the subject parcel(s), which is subject to the Township's review and approval.
6. A plan for resolving complaints from the public or other area property owners concerning the construction and operation of Data Center, which is subject to the Township's review and approval.
7. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
8. A fire protection plan, which identifies the fire and emergency rescue risks associated with the Data Center; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires reigniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions, which is subject to the Township's review and approval.
9. A transportation plan for construction and operation phases, including any applicable agreements with the Van Buren County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
10. An agreement that the applicant will indemnify, reimburse and hold harmless the Township (and also the Township's officials, officers, employees and agents) for, from and against any costs or liability arising from the approval, installation, construction, maintenance,

use, repair, or removal of the Data Center, which is subject to the Township's review and approval.

11. Supporting documentation identifying how proposed operations and facility design are utilizing current best practices to reduce impact on the environment, local community, and improve sustainability which is subject to the Township's review and approval.
12. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application, which is subject to the Township's review and approval.
13. Environmental Impacts. Prior to the commencement of the special land use hearing, the applicant shall provide an environmental and community impact analysis and report to the Township. The environmental and community impact analysis (which is subject to the Township's review and approval) shall include all of the following:
 - a. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
 - b. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waterbodies and cultural and historic resources on the property and within five hundred (500) feet of the boundaries of the property.
 - c. Evidence that the disposal of any materials will be accomplished in a manner that complies with state and federal regulations.
 - d. Other Impacts. The applicant shall also provide an evaluation of the potential impacts of the proposed use

which is subject to the Township's review and approval, both positive and negative, upon:

- i. Emergency service, rescue and fire protection.
- ii. Water supply.
- iii. Sewage disposal.
- iv. Solid waste disposal.
- v. School facilities and school district budget.
- vi. Municipal revenues and expenses.
- vii. Threatened and endangered species habitat.
- viii. Electrical grid.
- ix. Thermal and heat dissipation.
- x. Loss of wildlife habitat and greenspace.

14. Water conservation. Information regarding the use of water recycling/closed loop cooling systems for operations, including most recent applications and best practices which is subject to the Township's review and approval.

15. Power. The applicant shall provide written verification from the applicable energy service provider that states and verifies all of the following:

- a. There is adequate capacity available on the applicable supply lines and substation for the Data Center use and to ensure that there is sufficient capacity available to serve the needs of other customers within the service area, consistent with the normal projected load growth envisioned by the provisioner.
- b. The utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed Data Center use during the power provider's peak consumption hours and at all other times.
- c. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding area.

- d. The use will not cause electrical interference or fluctuations in the line voltage on and off the operating premises.

- 16. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

C. System and Location Requirements.

1. Equipment.

- a. All equipment used for any Data Center must conform to the fire protection and suppression standards of current NFPA 75 as relating to Data Centers.
- b. The Data Center and all of its on-site facilities shall only use the off-site power/electricity grid and supply system (with electricity supplied by a state regulated utility), and no electricity or energy generators shall be utilized on the property where the Data Center is located (or within two miles of the Data Center property for energy/electricity use on the Data Center property unless the off-site generators are owned and operated by a public utility regulated by the State of Michigan), unless otherwise specified below. A generator or generators may be used on the property where the Data Center is located (or within 2 miles thereof unless as otherwise specified above) only in the following situations:
 - i. Ancillary generation.
 - 1) The use of secondary generators on site that are not utilized to power the data generating operations of the Data Center, but only ancillary functions such as heat, water circulation, and lighting, if approved by the Township.
 - 2) The ancillary generator or generators are used only in emergency situations when the power/electricity is temporarily not being supplied to the Data Center property by a utility regulated by the State of Michigan due to storm, fire or other weather related, or other calamity. Such generator(s) shall only use natural gas and fuel cells for electrical

generation. Diesel fuel and other forms of backup power generation shall not be permitted.

- 3) The determination of whether there is an emergency such that otherwise prohibited generators can be utilized on site shall be made by the Township Zoning Administrator. In no event shall noise from any generator or generators exceed 55 dBA Lmax at the property lines of the Data Center property. In no event shall turbines or jet engines on the Data Center property be used to generate electricity or power for or on the Data Center property or on or from a property within two miles thereof. While a generator or generators are being utilized on the Data Center property as allowed above, extra electricity or power generated therefrom can be sold or transferred back into the electric power grid for use off site by a state regulated utility, but only if such application is approved by the Zoning Administrator for the particular situation involved.
- 4) Testing of generation equipment shall only occur between 9:00 a.m. and 5:00 p.m. Monday through Friday.

2. Primary generation.

- a. It is understood that advancements in electricity generation technology are occurring and that new generation technologies may have a reduced impact on the Township and surrounding land uses. At the Planning Commission's discretion, primary on-site electricity generation for a Data Center, which is otherwise prohibited, may be considered under the following circumstances:
 - i. The applicant has proposed utilizing new electricity generating technology and provided the Planning Commission with sufficient information and evidence that the electricity generation will have little or no

- impact on the Township and surrounding land uses, and will not create a hazard to human health.
 - ii. Such new electricity generating technology shall not create noise that exceeds 55 dBA Lmax at the property lines of the Data Center property.
 - iii. Such new electricity generating technology shall not create smoke or vibration at the property lines of the Data Center property.
 - iv. Such new electricity generating technology shall not utilize turbines or jet engines on the Data Center property or on or from a property within two miles thereof.
3. Structures. All principal and accessory structures used for Data Centers shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. Total building footprint of principal and accessory buildings and structures shall not exceed 200,000 square feet. If prefabricated, pre-engineered, or modular structures are installed, the following standards are required:
- a. All structures shall have concrete foundations.
 - b. All exterior facades shall have muted earth tone colors that will blend the facility into the natural setting and existing environment, and shall not be defective, decayed or corroded.
 - c. If intermodal shipping containers are utilized, such installation shall comply with current National Electrical Code standards.
4. Setbacks.
- a. All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least five-hundred (500) feet from all property lines. Required setback areas shall be left in their natural state insofar as feasible.
 - b. Parking lots for Data Centers shall be set back at least fifty (50) feet from public road rights-of-way and all property lines.
5. Outdoor storage. Outdoor storage of materials, equipment, and supplies is prohibited.

- D. Screening/Buffering. All Data Center operations shall provide buffer yards and screening along all property boundary lines, except for areas of ingress and egress into the site.
1. Service Areas. Loading bays, refuse collection areas, and service entrances shall be screened from view from existing or planned public roads and residential zoning districts. Screening may include year-round landscaping or a screen wall of an appropriate height to mitigate visual impacts as determined by a line-of-sight study submitted by the applicant.
 2. Mechanical/Electrical Equipment Screening.
 - a. Ground-Mounted
 - i. Ground-mounted equipment adjacent to and serving the Data Center principal building(s) shall be completely screened behind an opaque wall or fence. When the equipment is located between buildings, a combination of walls and gates may be used at the openings between buildings.
 - ii. When in or adjacent to an industrial use or zoning district, ground-mounted equipment screening is only required from any existing or planned public road.
 - iii. Ground-mounted equipment is prohibited in any required setback.
 - b. Rooftop
 - i. All rooftop-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center Principal Building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet. Rooftop equipment to be screened includes, but is not limited to, the following: cooling, ventilation, and power supply machinery.

- ii. Rooftop equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.
- iii. Rooftop equipment may exceed the applicable maximum district building height when completely screened pursuant to this ordinance; however, at no point shall rooftop equipment exceed forty (40) feet in height above the immediate surrounding grade.
- iv. Rooftop equipment may occupy up to a maximum of 50% of the roof area when screened per this ordinance and, when combined with the height of the Data Center building, does not exceed the maximum building height requirement.

3. Buffering.

- a. Data Center sites shall be buffered subject to the following requirements:
 - i. Data Center sites abutting residential zoning districts or collector/arterial roads must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 3:1. The minimum height of the berm shall be ten (10) feet.
 - ii. A minimum 50-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 1,000 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.
 - iii. A minimum 30-foot buffer yard shall be provided along all other property lines.
- b. Utilities should be located outside of buffer yards to the maximum extent feasible to maintain a cohesive buffer yard, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer yard, particularly when such crossings cannot be avoided.

- c. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings, if approved by the Planning Commission.
- d. Buffer yards along roadways shall be measured from the street right-of-way line.
- e. Where a lot line drainage or utility easement is required, the buffer yard shall be measured from the inside edge of the easement.
- f. Buffer yards shall not include environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be required by government agencies.
- g. The buffer yard shall include a dense landscape buffer consisting of the following:
 - i. One (1) large evergreen tree per twenty-five (25) linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.
 - ii. One (1) canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.
 - iii. One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.
 - iv. Five (5) shrubs per 25 linear feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.
 - 1) The landscape buffer shall be located along the outer edge of the buffer yard.

- h. Plant material within buffer plantings shall meet the following requirements:
 - i. Be resistant to exhaust.
 - ii. Not identified on the most current MDNR invasive species or watch lists.
 - iii. Be hardy within USDA hardiness Zones 5a & 5b.
 - iv. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
 - v. Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.
 - vi. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.
 - vii. The plantings shall be arranged to provide a complete visual screen of the property at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years.
 - 1) The buffer yard may be located within the required building setback lines. No impervious surface is permitted within the buffer yard aside from access drives, sidewalks, and associated improvements.
 - 2) Native plants shall be used.
 - 3) Applicant shall maintain the buffering throughout the life of the project and replace plants where and when needed.
- E. Security Fencing. Security fencing must be installed and maintained around all electrical equipment related to the Data Center. Such fencing must be a minimum of seven (7) feet tall and must use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- F. Noise, Smoke and Vibration.
 - 1. The noise generated by the Data Center must not exceed 45 dBA Lmax, as measured at the property line of any Data Center parcel. Monitoring must be reviewed by a certified sound professional

including buffering with equipment specifications. Sound modeling must also be reviewed at bi-annually and any defaults must be remedied within 30 days.

In the event that there is an audible noise due to the operation of a Data Center or digital mining use at adjacent property line(s), which contains a steady pure tone such as a whine, screech or hum, the maximum noise levels permitted for that Data Center or digital mining use shall be reduced by five (5) dB from the maximum noise levels referenced above.

2. No vibration produced by the Data Center shall be detectible by persons beyond the property lines of the Data Center parcel involved.
 3. No smoke, fumes or similar element attributable to the Data Center shall be visible or detectible by human senses beyond the boundary lines of the Data Center parcel.
- G. Lighting. All lighting shall be dark sky compliant and shall illuminate only areas approved for illumination by the Planning Commission. No detectable light from parking lot or building fixtures shall be present at any property boundary.
- H. Water. The Data Center shall utilize a closed-loop, dry cooling, or other resource-conserving form of cooling system that results in near-zero wastewater discharge for heat exchange in all equipment. For the purposes of this Section, closed-loop shall mean a system where water or coolant is recirculated in a sealed system to remove heat without evaporation. The Planning Commission shall review and approve of any proposed cooling system and the owner and/or operator shall submit testing and review by independent or third-party documentation of the system annually for review by the Planning Commission. The Township shall be notified of any faults or failures in the system within twenty-four (24) hours and all repairs shall be completed within thirty (30) days. Should an exceptional discharge of water be necessary at any time, the owner/operator shall obtain all necessary discharge permits and approvals from local, state, or federal agencies. Such discharge approvals shall be provided to the Township prior to the discharge of any water.
1. Signage. The Data Center shall provide a 24-hour emergency contact sign visible at all access entrances. Signs shall include the company name if applicable, owner/representative name,

telephone number, and corresponding local power company and telephone number.

2. Underground Transmission. All power transmission or other lines, wires, or conduits from the Data Center to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
3. Fire Protection.
 - a. Before any construction of the Data Center begins, SHAES will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Data Center must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
 - b. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
 - c. The Data Center must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
 - d. The Data Center must contain an internal fire suppression system that shall be reviewed and approved by the fire chief.

- e. The applicant must provide SHAES and all of its contractors with the appropriate information, equipment and training to address fires at the Data Center.
- 4. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence to be updated annually with inflation (based on the federal CPI) and reviewed and adjusted by the Township for adequacy every 5 years. The Township shall be listed as an additional insured on the insurance policy at all times.
- 5. Permits. All required county, state, and federal permits must be obtained before the Data Center begins operating. A building permit is required for construction of a Data Center regardless of whether the applicant or operator is otherwise exempt under state law.
- 6. Decommissioning. If a Data Center is abandoned or otherwise nonoperational or dormant for a period of one year or longer, the property owner or the operator must notify the Township and, in the case of abandonment, must remove the system (as well as all buildings, structures and facilities) within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Data Center that is never fully completed or operational if construction has been halted for a period of one (1) year.
- 7. Any buildings, structures, parking areas and grounds of a dormant or non-operating Data Center facility (or for what was formerly a Data Center facility) shall be kept in good maintenance, condition and repair at all times. Such duty also includes all landscaping, lawns, foliage and similar items and conditions on the property involved.
- 8. If a Data Center facility is dormant and the building(s) are not utilized extensively for another use allowed under the Zoning Ordinance for 3 years or longer of dormancy, then the Township can require that some or all of the buildings be removed (and all demolition materials be lawfully disposed of off-site) by the owner of the property.

9. Financial Security. To ensure the proper decommissioning of the Data Center upon abandonment or dormancy, the applicant must post financial security with the Township in the form of a security bond, irrevocable letter of credit or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, demolition and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within thirty (30) days after approval of the special land use application. The financial security must be approved by the Township as to type, wording, amount and the financial institution involved, and must be irrevocable for at least 30 years.
10. Extraordinary Incidents and Events. If the Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, then the applicant or operator must notify the Township within 24 hours. Applicable emergency services shall be notified immediately.
11. Annual Report. The applicant or operator must submit a report to the Township on or before January 1 of each year that includes all of the following:
 - a. Current proof of insurance.
 - b. Verification of financial security.
 - c. A summary of all complaints, complaint resolutions, building safety issues, on-site injuries, and extraordinary incidents or events.
 - d. Sound testing, water loop testing, updated fire and safety plan and other relevant documentation.
 - e. Environmental testing, should the facility be located on or adjacent to any contaminated site or grounds.
12. Inspections. The Township may inspect the Data Center at any time by providing 24-hour advance notice to the applicant or operator.
13. Transferability. A special land use permit for a Data Center is transferable to a new owner. The new owner must register their name and business address with the Township and must comply with this Ordinance and all approvals and conditions imposed by the Township.

14. Nuisance Prohibited. The Data Center or digital mining use shall be designed, maintained, constructed and operated at all times in a manner that does not create a nuisance by reason of heat, glare, fumes, dust, noise, vibration or odor beyond the property on which the Data Center is located.
15. Modular Data Centers Prohibited. Pre-fabricated or “modular” Data Centers and shipping containers and similar prefab structures are prohibited. All Data Center uses shall be within site-built buildings.
16. Compliance with all Other Laws. The design, construction, maintenance, operation, use and decommissioning of a Data Center shall comply with all other applicable local, state or federal laws or regulations, including, but not limited to, laws or regulations regarding the environment, pollution, and mitigation of potential impacts on threatened or endangered species.
17. Remedies. If an applicant or operator fails to comply with this Ordinance or the special use approval, then the Township may pursue any remedy or enforcement procedure available, including, but not limited to, the required closure or removal of any Data Center pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and the Township may recover any and all costs, including the Township’s actual attorney fees and costs.
18. Standards. In addition to the site plan standards of Article 11 of this Ordinance and the special land use standards found in Article 10 of this Ordinance, no Data Center special land use request shall be approved by the Planning Commission unless it also finds that the proposed Data Center will meet all of the following additional standards:
 - i. The use will not adversely affect area water supplies or aquifers.
 - ii. The use will not adversely affect area electricity reliability or access.
 - iii. The use will not adversely affect area property values.
 - iv. The use will be reasonable.
 - v. The use will not adversely affect the health, safety, and general welfare of the community.

Section 10.03.15 – Drive-through Businesses

- A. A minimum of five (5) stacking spaces shall be provided. Stacking spaces shall be arranged to not interfere with pedestrian or vehicular circulation on the site and obstruct adjacent properties or extend into any street right of way.
- B. Minimum lot area shall be one (1) acre (43,560 sq. ft.).
- C. The minimum lot width shall be 100 feet.
- D. The site shall have at least 1 frontage on a major thoroughfare.
- E. Drive-through speaker boxes shall be arranged and directed to prevent sound from being audible beyond the boundaries of the site.
- F. There shall be at least two (2) temporary vehicle waiting spaces after the delivery window.

Section 10.03.16 – Dwellings, Multiple-Family

- A. Scaled elevation drawings depicting architectural features shall be provided. In an area of predominately single-family homes, a multi-family dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the multi-family dwelling is consistent with the aesthetic character of existing buildings.
- B. Dwelling unit density for multiple-family dwellings shall not exceed twelve units per acre.
- C. A garage serving a multi-family dwelling shall be either (1) recessed, or (2) placed to the rear of the dwelling with side or rear entry.
- D. A minimum separation distance of 15 feet shall be provided between buildings located on the same lot if they are not attached by a common wall.
- E. There shall be a 20-foot setback from structures to any property line adjacent to a single-family residential use or district. There shall be a 5-foot setback from any paved surface to a property line.
- F. There shall be provided easily-accessible and useable open space in the development in an amount of 10% of the site area or 2,000 square feet per each 4 dwelling units, whichever is greater.
- G. Only the following accessory uses shall be permitted: 1 office space not exceeding 1,000 square feet for conducting the business of the

development, Utility, laundry, and indoor or outdoor recreation areas for tenants, and garages/carports for tenants.

Section 10.03.17 – Educational Facilities

- A. The minimum lot area shall be 40,000 square feet.
- B. Not more than 60% of the lot shall be covered by impervious surfaces.
- C. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
- D. No parking shall be allowed within 50 feet of the front lot line, and the principal building shall be at set back least 75 feet from any lot line or right-of-way.
- E. If proposed, all outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence 6 feet in height, or 4 feet in height if adjoining a right-of-way. Provided, however, the planning commission may permit a wrought iron fence up to 6 feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
- F. All required state and local licenses, charters, permits, and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
- G. Off-street parking and circulation areas shall be arranged so that areas for bus loading and unloading of students will not be in the path of vehicular traffic.
- H. Sidewalks shall be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.
- I. An educational facility with a place of public assembly shall comply with the special land use standards for place of public assembly set forth in Section 10.03.26
- J. Public schools under the jurisdiction of the Michigan Superintendent of public instruction are not subject to the requirements of this ordinance in accordance with the Revised School Code, MCL 380.1263(3)

Section 10.03.18 – Event Centers (Wedding Barns)

- A. Definitions: For the purposes of this Section, the following definitions shall apply:

1. Attendees: Those persons attending an event including persons delivering attendees to the event but who may not remain for the event themselves. "Attendees" shall not include persons providing support services for an event, such as catering services and parking area attendants.
 2. Event: A planned occasion at an event barn.
- B. The following site and developmental requirements shall apply:
1. The minimum lot area for an event barn shall be twenty (20) acres and the minimum lot width shall be six hundred (600) feet.
 2. The lot on which an event barn is located shall have a minimum of six hundred (600) feet of continuous frontage and shall take its principal access from such frontage, except where the Planning Commission finds that an alternative access means is suitable, taking into consideration public safety and impacts upon adjacent properties.
 3. All outdoor areas of an event barn including temporary restroom facilities, parking, eating areas, entertainment areas and other places where event attendees may gather, shall be set back a minimum of one-hundred fifty (150) feet from a lot line and shall comply with the separation distance standards of subsection (4) below. Access drives shall be set back a minimum distance of one-hundred (100) feet from side and rear lot lines.
 - a. The Planning Commission may lessen these standards in the case where the proximity between lot lines and existing building(s) to house indoor events is limited and the specified setback distances would result in considerable practical difficulties maintaining a logical relationship between such buildings and outdoor use areas, provided the Planning Commission finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.
 4. Parking shall be provided as follows:
 - a. Parking areas shall be of a grass and/or gravel surface, except that a maximum of fifty (50) spaces may be of a paved surface. The Planning Commission may waive this limitation upon finding that the additional paved parking area

will be adequately screened from neighboring properties and public roads.

- b. The minimum number of parking spaces to be provided for the event barn shall be equal to seventy-five percent (75%) of the approved maximum capacity of the event barn, in addition to any additional spaces required for employees, catering services and other support service providers.
- c. All parking areas shall be clearly defined by gravel, cut lawn, sand, roped boundaries, or other visible markings.
- d. No parking shall occur within seventy-five (75) feet of a public road right-of-way. "No-parking" signs shall be posted as necessary to ensure compliance with this requirement. The "no-parking" signs shall not be erected prior to four (4) hours before the event's beginning start time and shall be removed within 4 (four) hours of the end of the event.
- e. Access drives and parking areas shall be designed and sited to mitigate potential nuisance effects on adjacent property owners including dust conditions. Access drives shall be set back a minimum distance of one-hundred (100) feet from side and rear lot lines, except that where the facility is to accommodate events where attendees may exceed one-hundred fifty (150), the access drive setback shall be increased to one-hundred fifty (150) feet.

C. Special Provisions:

- 1. No event shall exceed three-hundred (300) attendees.
- 2. In no case shall more than ten (10) events be held during any one (1) calendar month, irrespective of the number of attendees at each event.
- 3. The separation distance standards of the above table shall apply to all buildings and outdoor areas used in association with the holding of events including temporary restroom facilities, parking areas, eating areas, entertainment areas and other places where event attendees may gather. The Planning Commission may lessen these standards in the case where the proximity between lot lines and existing building(s) to house indoor events is limited and the specified separation distances would result in considerable practical difficulties maintaining a logical relationship between such

existing buildings and outdoor use areas, provided the Planning Commission finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.

4. The following time restrictions shall apply:
 - a. No event shall begin prior to 9:00 a.m. and no event shall continue past 10:00 p.m. This limitation shall not apply to set-up and take-down activities associated with an event and the arrival and departure of attendees.
 - b. No temporary toilet facilities shall be maintained within view of a public road or adjacent lot except during the twenty-four (24) hour period prior to an event during which they are to be used and the twenty-four (24) hour period after the event.
5. There shall be no sound amplification devices in association with outdoor areas used for an event.
6. An event barn shall not provide for or otherwise permit overnight sleeping of event attendees.
7. A building to be used for event activities shall undergo no exterior modifications, excluding general maintenance, except upon the Planning Commission finding that such modifications shall not undermine the fundamental character of the building or shall otherwise enhance the character of the building according to local agricultural building architecture. The floor area of an existing building to be used for event activities may be expanded for event activities by no more than ten percent (10%).
8. Exterior lighting to be used in association with events shall comply with Section 12.03, except in no case shall such lighting, whether proposed or existing, exceed fifteen (15) feet in height above the ground below and shall not have light sources visible from the lot lines measured five (5) feet above the lot line.
9. In addition to the information required by Articles 4 and 5 for a special land use application and accompanying site plan, the following additional information shall be included with an event barn application:
 - a. The permitted maximum capacity of all buildings to comprise the event barn, according to the building code or Fire Marshall and the basis for such calculations.

- b. Proposed location of temporary toilet facilities as may be needed.
- c. The planned frequency of events and the maximum number of attendees to be accommodated at any single event.
- d. Months or seasons of operation if not a year-round facility.
- e. Any proposed outdoor lighting and any existing outdoor lighting that is to be used in association with the event barn.
- f. Clarification of all portions of the lot to be part of the event barn including parking areas, outdoor gathering and activity areas, and outdoor toilet facilities.
- g. The extent of food preparation facilities that are to be part of the event barn, any permits required by the county health department, and the applicable County Health Department rules and other requirements, by rule and/or statute section references.
- h. The intended availability of alcoholic beverages in association with events, the party to be responsible for the provision of such beverages, any permits required by the Michigan Liquor Control Commission, and the applicable Michigan Liquor Control Commission rules and other requirements, by rule and/or statute section references.

Section 10.03.19 – Funeral Homes or Mortuaries

- A. A proposed mortuary/funeral home shall be located on a lot of land with a minimum area of one-half ($\frac{1}{2}$) acre. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance.
- B. An off-street vehicle staging area shall be provided to be used in support of funeral procession activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- C. A caretaker's residence may be provided within the principal building.
- D. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from the road right-of-way and all residential views with a wall 6 feet in height. Evergreen landscaping may also be required by the planning commission.
- E. A mortuary that includes a crematorium shall locate any cremating facilities at least 100 feet from any residential use.

Section 10.03.20 – Junk and Salvage Yards

A. The following site and development regulations shall apply:

1. The minimum lot size shall be five (5) acres.
2. A solid fence or wall at least eight (8) feet in height shall be provided around all sides of the area used to store junk. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
3. All enclosed areas shall be set back at least one-hundred (100) feet from any lot line, but in no case shall such enclosed area be less than two-hundred (200) feet from a Conservation or Residential District. A landscaped buffer area shall be provided adjacent to such enclosed areas.

B. Performance Standards:

1. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed that height.
2. No open burning shall be permitted, and between the hours of 5:00 p.m. and 8:00 a.m., all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
6. No inoperable vehicle shall be maintained on the site for more than forty-eight (48) hours except where all fluids in such vehicle, including but not limited to fuels, oils, and coolants, are fully

drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations.

Section 10.03.21 – Kennels, Commercial

- A. The following site and developmental requirements shall apply:
 - 1. The lot shall be at least five (5) acres in size.
 - 2. Buildings where animals are kept, runs, and exercise areas shall not be located closer than 200 feet to any lot line.
- B. Performance Standards:
 - 1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against environmental contamination, odors, fleas, and the spread of disease.
 - 2. All animals must be licensed and maintained in a healthful and careful manner.
 - 3. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
 - 4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.

Section 10.03.22 – Landscaping Materials or Supply

- A. The minimum frontage shall be 150 feet.
- B. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
- C. No loading activities shall be permitted 35 feet of any lot line abutting a residential land use.
- D. Not more than 70% of the lot shall be covered by buildings and outdoor storage of materials and goods.
- E. Storage yards shall be completely obscured from view from public streets and adjacent residential properties
- F. The site shall be maintained in a neat and orderly fashion at all times.

- G. No public address system shall be audible from any abutting residential lot.
- H. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainageways.

Section 10.03.23 – Mineral Mining and Extraction Operations

- A. Prior to approval by the Planning Commission of a Special Land Use for mining and related mineral extraction commercial operations, the Planning Commission shall be certain the following conditions and limitations shall be strictly complied with. These conditions and limitations are required because such operations can cause very serious consequences to the environment, to adjoining properties and to the community as a whole. The following conditions are in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations:

- 1. Location

- a. All such operations shall be located on a primary road, as defined by Van Buren County, for ingress and egress. Truck traffic routes to and from the operation should generally be designed so as to avoid residentially planned and zoned areas and prevent the breaking up of existing roads that are not "all-weather" roads. Specific routes of ingress and egress for all such truck traffic may be specified by the Planning Commission. Under no circumstances shall trucks use private drives or private access routes from applicant's property which are within three hundred (300) feet of any residence.
- b. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such business shall be permitted closer than 200 feet from interior boundary lines of property, unless such operation is being conducted on the adjoining property or the adjoining property owner consents in writing thereto and further providing that all setback provisions contained in this ordinance are complied with as applied to other properties. In addition, no such business shall be permitted closer than 400 feet of any

properties used for residential purposes or within 400 feet of any residential district.

- c. No such business shall be permitted within 150 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. However, if the authority having jurisdiction over any particular road consents in writing to a reduced setback, then the Planning Commission may allow for such use within said setback area up to 50 feet of any road right-of-way line, if adequate screening and all other provisions of the ordinance including other setback regulations are complied with. Such businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
- d. The permanent processing plant and its accessory structures, or any temporary processing facilities, shall not be located closer than 250 feet from the interior boundary lines and public rights-of-way or less than 500 feet from residential districts, and shall, where practicable, be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stock piling or loading and transportation equipment. No earth, gravel or other mineral material may be imported to the site for processing or storage.
- e. No such businesses shall be located within 300 feet of the margin of any stream, wetland or waterway unless previously approved, in writing, by the state commission or department having jurisdiction thereof. No such operation shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that any sediment may be carried into any nearby water course.

2. Site Barriers and Fencing

- a. Site barriers shall be provided around those portions of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - i. Earth berms constructed to a height of 10 feet above the mean elevation in the center line of the adjacent public highway or 10 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass and trees or shrubs.
 - ii. Plantings of evergreen trees not more than 10 feet apart or shrubbery not more than five feet apart, in three staggered rows parallel to the boundaries of the property, which shall provide screening at the time of installation to an average height of six (6) feet and which shall grow to not less than 10 feet in height and be sufficiently spaced to provide effective site barriers for the duration of the mining operation. Trees which die must be replaced during the current planting season.
 - iii. Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least 10 feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
 - iv. The 10-foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six feet in height if the particular site and terrain, with screening of a reduced height, will afford adequate sight barriers. In addition, the Planning Commission may allow for less than complete screening of the site in perimeter locations where such screening is determined to not be needed to mitigate the visual impact of the mining operation.

3. Abatement of Adverse Impacts/Environmental Impact Analysis

- a. The applicant shall provide information related to the identification and abatement of any adverse impacts created by the mining operation. Toward this end, an environmental impact analysis shall be submitted at the time of application that includes both base information on the site prior to such activity and the anticipated impact of such operations on the site, surrounding area and the community as a whole. Upon request, the Planning Commission may waive any informational requirement set forth below if the Planning Commission determines in its sole reasonable discretion that the nature of the proposed operation is such that the information is not needed to assure compliance with the standards for Special Land Use permit approval. The required studies, which shall be undertaken by professionals whose education, certification and experience are consistent with the credentials needed to conduct the studies and analyze the results, are as follows:
 - i. Hydrogeological Study: This shall include a complete assessment of the potential impacts on any water resources both on-site and principal use. It shall identify the location in relation to watersheds and floodplain areas and identify natural site drainage and impact on wetlands within the area. It shall also identify the depth of groundwater and aquifers within the area of the operation and provide data on water quality for all such resources. Where the applicant proposes the development of a lake or where ponds or basins may exceed five (5) or more acres, such studies shall include the use of monitoring wells in order to estimate the impact on other surface water or ground water resources in the area. The studies shall also include the applicant's approach to spill containment (containment and spill response plans) from any vehicles and equipment utilizing or located on the site.
 - ii. Topographic and Geological Analysis: This shall include the existing contours and proposed contours consistent with site plan review standards under

Article 12. Earth changes proposed throughout the term of the operation shall be presented with estimates of the type, quantity and quality of the material to be extracted, including overburden. Soil borings shall be taken to a depth equal to the depth of the proposed extraction, with frequency of spacing sufficient to allow for reasonable interpretation and verification of such quantity and quality of the material. The Planning Commission may request that additional borings be taken where additional interpretation or verification is needed. Final contours shall be included within the required Reclamation Plan, but interim earth change data will also be required as part of the annual review in order to evaluate the consistency of the activity with this initial analysis. This analysis shall include mitigation related to erosion, filling and potential sedimentation of any basins created by such activities.

- iii. Noise/Vibration Study: This shall include data on existing noise levels and sources of vibration in and around the site prior to any such operation and the anticipated impacts of such activity on any properties and roadways within the area of the operation. A complete listing of all proposed equipment to be utilized within the operation shall be submitted with information on the proposed location and noise/vibration impacts of the equipment. The Planning Commission may require that equipment, such as crushers, be located in an enclosed building to further reduce such noise and vibration impacts.
- iv. Traffic Impact Study: This shall include a complete analysis of the existing road system and the proposed truck haul routes for the operation. This shall include all state and local roads and the efforts made by the applicant to control use of such roadways that are not designated as part of the haul route. Information shall include traffic counts and level of service capabilities of the roadways to support such increased loads.

Noise and vibration impacts related to such hauling shall also be included within the study.

- v. Air Quality Analysis/Dust Control: This shall include a complete analysis of the impacts associated with particulate matter generated by the operation and the techniques utilized to mitigate such release.
- vi. Endangered Species Impact: This shall include a complete listing of all threatened and endangered wildlife (plants and animals) that may be impacted by the mining operation.
- vii. Economic Studies: This shall include economic studies related to impacts upon the adjoining properties and the community as a whole, including residential property valuation and the compatibility with, or negative impacts to, other land uses, including agriculture.
- viii. Other Studies: The Planning Commission may require the submission of additional studies or information as it determines, in its sole reasonable discretion, is needed to properly evaluate whether the proposed operation satisfies the standards for Special Land Use approval.

4. Time Limits

- a. The Planning Commission may limit the days and hours of operation based upon specific characteristics of the site and the relationship to surrounding land use. The Planning Commission may also establish a termination date for the mining or excavating of any area due to its proximity or visibility from residential districts or property used for residential purposes. The applicant shall provide an estimated time duration for operating the mine and, as part of the annual review, provide an update to such estimate.

5. Fencing

- a. Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other

persons, and such dangerous conditions shall be eliminated as expediently as possible.

6. Liability Insurance

- a. Unless otherwise provided for under stated insurance specifications imposed by the Planning Commission under Special Land Use approval, all applicants shall be required to carry both general liability and project specific personal injury and property damage insurance policies while any unreclaimed or unrehabilitated area exists, in the amount of not less than one million dollars for each person injured or property damaged and not less than three million dollars for injury or damage to more than one person or more than one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.

7. Reclamation of Mined Areas

- a. Reclamation or rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation rehabilitation shall be affected within two years after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity, unless an extension is granted by the Planning Commission upon a showing of good cause and that the extension will not have a material adverse impact upon the surrounding area.
- b. The following standards shall control reclamation rehabilitation:
 - i. All excavations shall be either to a water producing depth of not less than three feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-toxic, non-flammable and non-combustible solids.

- ii. Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
- iii. Surface that is not permanently submerged shall be graded and back-filled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
- iv. The banks of all excavations shall be sloped to the water line in a water producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three foot horizontal. Water producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.
- v. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements shall be completed within two years of termination of mining or excavation operations. When used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.
- vi. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. The Planning Commission may require the seeding and plantings to conform with the standards and specifications adopted by the Van Buren Conservation District and as may be amended hereafter.
- vii. Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stock piles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the

zoning district in which they will be located under such plan, may be retained.

8. Financial guarantee shall be furnished the Township ensuring the proper rehabilitation reclamation of mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre, proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this ordinance in the applicant's filed plan. Mined areas resulting in a water depth of three feet or more shall be deemed to be reclaimed areas to within 15 feet of any shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical up to three foot horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the Zoning Administrator of the Township or such other official as may be designated by the Township Board. Such financial guarantee may be in the form of cash, certified check, or an irrevocable bank letter of credit, in a form acceptable to the Township.
9. Submission of Operational and Reclamation Plans
 - a. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted and approved by the Planning Commission, disclosing compliance with all of the provisions of the within ordinance or the manner of which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - i. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are on all-weather roads, additional roads, if any to be constructed and the location and nature of abutting improvements on adjoining property.
 - ii. The number of acres and the location of the same proposed to be operated upon within the following 12-

month period after commencement of operations. No more than 25 acres shall be cleared and actively mined at any one time. The area used for stockpiling and processing excavated material shall not be counted for purposes of this limitation. The Planning Commission shall have the ability to waive this acreage limitation upon a showing of good cause and that the waiver will not have a material adverse impact upon the surrounding area. The Planning Commission may consider the relationship of this acreage limitation to the volume (tonnage) of material represented in the monthly volume reports submitted to the Township.

- iii. Type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- iv. Location of the principal processing plant and the distance of any proposed excavation or mining and the boundaries of the site.
- v. A map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses being contemplated for the land, future lakes and roads, such other matters as may evidence the bona fide nature of the reclamation rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

10. Hearing

- a. After receiving an application for a permit for an earth removal, quarrying, gravel processing, mining or related mineral extraction business accompanied by the required plans and specifications and permit fee, the Planning Commission shall hold a public hearing upon such application in accordance with the applicable statutory requirements, except that notice by first-class mail required thereunder shall include all persons to whom real property is assessed within 1,000 feet of the subject property and the

occupants of all structures within 1,000 feet of the subject property.

- b. Following such hearing, said board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a consideration of the following:
 - i. The most advantageous use of the land, resources and property.
 - ii. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - iii. Conservation of property values, as well as natural resources and the general appropriate trend and character of development in the subject area.
 - iv. The protection and preservation of the general health, safety and welfare of the Township.
 - v. The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 - vi. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the adjoining residents and property owners, the neighborhood surrounding such areas and the community as a whole.

11. Monitoring

- a. The developer/operator shall submit to the Zoning Administrator monthly reports accurately setting forth the volume (i.e., tonnage) of extracted material hauled from the site. Each report shall be submitted within 30 days after the month to which it pertains.
- b. The developer/operator shall submit ten copies of an annual report to the Zoning Administrator. The developer/operator shall include in the report a progress report on the location and number of acres mined in the past year and the location

and number of acres reclaimed in the past year. The report shall also identify the location and number of acres projected to be mined and to be reclaimed in the following year. The developer/operator shall incorporate the totals from all monthly volume (tonnage) reports submitted to the Township Zoning Administrator. The developer/operator shall also include in its annual report copies of any reports required by any other review agency at the county, state or federal level. The Zoning Administrator shall forward copies of the annual report to the members of the Planning Commission, along with a listing of any complaints, violations or citations given to the developer/operator by the Zoning Administrator or any other Township official and a description of how each such incident was resolved.

- c. The Zoning Administrator shall monitor the operation to assure compliance with the terms of this ordinance and any conditions imposed thereunder. The operator/developer shall allow the Zoning Administrator such access to the site as the Zoning Administrator reasonably determines is needed in order perform this monitoring function. The Zoning Administrator may refer to the Planning Commission any questions or disputes that arise regarding interpretation of the terms of the Special Land Use approval granted by the Planning Commission.
- d. The operator/developer shall pay an annual review fee to defray all or a portion of the cost incurred by the Township in reviewing the annual report and in monitoring the operation. The annual review fee, and timeframe for collection and disbursement, shall be established by resolution of the Township Board.

12. Existing Excavations and Mining Operations

- a. All commercial excavations, mining operations, gravel processing operations or quarrying operations existing on the effective date of this ordinance shall be subject to the within regulations with regard to future operations.

13. Site Plan Review

- a. Planning Commission approval of the Special Land Use for a mining operation shall satisfy the site plan submission and approval requirements under Chapter 12 of this ordinance.

B. Performance Standards:

- 1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
- 2. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high wall or fence.
- 3. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet from a side and rear lot line.
- 4. The exterior of buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.
- 5. There shall be no storage of hazardous, toxic, or explosive materials. Signs shall be posted at the facility describing such limitations.

Section 10.03.24 – Open Air Businesses

- A. The minimum lot area shall be two (2) acres.
- B. The minimum lot width shall be one hundred fifty (150) feet.
- C. The applicant shall demonstrate that adequate measures will be taken to lot to keep trash, paper, and other debris from blowing off the premises.
- D. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
- E. The site shall be maintained in a neat and orderly fashion at all times.
- F. No public address or loudspeaker system shall be audible from any abutting residential lot.
- G. The site shall maintain adequate drive aisles to ensure emergency access.

Section 10.03.25 – Places of Worship

- A. Except for those already in existence on the effective date of this Ordinance, all places of public assembly shall have frontage and take access from a major thoroughfare.
- B. The site shall be at least one (1) acre in size.
- C. No more than 25% of the site area shall be covered by buildings, and no more than 60% of the site shall be covered by impervious surfaces.
- D. No day care center, private school, or other use requiring zoning approval shall be permitted without obtaining zoning approval for each use.

Section 10.03.26 – Places of Public Assembly

- A. Except for those already in existence on the effective date of this Ordinance, all places of public assembly shall have frontage and take access from a major thoroughfare.
- B. The site shall be at least one (1) acre in size.
- C. No more than 25% of the site area shall be covered by buildings, and no more than 60% of the site shall be covered by impervious surfaces.

Section 10.03.27 – Private Recreation Facilities, Outdoor

- A. The facility shall have direct access to a public street.
- B. The site shall be at least one (1) acre in area.
- C. Off-street parking shall be located at least twenty five (25) feet from residential lot lines.
- D. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- E. Not more than 65% of the land area shall be covered by recreational structures.
- F. All buildings shall be of a residential character and exterior materials are to be primarily wood or brick.
- G. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- H. All sports fields shall be a minimum of 100 feet from any lot line and 200 feet from any dwelling.
- I. Accessory commercial activities such as concessions shall be limited to those necessary to serve only the seasonal patrons of the facility.

- J. Central loudspeakers/paging systems are prohibited within 100 feet of residentially zoned property.
- K. Whenever a swimming pool is to be provided, said pool shall conform with the requirements of Section 11.23 –Swimming Pools and Hot Tubs.
- L. Facilities with a capacity greater than 500 people shall provide letters of review from the County Sheriff and County Road Commission.
- M. Any outdoor storage areas shall be screened.
- N. 1Security fencing shall be provided adjacent to residential districts or uses.
- O. Operating hours may be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners, however, the maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m.

Section 10.03.28 – Reserved

Section 10.03.29 – Resorts and Retreat Centers

- A. Ingress and egress to the resort shall be only from a major thoroughfare.
- B. The minimum lot size shall be 10 acres with a minimum width of 300 feet.
- C. The minimum floor area of each guest unit shall be 250 square feet.
- D. No guest shall establish permanent residence at the resort.

Section 10.03.30 – Self-Storage/Mini Storage Facilities

- A. The following site and developmental requirements shall apply:
 - 1. One parking space shall be provided for each twenty (20) rental units within the buildings, and one parking space shall be provided for each employee.
 - 2. Traffic direction and parking shall be designated by signaling or painting.
- B. Performance Standards:
 - 1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
 - 2. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high wall or fence.
 - 3. Storage spaces shall not contain more than 500 square feet each.

4. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet from a side and rear lot line.
5. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.
6. There shall be no storage of hazardous, toxic, or explosive materials. Signs shall be posted at the facility describing such limitations.

Section 10.03.31 – Self Storage, Private

A. The following site and developmental requirements shall apply:

1. One parking space shall be provided for each private storage unit.
2. Traffic direction and parking shall be designated by signaling or painting.

Section 10.03.32 – Senior Housing

- A. There shall be a 20-foot setback from structures to any property line adjacent to a single-family residential use or district.
- B. There shall be provided easily accessible and useable open space in the development in an amount of 10% of the site area or 2,000 square feet per 4 dwelling units, whichever is greater.
- C. A minimum of 25% of units shall be fully ADA-accessible.
- D. Each unit shall have a minimum gross floor area of 800 square feet.

Section 10.03.33 – Storage, Transfer Warehouses, or Shipping Facilities

- A. The facility shall have direct access to a major thoroughfare.
- B. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used, or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.
- C. Federal, state, and local agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge

to groundwater, including direct and indirect discharges, shall be allowed without appropriate state, county, and Township permits and approvals.

- D. Any storage facilities shall provide adequate security and signage to notify the public of any hazardous materials and to prevent trespass.
- E. Outdoor storage of materials, substances, products, or component parts is not permitted.
- F. Vehicles and equipment that are actively used as an integrated component of the establishment, such as semi-trucks and trailers, may be temporarily parked on the site from time to time for a time not to exceed 60 days, provided such parking is located in the side or rear yard, and screened from public view. Screening shall consist of fencing or landscape materials approved by the planning commission during the site plan review process.
- G. The Planning Commission reserves the right to require buffering, screening, setbacks, and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety, and welfare.

Section 10.03.34 – Reserved

Section 10.03.35 – Solar Energy Systems Facilities, Principal Use (Large)

- A. Definitions.
 - 1. Accessory-Use Solar Energy System: An accessory solar energy system generating up to and including one (1) Mega Watt Direct Current (MW DC) installed and used for the primary purpose of serving on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be comprised of or similar to the following: building-integrated photovoltaic systems (“BIPV”), ground-mounted solar energy collectors, solar-thermal, and/or building-mounted solar energy collectors.
 - 2. Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, inverters, converters, or water heater tanks.
 - 3. Building-Integrated Photo Voltaic Solar Energy System (“BIPV”): A solar energy system that is an integral part of a primary or

accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

4. **Building Mounted Solar Energy System:** A solar energy system that is mounted upon racking or a support system that is mounted to the exterior surface of, but not the roof, of a building or structure.
5. **Dual Use:** A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:
 - a. **Pollinator Habitat:** Solar sites are designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites. Alternatively, the Tier 2 Pollinator Scorecard developed by the Rights-of-Way as Habitat Working Group can be used to evaluate pollinator habitat and management practices.
 - b. **Conservation Cover:** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie to protect specific species (e.g., bird habitat) or provide specific ecosystem services (e.g., carbon sequestration, soil health).
 - c. **Forage for Grazing:** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
 - d. **Agrivoltaics:** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
 - e. **Dual Use:** This does not include the use of solar arrays on parcels or lots that already have an established use such as dwellings, commercial buildings, etc.
6. **Ground-Mounted Solar Energy System:** A solar energy system mounted on ground-mounted supports, like a rack or pole that are attached to or rest on the ground.

7. Maximum Tilt: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
8. Minimum Tilt: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
9. Non-Participating Parcel(s): One or more existing lots or parcels for which there is not a signed lease or easement for the development of a principal-use (large) SES associated with the Applicant's project.
10. Participating Parcel(s): One or more lots under a signed lease or easement for the development of a principal-use (large) SES associated with the applicant's project.
11. Photovoltaic (PV) System: A semiconductor material that generates electricity from sunlight.
12. Principal-Use (Large) Solar Energy System: A commercial and/or utility principal-use solar energy system generating more than one (1) Mega Watt Direct Current for the primary purpose of principal use through the electrical grid or export to the wholesale market.
13. Property Owner or Lessor: Any person, agent, firm, corporation, limited liability company, or partnership that alone, jointly, or severally with others: (1) has legal or equitable ownership or title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof: or (2) has charge, possession care, or control of any premises, dwelling or dwelling unit, as an agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the Van Buren County Register of Deeds to be the owner of a particular property shall be presumed to be the person who owns or is in control of that property.
14. Repowering: Reconfiguring, renovating, or replacing a solar energy system to maintain or increase the power rating of the solar energy system within the existing project footprint.
15. Retrofit: To install, fit, update, or adapt a device or equipment to a pre-existing solar energy system.

16. **Roof-Mounted Solar Energy System:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
17. **Solar Array:** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy (electric energy or other energy) system that collects solar radiation.
18. **Solar Collector Surface:** Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
19. **Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.
20. **Solar Energy System (SES):** A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below-ground equipment or components required for the system to operate properly and to be secured to a roof surface, building surface, or the ground. This includes any necessary operations and maintenance building(s) but does not include any temporary construction offices, substation(s), or other transmission facilities between the SES and the point of interconnection to the electric grid.
21. **Solar Thermal System:** A system of equipment that converts sunlight into heat.
22. **UL Listed:** Refers to the Underwriters Laboratory product certification database.
23. **Weed:** Native or non-native plant that is not valued in the place where it is growing.

B. PRINCIPAL USE (LARGE) SOLAR ENERGY SYSTEMS

1. **Applicability.** This section applies to any principal use (large) solar energy systems. This section does not apply to any incidental solar collectors mounted on fences, lights, poles, or on the ground with collector surface areas less than five (5) square feet, nor does this section apply to the ground mounted accessory use SES, which are regulated in Section 13.24.
2. **Special Land Use Approval; Permits.** Principal use (large) solar energy systems require Special Land Use approval. In addition, no

principal use (large) SES shall be constructed, installed, operated, maintained, or modified as provided in this section without first obtaining all applicable approvals and permits. The construction, installation, operation, maintenance, or modification of all principal use (large) SES shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a principal use (large) SES shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code and the National Electric Safety Code. Components of a solar energy system shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), or other similar certification organizations.

- a. Application submission for Principal use (large) SES, when authorized as a Special Land Use by the Planning Commission, are subject to all of the following requirements:
 - i. Site Plan Required. An application for Special Land Use approval for a Principal Use (Large) Solar Energy System shall include a site plan in accordance with Article 10 - Special Land Uses. In addition to the information required for site plan approval in Article 11 – Site Plan Review, all applications must also include all the following:
 - 1) An oblique perspective of the completed project from all the adjoining roadways.
 - 2) Horizontal and vertical architectural and engineering elevation drawings and sections.
 - 3) (Site plans showing the location and spacing of panels, equipment, and buildings, from all property lines, rights-of-way public or private, and adjacent structures located on non-participating parcels.
 - 4) Topographic land elevations for existing and proposed buildings and structures at a minimum of two (2) foot contour intervals and their relationship to surrounding topographic elevations and neighboring buildings and structures.

- 5) Existing public and private roads, showing width of the rights-of-way, road surfaces, and any associated easements.
- 6) Location and size of any known wells (including any abandoned wells), sewage treatment systems, and dumps.
- 7) Existing buildings and any impervious surfaces located on the property.
- 8) Existing (before grading) topography at two (2) foot intervals and source of the survey extending to one hundred (100) feet around the perimeter of the property.
- 9) Existing site vegetation (list type (i.e., grassland, plowed field, wooded areas, etc.) and percent of coverage).
- 10) Waterways and watercourses and their boundaries delineated by the ordinary high-water mark (i.e., lakes, rivers, streams, creeks) if applicable.
- 11) Wetland boundaries, if applicable.
- 12) The 100-year flood elevation and base flood elevation and locations of any floodway, flood fringe, and/or general flood plain district boundary, if applicable.
- 13) Surface water drainage patterns.
- 14) Stormwater management plans and calculations.
- 15) Soil erosion and sedimentation control plans.
- 16) A photometric plan for all outdoor lighting.
- 17) Notarized written permission from the property owner(s) authorizing the development of a Principal Use (Large) Solar Energy System.
- 18) Location of existing and proposed overhead and underground transmission or distribution lines within the Principal Use (Large) SES and

within one hundred (100) feet of all exterior property lines of the Principal Use (Large) SES.

- 19) Proposed locations of all driveways within and to the Principal Use (Large) SES showing each proposed driveway's dimensions and, as may be applicable, the improved surface standards of the county road commission or MDOT.
- 20) Planned security measures to prevent unauthorized trespass and access for all driveways indicated.
- 21) Documentation of the pre-construction soil types and conditions. If the USDA Natural Resources Conservation Service Soil survey(s) is not available, provide soil boring data for adequate load and impact conditions.
- 22) A site security and emergency access plan detailing the procedures and measures taken to secure the site from unauthorized access and trespass. As well as, an emergency management plan, detailing access for emergency personnel and vehicles, emergency and normal shut down procedures, operator and property owner emergency contact information, any potential hazards to surrounding property or residents, any solid or hazardous waste that may be generated or stored on site, and including a statement of compliance with all local, state, or federal emergency management standards.
- 23) Proposed timeline for construction period and any plans for future expansion or phasing of the principal use (large) SES, if applicable.
- 24) All additional plans and requirements set forth in this section and any other information required by the Township.

3. Application Escrow Account: An escrow account shall be deposited in accordance with the adopted South Haven Charter Township

Escrow Policy, as amended, with the Township by the Applicant when the applicant applies for a Special Land Use for a Principal Use (Large) Solar Energy System. The monetary amount deposited by the Applicant in escrow with Township shall be the amount set by a resolution adopted by the South Haven Charter Township Board, to cover all reasonable costs and expenses associated with the Special Land Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Legal Counsel, Township Planner, and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning process for the application. Such escrow amount shall be in addition to any filing or application fees applicable to Special Land Use applications as established by resolution.

4. At any point during the Special Land Use review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use shall be returned in a timely manner to the Applicant.
5. Compliance with the State Construction Code and the National Electric Safety Code: All solar energy system electrical components shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), Underwriters Laboratories (UL), National Fire Protection Association (NFPA), and the National Electrical Code (NEC) or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld. In addition, all construction of a Principal Use (Large) Solar Energy System shall comply with the National Electric Safety Code and the State Construction Code (consisting of Building, Electric, Mechanical, and Plumbing Codes) as administered and enforced

by South Haven Charter Township as a condition of any Special Land Use under this section. In the event of a conflict between the Local Building Code and the National Electric Safety Code (NESC), the more restrictive shall apply.

6. Height: Maximum height of a Solar Array, other collection device, components, or buildings of the Principal Use (Large) Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet at full tilt (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet in height.
7. Lot Area. Principal use (large) solar energy systems shall be located on individual lots at least twenty (20) acres in size, owned by the same property owner and located on at least four hundred (400) contiguous acres.
8. Setbacks: All above-ground components of the principal use (large) SES; all buildings and solar arrays, shall be setback a minimum of fifty (50) feet from all exterior property lines, existing public roads, and railroad rights-of-way; as well as from all bodies of water, or delineated wetlands. In addition, a setback of one hundred (100) feet shall be required from any parcel line of a property containing an existing residential structure and begin phasing, if applicable, at the least impactful location on the property. Contiguous parcels which are all part of a single Principal Use (Large) SES need not maintain side yard setbacks for the panels/array so long as the Planning Commission approves the elimination of the setback in its statement of conditions. If a substation or other equipment is proposed, it shall be located and situated to minimize the impact on neighboring properties.
9. Lot Coverage: A Principal Use (Large) SES is exempt from maximum lot coverage limitations. All setbacks must be complied with.
10. Screening and Security: A Principal Use (Large) SES shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least six (6) feet in height. Barbed wire, razor wire, and electric fencing are not permitted. The perimeter of the Principal Use (Large) SES shall also be buffered by installed native evergreen or vegetative

plantings whenever existing natural vegetation does not otherwise reasonably obscure the Principal Use (Large) SES from adjacent residential structures and public/private right-of-way, subject to the following requirements:

- a. The native evergreen or vegetative buffer shall be composed of native evergreen and hardwood trees at a half-and-half ratio, or 50:50, meaning 50% evergreen trees and 50% hardwood trees. Also, no more than 10% of the total hardwood or evergreen trees planted shall be of one (1) species, meaning that there will be a minimum requirement of at least five (5) regional species for both hardwood and evergreen trees. The minimum sizes of plantings shall be six (6) feet in height for evergreen trees, 2 ½ inch caliper for hardwood trees. The evergreen trees shall be spaced at least fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant) and staggered, and hardwood trees shall be placed no more than thirty (30) feet apart on center. All unhealthy, dead, or dying plant or tree material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first. In case of a question, the Township Zoning Administrator shall determine whether a plant or tree must be replaced.
- b. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety, or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season to ensure planting takes place. The Township may contact the Applicant if plantings are not completed in a timely manner and use the proceeds to accomplish the required plantings. After all, plantings have occurred, the Township shall return the financial guarantee.
- c. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use may be subject to revocation.

- d. The Planning Commission has the authority to alter or eliminate any of these screening requirements if, upon due consideration, it is determined that they are unnecessary.
- 11. Signage:
 - a. No advertising or non-project-related graphics shall be on any part or component of the Principal Use (Large) Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
 - b. A sign must also be attached to provide basic information for the public which may include but is not limited to an informational sign regarding the project, such as size, power generated, fuel/carbon offset, etc. that must be not greater than eight (8) square feet in area.
- 12. Noise: No component of any Principal Use (Large) SES shall emit noise exceeding sixty (60) dBA as measured at the exterior property boundary or the existing right-of- way line.
- 13. Lighting: All lighting for any parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- 14. Distribution Transmission and Interconnection: All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the Principal Use (Large) SES, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- 15. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Principal Use (Large) SES and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval before the issuance of the Special Land Use approval. Under the plan, all structures, concrete, piping, facilities, and other project-related

materials above grade and any structures below grade shall be removed principal use for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred and sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition or better to ensure the return to prior use is possible upon restoration. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to its pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.

16. Continuing Security for Decommissioning: If any Principal Use (Large) SES is approved for construction under this section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work required to decommission the project as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to the construction and operation of the Principal Use (Large) SES. Such financial security shall be kept in full force and non-cancelable. The amount required for decommissioning security shall be determined by a third-party engineer or demolition expert mutually agreed upon by the Township and the applicant. This shall be reviewed by the Planning Commission every two (2) years from the date of issuance of zoning approval. Failure to submit any additional charges shall be construed as a violation of the Special Land Use Permit.
17. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairperson of the Planning Commission. One copy shall be

kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

18. Approval Time Limit and Extension: Special Land Use and Site Plan approvals, under this section, shall be valid for five (5) years after the date of Planning Commission approval. If on-site development has not commenced within five years, the Special Land Use and Site Plan approvals shall remain in force as long as progress continues toward a reasonable date of completion.
19. Inspection: The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Principal Use (Large) SES is located.
20. Reports: The Principal Use (Large) SES operator shall submit an annual report to the Planning Commission coinciding with the date of annual reporting required by the State of Michigan. The annual report shall document shall be a summary of the amount of electricity produced each month for the reporting period in units of Megawatt-hours. The report shall also contain a certification that the estimated decommissioning costs have not changed, and that any surety bond is still valid. If the said report does not contain such certification, then the report shall include an updated cost estimate for decommissioning and proof of a new and updated surety bond. The Township Zoning Administrator shall also supply an annual report to the Planning Commission listing all complaints received regarding the Principal Use (Large) SES along with the status of the complaint resolution and the actions taken to mitigate the complaints to accompany the annual report.
21. Maintenance and Repair: Each Principal Use (Large) Solar Energy System must be kept and maintained in good repair and condition at all times, as approved by the Planning Commission.
22. Right-of-Way Permits: The Applicant shall provide proof they have obtained all applicable permits from Van Buren County or the State of Michigan for any work that may occur in or near the public right-of-way which may be necessary for access to the site.
23. Transfer of Ownership: All conditions that have been approved as a part of the approval process, shall remain in place in the event of a transfer of ownership, any modification of conditions must be approved by the Planning Commission.

24. **Emergency Access:** Knox boxes and keys shall be provided at locked entrances for emergency personnel access. The Township shall be provided with a list of emergency contacts for the site. Such a list shall be updated as needed by the owner and/or administrator of the Principal Use (Large) SES to ensure that said list always contains current and correct contacts.
25. **Glare and Reflection:** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into dwellings on other lots or onto roads or private roads.
26. **Storage:** If storage on the solar site is included as part of the Principal Use (Large) SES, said storage must be placed in a security container or enclosure when in use in accordance with applicable laws and regulations, and when no longer used, shall be disposed of in accordance with applicable laws and regulations. Security containers or enclosures must also comply with all local and state ordinances and codes.
27. **Responsibility.** If the owner of the principal use (large) solar energy system is different than the Landowner(s), then both such owner and the Landowner(s) shall be jointly and severally responsible for complying with all Ordinance requirements and Special Land Use conditions.

Section 10.03.36 – Wind Energy Systems Facilities, Principal Use

- A. **Applicability.** The following regulations shall apply to all Utility Scale Wind Energy System facilities and accessory uses within South Haven Charter Township. As used in this section, the term "operator" refers to the person or entity that operates a Utility Scale Wind Energy System, and the term "owner" refers to the person or entity who owns a Utility Scale Wind Energy System.
 1. **Application Process.** An application for special land use approval for a Utility Scale Wind Energy System shall be submitted to the Township Clerk with the following information:
 - a. The name, address, legal corporate status, and telephone number of the applicant responsible for the accuracy of the application and site plan.

- b. The name, address, legal corporate status, and telephone number of the Owner of the proposed Utility Scale Wind Energy System.
- c. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the Utility Scale Wind Energy System(s) under state, federal, and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes, if applicable. The FAA will issue a signed statement when the precise location has been determined. Building permits, if applicable, and zoning permits will not be issued prior to receiving all signed statements.
- d. A description of the number and kind of Utility Scale Wind Energy System(s) to be installed.
- e. A description of the Utility Scale Wind Energy System(s) height and design, including a cross-section, elevation, and diagram of how the wind energy system will be anchored to the ground.
- f. A site plan, drawn to a scale of up to 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2-foot contours for the subject site and 100 feet beyond the subject site, support facilities, access, proposed landscaping, or fencing.
- g. Photo or rendering exhibits visualizing the proposed Utility Scale Wind Energy System.
- h. A statement from the applicant that all Utility Scale Wind Energy System(s) will be installed in compliance with the manufacturer's specifications, and a copy of those specifications.
- i. A copy of the lease, easement, or recorded document with the landowner if the applicant does not own the land for the proposed Utility Scale Wind Energy System.
- j. Certifications: Certification that the applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at the time of the

application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a WES on the property prior to construction.

- k. A copy of any applicable Waiver Agreements shall be recorded at the County Registrar of Deeds.
- l. A copy of Shadow Flicker Analysis.
- m. A copy of an Avian Impact Analysis.
- n. A copy of a Noise Study.
- o. A statement indicating what hazardous materials will be used and stored on the site and how that material will be stored.
- p. Construction Codes, Towers, and Interconnection Standards: Utility Scale Wind Energy Systems (including towers) shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid Wind Energy Systems (including towers) shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Scale Wind Energy Systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- q. Fee. An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the South Haven Charter Township Board. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If a professional review of plans is required, those costs shall be borne by the applicant and

paid in full prior to the approval of any applications or permits being granted or approved.

- r. MET & SCADA Towner Application Process. An application for a special land use approval for MET tower(s) and/or SCADA tower(s) shall be submitted to the South Haven Charter Township Clerk with the following information:
- s. The name, address, legal corporate status, and telephone number of the applicant responsible for the accuracy of the application and site plan.
- t. The name, address, legal corporate status, and telephone number of the Owner of the proposed MET tower(s) and/or SCADA tower(s).
- u. A signed statement indicating that the applicant has legal authority to construct and operate the MET tower(s) and/or SCADA tower(s) under state, federal, and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes. The FAA will issue a signed statement when the precise location has been determined.
- v. A description of the number and kind of MET tower(s) and/or SCADA tower(s) that will be installed.
- w. A description of the MET tower's and/or SCADA tower's height and design, including a cross-section, elevation, and diagram of how the MET tower(s) and/or SCADA tower(s) will be anchored to the ground.
- x. A site plan, drawn to a scale of up to 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2-foot contours for the subject site and 100 feet beyond the subject site, support facilities, and access.
- y. A statement from the applicant that all MET tower(s) and/or SCADA tower(s) will be installed in compliance with the manufacturer's specifications and a copy of those manufacturer's specifications.
- z. A copy of the lease, or recorded document, with the landowner if the applicant does not own the land for the MET tower(s) and/or SCADA tower(s).

- aa. A copy of any applicable Waiver Agreements.
 - bb. A statement indicating how the MET tower(s) and/or SCADA tower(s) will be lit, if applicable. Lighting shall be as required by the FAA and as required by the Michigan Tall Structures Act.
 - cc. An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the South Haven Charter Township Board. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If a professional review of plans is required, those costs shall be borne by the applicant and paid in full prior to the approval of any applications or permits being granted or approved.
2. Standards. In addition to the other requirements and standards of Article 10, the Planning Commission shall not approve a special land use for a WES (or a modification to an existing WES special land use approval), MET tower, or SCADA tower unless all of the standards for a special land use contained in Subsection 11.02 of this Ordinance are met and also that all of the following additional standards are also met:
- a. If there are existing or proposed multiple WES within one (1) mile of one another, the WES shall not unreasonably visually dominate the skyline or horizon.
 - b. The presence of one or more WES shall not substantially change the area's aesthetic views and visual horizon.
 - c. The WES shall not substantially decrease the fair market value of any parcels or lots located within 2 miles of the location of the WES. There is a presumption that this standard will not be met if the fair market value of any lot or parcel within 2 miles of the WES (except for the lot or parcel upon which the WES is located) would decrease in fair market value by more than 10% due to the presence of the WES.
 - d. The presence of one or more WES would not reasonably distract drivers and vehicles traveling on adjacent or nearby public roads, especially at night with the lights of the WES.

- e. The WES will not change the essential character of the area or neighborhood where the WES would be located.
- f. A site grading, erosion control, and stormwater drainage plan will be submitted to the Zoning Administrator after the approval of the special land use and prior to issuing a zoning permit for a Utility Scale Wind Energy System, MET tower, or SCADA tower. At the Township's direction, these plans may be reviewed by the Township Engineer.
- g. The applicant shall acquire all other applicable permits, including permits for work done in rights-of-way prior to construction.
- h. Utility Scale Wind Energy Systems, MET tower(s), and/or SCADA tower(s) may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per wind turbine. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation of electricity.
- i. An applicant may submit one use permit application for an entire Utility Scale Wind Energy System project covering multiple parcels of land located in South Haven Charter Township, provided that a detailed map identifying parcel locations for all proposed wind turbines is provided to the Township of South Haven Charter at the time a use application is submitted.
- j. Principal use Wind Energy Systems, MET towers, and SCADA towers require special land use approval from the Planning Commission.
- k. A certificate of insurance with a minimum of \$1,000,000 liability coverage per wind turbine tower and per occurrence. Utility Scale Wind Energy Systems with more than one wind turbine tower may provide a single insurance certificate covering multiple wind turbine towers. Each renewal period will require that a copy of the certificate of insurance be provided to South Haven Charter Township. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the special land use approval at any time.

- l. Within a reasonable time after the applicant applies, the Zoning Administrator will determine whether the application is complete and advise the applicant accordingly.
 - m. Throughout the zoning process, the applicant shall promptly notify the Zoning Administrator in a written statement of any changes to the information contained in the permit application.
 - n. The Planning Commission reserves the right to review any WES use permits granted under this Ordinance from time to time as the Planning Commission deems appropriate to ensure that all permit conditions are being followed.
 - o. If a Utility Scale Wind Energy System ownership changes, the new owner/operator must meet with the Planning Commission to review the conditions of the current use permit within sixty (60) days of the change in ownership.
3. Design and Installation Standards:
- a. Wind turbines shall be painted a non-reflective, non-obtrusive earth tone color, such as grey, white, or off-white.
 - b. To the extent possible, applicants shall use measures to reduce the visual impact of the Utility Scale Energy System (for example, wind turbines with similar appearance; reasonable uniformity in overall size and geometry).
 - c. For Utility Scale Wind Energy System sites, the design of the building and related structures shall, to the extent possible, use earth tone materials, colors, textures, screening, and landscaping that will blend the Utility Scale Wind Energy System to the natural setting and existing environment.
 - d. Construction Codes, Towers, and Interconnection Standards: Utility Scale Wind Energy Systems (including towers) shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Scale Wind energy systems (including towers) shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting

standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Scale Wind Energy Systems shall fully comply with all applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

- e. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer, Operator, or Owner of the Utility Scale Wind Energy System. No graffiti will be allowed, and removal will be the Owner's responsibility.
- f. All wind turbines shall comply with the International Electrotechnical Commission (IEC) or successor organization standards.
- g. The Utility Scale Energy System shall comply with all applicable building codes and standards.
- h. Electrical controls, control wiring, and power lines shall be wireless or, to the maximum extent practicable, be placed underground.
- i. All electrical components of the Utility Scale Wind Energy System shall conform to relevant and applicable local, state, and national codes or relevant and applicable international standards.
- j. The Owner of a Utility Scale Wind energy System shall defend, indemnify, and hold harmless South Haven Charter Township and its officials for, from, and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever (including attorney fees) arising out of the acts or omissions of the Operator concerning the operation of the Utility Scale Wind Energy System or arising out of the issuance of any approval hereunder. The Owner shall provide a written and signed affirmation of this obligation to the Township. If the Owner of the Utility Scale(s) Wind Energy Systems is different than the landowner, then both the Owner and the landowner shall be jointly and severally responsible for

complying with this Ordinance and all special land use conditions.

- k. Prior to beginning construction, the applicant shall enter into a road use agreement with the Van Buren County Road Commission containing the following conditions:
 - i. Responsibility for making repairs to any public roads that experience damages during the construction of the Utility Scale Wind Energy System or damages experienced after the construction related to the system's operation.
 - ii. A description of the routes to be used by construction and delivery vehicles.
 - iii. Any road improvements that will be necessary for South Haven Charter Township to accommodate construction vehicles, equipment, or other deliveries.
 - iv. An agreement or bond which guarantees the repair of damage to public roads and other areas caused by the construction of the Utility Scale Wind Energy System. The agreement or bond guarantee shall be an amount that is agreed upon by the applicant and the Van Buren County Road Commission to pay for any repair or damage to public roads.
 - v. Failure of the applicant to comply with the road use agreement in any material respect may result in the termination of the Township approval or use permit.
- l. Where Utility Scale Wind Energy System construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected or other remedial measures performed to properly drain the site to the satisfaction of the landowner if a private drain, or if a public drain, the Van Buren County Drain Commission and South Haven Charter Township
- m. Any recorded access easement across private lands to a Utility Scale Wind Energy System shall, in addition to naming the Utility Scale Wind Energy System owner as having access to the easement, also permit South Haven Charter Township access to the easement for purposes of inspection

or decommission with 24-hour advance notice to the property owners and Utility Scale Wind Energy System owner.

- n. Any wind energy turbine or facility that does not produce energy for a continuous period of twelve (12) months or longer shall be considered abandoned. It shall be removed in accord with the removal and decommissioning provisions of 10.03.35(y) of this Ordinance. Upon a showing of good cause, the Planning Commission may grant the owner/operator an additional twelve (12) month period of decommissioning.
- o. The Utility Scale Wind Energy System owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information will be supplied to the South Haven Charter Township Clerk and the Van Buren County Clerk.
- p. Wires. Overhead or underground transmission and distribution lines are required to obtain a separate special land use approval from the Township. Underground and/or overhead collection lines or collection line systems are required to obtain a separate special land use approval from the Township. Surface markers shall be placed to indicate the location of the wires, and a map will be placed on the tower indicating the same. Membership and participation in the MISS DIG Systems, Inc. of Michigan shall be required. Proof of membership shall be provided upon request. Any new substation shall be located at no less than one thousand three hundred twenty (1,320) feet from the nearest residence, school, hospital, church, or public library. A lesser setback may be approved by the Planning Commission if the intent of this Ordinance would be better served thereby. A lesser setback shall be considered only with written approval from the Owner of the inhabited structure.

4. Construction Bond and Permit.

- a. The applicant, construction company, or other involved third parties shall file a Construction Performance Bond or other agreement acceptable to the parties in an amount

determined by the Township to ensure that, in the event that the project is not completed, the project site and other affected private or governmental properties (i.e., roads, ditches, bridges, etc.) will be restored to pre-construction condition.

- b. This bond shall be terminated upon the timely completion of construction and activation of the facility.
 - c. Any application to construct a WES shall require the approval of the Township Building Department or its designated party.
- 5. Setbacks for Utility Scale Wind Energy Systems, MET Towers, and SCADA Towers: All setbacks herein shall be measured from the center point of the wind turbine or MET tower.
 - a. Setback Description Setback Distance
 - i. Occupied community buildings and residences on nonparticipating properties 2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
 - ii. Residences and other structures on participating properties 1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
 - iii. Nonparticipating property lines 1.1 times the maximum blade tip height
 - iv. Public road right-of-way 1.1 times the maximum blade tip height to the center line of the public road right-of-way
 - v. Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings 1.1 times the maximum blade tip height to the center line of the easement containing the overhead line
 - b. The WES shall be designed to minimize disruption to farmland activity.
- 6. Noise and Vibration.
 - a. The wind energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled

at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

7. Certifications and Compliance.

- a. The Township must be notified within thirty (30) days of closing of a change in ownership of a Utility Scale Wind Energy System. This notification will include the name and address of a contact person related to the new ownership.
- b. The Township reserves the right to inspect the Utility Scale Wind Energy System annually in order to ensure compliance with the Zoning Ordinance. The reasonable cost of the inspections shall be paid by the owner/operator of the Utility Scale Wind Energy System.
- c. In addition to the Certification and Compliance requirements, the Utility Scale Wind Energy System shall also be subject to the following:
 - i. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations, as set forth in the post-construction test plan submitted to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within thirty (30) days after completion of the post-construction sound testing. Sound shall be measured by a third-party, qualified professional.
 - ii. The Utility Scale Wind Energy System Owner(s) or Operator(s) shall provide the Zoning Administrator with access to review the facility's yearly maintenance inspection records.
 - iii. If audible noise exceeds the limits set forth herein, the owner/operator must take action to mitigate the noise levels for the offending turbine, and if unable to satisfactorily mitigate the noise levels, then the offending wind turbine must be inoperable until repairs are completed, or a waiver agreement is obtained from affected property owners.

- iv. In the event the noise levels resulting from the Utility Scale Wind Energy System exceed the criteria listed above, a waiver to said levels may be granted by the South Haven Charter Township Board, provided that written consent from the affected property owners has been obtained stating that they are aware of the Utility Scale Wind Energy System and noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed.
 - d. Electromagnetic Interference: No Utility Scale Wind Energy System shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for global positioning system corrections systems (RTK), radio, television, wireless phone, or other personal communication systems would produce electromagnetic 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 operation of the wind energy system. No Utility Scale Wind Energy System shall be installed in any location within the line of sight of an existing microwave communications link where the wind energy system operation is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
 - e. t)Shadow Flicker: Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
8. Avian and Wildlife Risk.
- a. The Utility Scale Wind Energy System owner/operator shall make reasonable efforts to minimize avian mortality from the operation of a Utility Scale Wind Energy System.
 - b. The Township shall require an avian risk study prior to the approval of a special land use for a Utility Scale Wind Energy System. The owner/operator of the Utility Scale Wind Energy System may submit an Avian Risk Study from

another community in the state as long as the avian populations are similar and the similarity of the avian population can be substantiated to the Planning Commission's satisfaction.

- c. Every WES should be located to minimize significant negative impacts on rare animal species in the vicinity, including but not limited to bird and bat species.
9. Groundwater and Environmental Impact. The Utility Scale Wind Energy System owner/operator shall make reasonable efforts to minimize adverse impacts on water quality and soil erosion during the construction phase of the wind energy system.
 10. Waste Management.
 11. All solid waste, whether generated from supplies, equipment, parts, packaging, or operating or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards.
 12. All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to, lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.
 13. If any hazardous waste is spilled, the Zoning Administration must be notified within twenty-four (24) hours.
 14. Safety.
 - a. All electrical wires and lines connecting each turbine to the next turbine shall be installed at least seventy-two (72) inches underground, to the maximum extent practicable.
 - b. Wind turbine tower exteriors shall not be climbable up to fifteen (15) feet above ground level.
 - c. Access doors or hatches to wind turbine towers and electrical equipment shall be locked when unattended.
 - d. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and Utility Scale Wind Energy System entrances.
 - e. The owner/operator of the Utility Scale Wind Energy System shall post and maintain at each facility a 24-hour-a-day manned telephone number in case of an emergency.

- f. The owner/operator of the Utility Scale Wind Energy System shall provide a company representative to accompany the local Fire Department Chief/Inspector during site visits. The owner/operator of the Utility Scale Wind Energy System shall comply with all applicable laws regarding those inspections.
- 15. Surety Bond and Decommissioning Requirements.
 - a. The applicant shall submit to the Township a plan describing the intended dismantling and disposition of the Utility Scale Wind Energy System at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Prior to the start of construction, a surety bond or equivalent financial instrument ("Surety Bond") shall be posted and maintained as set forth below.
 - b. The Utility Scale Wind Energy System owner shall complete decommissioning within eighteen (18) months after the end of the useful life of the Utility Scale Wind Energy System or within eighteen (18) months of not correcting a default or other event of noncompliance. Upon request of the Owner (s) or the assignee of the Utility Scale Wind Energy System, and for good cause, the Township Board may grant a reasonable extension of time in which to accomplish decommissioning. The Utility Scale Wind Energy System will be presumed to be at the end of its useful life if no more than 10% of its cumulative nameplate capacity in commercially viable electricity is available for generation for a continuous period of twelve (12) months. All decommissioning expenses shall be the responsibility of the Owner (s).
 - c. Decommissioning shall include the removal of each wind turbine, all electrical components, and associated facilities (such as MET towers) within the footprint of the wind turbine foundation to a depth of seventy-two (72) inches below the original grade. Any foundation shall be removed to a minimum depth of seventy-two (72) inches below the original grade or to the level of bedrock if less than seventy-two (72) inches below the original grade, provided, however, that the land owner may submit a request allowing concrete foundations to be left for other uses, subject to the approval of the township Zoning Administrator. Following removal, the

location of any remaining turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Van Buren County Register of Deeds.

- d. All access roads to the Utility Scale Wind Energy System shall be removed, cleared, and graded by the facility owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road, and such remaining roads will not be considered public roads.
- e. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the Owner of the Utility Scale Wind Energy System or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion and restored to its condition existing prior to any construction activity, unless the property owner(s) requests in writing that the land surface areas not be restored.
- f. In addition to the requirements listed previously, the Utility Scale Wind Energy System shall also be subject to all of the following:
 - i. If the Utility Scale Wind Energy System owner fails to complete decommissioning within the time period prescribed above, including any extensions, the Township may designate a contractor to complete decommissioning with the expense thereof to be charged against the decommissioning Surety bond.
 - ii. An independent and certified professional engineer shall be retained by the Owner (s) to estimate the total cost of decommissioning ("Decommissioning Costs"). These estimates shall be submitted to the Zoning Administrator prior to the start of construction and every fifth year thereafter, and the Surety Bond amount shall be adjusted accordingly.
 - iii. Prior to the start of construction of the Utility Scale Wind Energy System, the applicant shall post with the Township and maintain decommissioning funds in an amount equal to one and a quarter to one and a half times the Net Decommissioning Costs, as determined

by the certified professional engineer pursuant to number ii, above.

- iv. Decommissioning funds shall be in the form of a performance Surety Bond or equivalent financial instrument made out to the Township and determined to be acceptable by the Township and the Township Attorney. The Surety Bond shall be in an amount, in a format, with language, and from a bank or financial institution that is acceptable to the Township and the Township Attorney in their sole and absolute discretion. In general, the Surety Bond shall not be cancellable or expire while the Utility Scale Wind Energy System (or any component thereof) is present on the property involved.
 - v. A condition of the Surety Bond shall be a notification by the surety company to the Zoning Administrator thirty (30) days prior to its expiration or termination.
 - vi. Failure to keep the Surety Bond in full force and effect while Utility Scale Wind Energy System is in place shall constitute a violation of the special land use approval. If a lapse of the Surety Bond occurs, the Township may act up to and including requiring cessation of operation of the Utility Scale Wind Energy System until the Surety Bond is restored.
 - vii. The surety company shall pay over to the Township the decommissioning funds when the Township has demonstrated that decommissioning has not been satisfactorily completed as required herein.
 - viii. The Surety Bond shall be terminated when the Owner (s) has demonstrated, and the Township concurs that decommissioning has been satisfactorily completed in accordance with the plan submitted as specified above.
- g. Complaint Resolution. Should an aggrieved property owner allege that the Utility Scale Wind Energy System is not in compliance with either the noise or the shadow flicker requirements of this Zoning Ordinance, the procedure shall be as follows:

i. Noise Complaint.

- 1) Both the Utility Scale Wind Energy System Owner(s) and the South Haven Charter Township Planning commission shall be notified regarding noise level in writing.
- 2) If the complaint is deemed sufficient by the Planning commission to warrant an investigation, the Planning Commission shall notify the Utility Scale Wind Energy System Owner(s) and shall make a recommendation that the Board of Trustees will require the aggrieved property owner to put down a deposit of \$250.00 with the balance due when the noise level test has been conducted by an independent qualified acoustic technician approved by South Haven Charter Township to determine compliance with the requirements of this Zoning Ordinance. Such testing shall be performed in accordance with the requirements of Subsection 19 herein, and advance notice of such testing will be provided to the Owner(s). Nothing in this subsection shall be construed as prohibiting the Owner(s) from performing its own noise level tests as part of its investigation into said noise complaint.
- 3) If the test indicates that the noise level is within Zoning Ordinance noise requirements, the Board of Trustees will use the deposit to pay for the test.
- 4) If the test indicates that the Utility Scale Wind Energy System Owner(s) is in violation of the Zoning Ordinance noise requirements, the Owner(s) shall be provided with a copy of the test results and be allowed to perform their own noise level test prior to reimbursing the board of Trustees for the noise level test. The Owner(s) may present their findings to the Planning Commission for a final determination of compliance or violation. If the Planning

Commission finally determines that a violation exists, then the Owner(s) shall take immediate action to bring the violating turbine(s) within the Utility Scale Wind Energy System into compliance which may include ceasing the operation of the said turbine(s) until Zoning Ordinance violations are corrected, or the impact has been mitigated to the complainant's satisfaction. The Board of Trustees will refund the deposit to the aggrieved property owner upon the final determination of violation.

ii. Shadow Flicker Complaint.

- 1) Both the Utility Scale Wind Energy System Owner(s) and the South Haven Charter Township Planning Commission shall be notified in writing regarding concerns about the amount of shadow flicker.
- 2) If the complaint is deemed sufficient by the Planning Commission to warrant an investigation, the Planning Commission shall notify the Utility Scale Wind Energy System Owner(s) and shall make a recommendation that the Board of Trustees requires the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance with the requirements of this Zoning Ordinance.
- 3) If the Utility Scale Wind Energy System Owner(s) is in violation of the Zoning Ordinance shadow flicker requirements, the Owner(s) shall take immediate action to bring the turbine(s) into compliance which may include ceasing the operation of the said turbine(s) until the Zoning Ordinance violations are corrected, or the impact has been mitigated to the complainant's satisfaction.
- 4) The Township Board shall appoint a three-member Complaint Resolution Committee to

oversee and participate in all complaint resolution discussions or meetings between the Township property owner or resident and the Wind Energy Facility Owner and/or Operator. The Complaint Resolution Committee shall consist of one (1) member of the Township Board, one (1) member of the Township Planning Commission, and one (1) qualified elector chosen from the South Haven Charter Township community.

Section 10.03.38 – Wireless Communication Towers

- A. A minimum lot area of three (3) acres shall be required.
- B. A fall zone shall be provided equal to the height of the tower. However, the Planning Commission may permit a smaller fall zone upon receipt of a letter from a structural engineer registered in the State of Michigan demonstrating that a collapse would be contained in a smaller area of land.
- C. The property (or the leased area containing the tower) shall be enclosed by a solid fence a minimum of five (5) feet in height.
- D. All structures shall be located at least 200 feet from any single-family dwelling.
- E. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
- F. The plans of the tower construction shall be certified by a registered structural engineer.
- G. The applicant shall verify that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- H. Accessory structures are limited to uses associated with the operation of the tower.
- I. Unless otherwise permitted by the FAA and any other applicable agency having jurisdiction, communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport.
- J. No part of any tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, in or upon any

required setback area for the district in which the antenna or tower is to be located.

- K. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
- L. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and all electrical wiring and connections shall comply with all applicable local statutes, regulations, and standards.
- M. Towers with antennas shall be designed to withstand a uniform wind loading as prescribed in the building code.
- N. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- O. Towers shall be located so that they do not interfere with the reception in nearby residential areas.
- P. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
- Q. The base of the tower shall occupy no more than 500 square feet and the top of the tower shall be no larger than the base.
- R. Minimum spacing between tower locations shall be 1/4 mile.
- S. The height of the tower shall not exceed 199 feet.
- T. Towers shall not be lit unless required by the Federal Aviation Administration. If lighting is required, Aircraft Detection Lighting System (ADLS) lighting shall be preferred.
- U. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- V. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
- W. The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- X. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the Special Use Permit will be subject to revocation by the Township

Board. The cost for testing and verification of compliance shall be borne by the operator of the antenna.

- Y. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- Z. New towers shall allow a minimum of two additional collocated antennas.
- AA. Within 14 days of receipt of an application for a wireless communication facility Special Land Use permit, the Zoning Administrator shall determine whether or not the application is administratively complete. Unless the Zoning Administrator provides a notice of deficiency as set forth below, the application shall be deemed administratively complete upon the earlier of when the Zoning Administrator makes such determination or 14 days after the application is received.
- BB. If the application is deemed administratively incomplete, the Zoning Administrator shall notify the applicant in writing, or by electronic notification, within such 14-day period that the application is not administratively complete and shall specify the information or fees necessary to make the application administratively complete.
- CC. The Planning Commission shall approve or deny the application within 90 days of the date the application is deemed administratively complete. A failure to timely approve or deny a Special Land Use request shall be deemed an approval. An approval may be conditioned only upon the wireless communications equipment meeting the requirements of this ordinance, other Township ordinances and other federal and state laws before the wireless communications equipment begins operations.

ARTICLE 11

Site Plan Review

Section 11.01 – Purpose

The intent of this Section is to provide for consultation and cooperation between the land developer and the Planning Commission so that the developer may accomplish objectives in the utilization of land within the regulations of the Ordinance.

Section 11.02 – Site Plan Required

- A. Except as otherwise provided herein, site plan review shall be required before any change of use, excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development. Except as otherwise provided, no building permit shall be issued unless a site plan is approved by the Planning Commission pursuant to the provisions of this Article.
- B. Unless otherwise provided, all new uses in the High Density Residential, Multi-Family Residential, Manufactured Housing Community, and Nonresidential districts shall require site plan approval.
- C. In the Low-Density Residential and Medium-Density Residential districts, site plan approval shall be required for all uses other than single-family and two-family dwellings, and their accessory buildings and uses. Single-family and two-family dwellings, and their accessory buildings and uses, shall require a zoning permit pursuant to Section ____.
- D. Site plan review and approval shall be required for all special land uses, site condominium and condominium projects, plats, PUDs, and for all developments, including all dwellings, proposed in a wetland as defined by the Michigan Department of Energy, Great Lakes, and Environment (EGLE), or within a 100-year Floodplain as determined by FEMA.
- E. Public uses such as roads, streetscape, utility improvements, parks, and similar public improvements shall not require site plan review, provided, however, that the planning commission shall be advised of projects that may significantly alter traffic, permanently impact neighboring properties, or other large-scale projects.
- F. Site plan review and approval shall not be required for the change of use or for minor alterations that do not affect existing circulation, drainage, the relationship of buildings to each other, landscaping, buffering, lighting, and

other considerations of site plan review. In these instances, only a zoning compliance permit shall be required.

Section 11.03 – Optional Sketch Plan Review

- A. Preliminary sketches of the proposed site and development plans may be submitted for review to the Planning Commission prior to site plan review. The purpose of this procedure is to allow discussion between a developer and the Planning Commission, to better inform the applicant of the acceptability of their proposed plans prior to incurring extensive engineering and other costs that might be necessary for final site plan approval. Such sketch plans shall include the following:
 - 1. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
 - 2. Legal description, property number, and street address of the subject property.
 - 3. Sketch plans showing tentative site and development plans.
- B. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the Sketch Plan Review process.

Section 11.04 – Application Procedure

A request for site plan review shall be made at least 45 days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator the following information:

- A. An application for site plan review consisting of the following:
 - 1. A completed application form, as provided by the Township.
 - 2. Payment of a fee, in accordance with a fee schedule as determined by the Township Board.
 - 3. A legal description of the subject property.
 - 4. One (1) printed copy and a PDF of the site plan, which shall include and illustrate at a minimum the following information:
 - a. A small-scale sketch of properties, streets, and use of land within 0.5 miles of the area.

- b. A site plan at a scale of not more than 1 inch equals 200 feet (1" = 200') showing any existing or proposed arrangement of:
 - i. Existing zoning classification of the site and surrounding properties and any variances to be requested.
 - ii. Name, address, and seal of the preparer and date the site plan was prepared or last updated.
 - iii. The topography of the site at a minimum of two (2)-foot intervals and its relationship to adjoining land.
 - iv. Existing man-made features and existing natural features, including all trees and woods on site and all drains streams, lakes, ponds, floodplains, sand dunes, and similar features on the site with an indication as to which will be retained and which will be removed by earth changes.
 - v. Dimensions of yards, setbacks, locations, heights, size, use, and shape of all buildings and structures. Lot area, coverage, floor area, floor elevation, and building height shall all be indicated.
 - vi. Location and width of any sidewalks, easements, and street rights-of-way, indicating proposed access routes, acceleration, deceleration, special right or left turn lanes, parallel access drives, internal circulation, and relationship to existing rights-of-way. The inside radii of all curves, including driveway curb returns, shall be indicated. All proposed traffic control measures (including signs) and the names of the proposed streets or driveways shall also be indicated.
 - vii. Proposed grading, drainage systems, on-site retention and detention basins, the direction of drainage flow, and stormwater calculations.
 - viii. Location of any wetlands that may be located on the property.
 - ix. Location and type of drainage, sanitary sewers, storm sewers, sump, roof and gutter drains, water, electric and gas lines, and any other utilities as well as any

easements that exist or are proposed for the installation, repair, and maintenance of utilities. Any septic systems, drain fields, dry wells, catch basins, water wells (active or abandoned), and underground storage tanks (active or abandoned) shall also be indicated, as well as the point of discharge for all drains and pipes.

- x. A landscape plan in accordance with Section 13.04 of this Ordinance.
 - xi. Existing and proposed public utilities, if any (water main and sanitary sewer), natural gas, electric, telephone, cable television, and other utilities, the proposed location of connections to existing utilities, and any proposed extensions thereof.
 - xii. Details pertaining to the proposed signage, including an illustration of all proposed signs, their surface area, height, and nature of illumination.
 - xiii. Location and type of on-site lighting.
 - xiv. Proposed parking spaces, areas, and drives, including maneuvering lanes, loading areas, and surface materials.
 - xv. Existing and proposed trash receptacles and dumpsters and the location and specification of any proposed above or below-ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.
 - xvi. Dimensions and number of proposed lots or condominium units.
 - xvii. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
- c. Proposed building elevations

- d. A narrative describing:
 - i. The overall objective of the proposed development.
 - ii. Number of acres allocated to each proposed use and gross area in building, structures, parking, public, and/or private streets and drives, and open spaces.
 - iii. Dwelling unit densities by type, if applicable.
 - iv. Proposed method of providing sewer and water service as well as other public and private utilities.
 - v. Proposed method of providing storm drainage.
 - 5. The applicant may be required by the Planning Commission to place property stakes and building corner stakes.
- B. Waiver of Submittal Requirements.
 - 1. The Zoning Administrator or Planning Commission may waive one (1) or more submittal requirements upon determining that such item is not pertinent to the application.
 - 2. A person or body specifically authorized under this ordinance to waive a submittal requirement may do so upon determining that the applicable waiver criteria are satisfied.
 - 3. Waivers shall be memorialized in writing in an official public document kept in the Zoning Administrator's physical or electronic file for the subject property.
- C. The Planning Commission or Zoning Administrator may require additional information to be illustrated on the site plan beyond what is required in this Section to consider the impact of the project upon adjacent properties and the general public. The Planning Commission or Zoning Administrator may also require the submission of special studies or research including, but not limited to, traffic impact studies, environmental impact statements, hydrogeological studies, and/or market studies to aid in the evaluation of any site plan.

Section 11.05 – Action on Application and Site Plans

- A. Upon receipt of the application and plans, the Zoning Administrator shall review the application materials for completeness. If complete, the Zoning Administrator shall transmit the application materials to each Planning Commissioner; one (1) copy to the Northeast Van Buren Emergency Service Authority (NIESA), when applicable, one (1) copy to other area

review agencies when applicable, and retain one (1) copy in the Township offices.

- B. A Planning Commission meeting shall be scheduled for a review of the application and site plan. The meeting shall be held within 60 days of the date of the receipt of the completed plans and application.
- C. After the receipt of all required materials, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing and delivered to the applicant.

Section 11.06 – Site Plan Review Standards

To approve a site plan, the Planning Commission shall find that the following standards are met:

- A. That there is a proper relationship between the existing roads and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission, as applicable.
- B. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties.
- C. That as many natural features of the landscape shall be retained as possible, particularly where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the community or help control erosion or the discharge of storm waters.
- D. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- E. That all buildings and structures are accessible to emergency vehicles.
- F. That a plan for erosion control, stormwater discharge, utility connections, and similar provisions has been approved by the appropriate public agency.
- G. That the plan as approved is consistent with the intent and purpose of this Zoning Ordinance and the South Haven Charter Township Master Plan.

Section 11.07 – Approved Site Plans

- A. Site Plan Approval. A site plan shall be approved if it contains the information required by, and is in compliance with, the Zoning Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Copies of the approved site plan and any supporting materials shall be kept on file by the Township.
- B. Conformity to Approved Site Plans. Property that is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto that have received the approval of the Planning Commission or Zoning Administrator. If construction and development do not conform with such approved plans, the approval may be revoked or suspended by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address. Upon revocation of such approval, all construction activities shall immediately cease on the site, other than for the purpose of correcting the violation, or for securing the site.
- C. Duration of Approval. An approved site plan shall be valid for a period of one (1) year after the date of approval. Upon written request by the applicant stating the reasons therefor, the Planning Commission may extend a site plan approval for up to one (1) additional year if one or more of the following conditions exist:
 - 1. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - 2. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
 - 3. Development or redevelopment in the proximity of the approved site plan has not resulted in changed conditions impacting the site.
 - 4. There has not been a change in state or federal law or other local ordinance prohibiting the construction or further construction of the approved project.
 - 5. In deciding whether to grant an extension, the Planning Commission shall also find that it is more likely than not that the

applicant will be able to substantially commence construction within the granted extension period.

6. If a site plan expires pursuant to subsection 12.07 (3) above, no work may be undertaken until a new site plan has been approved by the Planning Commission pursuant to the standards of this Article.
- D. As-Built. Once a project for which a site plan was approved is completed, two (2) sets of “as built” plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bike paths, and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of receipt of a certificate of zoning compliance (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets, and/or large buildings are involved.

Section 11.08 – Changes to Approved Site Plan

- A. No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator. The Zoning Administrator may review and approve minor amendments to an approved site plan, or refer minor amendments to the Planning Commission for a decision. Minor amendments include, but are not limited to, the following:
 1. The reduction in the size of any building, building envelope, or sign.
 2. The enlargement or expansion of a building by up to 10%
 3. The movement of buildings or signs in a way that does not alter the overall layout or other significant characteristics of the site plan.
 4. Changes requested by the Township, County, or State of Michigan for safety reasons.
 5. Changes that will preserve the natural features of the land without changing the basic site layout.
 6. Modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan, provided that the amount of landscaping provided is not substantially decreased.
 7. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do

not change in a manner that significantly alters the viability of the PUD.

8. Other changes proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and changes that would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety, and welfare.
- B. Changes not considered by the Zoning Administrator to be minor changes, such as a major relocation or of a building, an increase in the gross floor area or heights of buildings, a significant reduction in the open space, and similar major changes, shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed, and approved. If there is a dispute regarding whether a change is major or minor, the matter shall be referred to the Planning Commission for a decision.

Section 11.09 – Appeals

An appeal of a site plan decision made by the Zoning Administrator, Planning Commission, or Township Board may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions.

Section 11.10 – Performance Guarantees

In approving a site plan, the Planning Commission may require a performance guarantee pursuant to Section _____ of this Ordinance.

ARTICLE 12

Site Development Standards

Section 12.00 - Purpose

Section 12.01 – Signs

Section 12.01.00 – Purpose.

The purpose of this section is to regulate commercial and noncommercial outdoor signs in a manner which:

- A. Recognizes the communication needs of both businesses and other parties;
- B. Protects property values and neighborhood character;
- C. Creates a more attractive business climate; promotes pedestrian and traffic safety by reducing sign distractions, obstructions and other hazards; and
- D. Promotes pleasing community environmental aesthetics.

Section 12.01.02 – Compliance.

Compliance with this section does not relieve the applicant of the responsibility for compliance with other local, state or federal sign regulations, nor does the issuance of a zoning permit grant permission to the applicant to place signs on any property including road rights-of-way other than property owned or otherwise legally under the control of the applicant. The issuance of a zoning permit only assures the applicant that the sign meets the requirements of this section.

Section 12.01.03 – Permit required.

Except as otherwise provided in this section, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered unless a zoning permit has been issued in accordance with the provisions of this article. Mere repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.

Section 12.01.04 – Definitions and Interpretation.

Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined in this zoning ordinance shall be given the meanings set forth under Chapter 2 “Definitions.” Unless

the context clearly requires otherwise, all other words and phrases shall be given their common, ordinary meaning. The terms and definitions of this section are not intended to conflict with any other definitions or portion of this zoning ordinance but are for the exclusive use of this section.

Abandoned Sign. A sign for which no legal owner can be found, a dilapidated sign that has fallen into disrepair, or the owner has expressed intent to abandon the sign or otherwise exhibits characteristics of abandonment in the opinion of the zoning administrator.

Alteration of Sign. Any change other than incidental repairs that would prolong the life of the supporting members of a sign, such as columns, beams, girders, supports, or foundations.

Awning. A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.

Awning sign. A sign painted on, printed on, or attached flat against the surface of an awning or canopy (See Figure _____).

Banner Sign. A temporary sign made from fabric, plastic, or other non-rigid material without an enclosing structural framework attached to or hung from a pole, rope, or a building or structure.

Billboard. An off-premises board, panel, tablet, or electronic message display that advertises a business, event, service, or product unrelated to the parcel on which it is located, as regulated by the Michigan Highway Advertising Act ((PA 106 of 1972, as amended), (see Figure _____).

Building Marker. A marker indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material and attached to the structure. A building marker shall not be considered a wall sign unless it exceeds six (6) square feet in area.

Canopy and Marquee. Any permanent roof-like structure projecting beyond the wall of the building is generally designed and constructed to protect from the weather.

Canopy Sign. A sign attached to or hung from a marquee, mansard, awning, canopy, or other structure, projecting from and supported by the building and extending beyond the building wall (see Figure _____).

Canopy Island. An accessory roof structure for vehicular or pedestrian use (See provisions for Gasoline Service Station in this section).

Changeable Copy Sign. Bulletin or reader boards, directory signs, or other signs that allow manual message alterations shall be considered changeable copy signs. A sign on which the message changes through electronic means shall be regarded as an “electronic message center” and not a changeable copy sign for the purposes of this section.

Construction, Contractor, and Developer Signs. Any temporary sign erected on a site designated on a building permit issued by the Township as a site for construction that advises the public of pertinent facts regarding the construction, management, sale, and/or leasing of the building or property (see “Temporary Signs”).

Cornerstone Marker. See “building marker.”

Development Identification Sign. A sign identifying plats, residential developments, business or industrial parks, which contain the name of the development only and contain no other information or advertising.

Directional Sign. An incidental on-premises sign giving directions, instructions, or facility information. The directional sign may not contain the name of the business or institution or include a commercial message.

Electronic Message Center. Any sign or portion of a sign that provides for the display of changeable copy electronically.

Exempt sign. A sign that is exempt from either a sign permit or the entire chapter per Section _____, for which a sign permit is not required.

Feather Sign. A freestanding temporary sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant vertically elongated and connected to the shaft (see Figure _____).

Festoons. A string of ribbons, tinsel, flags, pennants, or pinwheels.

Flag. A flag refers to the flags of the United States of America, the state, the county, and the Township, or a public or private educational institution or other similar flag intended to express statements.

Flag sign. A lightweight piece of cloth, fabric, or similar material that is either attached to a pole used exclusively for flag display or attached to a permanent building using a flag pole bracket (see Figure _____).

Flashing Sign. A sign that contains a rapidly intermittent or changing light source.

Freestanding Sign. A sign not attached to a building or wall supported by one or more poles or braces or rests on the ground or a foundation resting on the ground.

Government Signs. A sign erected or required to be erected by the Township, County, or the state or federal government.

Grand Opening Sign. A temporary sign announcing the opening of a business or new development.

Ground Sign. See "Monument Sign."

Household Event Sign. A temporary sign communicating a household event such as yard sales, graduations, family reunions, etc.

Illegal or Unlawful Sign. A sign that does not meet this chapter's requirements and has not received legal nonconforming status.

Incidental Sign. A sign placed on private property and placed in a manner to be read by persons within the site, not by persons passing by on streets or other rights-of-way. Incidental signs may convey messages such as "no parking," "entrance," "loading only," "telephone," "handicap," "no hunting," "no trespassing," or other noncommercial messages.

Inflatable Sign (Balloon Sign). Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a container, figure, product, or product trademark, whether or not such object contains a message or lettering.

Mansard. A sloped roof or roof-like façade that is architecturally comparable to a building wall.

Mansard Sign. A sign that is mounted, painted on, or attached to a mansard.

Marquee. (see Canopy and Marquee.)

Marquee Sign. A sign affixed to the surface of a marquee (see Figure _____).

Menu Board Sign. An incidental sign utilized by drive-through establishments to place orders.

Monument Sign. A freestanding sign supported by a base that rests directly on the ground, where the width of the base is at least 50 percent of the width of the sign (see Figure ____).

Mural. A graphic display that is artistically drawn, painted, or otherwise attached to the surface of a building wall or other structure containing no commercial speech. For

the purposes of this Ordinance, a mural is considered artistic and not a sign; therefore, it is not applicable to the regulations of this Ordinance.

Natural Disaster Event. A disaster that occurs as the result of forces occurring in nature (i.e., floods, hurricanes, tornadoes).

Non-Conforming Sign. A sign that does not conform to this Ordinance.

Off-Premises Sign. A sign structure advertising an establishment, merchandise, service, event, or entertainment not sold, produced, manufactured, or furnished at the lot on which such sign is located. An off-premises sign shall be considered a billboard unless specified in this ordinance for religious organizations or service clubs.

Parapet. A building wall or wall feature that extends above and beyond the roof surface.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Political Sign. A temporary sign announcing the candidacy of a person running for public office or advocating issues to be voted upon at an election.

Pole Sign. A free-standing sign that is supported by a structure, poles, or braces that are less than 50 percent of the width of the sign (see Figure _____).

Portable Sign. A temporary sign that, by its nature, may be or is intended to be easily moved from one location to another, typically a sign supported on a metal chassis and may include a copy that can be changed manually through the use of attachable characters, but not including sidewalk signs, banners, etc. (see Figure _____).

Projecting Sign. A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 48 inches from the face of the building or wall (see Figure ____).

Public Event Sign. A temporary sign is advertising a noncommercial public service event with a communitywide interest.

Real Estate Sign. A temporary sign advertising the real estate upon which the sign is located is for rent, lease, or sale.

Roof Line. The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Roof Sign. A sign that is attached to or is placed on the roof of a building (see Figure ____).

Rotating Sign. A sign in which the sign itself or any portion moves in a revolving or similar manner. Such motion does not refer to methods of changeable copy.

Sandwich Board Sign. An A-frame sign that is portable and designed to be placed on the sidewalk in front of the use it advertises. Sandwich Board signs are also called “sidewalk signs” (see Figure ____).

Sign. A device, structure, fixture, figure, or placard that may or may not use graphics, symbols, emblems, numbers, lights, and/or written copy to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two square feet shall not be considered signs. Signs are categorized into the following:

1. **Permanent Sign.** A sign installed on a support structure that is not intended to be moved or removed but to remain for an indefinite period of time.

2. **Temporary Sign.** A sign installed for a limited period of time is intended to be removed within a period specified herein (see Figure ____).

Snipe Sign. A sign attached to a utility pole, tree, fence, or any object located or situated on public or private property without permission.

Streamers. A long, narrow strip of material used as a decoration or symbol.

Traffic Control Signs. A stop, yield, speed limit, and similar signs, the face of which meet state, county, or Township standards and which contain no other message.

Under Canopy Sign. A sign that is suspended beneath a canopy, ceiling, roof, or marquee.

Vehicle Sign. A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, trailers, semi-trailers, or airplanes.

Wall Sign. A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached (see Figure ____).

Window Sign. A sign installed inside a window intended to be viewed from the outside (see Figure _____).

Wire Frame Sign. A temporary sign made of corrugated plastic, vinyl, cardboard, poster board, or similar material that is supported by or attached to a metal frame.

Section 12.01.05 – Prohibited Signs.

A sign not expressly permitted by this Ordinance is prohibited. The following types of signs are expressly prohibited except that the Zoning Board of Appeals may permit these signs if it is demonstrated that such sign by its size, shape, location, movement, materials, creativity in design, temporary nature, or other factors relating to its composition will not be a visual nuisance, obstruct vision, compromise public safety, distract drivers or detract from the character of the area where it is proposed to be located. If such signs are permitted, they shall comply with the applicable regulations of this section.

- A. Flashing signs.
- B. Abandoned signs.
- C. Rotating signs.
- D. Signs imitating or resembling official traffic or government signs or signals.
- E. Vehicle signs not used during the normal course of business that are conspicuously parked or located to advertise, identify, or bring attention to an establishment, product, person, service, or activity.
- F. Snipe signs.
- G. Strobe lights and lights of a similar nature.

Section 12.01.06 – Signs Not Subject to this Section.

The following signs shall be exempted from the provisions of this chapter.

- A. Government signs.
- B. Street Signs (as defined by the Manual of Uniform Traffic Control Devices).
- C. Any sign six (6) square feet or less in size and no more than four (4) feet in height.
- D. Flags, except when displaying commercial speech.
- E. Temporary signs that are less than 24 square feet in area.

Section 12.01.07 – General Conditions Applicable to All Signs.

All signs and billboards shall comply with the regulations contained herein and shall specifically comply with the following:

- A. Every sign shall be constructed and maintained in a manner consistent with the Michigan Building Code and maintained in good and safe structural condition at all times. All signs, including metal parts and supports, shall be kept neatly painted, stained, sealed, or preserved.
- B. Permanent signs shall be constructed to withstand all wind and vibration forces that normally can be expected to occur in the vicinity.
- C. A sign or billboard shall not constitute a traffic hazard or impair motorists' visibility at intersections.
- D. Neon or neon-type lighting, which is configured in such a manner as to form letters or a symbol, shall be considered a sign or billboard. Neon or neon-type lighting, which forms a border for a symbol or letters advertising a business, product, or service, shall be considered part of a sign (or billboard, as applicable), the area of which shall be computed based on the area within the perimeter of that border.
- E. Signs with an electronic LED or similar message center display shall be permitted, provided the display contains only stationary text and graphics, has no portion of the display flashing or scrolling, and changes to the display occur no more frequently than once every ten seconds. Signs with an electronic LED or similar message center display shall possess and utilize automatic dimming capabilities.
- F. There shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and at least one hundred fifty (150) feet from any residential dwelling.
- G. No sign shall project or be located into the public right-of-way. Only governmental signs established by the Township, County, State, or federal government may utilize this space.

Section 12.01.08 – Measurement of signs.

- A. Unless otherwise specified within this chapter for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure that encloses the

extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign (see Figure ____).

- B. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as one face (see Figure ____).
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

Section 12.01.09 – Nonconforming Signs.

- A. Every permanent sign that does not conform to this section's height, size, area, or location requirements as of the date of this section's adoption is hereby deemed nonconforming.
- B. Nonconforming signs shall not be replaced, moved, altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired. The internal illumination of an existing nonconforming sign shall not be considered an alteration or expansion of the nonconformity; illumination does not include the installation of an electronic message center.
- C. Nonconforming signs may be replaced in their prior location only if they are damaged or destroyed during a natural disaster.
- D. For the purposes of this section, a nonconforming sign may be diminished in size or dimension, or the copy of the sign may be amended or changed without jeopardizing the privilege of nonconforming use.
- E. A sign accessory to a nonconforming use may be erected in the Township per the sign regulations for the District where the property is located.
- F. Non-conforming signs shall not:
 - 1. Be replaced or changed to another non-conforming sign;
 - 2. Be repaired if such repair involves any of the following:
 - a. Necessitates the replacement of both the sign frame and sign panels;

- b. Replacement of the sign's primary support pole(s) or other support structure;
- 3. Continue to be used to advertise after the activity, business, or use to which it is related has been discontinued for two consecutive years or longer;
- 4. It can be enhanced with any new feature, including the addition of illumination.
- G. The Township may acquire by purchase by condemnation or other means any non-conforming sign that it deems necessary to preserve its residents' health, safety, and welfare.

Section 12.01.-10 – Temporary Signs.

- A. Residential Lots. On any lot used as a single-family, two-family, or owner-occupied multi-family dwelling, up to four (4) temporary signs shall be displayed on a pole, stake, or wireframe affixed to the ground. Such signs shall meet the following standards:
 - 1. Signs shall not exceed six (6) square feet in area per side,
 - 2. Signs shall not exceed six (6) feet in height
 - 3. Signs shall not require a permit, provided they comply with all other provisions of this chapter.
- B. Non-Residential Lots. One non-permanent sign, including portable signs, may be displayed on any lot used for non-residential use. Such signs shall meet the following standards:
 - 1. Signs may be displayed up to four (4) times per calendar year
 - 2. Each display period shall not be more than 30 days, provided each display is separated by at least 30 days.
 - 3. Such signs shall not exceed 32 square feet.

Section 12.01.11 – Billboards.

Billboards shall only be allowed in the "HSC" and "I" district classifications, subject to the following conditions:

- A. The billboards shall be located within an area 75' in width on either side of state or federal highways within the Township and shall be primarily directed toward traffic on these highways.
- B. Not more than three billboards may be located per linear mile of highway, even though such billboards may be located on different sides of the

highway. The linear mile measurements shall not be limited to the boundaries of the South Haven Charter Township.

- C. Double-faced billboard structures (i.e., back-to-back billboard faces) and V-type billboard structures with only one face visible to traffic proceeding from any given direction on a street or highway shall be considered one billboard. Otherwise, billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces shall be considered as two billboards. They shall be prohibited in accordance with the minimum spacing requirement set forth in subsection (C) below.
- D. No billboard shall be located within 1,000' of other billboards. The billboard shall also not be located within 50 feet of any advertising signboard nor block the visibility of any such on-premises sign within 100 feet of the billboard.
- E. No billboard shall be located within 300' of a residential zone and/or existing residence.
- F. No billboard shall be located closer than 50' from a public right-of-way or 15' from any sidelines of the premises on which the billboard is located.
- G. The surface display area of any billboard face may not exceed 200 square feet.
- H. The height of a billboard shall not exceed 30' above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
- I. No billboard shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
- J. A billboard may be illuminated externally or via electronic message display, provided such illumination is concentrated on the sign's surface. If the billboard is externally illuminated, the sign shall be (1) concentrated on the surface of the sign face, (2) directed downward with full cut-off lighting fixtures, and (3) be so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- K. The billboard must be constructed to withstand all wind and vibration forces that can generally be expected to occur in the vicinity. It must also be maintained to ensure proper structure alignment, continued structural soundness, and message readability.

- L. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) ordering interstate highways, freeways, or primary highways as defined in that Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of that Act and the regulations promulgated thereunder, as such may from time to time be amended.

Section 12.01.12 – Signs Within Commercial and Industrial Districts.

Signs relating to the advertising of goods, products, services, or activities sold, produced, rendered, or available from or upon the premises where the same are located may be installed or constructed within nonresidential districts, provided that they meet the following requirements:

- A. No wall sign shall extend above the building wall to which it is affixed. The total area of all wall signs shall not exceed one (1) square foot for each one (1) linear foot of front face(s) of the building, not to exceed one hundred (100) square feet in area for each building face. The maximum number of building faces utilized for signage shall be two (2). The Zoning Administrator may consider additional wall signage where multi-use building walls do not allow for adequate visibility from the public road. Address assignment and coordination with existing or proposed freestanding signs shall be a part of such administrative approval.
- B. In addition to the wall signage, one free-standing sign may be erected for a single business, a shopping center, or other integrated group of stores or commercial buildings. The freestanding sign shall be separated from any other free-standing sign by at least fifty (50) feet. The area of the freestanding sign shall not exceed 50 square feet in area unless the sign is a directory-type sign listing more than one separate entity, in which case the total area of the sign may be (1) twenty-five (25) square feet per separate entity named on the sign or (2) 100 square feet, whichever is less. Except as set forth in the following paragraph, the maximum height for any freestanding sign shall be twenty (20) feet.
- C. A ground sign, portable sign, or menu board sign shall not exceed eight (8) feet in height, nor shall it in any way obstruct the visibility of directional signs or create a traffic hazard. Such a sign shall be considered a free-standing sign for the purposes of this Ordinance and, except for the more stringent height limitations set forth in this paragraph, shall be subject to all of the limitations on free-standing signs set forth in the above

paragraph, including the limitation that there be no more than one free-standing sign for a single business, shopping center or other integrated group of stores or commercial buildings.

- D. In addition to the signage described in subsections "1" and "2" above, restaurants and other establishments selling food and/or beverages through a drive-through window shall be allowed to have not more than two (2) illuminated menu board signs for use in connection with the drive-through window. The menu board sign(s) total combined area shall not exceed sixty (60) square feet.
- E. One foot from right of way line and side property lines one foot for every one foot of sign height. Shall not overhang any right of way.

Section 12.01.13 – Signs Within Residential Districts.

In the Low-Density Residential, Medium-Density Residential, High-Density Residential, and Manufactured Housing Community districts.

- A. Signs relating to the sale of agricultural products raised on the same property shall be allowed during periods of sale but not to exceed 18 square feet in size.
- B. Entrances to plats or residential neighborhoods may have a sign identifying the name of the area and/or the residents located within the plat or in the neighborhood if the total area of any such sign or group of nameplates at one location does not exceed 18 square feet.
- C. The maximum height for any sign within a residential district shall be eight (8) feet.
- D. Signs within public right-of-way.
 - 1. This Ordinance shall not be deemed to prohibit or regulate any traffic control, directional, or other signage lawfully placed within a public road right-of-way either (1) by or on behalf of the governmental agency having primary jurisdiction over the public road or (2) pursuant to a permit issued by that agency.
- E. Fueling Station Signs.

Due to the unique and customary needs of gasoline service stations, the following additional signs shall be permitted:

- F. Directional signs or lettering displayed over individual entrance doors or bays are permitted provided that there shall be not more than one (1) such sign over each entrance or bay, the letters thereof shall not exceed fifteen

(15) inches in height. The total of each such sign shall not exceed six (6) square feet.

- G. Customary lettering on or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law and not exceeding a total of three (3) square feet on each pump; and if illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.
- H. Signage upon a canopy island shall be limited to the name and/or logo for the business and not exceed one square foot for every two (2) linear feet of canopy length, up to a maximum of twenty (20) square feet per side.

Section 12.02 – Off-Street Parking and Loading

Section 12.02.00 – Purpose

Section 12.02.01 – General Provisions for Off-Street Parking Lots

- A. Off-street parking lots shall be provided for all principal structures or principal uses prior to the issuance of a Certificate of Occupancy subject to the requirements set forth in this Section for the nonresidential districts and those commercial or industrial uses permitted via special land use in the A - Agricultural District.
- B. Permit Required. No off-street parking lot shall be constructed prior to the issuance of a zoning permit by the Zoning Administrator. The application for a zoning permit to construct a parking lot shall include a site plan showing compliance with this Section.
- C. Site Plan Content. A qualified professional shall prepare the site plan and shall indicate existing and proposed grades, drainage, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing, base materials to be used, and the layout of the proposed parking lot.
- D. Minimum Standard. Parking shall be provided in accordance with the number of spaces required by this Section. Parking shall not be less than the required spaces per unit of measure for new uses, except that the Planning Commission may depart from the minimum standards set forth herein pursuant to Section _____.
- E. Deferred Parking. A portion of the required parking lots may be deferred until some future date, provided that adequate space on the property is reserved for future parking, such that the minimum parking requirement is satisfied and shown on the site plan. A permit shall be required prior to the construction of a deferred parking area.
- F. Uses not Listed. For uses not specifically listed, off-street parking shall be provided as required for the most similar use listed by this Ordinance, as determined by the Township. Where no permitted use is determined to be sufficiently similar, the Township shall reference industry standards or professional technical publications to establish such requirements.
- G. Fractional Spaces. When calculations determining the number of required parking spaces result in a fractional space, any fraction up to and

including $\frac{1}{2}$ shall be disregarded, and fractions over $\frac{1}{2}$ shall require one additional parking space.

- H. Modifications/Expansions to Existing Parking Lots. The Zoning Administrator shall review plans (including landscaping plans) for major changes to the existing parking lot. Major changes to parking lots shall comply with the requirements of this Section unless otherwise approved by the Zoning Administrator as permitted by this Section. Major changes consist of the following:
 - I. Replacement or alteration of existing drainage elevations or structures affecting more than 50 percent of the existing parking lot.
 - J. For any expansion or addition of a parking lot equal to or greater than 25 percent of the area of the existing parking lot, the expanded area shall comply with the landscaping requirements of Section 14d.
 - K. Reconstruction of the parking lot, including the removal of existing pavement and drainage structures, which affects more than 25 percent of the existing parking lot. In instances in which a parking lot is to be resurfaced, and no other modifications to the parking lot or drainage patterns are proposed shall not constitute "reconstruction" for the purposes of this subsection.
 - L. Any other change which, in the opinion of the Zoning Administrator, could have a material impact on neighboring property. The application may be referred to the Planning Commission for review in these cases.
 - M. The phased expansion or replacement of parking lots and/or surfaces to circumvent the requirements of this Section is prohibited.
 - N. Ingress and egress to a parking lot in an area zoned for other than Dwelling, Single-Family use shall not be across land zoned for Dwelling, Single-Family uses.
 - O. Safe and usable pedestrian connections shall be provided to and from buildings, associated parking lots, and adjacent sidewalks.
 - P. Parking areas required by this Section shall be used for the convenience of patrons, occupants, and employees of the use served. Parking areas shall not be used for storing goods, merchandise, unrelated commercial vehicles, repairing or selling vehicles, or for any other goods or service offered to the general public for purposes other than the use served by the parking area.

Section 12.02.02 – Shared Parking for Off-Street Parking Lots

- A. Two or more buildings or uses may collectively provide the combined and required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual use of off-street parking spaces where building operating hours do not conflict or overlap, the Planning Commission may permit a reduction of the combined sum of required parking.
- B. Shared parking areas may be located on a different lot from the building or use that it serves if the following conditions are met:
- C. The parking area is no more than 300 feet from the main entrance of the subject building or the uses it serves.
- D. The sharing of parking shall be guaranteed via a legally binding recorded agreement between the owner of the parking area and the owner of the buildings or uses located on a different lot served by the parking area. Such agreement shall be submitted to the Township for review and approval, and the issue of how parking will be shared, maintained, and adequate if the parties modify operating hours or other factors shall be addressed.
- E. Shared access drives to shared or separate parking areas may be utilized provided that appropriate shared access agreements and/or easements are provided and approved by the Township.
- F. Section 14d.02 – Modification from Minimum Standards
- G. The Planning Commission may permit a 20 percent reduction of the number of spaces required for a new or expanding non-residential use that dedicates carpool spaces, bicycle facilities such as lanes or dedicated parking areas, van pools, and similar alternative means of transportation for its employees or customers, provided the Commission determines that such reduction will not result in an inadequate parking area.
- H. The Planning Commission may permit a 50 percent reduction in the number of spaces required for a new or expanding non-residential use or building within three hundred feet of a public parking area.[KB1.1]
- I. Residential uses in the Residential Commercial Overlay district shall provide one parking space per dwelling unit.
- J. Section 14d.03 – Dimensional Requirements for Off-Street Parking Lots

- K. All off-street parking spaces shall be provided with adequate access by means of maneuvering lanes. Access directly onto a street or public right-of-way shall be prohibited unless specifically authorized by the Planning Commission.
- L. Parking spaces and maneuvering lanes shall meet the following minimum dimensional standards:

Parking Pattern	Minimum Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (parallel)	12 feet	8 feet	22 feet
30° to 53°	12 feet	9 feet	20 feet
54° to 74°	15 feet	9 feet	20 feet
75° to 90°	22 feet	9 feet	20 feet

- M. Parking lots comply with the 2010 ADA Standards for Accessible Design (or an applicable subsequent standard). Accessible spaces shall count toward the required number of spaces.
- N. All aisle widths shall permit one-way traffic movement, except that the 90-degree pattern requires two-way movement.
- O. Any entrance and/or exit to and from any off-street parking lot shall be set back at least 25 feet from any adjacent property zoned residential.
- P. Any off-street parking lot shall be set back at least 10 feet from an adjacent property zoned residential and shall be effectively screened by a decorative fence, wall, or a landscaped equivalent.
- Q. The land between the parking lot and the street right-of-way line shall be kept free from refuse and debris and landscaped in accordance with the requirements of Section 12.04.04.
- R. The entire parking area, including parking spaces and maneuvering aisles, shall be paved with asphalt, concrete, or another dust-free material (such as brick pavers or permeable pavement) approved by the Township's designee. Using recycled products and/or materials that minimize stormwater runoff is encouraged.
- S. Off-street parking areas shall be drained to remove of all surface water accumulated in the parking area using low-impact design methods and

stormwater management best practices. Drainage plans shall be reviewed and approved by the Township prior to construction.

- T. Parking areas shall be maintained in good condition, free of weeds, debris, refuse, etc.; striping shall be well-maintained and clearly visible. The Zoning Administrator may require the repair and/or replacement of parking areas (or portions thereof) that are determined to be in poor condition due to overgrown weeds, excessive cracking, asphalt deterioration, poor drainage, and similar factors as recommended by the Township.
- U. All parking spaces and pavement shall be striped in the pattern shown on the approved site plan. The outside edge of the parking area shall be delineated to deter drivers from driving in unpaved areas.
- V. Parking areas shall have barriers such as concrete wheel stops securely attached to the pavement or curbs to prevent vehicles from extending over or into any public sidewalk, walkway, right-of-way, or adjacent property.
- W. If provided, parking lot lighting shall comply with Article 14c.

Section 12.02.03 – Parking Requirements for Single and Two-Family Dwellings

- A. Unless otherwise permitted herein, off-street parking for single- and two-family dwellings shall be located on the same lot as the building they are intended to serve. Per the above standards, shared parking may be utilized for short-term rentals.
- B. Required single-family and Dwelling, Two-Family off-street parking areas shall consist of a parking strip, parking bay, driveway, garage, or a combination thereof and shall be located on the premises they are intended to serve unless the Township has approved a shared or consolidated arrangement for parking.
- C. Access to enclosed or unenclosed parking shall be by means of a driveway that extends uninterruptedly from the garage or parking area approved to a street or alley.

Section 12.02.04 – Schedule of Parking Requirements

Unless modified in accordance with the provisions of this Section, the number of required off-street parking spaces on a site shall be determined by utilizing the following table. In instances where the table below requires that the “applicant shall demonstrate parking demand,” an applicant shall demonstrate to the Township’s satisfaction the number of anticipated parking spaces needed for the land use. The demand shall be

based on the number of employees, anticipated customer volume, hours of operation, relevant technical manuals, similar land uses, and other data acceptable to the Township. Applicants shall demonstrate the basis for their parking calculations.

Minimum Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Adult Entertainment Facilities	1 for each three 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Ambulance Services	The applicant shall demonstrate parking demand.
Art Studios	The applicant shall demonstrate parking demand.
Assisted Living Facilities	1 for each 2 units, and one 1 for each employee.
Automobile Engine and Body Repair	1 space per service bay and 1 per employee.
Automobile or Vehicle Sales	1 for each 200 square feet of usable floor area of the sales room and one 1 for each service stall.
Automobile or Vehicle Wash	1 for each 1 employee
Automobile Service or Repair Facilities	1 space per service bay and 1 per employee.
Battery Energy Storage Facilities (BESS)	The applicant shall demonstrate parking demand. (see Article 7a)
Bed and Breakfast Establishments	2, plus one 1 space for each room.
Business Incubator Facilities	The applicant shall demonstrate parking demand.
Campgrounds	2 per campsite or in compliance with MDNR standards.
Central Dry-Cleaning Plants	The applicant shall demonstrate parking demand.

Minimum Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Childcare Facilities	1 for each 350 square feet of usable floor area.
Childcare Homes, Family	2 spaces and 1 for each caregiver
Childcare Homes, Group	2 spaces and 1 for each caregiver
Commercial Greenhouses	1 space for each 300 (with retail sales) square feet of interior floor area plus 1 space for each 2000 square feet of exterior sales area.
Commercial Kennels	1 for each 250 square feet and 1 for each employee
Contractor's Offices and Showrooms	1 space per employee plus 1 space per company vehicle
Contractor's Supply Facilities	1 for each 250 square feet of usable floor area and 1 for each employee
Contractors Warehouse, Facilities, or Storage Facilities or Yards	1 for each 250 square feet of usable floor area and 1 for each employee
Convalescent Homes	1 for each 4 beds.
Dwellings, Multifamily	1.5 per dwelling unit.
Dwellings, Single-Family Attached	2 per dwelling unit.
Dwellings, Single-Family Detached	2 per dwelling unit.
Dwellings, Two-Family	2 per dwelling unit.
Dwellings, Upper Level	1.5 per dwelling unit.
Educational Facilities	1 for each employee, plus 1 per ten 10 students.
Financial Institutions	1 for each 250 square feet of usable floor area.
Funeral Homes or Mortuaries	1 for each 50 square feet of usable floor area.

Minimum Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Health Clubs	1 space for each 200 square feet of usable floor area, plus 1 space for each employee.
Home Occupations	The applicant shall demonstrate parking demand.
Hospice Facilities	1 for each 2 beds and every three 3 employees.
Hospitals	1 for each 2 beds and every 3 employees.
Hotels	1 for each 1 occupancy unit plus 1 for each 1 employee.
Landscaping Materials or Nursery	1 space for each 300 (with retail sales) square feet of interior floor area plus 1 space for each 2000 square feet of exterior sales area.
Manufactured Housing Community	2 per dwelling unit.
Manufacturing, Processing, or Assembly Facilities	5, plus one 1 for every one and 1-1/2 employees in the largest working shift.
Medical and Dental Offices	1 for each 100 square feet of usable floor area in waiting rooms, and 1 for each examining room, dental chair, or similar use area.
Municipal Maintenance Garages	1 for each employee
Nursing Homes	1 for each 4 beds
Outdoor Storage Facilities or Yards	5, plus 1 for every 1 employee in the largest working shift
Parking Lots as a Principal Use	N/A
Personal Service Establishments	1 per 250 square feet of gross floor area plus 1 per employee.
Pharmacies/Medical Supply Sales Facilities	The applicant shall demonstrate parking demand.

Minimum Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Places of Public Assembly	1 for each four 4 seats.
Places of Worship	1 for each four 4 seats.
Planned Unit Developments	The applicant shall demonstrate parking demand based upon use, parallel plan (if applicable), and deviations requested
Private Clubs or Lodges	1 space for every 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Private Recreation Facilities, Indoor	2 for every 500 square feet of usable area and 1 for each employee
Private Recreation Facilities, Outdoor	5 for each acre of active recreation land (as calculated by the site plan)
Professional Offices	1 for each 250 square feet of usable floor area.
Public Facilities	1 for each 250 square feet of usable floor area
Rehabilitation Facilities	1 for every 250 square feet of usable area, excluding inpatient room, which require 1 space for each and 1 space per employee
Research, Laboratory, or Product Testing Facilities	5, plus 1 for every 1-1/2 employee in the largest working shift.
Resorts	1 for each 1 occupancy unit plus 1 for each 1 employee.
Restaurants	1 for each 75 square feet of usable floor area.
Retail Businesses	1 for each 250 square feet of usable floor area.
Sales and Distribution Facilities	5, plus 1 for every one 1 employee in the largest working shift.
Self-Storage / Mini Warehouse Facilities	1 space for each 10 storage units and 1 space for each onsite employee (if any)

Minimum Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Senior Housing	One 1 per unit.
Storage, Transfer Warehouses, or Shipping Facilities	5, plus 1 for every one 1 employee in the largest working shift.
Utility Scale Solar Energy Facility	The applicant shall demonstrate parking demand
Wireless Communication Towers	The applicant shall demonstrate parking demand.

Section 12.02.05 – Loading Spaces

- A. Loading spaces shall be provided on the same property as any nonresidential use involving the receipt or distribution of materials or merchandise.
- B. Loading spaces shall be provided with adequate access through maneuvering lanes; access directly onto a street or public right-of-way shall be prohibited.
- C. Loading spaces shall be located within the rear yard or side yard and shall in no instance be permitted in a front yard. Landscaping and buffering, in addition to that required by Section 12.04, shall be provided to fully screen loading spaces from public view when located in an interior side yard, unless the Planning Commission determines such screening is not needed based on existing land uses, site features, or topography.
- D. Loading spaces shall be at least 10 feet in width and 50 feet in length and have a vertical clearance of at least fourteen 14 feet.
- E. Loading areas and loading dock approaches shall have asphalt or concrete to provide a permanent, durable, and dustless surface.
- F. Loading spaces shall be provided in accordance with the requirements below. The Planning Commission may approve a modification of the requirements if it finds that adequate loading and unloading space will be provided.

Square feet of Principal Permitted Building on a Property	Minimum Number of Loading Spaces Required
--	--

Up to 5,000	0
5,001 to 20,000	1
20,001 to 100,000	2
1 additional space is required per additional 50,000 square feet	

- G. Loading spaces shall be located so loading and unloading activities do not interfere with pedestrian or private motor vehicle movement.

Section 12.03 – Outdoor Lighting

Section 12.03.00 – Purpose

The people of South Haven Township value the natural environment and wish to maintain the rural nature of the township it is the purpose of this ordinance to define practical and effective measures by which the obtrusive aspects of excessive or careless Exterior Lighting can be minimized, while preserving safety, security, and the nighttime use of property. These measures will curtail the degradation on the nighttime visual environment by encouraging the correct implementation of Exterior Lighting that directs the appropriate amounts of light where and when it is needed.

Section 12.03.01 – Definitions

In addition to the definitions given in Chapter 2, the following words and terms are defined for use in this Section.

Abandonment - The relinquishment of a property, or the cessation of activities or conditions which constitute the principal use of the property by the owner or tenant for a period of six (6) months.

Average Light Output - The Total Light Output for a Lot, divided by the number of acres in the same Lot.

Bulb - The source of electric light, to be distinguished from the whole assembly. See Luminaire and Lamp.

Candela (cd) - Unit of luminous intensity. See Figure 4-2 for a more detailed explanation.

Existing Lighting - Any and all lighting installed prior to the effective date of this ordinance.

Exterior Lighting - Temporary or permanent lighting that is installed, located or used in such a manner as to illuminate an exterior area or objects. Fixtures that are

installed indoors that are intended to illuminate an outside area or objects are considered exterior Lighting for the intent of this Light Ordinance.

Fixture - The assembly that holds the Lamp in a Lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Flood/Spot Light - Light that produces up to 1800 Lumens and is designed to "flood" an area with light. Generally, flood/spot lights produce from 1000 to 1800 Lumens and have a built-in reflector within the Bulb.

Footcandle - Illuminance produced on a surface one foot from a uniform point source of one candela, as measured by a light meter. See Figure 4-2 for a more detailed explanation.

Fully Shielded - The light emitted from a Fully Shielded fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. No light is emitted from the sides of the fixture. This type of fixture is also considered a full cut-off fixture.

Glare - Direct light emitted by a Luminaire that results in visual discomfort, momentary blindness or a reduction of visual performance.

Holiday Lighting - Festoon type lights, limited to small individual Bulbs on a string, where the spacing of Bulbs is not closer than three inches and where the output per Bulb is no greater than 15 Lumens.

IESNA - Illuminating Engineering Society of North America (IES or IESNA) - The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Illuminance - Density of luminous flux incident on a surface. Unit of measure is the Footcandle. For the purpose of measuring the Illuminance of a mounted Luminaire in this ordinance, the measurement is made with a light meter 3 feet above the illuminated surface. See Figure 1 for a more detailed explanation.

Lamp - The source of electric light. Usually consists of a Bulb containing a filament or electric arc as the source of electromagnetic energy in the visible spectrum. See Luminaire.

Light Ordinance - The provisions of this Section 4.28 and any successor to Section 4.28, as amended and restated.

Light Trespass - Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Lighting - Any or all physical parts of a Luminaire that function to produce light.

Lumen - Unit of luminous flux. Defined as the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One Footcandle is one lumen per square foot. The Total Light Output of a Lamp (Lumen rating) is usually rated in units of Lumens and may be abbreviated as lms.

Luminaire - The complete Lighting unit, including the Lamp, the fixture, and other physical parts.

Luminance - The Luminance is the perceived brightness that we see, the visual effect of the illumination, reflected, emitted or transmitted from a surface.

Major Improvement Expansion - A building addition or modification that results in an increase in floor area of twenty-five (25) percent or more over the amount of floor area existing as of the effective date of this ordinance, or an addition or modification to a parking area that results in an increase in the number of parking spaces of twenty-five (25) percent or more over the number of parking spaces existing as of the effective date of this ordinance.

Major Lighting Addition - The replacement or addition of Exterior Lighting that results in an increase in the Average Light Output of a Lot of twenty-five (25) percent or more over the amount of Average Light Output of such Lot existing as of the date of passage of this Ordinance.

Minor Improvement Expansion – A building addition or modification or an addition or modification to a parking area that does not constitute a Major Improvement Expansion and does not include a Major Lighting Addition.

Minor Lighting Addition – The replacement or addition of Exterior Lighting that does not constitute a Major Lighting Addition and does not include a Major Improvement Expansion.

Partially Shielded - The Bulb of the fixture is shielded by a translucent siding and the Bulb is not visible at all. Light may be emitted at the horizontal level of the Bulb.

Planning Commission – South Haven Charter Township Planning Commission.

Public Streets - Streets dedicated for the general public use and maintained by a governmental entity.

Recessed - When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

Total Light Output - The maximum total amount of light, measured in Lumens, from all outdoor light fixtures. For Lamp types that vary in their output as they age (such as high-pressure sodium), the initial output, as defined by the manufacturer, is the value to be considered.

Temporary Lighting - Means Lighting that is intended to be used for a special event for 30 consecutive days or less.

Uplighting - Lighting that is directed in such a manner as to direct light rays above the horizontal plane.

Section 12.03.02 - New Uses, Buildings and Major Additions or Modifications

- A. All new land uses, developments, buildings and structures shall meet the requirements of this Light Ordinance. In addition, any one or more of the following events shall subject an entire Lot to all of the requirements (including, without limitation, the Average Light Output maximums) of this Light Ordinance:
 - 1. Major Improvement Expansion, or
 - 2. Major Lighting Addition.
- B. All Exterior Lighting installed after the adoption of this Light Ordinance (including, without limitation, Lighting installed in connection with any Minor Lighting Addition or Minor Improvement Expansion) is subject to the restrictions and requirements of this Light Ordinance; provided, however, that Exterior Lighting installed in connection with a Minor Improvement Expansion or a Minor Lighting Addition will not, by itself, subject the Lot upon which the Exterior Lighting is to be installed to the Total Light Output or Average Light Output maximums established by this Light Ordinance, except as set forth below.
- C. For any proposed land use, development, building, structure or improvement that requires a site plan, the submission shall include a Lighting plan establishing satisfaction of the requirements of this Light Ordinance and otherwise containing such detail concerning Lighting for the site as the Planning Commission may require.
- D. All Additions - Each proposed Minor Lighting Addition, Major Improvement Expansion or Major Lighting Addition for which a site plan is not required, but any township permit is required (including, without limitation, a building permit or an electrical permit), shall require the submission of a Lighting plan for review and approval by the Zoning Administrator establishing satisfaction of the requirements of this Light Ordinance and otherwise containing such detail concerning Lighting for the site as the Zoning Administrator may require. Without limiting the other restrictions and limitations set forth in this Light Ordinance, upon the completion of any Major Improvement Expansion or Minor Improvement Expansion, the

Average Light Output after the modifications are complete shall not exceed the greater of (i) the Average Light Output as it existed immediately before such modifications, and (ii) the light output maximums set forth in Table 2 below.

- E. Replacement of Outdoor Luminaire – Replacement of any one or more Existing Lighting Luminaires shall individually meet the design, installation and operation requirements of this Light Ordinance. Replacement of any Existing Lighting Luminaire shall not cause or further increase noncompliance with Average Light Output maximums.
- F. Resumption of Use After Abandonment - If a property or use having non-conforming Lighting is Abandoned, as defined herein, then all Exterior Lighting shall be reviewed and brought into compliance with this ordinance before use is resumed.
- G. Public and Private Roadways
 - 1. Lighting for Public Streets shall be exempt from this ordinance.
 - 2. Lighting for Private Streets shall meet all requirements of this ordinance and the district in which the street is located. Lumens produced by street lighting on a Private Street shall be included in the Average Light Output for each Lot served by the Private Street by dividing the Total Light Output produced by the street lighting by the total number of acres in the property served by the Private Street, and then adding the quotient to the Average Light Output of each Lot served by the Private Street.
- H. General Requirements for all Zones.
 - 1. Outdoor Flood/Spot Lighting that projects light above the horizontal plane and used for illuminating objects other than flags, is prohibited except when said Lighting is restricted in duration by a timer or motion sensor with associated timer. Maximum on time must be limited to 5 minutes.
 - 2. All light Fixtures that are required to be shielded shall be installed in such a manner that the shielding is effective as described in 12.03.01, Definitions, for Fully or Partially Shielded fixtures.
 - 3. All light Fixtures shall be located, aimed, and shielded so as to minimize stray Light Trespassing across property boundaries.

4. Search lights, laser source lights, or any similar high-intensity light shall not be permitted except in emergencies as directed by police, medical or fire personnel.
5. Lighting for outdoor recreational facilities must conform to the requirements of this Light Ordinance; provided, however, that with respect to outdoor recreational facilities, the Planning Commission may, upon application, consent to higher maximum light outputs than would otherwise be permitted and different shielding than would otherwise be required by this Light Ordinance after consideration of:
 - a. the uses permitted by right for the district in which the Lighting for the outdoor recreation facility is requested;
 - b. the public benefit that will be derived from the proposed facility and the annoyance or safety problems that may result; and
 - c. the general health, safety and welfare of the community at large.
 - d. The Planning Commission may impose any conditions to any consent granted under this section as it deems necessary or appropriate in view of the considerations set forth above.
6. Exterior Lighting for signs shall conform to the provisions of this Section.
7. On projects where a site plan review is required, the developer shall verify in writing to the Planning Commission that all Exterior Lighting was installed in accordance with the approved plans.
8. Exterior Lighting installed on poles, such as parking lot Luminaries, and light Fixtures installed on the sides of the buildings or other structures, when not shielded from above by the structure itself as defined in Section (H)(9) and (H)(10) below, are to be included in the Total Light Output by simply adding the Lumen outputs of the Lamps used.
9. Exterior Lighting installed under canopies, buildings, overhangs, or roof eaves where the center of the Lamp or Luminaire is located at least five (5) feet, but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the Total Light

Output as though they produced only one-quarter (1/4) of the Lamp's rated Lumen output.

10. Exterior Lighting located under the canopy and ten (10) or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the Total Light Output as though they produced only one-tenth (1/10) of the Lamp's rated Lumen output.
11. Neon Lighting is permitted, so long as the Lumen calculations from such Lighting are included in the Total Light Output calculations for the site. Lumens are calculated on a per foot basis rather than per "Fixture". Such Lighting shall also be subject to the shielding requirements of this section.
12. Free standing Luminaires shall be no higher than 25 feet above the finished grade. Building mounted Luminaires shall be attached only to walls, and the top of the Fixture shall not exceed the height of the parapet or roof, whichever is greater.
13. Holiday Lighting is not regulated by this ordinance.
14. Temporary Lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming Temporary Lighting may be permitted by the Planning Commission only after considering 1) the public and/or private benefits which will result from the Temporary Lighting; 2) any annoyance or safety problems that may result from the use of the Temporary Lighting; and 3) the duration of the nonconforming Temporary Lighting. The applicant shall submit a detailed description of the proposed nonconforming Temporary Lighting to the Zoning Administrator or designee.
15. Flashing lights for the purpose of advertising are prohibited.
 - a. Canopy Lighting - In addition to the calculations for Sections 10.03.02(H)(9) and (H)(10), the following requirements apply to canopies:
 - i. All Luminaires mounted on the under surface of canopies shall be Fully Shielded and Recessed.
 - ii. The light output used for illuminating canopies, defined as the sum of all under-canopy initial bare-Lamp outputs in Lumens, shall not exceed forty (40) Lumens per square foot of canopy. All Lighting mounted under the canopy, including but not limited to Luminaires mounted on the lower surface of the

canopy and auxiliary Lighting within signage or appurtenances, is to be included toward the total.

I. Special Requirements by Zone.

1. Shielding requirements for lamps located in various zoned districts are shown in Table 1.

TABLE 1

Use Code:

LAMP SOURCE AND SHIELDING STANDARDS FOR VARIOUS ZONED DISTRICTS			
LAMP TYPE	Industrial and Commercial	HDR and MHC	A, LDR, MDR
All types above 36,000 lumens	F	X	X
All types equal to or below 36,000 and above 4,050 lumens	F	F	F
All types equal to or below 4,050 and above 1000 lumens	F	P	P
All types equal to or below 1000 lumens	P	P	A

A = Unshielded Fixtures allowed. Shielding not required but recommended.

F = Fully Shielded Fixtures are allowed.

P = Partially Shielded Fixtures are allowed

X = Prohibited except as noted.

2. Light output from outdoor mounted luminaries shall not exceed the requirements of Table 2 below.

TABLE 2

LIGHTING REQUIREMENTS BY ZONE			
	Industrial and Commercial	HDR and MHC	A, LDR, MDR

Average Light Output per Acre	100,000	40,000	25,000
Maximum Illuminance in footcandles	25	25	none
Uplighting of flags	prohibited	permitted	permitted

Table Notes:

1. "Lot" is defined in Chapter 2
2. The Open Space required by the PUD, and any areas set aside as Primary Conservation areas outside the Open Space, shall not be included in the Average Light Output calculation for any Lot.
3. Permitted Uplighting for flags shall not exceed 1800 lumens per flag pole.
4. Notwithstanding any other restrictions set forth in this Light Ordinance, a minimum Total Light Output of 5500 lumens per acre is permitted for any lot size.

J. Special Requirements for Site Condominium Subdivisions.

1. Total Light Output from outdoor mounted Luminaries of any Site Condominium Subdivision, shall be the same as that set forth for the zoning district in which the Site Condominium Subdivision is located.

Section 12.04 – Landscaping and Screening

Section 12.04.00 – Purpose

The intent of this section is to establish standards for the design, installation, and maintenance of landscaping for the protection and enhancement of the Township's environment. Landscaping and screening enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction associated with certain uses.

The standards contained in this section are considered the minimum necessary to achieve this section's intent. In several instances, these standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping beyond the minimum requirements of this Section to improve the function, appearance, and value of their property.

Section 12.04.01 – Applicability and General Requirements

- A. Exemptions. Individual single-family dwellings, two-family dwellings, home occupations, and other uses not requiring site plan review are not subject to the provisions of this Section.
- B. Landscape Plan. When a site plan is required pursuant to this Ordinance, landscaping shall be incorporated into the site, and a landscape plan shall be submitted in conjunction with the site plan. The landscape plan shall clearly describe the location, type, size, height, and spacing of plant materials.
- C. Modification of Requirements. The Township may grant relief from the requirements of this Section when it finds circumstances that warrant a change in the requirements of this Section, in finding that the landscaping requirements of this Section would be unnecessary or ineffective, where it would impair vision at a driveway or street intersection, or in finding that existing landscaping, screening, or existing site conditions would meet the intent of this Section.
- D. Installation. Wherever this Ordinance requires landscaping, it shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Zoning Administrator may allow a postponement of installation of up to six months upon request of an applicant based on seasonal weather conditions, but all landscaping must be installed within one year of issuance of a certificate of occupancy. A performance guarantee may be

required to ensure that landscaping is installed in accordance with this Section.

- E. **Maintenance.** All lot areas not used for buildings, parking, loading, and storage shall be landscaped. Maintenance shall include all reasonable and regular watering, weeding, fertilizing, and pruning. Plant material that shows signs of insect pests, diseases, and/or damage should be removed immediately or as soon as practical under the seasonal conditions existing and according to the approved site plan. The developer or subsequent owner(s) shall be responsible for maintaining all on-site landscaping in a living condition and shall replace any removed plants required for site plan approval.

Section 12.04.02 – General Standards for Landscape Materials and Ground Cover

- A. **Quality.** Plant material and grasses should be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, compatible with local soil characteristics, drainage, and water supply, and conform to the current minimum standard of the American Association of Nurserymen.
- B. **Composition.** A mixture of hardy plant species is recommended to increase local biodiversity and as a protective measure against the spread of insect and disease infestations. A mixture of similarly formed plant types is recommended to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- C. **Minimum Planting Sizes:** Minimum planting sizes for required landscaping shall be as follows, unless otherwise stated in the standards of this ordinance:
 1. Large deciduous trees (over 30-foot mature height): 2-inch caliper measured six inches above the ground.
 2. Small deciduous trees (under 30-foot mature height): 1.5-inch caliper measured six inches above the soil line.
 3. Evergreen trees: 6 feet in height.
 4. Upright shrubs: 3-gallon container or 30 inches in height, whichever is greater.
 5. Spreading shrubs: 3-gallon container or 18-inch spread, whichever is greater.

6. Plant material, in addition to required quantities, is not subject to size requirements.
- D. If existing plant material is to remain on site plans by the applicant or required by the Township, protective techniques, such as, but not limited to, temporary fencing or barriers placed at the drip line around the perimeter of the plant material should be installed during construction. No vehicles or other construction equipment should be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.
- E. In the event that healthy trees are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Township, the contractor shall replace them with trees that meet Ordinance requirements.
- F. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
- G. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.
- H. Landscaping shall not interfere with public safety, and shall not interfere with the safe movement of motor vehicles, bicycles, pedestrians, and shall comply with clear vision area requirements of Section 2127. Landscaped materials shall not obstruct the operation and maintenance of fire hydrants and electrical facilities.
- I. Grass or other living perennials shall be the primary ground cover in required landscaped areas unless a plan for permanently maintaining mulch is approved. Both sod planting and seeding are acceptable.
- J. Living ground covers other than grass should be planted in required areas to provide complete coverage within two growing seasons. Ground covers that may extend into walkways should not be used adjacent to pedestrian areas unless regular maintenance is planned.
- K. Materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips should be limited to small areas and shall not exceed 25% of the required landscaped area after a period of establishment equal to 36 months, unless special circumstances are identified which warrant allowing a larger area in the opinion of the

Township. All such ground covers should be installed at a sufficient depth to decrease weed growth and retain soil moisture. Stone than 3-inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.

- L. Salt-tolerant vegetation is highly encouraged to be planted along streets, sidewalks, parking lots, or other areas that may be salted to prevent the build-up of ice and/or snow.

Section 12.04.03 – Screening Requirements

- A. Whenever a land use requiring site plan review abuts a property zoned LDR, MDR, HDR, or MHC, or a property containing a residential use, screening shall be provided along all side and rear property lines that abut the residential district or use as follows.
 - 1. The minimum height for the required screening shall be six feet.
 - 2. Either a landscape buffer, a fence, or a solid wall may be utilized. A landscape buffer may consist of earthen berms and/or living evergreen materials to maintain a minimum year-round opacity of at least 80 based upon reasonably anticipated growth over a period of three years. The applicant shall agree in writing to install solid fencing after the expiration of 36 months in the event that the landscaping has not provided the required 80% opacity.
 - 3. The Planning Commission may determine that a greater screen or barrier is required to screen more intense development. In such cases, a solid masonry wall or privacy fence meeting the requirements of Section 13.13 may be required.
- B. Mechanical equipment located at grade shall be screened from the view of the street or surrounding properties by a solid evergreen hedge, a wall, or fencing.
- C. Outdoor storage in commercial and industrial districts shall be screened on all sides by an opaque wall or fence except as otherwise permitted by this Section.
- D. Essential service facilities shall be screened on all sides by an opaque wall or fence except as otherwise permitted by this Section.
- E. Dumpsters shall be screened as required by Section 12.05.
- F. Exceptions to Screening Requirements:
 - 1. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.

2. Where property line fencing or screening is required, the location may be adjusted so the fencing may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped.
- G. When plant materials are used for screening, the following standards shall apply:
1. Where plant materials are placed in two or more rows, plantings shall be staggered.
 2. Evergreen trees shall be planted not more than 30 feet on center and shall be at least six feet tall when planted.
 3. Narrow evergreens shall be planted not more than six feet on center and shall be not less than three feet in height when planted.
 4. Tree-like shrubs shall be planted not more than ten feet on centers and shall be not less than four feet in height when planted.
 5. Large deciduous shrubs shall be planted not more than four feet on centers and shall not be less than six feet in height when planted.
 6. Large deciduous trees shall be planted not more than 30 feet on centers and shall be not less than eight feet in height when planted.

Section 12.04.04 – Parking Lot Landscaping

- A. Changes to existing parking lots. The Zoning Administrator shall review landscaping plans for major changes to the existing parking lot. Major changes to parking lots shall comply with the landscaping requirements of this Section unless modifications are approved by the Planning Commission or Zoning Administrator as permitted by this Section. Major changes consist of the following:
1. Replacement or alteration of existing drainage elevations or structures affecting more than 50% of the existing parking lot.
 2. For any expansion or addition of a parking lot with ten or more spaces, or if the expansion is 25% or more of the parking area, the expanded area shall comply with the landscaping requirements of this Section.
 3. Reconstruction of the parking lot, including the removal of existing pavement and drainage structures, which affects more than 25% of the existing parking lot. Instances in which a parking lot is to be resurfaced and no other modifications to the parking lot or drainage

patterns are proposed shall be considered “reconstruction” for the purposes of this subsection.

4. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.
 5. The phased expansion or replacement of parking lots and/or surfaces in order to circumvent the requirements of this Section is prohibited.
 6. The Zoning Administrator may waive the requirements of this subsection if it is determined that the parking lot landscaping requirements of this Section would reduce the number of parking spaces below the required minimum parking requirements of this Ordinance. The Zoning Administrator may refer any parking lot replacement or expansion to the Planning Commission for a decision.
- B. Frontage parking lot landscaping. Along service drives, and where any parking area abuts or faces a public street, landscaping shall be required between the parking area and the street right-of-way. Such landscaping shall consist of, at a minimum, one of the following:
1. A strip of land at least five feet in width as well as a solid hedge, fence, or decorative wall, or any combination thereof, which measures at least three feet but not more than four feet in height (see Figure 14. ___); or
 2. A strip of land at least ten feet in width consisting of one canopy tree and three deciduous shrubs for each 30 feet of lot width (see Figure 14. ___).
 3. The required strip of land specified in subsections A-B above shall also contain ground cover as required by Section 14. ___.
- C. Interior parking lot landscaping. In addition to frontage landscaping, parking lots shall also contain landscaping within the interior of the parking lots as specified below:
1. Interior landscaping shall be provided for any parking area containing 20 or more spaces.
 2. The interior of the parking lot shall be considered as any point from the outside boundary of the parking area. The parking area is measured through the connection of straight lines along the edge of the parking area pavement or curb, including planting islands,

peninsulas, and corners, and excludes access drives located beyond the last parking spaces to the point of ingress/egress.

3. The interior area of any parking lot shall incorporate planting islands, peninsulas, and corners at a minimum ratio of one per each 16 parking spaces, or part thereof. Each planting island or peninsula shall have an area of at least 100 square feet. A minimum distance of three feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement. This distance shall be increased if the volume of snow to be plowed from the parking lot requires a larger storage area.
4. Landscaped islands shall be dispersed evenly throughout the entire area of the parking lot in order to break up large expanses of pavement and shall be used to separate pedestrian areas, maneuvering areas, and drives whenever possible.
5. A minimum of one approved canopy tree shall be provided for each planting island, peninsula, or corner, with the balance of the island covered with mulch, grass, low-growing shrubs, or another suitable ground cover.
6. A minimum of 50% of the required trees shall be installed in the interior of the parking area, and the remaining 50% may be installed on the perimeter. The required trees shall be in addition to those that may otherwise be required by this Section.
7. Low-impact stormwater management facilities such as a bio-swale or rain garden may be utilized as landscape islands, so long as they are maintained to provide the required stormwater storage and infiltration originally designed. Maintenance of these facilities shall occur at least twice a year, once in the spring and once in the fall, and shall include the following:
 - a. Removal of fallen leaves, debris, litter accumulation, and or sediment deposits from all entry points, outlets, side slopes, and basin floors.
 - b. Repair any facility deformation from vehicle damage, foot traffic, or erosional processes.
 - c. Re-establish vegetation and mulch cover if any bare soil patches exist.

- d. Inspect the facility for evidence of standing water that remains for more than 24 hours after a rain event and clear all outlet structures or replace modified soil layers when ponding regularly exceeds the design drainage time.

Section 12.04.05 – Recommended Plant Materials

Suggested Native Plants. The use of native species is encouraged for required landscaping to support the local ecosystem. The following is a list of suggested native plant species.

- A. **Limited Use Trees.** Trees listed under this category are permitted in locations with open spaces, like parks or large greens, where there is limited contact with people spaces (walkways, picnic areas, etc.), vehicles, utilities, and structures.

Suggested Native Plants	Common Name	Botanical Name
Plant Type		
Canopy Trees	Red Oak	Quercus rubra
	Hackberry	Celtis occidentalis
	American Hornbeam	Carpinus caroliniana
	Black Oak	Quercus velutina
	Ironwood	Ostrya virginiana
	Kentucky Coffee Tree (Fruitless)	Gymnocladus dioicus
	Sugar Maple	Acer saccharum
	Red Maple	Acer rubrum
	White Oak	Quercus alba
	Sycamore	Platanus occidentalis

Suggested Native Plants	Common Name	Botanical Name
	Thornless Honey locust	Gleditsia triacanthos f. inermis
	River Birch	Betula nigra
	Osage orange (Fruitless)	Maclura pomifera
	Black Gum	Nyssa sylvatica
Ornamental Trees	American Hazelnut	Corylus americana
	Eastern Red Bud	Cercis canadensis
	Cockspur Hawthorn	Crataegus crus-galli
	Pagoda Dogwood (Tree Form)	Cornus alternifolia
	Fringe Tree	Chionanthus virginicus
	Allegheny Serviceberry	Amelanchier laevis
Evergreen Trees	Eastern White Pine	Pinus strobus
	Red Cedar	Juniperus virginiana
	White Spruce	Picea glauca
	Balsam Fir	Abies balsamea
	Canadian Hemlock	Tsuga canadensis
Shrubs	Bush Honeysuckle	Diervilla lonicera
	Common Juniper	Juniperus communis
	Red osier dogwood	Cornus sericea
	Highbush Blueberry	Vaccinium corymbosum
	New Jersey Tea	Ceanothus americanus
	Carolina Rose	Rosa carolina

Suggested Native Plants	Common Name	Botanical Name
	Fragrant Sumac	<i>Rhus aromatica</i>
	Common Witch Hazel	<i>Hamamelis virginiana</i>
	Michigan Holly	<i>Ilex verticillata</i>
	Buttonbush	<i>Cephalanthus occidentalis</i>
	Spice Bush	<i>Lindera benzoin</i>
	Shrubby Cinquefoil	<i>Potentilla fruticosa</i>
	Creeping Juniper	<i>Juniperus horizontalis</i>
	American Arborvitae	<i>Thuja occidentalis</i>
Ornamental Grasses and Perennials	Palm Sedge	<i>Carex muskingumensis</i>
	Little Bluestem	<i>Schizachyrium scoparium</i>
	Switchgrass	<i>Panicum virgatum</i>
	Tufted Hairgrass	<i>Deschampsia cespitosa</i>
	Sundial Lupine	<i>Lupinus perennis</i>
	Bee Balm	<i>Monarda fistulosa</i>
	Black-Eyed Susan	<i>Rudbeckia hirta</i>
	Sweet Joe Pye Weed	<i>Eupatorium purpureum</i>
	Cardinal Flower	<i>Lobelia cardinalis</i>
	Butterfly Weed	<i>Asclepias tuberosa</i>
	New England Aster	<i>Aster novae-angliae</i>
	Blue Stemmed Goldenrod	<i>Solidago caesia</i>

Suggested Native Plants	Common Name	Botanical Name
	Columbine	Aquilegia canadensis
	Wild Blue Phlox	Phlox divaricata

Limited Use Trees	Common Name	Botanical Name
	Box Elder	Acer negundo
	Silver Maple	Acer Saccharinum
	Catalpa	Catalpa speciosa
	Black Walnut	Juglans Nigra
	Mulberry	Morus rubra
	Eastern Cottonwood	Populus deltoids
	Black Willow	Salix nigra

- B. **Prohibited Trees.** The following trees are not permitted in an effort to protect the health, safety, and welfare of the Township. The species listed below have characteristics that make them poor fits for urban spaces, such as being prone to splitting; having wood that is brittle and breaks easily; roots that clog drains and sewers; have been identified as invasive species, or may be unusually susceptible to disease or pests.

Prohibited Trees	Common Name	Botanical Name
	Norway Maple	Acer platanoides
	Tree of Heaven	Ailanthus species
	Russian Olive	Elaeagnus Angustifolia
	Ash	Fraxinus species (without Emerald Ash Borer resistance)
	Female Ginkgo	Ginkgo biloba

	Honey Locust (with thorns)	Gleditsia triacanthos (with thorns)
	Lombardy Poplar	Populus nigra var. italica
	Mulberry	Morus species (non-native varieties)
	Bradford Pear	Pyrus calleryana 'Bradford'
	Black Locust	Robinia species
	Willow Tree	Salix tree species (non-native varieties)
	Elm	Ulmus (without Dutch Elm disease resistance or treatment)
	Chinese Elm	Ulmus Parvifolia

ARTICLE 13

General Provisions

Section 13.00 – The Effect of Zoning

- A. Zoning applies to every building, structure, and use, unless otherwise permitted by this Ordinance or by state or federal law. No building, structure, or land shall be used or occupied, and no building structure, or part thereof shall be erected, moved placed or reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance. Only uses specifically listed in a particular zoning district may be established on any lot. All other uses may be permitted only if the South Haven Charter Township Zoning Ordinance has been amended to permit them, unless authorized by action of the Zoning Board of Appeals, by approval of a planned unit development by the Township Board, or by any other lawful means of approval pursuant to this Ordinance.
- B. No excavation for construction shall be commenced and no structure shall hereafter be erected, enlarged, altered, or reconstructed until a Zoning compliance permit issued by the Township Zoning Administrator and a Building permit issued by the Township Building Inspector, unless otherwise permitted or required. No Building permit shall be issued by the Township Building Inspector until all other permits required by this Ordinance or any other local, state, or federal permitting authority have been obtained and all requirements of this Ordinance and any other permitting agency have been satisfied.

Section 13.01 – One Use, One Lot

- A. Except as may otherwise be noted in this Ordinance, each lot shall contain only one (1) principal or main building or one (1) principal or main property use. except for development that forms a unified function and appearance, including but not limited to, the following:
 - 1. Groups of related commercial, industrial, office, and/or multifamily dwellings, contain within a single, integrated complex as demonstrated by a shared parking, signs, access, and other similar features.
 - 2. Residential dwellings located above permitted office or retail establishments.

3. Other development that forms a single, cohesive development.

Section 13.02 – Access and Driveways

- A. All lots herein created in the Township shall have frontage on a public or approved private road.
- B. Any lot of record (see Article 2 - Definitions) without any frontage on a public road right-of-way shall not be occupied, except where access to a public road is provided by a public or private road or other easement no less than sixty-six (66) feet in width.
- C. Driveways
 1. No driveway shall connect to a public road or approved private road without first receiving approval of the driveway location from the government agency having jurisdiction (MDOT, Van Buren County Road Commission (VBRC), or the Township). Driveways shall be subject to the following standards.
 2. Storm drains, or culverts, if allowed, shall be installed in line with and on the same grade as those being connected.
 3. Driveways shall enter perpendicular to the public road or approved private street, or Shared Access road to which they connect.
 4. No portion of the driveway entrance within the right of way shall have a grade of greater than eight percent (8%) slope unless a greater slope is necessary to meet any neighboring public sidewalk elevation from the road.
 5. In nonresidential districts, no more than one driveway shall be allowed per lot unless separated by two hundred (200) feet, or unless traffic safety requires another driveway within a shorter distance as established by a qualified traffic engineer hired by the Township or other government agency having jurisdiction over the roadway, or unless the driveways are permitted under the special land use standards for a particular use as defined in this Ordinance, such as drive through restaurants or financial institutions.
 6. Driveways shall be located a minimum of fifty (50) feet from the nearest right of way line of an intersecting public or approved private road except on a nonconforming lot of record, in which case the maximum separation feasible shall be maintained and not reduced.

7. A driveway located adjacent to a roadway intersection shall maintain a minimum of twenty (20) feet between the driveway radius and the intersecting road right of way radius.
8. A certificate of occupancy shall not be issued until the Zoning Administrator (or their designee) has inspected and approved the driveway.
9. Driveways shall align with existing or planned driveway entrances, crossovers, turn lanes, or other access points if it provides safe access and meets all the standards and requirements of the Ordinance or that of government agency maintaining jurisdiction over said roadway.
10. A driveway serving a single family or two-family dwelling shall have a width of at least ten (10) feet but not more than twenty (20) feet at the road right of way line. The curb cut, including flares, shall not exceed twenty-four (24) feet or one-and-a-half (1.5x) times the width of the driveway at the road right of way whichever is less.
11. No driveway shall be constructed unless it provides access to at least one parking space in conformance with this Ordinance.
12. Residential driveways shall meet the requirements of South Haven Charter Township and the Van Buren County Road Commission's Road Development Policy, as amended.
13. Nonresidential driveways shall be at least twenty-six (26) feet width for two-way access and at least sixteen (16) feet in width for one-way access.

D. Shared Access Roads

1. All ingress and egress from any driveway, shared driveways, private roads, or shared access roads for all uses permitted in all zoning districts fronting on M-43, M-140, Blue Star Highway and Phoenix Road (CR388) shall be required in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions.
2. Existing uses located upon existing lots and parcels and not required to construct or connect to a shared access road.
3. If there are reasonably limited prospects for immediate development of adjacent lots or parcels, the following shall apply:

4. The applicant shall set aside enough property via a recorded easement for the development of a future shared access road.
5. All front yard setbacks for the development will be measured from that shared access road right of way line.
6. The Township Board may upon request from an applicant require the posting of an acceptable financial guarantee from the applicant equal to the amount of the estimated cost of the development of a shared access road.
7. Upon the application for development and use of an adjacent lot or parcel having the same or connecting frontage, the applicant will be required to build the shared access road.
8. Connecting shared access roads shall be required between parking areas on adjacent land uses.
9. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board, or any other approving agency, the authority to open and close service roads and driveways whenever necessary in order to guarantee safe and efficient movement to traffic. Said license agreement shall meet the following requirements:
10. The said license shall be recorded in the office of the County Register of Deeds.
11. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas.
12. The intent of this subsection is to allow any local or state agency to enforce its traffic ordinance or promote traffic safety on service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.
13. Shared access roads shall be a minimum of twenty-four (24) feet in width and constructed to the standards established in the Van Buren County Road Development Policy, as amended under the authority of the Van Buren County Road Commission.

14. A minimum of fifteen (15) feet of snow storage/landscaping area must be reserved along the edge of each side of the shared access road.
15. Shared access roads must be at least fifteen (15) feet from the nearest right of way of an adjacent public or approved private road.
16. No less than two (2) driveways at least twenty six (26) feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least three hundred (300) feet apart and have appropriate designated acceleration and deceleration lanes or as approved by the Van Buren County Road Commission or Michigan Department of Transportation; provided further, this requirement may be waived by the Township Planning Commission upon its review or by any other approving authority, where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
17. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
18. Parking lots, driveways and service roads shall be surfaced following the minimum standards of the Van Buren County Road Development Policy, as amended, and maintained in a usable dust free condition.
19. Parking area layout shall follow standards outlined in Article 12 – Off Street Parking and Loading of this Ordinance.
20. No shared access road shall be established in an existing public right of way.
21. All driveway curb radii shall be concrete.
22. Landscaping along the shared access road shall comply with the requirements of Section 12.04. Installation of the landscaping shall be the responsibility of the developer or home owners' association.
23. All traffic signage and pavement markings along the surface of the shared access road shall comply to the Michigan Manual of Uniform Traffic Control Devices, as amended.

24. Temporary ingress/egress with direct access to a major road or highway arterial may be approved by the Planning Commission for individual parcels where the adjacent properties have not been developed, provided that:
- a. The approved plan clearly notes that the access points are temporary and that they are to be removed upon development of an adjacent parcel, and that an access drive across the site's frontage will be built at the time the adjacent parcel is developed.
 - b. The developer submits in writing to the Township a document fully acknowledging the fact that the direct access points are temporary and agrees to their removal in accordance with (a) above.
 - c. The developer provides an adequate financial guarantee to the Township to assure the removal of all temporary access points on the parcel.
 - d. Occupancy permits shall not be issued by the Township until or unless the above conditions are met.

Section 13.03 – Accessory Structures and Uses

- A. No accessory structure or building greater than two hundred (200) square feet in floor area shall be installed or constructed until a Zoning compliance permit has been issued by the Township Zoning Administrator or a Building permit issued by the Township Building Inspector; unless exempt according to the Stille-Derossett-Hale Single State Construction Code Act (Uniform Construction Code, Act 230 of 1972), or the codes promulgate that Act.
- B. In any zoning district, an accessory building or structure may be erected that is detached from the principal building. Attached accessory buildings (such as attached garages) shall be considered an integral part of the principal building when attached in a substantial manner such as by a wall or roof, and it shall comply with all requirements of this Ordinance applicable to the principal building, and the accessory building or structure shall not exceed the ground floor area of the main or principal building in a residential district that is used for the dwelling unit (residential living area).
- C. Unless otherwise permitted by this Ordinance, no detached accessory building shall be placed within the front yard or side yard.

- D. No detached accessory building or structure shall be located closer than ten (10) feet to any principal building.
- E. No detached accessory building or structure shall be located closer than fifteen (15) feet to any side or rear lot line.
- F. In no instance shall a detached accessory building or structure be located in a dedicated easement or right of way.
- G. No detached accessory building located within the LDR, MDR, or HDR residential districts shall exceed a wall of greater than 14 feet in height or a maximum height of twenty-five (25) feet overall.
- H. No accessory building shall exceed more than twenty five percent (25%) of any required rear yard or forty percent (40%) of any non-required rear yard.
- I. Accessory buildings constructed in nonresidential districts may be constructed to equal the permitted maximum height of any principal building in those districts.
- J. Detached accessory buildings or structures may not be placed or constructed on any lot in any district prior to the construction of the principal building with the exception of:
- K. A detached accessory building or structure may be constructed on a lot prior to the construction of the principal building, so long as a permit(s) have been obtained for the construction of the principal building if the construction of the principal building commences within six (6) months of the issuance of the permit for the detached accessory building or structure.
- L. Where two or more abutting vacant lots are held under one (1) common ownership and where the principal building is located on a platted lot of fewer than 10,000 square feet, a detached accessory building may be constructed on one of the abutting vacant lots within no greater than three hundred (300) feet distance from the lot on which the principal building is located so long as those two lots are combined for tax purposes and an instrument of recording prohibits the sale of the lot containing the detached accessory building from that lot containing the principal building.
- M. A detached accessory building may remain on any lot where the principal building has been removed, so long as that detached accessory building remains in good repair, is used solely for residential storage, and not used for any nonresidential purpose.

- N. Any agricultural building, as defined by the Michigan Department of Agriculture and Rural Development (MDARD) and the state building code, as amended, is not classified as an accessory building when located in the agricultural district or any other district where a commercial farm (as defined by MDARD), remains in operation and was a permitted use at the time of its establishment. Such building can be considered a principal use if located on a property without a residential building.
- O. On any waterfront lot (see Article 2 - Definitions) no more than one (1) detached accessory building may be located in the roadside front yard and the principal building.
- P. No accessory building or structure shall be used for dwelling purposes in any zoning district unless permitted otherwise in this Ordinance.

Section 13.04 – Accessory Dwelling Units (ADU)

- A. Not more than one (1) Accessory Dwelling Unit (ADU) may be included within a detached single-unit dwelling (principal dwelling unit) or accessory building, existing separately from but located on the same lot as a detached single-unit dwelling.
- B. Minimum Lot Area. An ADU may be developed on a lot meeting the minimum lot size for the applicable zoning district.
- C. Building Height. When newly added, the portion of a single-unit detached dwelling with an ADU shall not exceed the permissible main building height of the Zoning District. The maximum permitted height for a detached ADU is 20 feet, where the applicable zoning district setback requirements for a principal structure are met. Where zoning district setback requirements for a primary structure cannot be satisfied, the detached ADU shall be no higher than 16 feet (i.e., an existing detached accessory structure that does not meet the principal structure setback requirements, etc.).
- D. Front Yard Prohibited. If not part of the main building, the ADU shall not be in the front yard.
- E. Minimum/Maximum ADU Size. The ADU shall not exceed 40 percent of the gross floor area of the principal dwelling unit and, in any case, shall be at least four hundred (400) square feet and not larger than eight hundred fifty (850) square feet in gross floor area.
- F. Bedroom Maximum. A maximum of two (2) bedrooms are permitted within an ADU.

- G. Owner Occupancy. At least one of the dwelling units on a lot shall be owner-occupied.
- H. Leasing or Rental. No ADU shall be leased or rented for less than thirty (30) days and shall not be used as a short-term rental.
- I. Alterations or New Construction. Any alterations to existing buildings or structures or the construction of a new structure to accommodate the ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a detached single-family dwelling, including but not limited to entrances, roof pitch, siding, and windows, and exterior building materials.
- J. Deed Restriction. A binding deed restriction enforceable and approved by the Township shall be recorded prior to the issuance of a building permit stipulating that the ADU will not be conveyed separately from the primary dwelling unit and including other provisions specified by the Township.

Section 13.05 – Anti-Keyholing

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.

A. Definitions.

"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, leases, licenses, gifts, invitees or other conveyances.

"Frontage" shall be measured by a straight line, which intersects each side lot line at the water's edge.

- B. 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:

1. Access property serving a single dwelling parcel shall be comprised of at least 50 feet of frontage.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. 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 13.06 – Backyard Domestic Livestock Animals

- A. Domestic livestock animals (see Article 2 - Definitions) that are held in private possession by Township residents may be permitted under this Ordinance. However, the Township acknowledges that some native and non-native or wild animals may not be suitable for possession because by their nature are potentially dangerous and generally do not adjust well to a captive environment, while non-native animals of any kind may present unique hazards to the health and safety of the community and to native ecosystems. Therefore, all exotic and non-domesticated native and non-native species are prohibited (see Article 2 - Definitions).

- B. In order to allow for legitimate research, public outreach, and conservation activities, and to acknowledge the high standards required by licensing agencies and professional accreditors, the above prohibitions do not apply to the following:
1. Accredited zoological gardens, aquariums, and nature centers.
 2. Accredited research institutions including colleges, universities, and commercial laboratories.
 3. Registered 501(c)3 non-profit organizations who can document substantial recurring and ongoing contributions to peer-reviewed research, public outreach, or conservation efforts in connection with exotic animals securely kept under humane conditions in compliance with all state and federal regulations.
 4. Individuals keeping native wild animals in compliance with the conditions of a valid Scientific Collector's Permit.
 5. Individuals who keep native wild animals in compliance with the conditions of a valid Wildlife Rehabilitation Permit.
 6. Keeping or housing of any animals that could reasonably be considered a nuisance or hazardous under any of the exceptions listed above shall be limited to no more than two (2) live adult animals.
 7. All facilities and individuals keeping such animals under any of the above exceptions shall provide onsite notification of the existence, type, and location of species and shall be subject to annual safety/compliance inspection by the Township Code Enforcement Officer or designee.
 8. Animals defined as livestock or large domestic animals (see Article 2) are permitted for the keeping and raising primarily for the production of food or animal products which, like commercial use, are protected under the Right to Farm Act (PA 93 of 1981) through Generally Accepted Agricultural Management Practices (GAAMPs), as amended by the Michigan Department of Agriculture and Rural Development (MDARD) on farms.
- C. Township residents are permitted to keep or raise large domesticated and livestock animals for private companionship, for competitions, riding, education, or any other special situation and are an accessory use by right in all districts per the following conditions:

1. Small domestic or livestock animals include, but are not limited to, unless otherwise prohibited in this Ordinance, dogs, cats, fish, rabbits, reptiles, or birds.
2. Large domestic or livestock animals include, but are not limited to, unless otherwise prohibited in the Ordinance, cattle, horses, donkeys, mules, pigs (miniature potbelly or Asian potbelly [KB5.1](sus scrofa bittatus only), goats, sheep, alpaca, or llama.
3. Large domestic or livestock animals shall be permitted on parcels as least 1 acre in size.
4. No more than 3 large domestic or livestock animals may be kept on the first acre of lot size, however, for each additional one half acre in excess of the first acre 1 additional domestic or livestock animal is permitted.
5. The keeping of honeybees (apiary) is permitted in South Haven Charter Township; however, Africanized species are prohibited. All Township residents keeping bees shall follow the recommendations of the Michigan Apiary Law (PA 412 of 1976).

Section 13.07 – Battery Energy Storage Systems (BESS), Accessory Use

- A. All on-site BESS systems are permitted as an accessory use in any zoning district within the Township. These systems are intended primarily to serve the electricity needs of the property owner, but may at times, discharge to the electrical grid.
- B. A zoning compliance permit is required for on-site BESS with an aggregate energy capacity of greater than six hundred kilowatt hours (600 kWh). Documentation showing compliance with the National Fire Protection Association (NFPA) 855 Standard for the installation of Stationary Energy Storage Systems at the time of application. In addition to review by the Zoning Administrator, review and approval by the Fire Marshall (SHAES) must be granted before zoning approval.
- C. On-site BESS with an aggregate energy capacity of less than or equal to six hundred kilowatt hours (600 kWh) do not require a zoning compliance permit from the Township Zoning Administrator. This does not preclude any required permitting of any local or state building or electrical authority.

Section 13.08 – Cemeteries

- A. A zoning compliance permit is required for the establishment of any cemetery, columbarium, crematory, and/or mausoleum.
- B. All cemeteries must comply with the registration, regulation, endowment and perpetual care trust fund, and annual reporting as outlined in the Michigan Cemetery Regulation Act, as amended (Act 251 of 1968).
- C. The minimum lot area for establishing a cemetery, columbarium, or mausoleum shall be five (5) acres.
- D. All ten (10) foot minimum buffer zone must be maintained and screened at the property lines per the requirements of Article 12 – Site Development Standards (Landscaping) when abutting any residential district or land use. Residential districts or uses located across the road shall not be considered an abutting property line.
- E. All facilities for ground burials at the cemetery shall be designed and constructed in accordance with the requirements of the Van Buren County Health Department and the State of Michigan.
- F. Crematories are permitted in the I – Industrial zoning district as a principal use or as an accessory use to any cemetery, mortuary, or funeral home located in any other zoning district where the principal use is permitted.

Section 13.09 – Clear Vision Corners

- A. No fencing, walls, planting, or other obstructions shall be established or maintained on any lot that will obstruct the view and safe passage of a vehicle driver approaching any roadway intersection.
- B. There shall be maintained an unobstructed triangular area formed by the edge of the public or private road and a line connecting them a point no less than thirty (30) feet from the intersection of the roadway lines, or, in the case of a rounded corner or acute angled corner (less than 90 degrees), from the intersection of the roadway lines extended.
- C. No plantings, structures, landscaping materials or other obstructions thirty-six inches (36”) or greater in height shall be placed within the triangular areas described in part B of this Section. This shall not prohibit the planting of landscaping that will be less than thirty-six inches (36”) in total height at its maturity and maintained at a that height or lower.

Section 13.10 – Corner Lots

- A. Lots that are located on two road frontages are classified as a corner lot unless the arc of the frontage is greater than 135° degrees.
- B. Corner lots shall have two front yards and must meet the minimum setback requirements for front yards per the district regulations.
- C. The rear yard shall be classified as the opposite of the addressed side of the corner lot and all buildings and structures and comply per the district regulations.

Section 13.11 – Essential Services

- A. The erection, construction, alteration, or maintenance by public utilities or governmental units, boards, or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, water towers, poles, street lighting, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith, but not including wireless communication towers, which are reasonably necessary for the furnishing of adequate service by such public utility, municipal department, commission, or for the public health, safety, or general welfare is permitted in any zoning district, subject to the following requirements:
- B. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall 6 feet high and adequate to obstruct the passage of persons or materials.
- C. Public utility facilities in any zoning district shall be constructed and maintained in a neat and orderly manner. Any building constructed for use as an essential service shall be compatible with the general character and architecture of the surrounding neighborhood.
- D. Wireless communication towers are permitted only by special use permit pursuant to the standards of Section 10.03.37 - Wireless Communication Towers.
- E. The erection, construction, alteration, use, or maintenance of any land or structure(s) by South Haven Charter Township, the South Haven Area Emergency Services (SHAES), or the South Haven Area Water and Sewer Authority (SHAWSA) shall be considered an essential service and shall be permitted in any zoning district.

Section 13.12 – Reserved

Section 13.13 – Fences and Walls

- A. The erection of any fence or wall shall first be approved by the Zoning Administrator and shall require a fence permit. No fence or other type of barrier as described herein shall be erected without a zoning permit first being issued pursuant to this Section 17.01 of this Ordinance.
- B. Fencing located in the A - Agricultural District is exempt from the provisions of this Ordinance with the exception of principal residential uses and accessory uses that require fencing, such as swimming pools.
- C. Fences in residential or commercial districts within any side or rear yard shall not exceed 6 feet in height, measured from the surface of the ground directly beneath the fence. Fences in the front yard of all residential districts shall not exceed 4 feet in height measured less than 25 feet from the road right of way and shall not be located in a clear vision area as described by Section 13.09. Those residential fences that are installed in the front yard beyond 25 feet measured from the road right of way are permitted to be no greater than 6 feet.
- D. Public or private entrance driveways may contain gateway structures, including, but not limited to, walls columns, and gates provided that it complies with the provisions of Section 13.09 and is approved by the Township Zoning Administrator.
- E. E. Fences in industrial districts located within any side or rear yard shall not exceed 12 feet in height, measured from the surface of the ground directly beneath the fence. Fences located in the front yard shall not exceed 4 feet in height, measured from the surface of the ground directly beneath the fence.
- F. “Living” fences, such as hedges, in front yards and no less than twenty-five (25) feet from the road right of way, shall not exceed 4 feet in height and shall comply with the clear vision corner requirements of Section 13.09.
- G. Fences, walls, or obscuring walls shall not contain barbed wire, electric current, or charge of electricity (unless used for livestock), glass, spikes, or other sharp protruding objects unless specifically approved by the Planning Commission. If permitted, security fences 8 feet high or greater may include up to 18” inches of barbed wire in an industrial area, surrounding a public utility, or around a police facility. Such barbed wire

shall slant inward towards property, or be vertically installed in line with the fence.

- H. A fence shall be stable and properly supported. All fences shall be constructed with any and all supporting structures or framework on the inside of the fence so that the finished side faces out towards adjoining properties or the street. The artificial raising or berming of land to increase the functional height of a fence is prohibited.
- I. Unless specifically authorized elsewhere in this Ordinance, fences and walls may be located adjacent to a lot line, but shall be constructed and located entirely on the owner's property.
- J. Unless otherwise approved by the Planning Commission or Zoning Administrator, all fences shall be constructed of conventional or traditional fencing materials, including, but not limited to wood or composite wood planks, aluminum, wrought iron, chain link, or vinyl. The use of scrap materials, doors, shutters, pallets, paneling, or other materials not ordinarily used as fencing is prohibited.
- K. Fences and walls shall be maintained to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed, or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
- L. Temporary fences such as, but not limited to, snow fences shall be exempt from this Ordinance so long as they are removed at the end of the season in which it is installed.
- M. Garden fencing of a decorative nature is exempt from this Ordinance.

Section 13.14 – Grades, Stormwater Runoff, and Soil Erosion

- A. Where a new building is constructed between two existing buildings or on a vacant lot adjacent to an existing building, the natural grade shall be used to determine the finished grade for the new building.
- B. For all buildings surrounded by required yard spaces, a sloping grade shall be maintained and adequate drainage provided so that the flow of surface waters will be diverted away from the walls of structures thereon; provided, however, that contours and grading shall not direct the surface runoff to neighboring properties or significantly alter existing drainage patterns on the land.

- C. Filling with earth or other materials to an elevation above the established or natural grade of adjacent land is prohibited without the express written approval of the Zoning Administrator.
- D. No water runoff shall be directed into rights of way.
- E. For uses requiring site plan review pursuant to Article 11 – Site Plan Review.

Section 13.15 – Height Exceptions

- A. The following non-residential buildings and structures shall be exempt from height regulations in all zoning districts:
- B. Church spires, flagpoles, and monuments on government-owned property, provided they do not exceed 75 feet in height.
- C. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, water towers, elevator and stairwell penthouses, ventilators, bulkheads, masts, fire and hose towers, cooling towers, or other structures where the manufacturing process requires a greater height, provided these appurtenances do not exceed 75 feet in height. Municipally owned structures such as water towers are not subject to any height limitation.
- D. Public utility structures, including but not limited to telephone poles and street lights. Wireless communication towers or wind turbines as defined herein may exceed the height regulations of this Ordinance upon approval by the Planning Commission.
- E. Agricultural buildings and structures, such as barns, silos, grain bins, elevators, and the like, that do not exceed 100 feet in height.
- F. Any structure that exceeds 35 feet in height and is located within the Airport Overlay District shall be referred to the Airport Board for review and approval before receiving a Zoning Compliance Permit from the Township Zoning Administrator.

Section 13.16 – Home Occupations

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

detached single-family homes at the time of adoption of this Zoning Ordinance.

- B. The non-residential use shall be only incidental to the primary residential use.
- C. The occupation shall utilize no more than 25% percent of the ground floor or basement floor area of the principal structure or an accessory building.
- D. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- E. The home occupation shall involve no employees other than members of the immediate family.
- F. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- G. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- H. There shall be no external evidence of such occupations, except a small announcement sign not to exceed 2 square feet in area in any residential district, and 10 square feet in area shall be permitted in the A – Agricultural District and is not required to be attached to the principal structure.
- I. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- J. Retail sales are permitted as a home occupation provided, they meet the requirements of the above. Section A-H and the provisions of Article 20 –
- K. Home-based businesses may install a nameplate not exceeding two (2) square feet in area, containing the name and/or home occupation or family or group child care home of the occupant of the premises, or the name of the apartment or building complex shall be allowed. Apartment units, mobile home parks, bed and breakfast inns, places of public gathering, and public buildings shall be entitled to have one sign at the main entrance thereof identifying the same, not exceeding 18 square feet.

Section 13.17 – Mobile Homes as an Accessory Use for the Sick and Indigent

- A. Mobile homes shall be permitted on lots and parcels upon which a single-family dwelling is located for the purpose of housing the sick and indigent relatives of the family occupying the principal single-family dwelling located on the same lot or parcel, providing the following conditions are met:
1. The lot has a principal single-family dwelling located upon it.
 2. The lot is a legal lot of record.
 3. The occupants have direct family relationship to those persons occupying the principal dwelling.
 4. The occupants have a need as determined by their acquisition of a physician's certification prescribing the need for such housing during the period of illness or infirmity.
 5. Mobile homes used for this purpose shall be limited to only one (1) per single family residential lot or one (1) per each forty (40) acres of a farm parcel.
 6. Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling on the farm or single-family residential lot for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
 7. All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be located in a front yard of a principal dwelling.
 8. Zoning Permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
 9. Zoning Permits issued for such use shall terminate at such time that any 1 or combination of the above conditions cease to be met.

Section 13.18 – Lots

- A. New lots created and existing lots combined shall conform to this ordinance and the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended.

- B. No lot shall be split, divided, combined with another lot, or created which does not meet the dimensional, land use, and site design and layout requirements of this ordinance, except as may be permitted specifically elsewhere in this ordinance.
- C. No lot may be split, divided, combined with another lot, or created in such a way as to create a nonconforming condition on either the proposed new lot or the remainder thereof, unless the Zoning Administrator determines that the overall degree of nonconformance between the proposed parcel or remainder thereof is reduced.
- D. Lots under a single ownership that have been combined may be split back to the originally platted dimensions. Nothing in this Section shall be construed to permit the division of a lot to create a setback dimension less than the minimum required in the applicable zoning district.
- E. Unless expressly approved by the Township as a part of a Planned Unit Development, no lot shall be divided by a public or private right-of-way or road easement such that any portion of the lot isolated from the remainder of the parcel by such right-of-way or easement includes less than the minimum area and frontage for the zoning district in which it is located.
- F. Nothing in this Section shall be interpreted to prevent the permanent combination of 2 or more contiguous lots to create a new parcel that complies, or more lot complies, with the requirements of this Ordinance.
- G. A lot or lots in common ownership or a yard, court, parking area, or other space shall not be divided, altered, or reduced to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area, or other space shall not be divided, altered, or reduced to increase its noncompliance with such minimum requirements.

Section 13.19 – Moving of Buildings or Structures

- A. Buildings may not be relocated within or moved into the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. All buildings or structures being relocated within the Township shall receive a permit from the Township Zoning Administrator per Section 17.01.

Section 13.20 – Potable Water Supply and Sewage Disposal

- A. Any building erected for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
- B. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Van Buren County Public Health Department as well as those of other applicable Township, county, state, or federal agencies.
- C. All requirements of the South Haven Area Water-Sewer Authority shall be met as set forth in Section 35.251 [KB8.1] of the South Haven Charter Township Code of Ordinances.

Section 13.21 – 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 Agriculture, Residential, Commercial and Industrial Districts.
 - a. Private roads may be permitted in the Agricultural District, subject to restrictions described in Section 13.21(C). below.
- C. Private Roads.
 - 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.

2. All existing private roads in the Agricultural 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. Road Development Per Number of Lots.

Tier	Lots	Access Type	Dwelling Units
Tier 1	1	Private Road or Access Easement ($\geq$ 33 feet)	1
Tier 2	2-4	Private Road	4
Tier 3	5 or greater	Private Road	As many as permitted by this Zoning Ordinance

E. 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 11 – Site Plan Review, 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 13.21(D).
- i. A review letter or permit from the Van Buren County Road Commission or Michigan Department of Transportation stating the location of the proposed private road meets their requirements.
- j. A letter from the Van Buren County Road Commission indicating there is no known duplication of the proposed private road name.

F. Design Requirements.

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

Table of number of homes and road development standards

- 2. The Planning Commission may modify the sub-base, 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, or the County Road Commission, 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 Michigan 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 South Haven Area Emergency Services.
- 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 local 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.

G. 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 South Haven Charter Township and other applicable 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 Van Buren County Road Commission or South Haven Charter Township. This provision will not prevent the Van Buren County Road Commission or South Haven Charter 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 Van Buren 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.
- H. 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.
- I. 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 13.22 – Recreational Vehicles

- A. Not more than 1 recreational may be stored or parked outside of a completely enclosed building on any lot in the Township, subject to the following requirements:
1. It shall be permitted for recreational vehicle owner(s) or non-paying guests to occupy 1 recreational vehicle for camping or recreational purposes on privately owned vacant land, for a period not to exceed 31 days in 1 calendar year and not to exceed 14 consecutive days at a single time.
 2. Recreational vehicles may only be rented for camping or recreational purposes if they are located within a licensed campground registered with the Michigan Department of Natural Resources and any other applicable agency.

3. Sanitary sewage waste shall not be disposed of onsite and shall be disposed of appropriately in a facility designed for receiving sanitary sewage waste properly. If the property is a licensed campground that contains sanitary sewage holding facilities, only then may a recreation vehicle owner discharge sanitary sewage waste on site.
4. At no time shall a recreational vehicle be used as a permanent dwelling unit on vacant or occupied land.
5. Recreational vehicles are prohibited from being parked or stored in any required front yard setback area.
6. All recreational vehicles that are being stored on site shall be kept in a neat, sanitary, and orderly manner at all times.

Section 13.23 – Swimming Pools and Hot Tubs

- A. Private pools and hot tubs are permitted as an accessory use, provided they meet the following requirements:
- B. A pool is defined as any body of water having a depth of 24 inches or more of water at any one point.
- C. There shall be a distance of not less than 20 feet between the adjoining property line and outside of the pool wall or hot tub.
- D. There shall be a distance of not less than 5 feet between the outside of the pool, not including jacuzzi es or hot tubs, wall and any building located on the same lot.
- E. No pool or hot tub shall be located less than 50 feet from any front lot line.
- F. If electrical service-drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.
- G. No pool or hot tub shall be located in an easement.
- H. An in-ground pool, in-ground jacuzzies or in-ground hot tub area shall be completely enclosed by a fence not less than 4 feet in height with a self-closing and self-latching gate. However, if the entire premises or yard with the pool is enclosed with a 4 feet or higher fence, then another fence is not required around the pool or hot tub.
- I. A fence is not required to enclose the pool area of an above-ground pool, but the pool must be equipped with a removable ladder.

- J. A fence is not required to enclose an above ground jacuzzies or hot tub area, but shall be covered with a latch and lockable top.

Section 13.24 – Solar Energy Systems, Accessory Use

This section applies only to a roof mounted, building mounted, or building integrated accessory use solar energy systems to provide energy for use by the owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. This section does not apply to any incidental solar collector mounted on fences, lights, poles, or on the ground with collector surface areas less than five (5) square feet in area, nor does this section apply to ground mounted accessory use solar energy systems, which are regulated as special uses in Section 13.24 or principal use solar energy systems, which are regulated in Section 10.03.35. Nothing in this section shall be construed to prevent the sale of limited excess power through a net billing or net-metering arrangement.

- A. Requirements for Roof-Mounted, Building-Mounted, and Building Integrated (BIPV) Solar Energy Systems. These systems may be established as permitted accessory uses to principal uses in all zoning districts subject to the following conditions:
 - 1. Applications. In addition to all other required application submission items as listed in Section 11.03 - Sketch Plans, equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from all lot lines and adjacent structures shall be submitted along with the zoning permit application for review by the Zoning Administrator in a hard copy or electronic form as may be required by the Zoning Administrator.
 - 2. Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. Such collectors shall not be installed or located so that sunlight or glare is reflected into neighboring buildings or onto adjacent roads.
 - 3. Installation.
 - a. An accessory use solar energy system and/or solar-thermal systems shall be permanently and safely attached to the ground, structure, or building. Solar energy collectors, and their installation and use, shall comply with all building and electrical codes and all other applicable Township and State requirements.

- b. Accessory use solar energy systems shall be installed, maintained, and used only in accordance with the manufacturer's specifications. Upon request, a copy of such specifications shall be submitted to the Township prior to installation.
4. Power Lines. On-site power lines between solar panels and inverters shall be installed and maintained underground pursuant to applicable building and electrical codes.
5. Solar-Thermal Systems. These systems may be established as accessory uses to principal uses in all zoning districts. All elements of the system except those within a fully-enclosed building shall be located underground.
6. Abandonment and Removal. The homeowner must remove an inoperable ground-mounted solar energy collector system. If a ground mounted accessory use solar energy collector system is visibly in disrepair, such as a broken support or panel, obvious neglect, mold or mildew, or other obvious moisture in the casing it must be removed within one (1) month from the date of notification supplied by the Township.
7. Maximum Height. The maximum height permitted does not exceed that which is permitted in the zoning district in which the roof-mounted or building-mounted solar energy systems are located. Roof-mounted solar energy systems shall not be exceeded by more than five (5) feet measured from the surface of the roof or above the existing peak. Building-mounted solar energy systems shall not be located in the front of the building nor extend beyond the eave in either height or depth.
8. Obstruction. Roof or Building-mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.
9. Retrofitting Roof-Mounted Systems. An Applicant shall provide the Township Building Inspector or Zoning Administrator with a certification and the specifications related to the structural integrity of the roof or building to support such retrofitting.
10. The Building Inspector or Zoning Administrator shall require that the Applicant provide certifications and specifications related to the structural integrity of the roof or building to support any new solar energy system installation on a roof or building.

Section 13.25 – Temporary Use Dwellings

- A. The Zoning Administrator may issue a permit for the use of a recreational vehicle, mobile home, or a building as a temporary dwelling during the construction or rehabilitation of a primary residence, subject to the following regulations:
- B. A zoning and building permit have been obtained for rehabilitation or a permanent dwelling.
- C. The temporary dwelling shall not be located in any required setback area.
- D. The temporary dwelling shall only be occupied by the owner of the property or an employee of the owner of the property.
- E. Sanitary waste shall be disposed of properly. In no case shall waste be disposed of on the ground or in a body of water (stream creek, pond, lake) temporary dwelling being used during rehabilitation shall be hooked to existing well and septic systems, approved by the Van Buren County Health Department or public water, sewer department.
- F. Temporary dwelling may be used for a period of time to not exceed 12 months. The Zoning Administrator may permit an extension to not exceed 6 months if:
 - 1. Temporary dwelling is connected to septic and well or public water, sewer.
 - 2. The permanent dwelling or rehabilitation shall be substantially under construction.
 - 3. The reason for extension is due to circumstances beyond the immediate control of the owner.
- G. Other than a recreational vehicle or mobile home, a building shall meet minimum safety standard under the Building Code, including but not limited to: approved smoke detection, approved egress window/door, approved sanitation (bathroom facilities, kitchen facilities).

Section 13.26 – Temporary Uses

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

- a. Tents at private homes for wedding receptions, birthday parties, graduation parties, funerals and similar social occasions. Tents for social occasions do not require a zoning permit;
- b. Temporary sales tents for promotional activities of products already being sold or marketed on developed commercial properties. All such tents shall be limited to one (1) time frame of no more than fourteen (14) consecutive days during any 60-day period;
- c. On-site Temporary Farm Stands for the sale of farm produce (raw fruits and vegetables) from the farm on which it is grown. All such farm stands are limited only to the growing season (April through November). Sale of farm produce off-site is regulated under B. below.

B. Temporary Uses Requiring Zoning Approval:

- 1. Temporary buildings, structures, and uses of the following types are permitted in all districts unless otherwise and may be permitted by the Zoning Administrator under the following conditions:
 - a. Fire Damage – During renovation of a permanent building damaged by fire or other natural disaster so long as a building permit has been issued for the repair of the principal structure. The temporary building or structure must be removed when repair of fire damage is complete, and in no case shall it be located on the lot or parcel for more than fifteen (15) days after final approval by the building inspector. The Zoning Administrator shall require a deposit equal to the estimated cost of removal of the temporary structure.
 - b. New Construction – Temporary buildings and structures incidental to construction work, except single-family dwellings are permitted. Such temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed more than twelve (12) months, unless expressly authorized after petition to the Zoning Board of Appeals. The Zoning Administrator shall require a deposit equal to the estimated cost of removal of the temporary structure.
- 2. Off-site Temporary Farm Stand and Christmas Tree Sales in Commercial Districts– The Temporary Farm Stands and display and

sale of Christmas trees in the NSC, CSC, HSC districts or at a Special Use in any residential district where there is parking for at least five (5) vehicles, is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use and there is adequate off-street parking for such use in compliance with Article 13, Section 13.03, Temporary Uses and Structures. The temporary zoning permit for the display and sale on an open lot shall be valid for a period not to exceed 6 months.

- a. All unsold trees must be removed from the property by December 31 of each calendar year. No temporary land use permit is necessary for Christmas tree sales where a nursery is permitted by right.
- b. The sale of farm produce from an existing developed commercial parking lot may be permitted on a temporary basis for not more than six (6) months. The sale of prepared food is subject to site plan review by the Planning Commission (see C. below)
- c. Auctions (not more than 5 days) – The public sale of real or personal property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.

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

- 1. Temporary transient use of an existing land site, building or structure, or temporary placement of a transient sale tent or vehicle, may be permitted in any district. Such use shall be contingent upon approval of a Site Plan by the Planning Commission. Such approval shall be based upon a finding that the location of such an activity will not adversely affect public health, safety, and general welfare, and shall be compatible with adjacent uses in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated below (subsection C. 2.) and are exempt from the requirements of Article 11 - Site Plan Review. Upon authorization, the Zoning Administrator shall issue a permit, which will cause

compliance with this Ordinance and any specified conditions required by the Planning Commission.

2. The following uses shall be subject to the additional requirements listed:
 - a. Churches & Schools – Temporary building incidental to a church or school, provided that all wiring, plumbing, fire protection and exists are approved by the Fire Chief and Building Inspector, and by relevant state agencies.
 - b. Auctions (more than 5 days) – The public sale of real or personal property to the highest bidder shall be permitted for more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. Notification of the SHAES is required.
3. Off-site Temporary Farm Stand and Christmas Tree Sales in Residential Districts– The display and sale of Christmas trees in the LDR, MDR or HDR districts (for exemption for churches see above) is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use and there is adequate off-street parking for such use. The temporary zoning permit for the display and sale on an open lot shall be valid for a period not to exceed six (6) months.
 - a. For Christmas Tree Sales, all unsold trees must be removed from the property by December 31 of each calendar year. No temporary land use permit is necessary for Christmas tree sales where a nursery is permitted by right.
 - b. The sale of farm produce from a residential lot may be permitted on a temporary basis for not more than 45 days.
4. Temporary Antique/Craft Market – A temporary facility, usually a stall(s) or booth(s), used to conduct retail trade limited to antiques and hand-made crafts shall be permitted in the HSC, CSC and NSC districts for no more than 180 days per calendar year.

D. Requirements for Approval:

1. At least 13 days prior to a Planning Commission meeting the applicant shall provide a site plan sketch of sufficient detail to demonstrate that the proposed temporary land use meets all of the following requirements:

- a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
 - b. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
 - c. Off-street parking areas are of adequate size and properly located for the particular temporary use or structure and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
 - d. Signs shall conform to the Sign regulations of the Zoning Ordinance.
 - e. Any lighting shall be directed and controlled so as not to create a nuisance to neighboring property owners.
 - f. Plans for clean-up and waste control of the site shall be acceptable.
2. Site Plan Sketch: The applicant may utilize air photo maps such as are available through the Van Buren County website www.vbco.org. The Sketch Plan shall include:
- a. All lot lines with approximate dimensions
 - b. Parking areas and curb cuts with approximate dimensions
 - c. Existing buildings and proposed temporary structures with approximate dimensions
 - d. Approximate locations of buildings on adjacent properties within 100 feet
 - e. Locations for lighting and size and location for all signs.
 - f. Signed agreement for cleanup.
3. Health Permits. For temporary uses involving the preparation of food, the applicant shall present a valid Van Buren County Health permit for the specific use, valid for the time period applied for.
4. Revocation: Upon expiration or revocation of a temporary permit for a temporary land use, the temporary land use shall cease and all temporary structures, dwellings or buildings shall be removed from

the parcel of land. A temporary land use permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:

- a. That the temporary land use permit was obtained by misrepresentation or fraud.
 - b. That one (1) or more of the conditions of the temporary outdoor land use permit have not been met; and
 - c. That the use is being conducted in violation of any Township ordinance, or any state or federal law or regulation.
 - d. For fireworks sales SHAES inspection required per general ordinance.
5. Appeal: An appeal of a decision by the Planning Commission or Zoning Administrator relative to denial of a temporary land use permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to the provisions for appeal set forth in this Ordinance.

Section 13.27 – Wind Energy Systems, Accessory Use

Applicability. This section applies to any small-scale wind energy system. This section does not apply to wind energy systems that are used solely for pumping water or wind energy systems that apply to larger principal use wind energy systems, which is regulated by Section 10.03.36 of this Ordinance.

- A. A small wind energy system shall be a permitted use in all zones subject to all the following requirements:
 - 1. Setbacks. A wind tower for a small wind energy system shall be set back at a distance equal to the Township's minimum principal structure set back requirements by the zoning district and equal to the minimum distance of the total height of the tower from the nearest residential structure on neighboring property. No portion of the wind generator shall extend beyond the setback line nor into the following:
 - a. Any public road right-of-way or easement.
 - b. Under or over any overhead utility lines.
 - 2. Access.
 - a. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

- b. The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower for a minimum height of eight feet above the ground.
- 3. Lighting. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- 4. Appearance, Color, and Finish. The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer unless a different color of the finish is approved by the Planning Commission.
- 5. Signs. There shall be no signs that are visible from any public road posted on a small wind generator system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or the owner's identification.
- 6. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with Michigan's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9, as amended.
- 7. Permit Requirements.
 - a. Permit. A zoning, building, and electrical permit shall be required for the installation of a small wind energy system.
 - b. Documents. The zoning permit application shall be accompanied by a plot plan that includes all the following:
 - i. Property lines and physical dimensions of the property;
 - ii. Location, dimensions, and types of existing major structures on the property;
 - iii. Location of the proposed small wind energy system tower.
 - iv. The right-of-way of any public road that is contiguous with the property;
 - v. Any overhead utility lines; and

- vi. Accessory wind energy system specifications, including manufacturer and model, rotor diameter, tower height, and tower type (freestanding or guyed).
- c. Fees. The application for a zoning permit for a small wind energy system must be accompanied by the fee or fees required.
- d. Expiration. A permit issued pursuant to this Ordinance shall expire if:
 - i. The accessory wind energy system is not installed and functioning within 18 months from the date on which the permit is issued; or
 - ii. The accessory wind energy system is out of service or otherwise unused for a continuous 18-month period.
- e. Abandonment.
 - i. A small wind energy system that is out of service for a continuous 18-month period will be deemed to have been abandoned.
 - ii. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a small-scale wind energy system that is deemed to have been abandoned.
 - iii. The Owner shall respond to the Notice of Abandonment within 30 days from the Notice receipt date.
 - iv. If the Owner provides information that demonstrates the small-scale wind energy system has not been abandoned, the Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn.
 - v. If the Zoning Administrator determines that the small-scale wind energy system has been abandoned, the Owner of the small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within six months after the Owner receives the Notice of Abandonment.

- vi. If the Owner fails to remove the wind generator from the tower in the time allowed above, the Township may pursue legal action to have the wind generator removed at the Owner's expense.
- 8. Zoning Permit Procedure.
 - a. An owner shall apply to the Township for a zoning permit for a small-scale wind energy system.
 - b. The Zoning Administrator shall issue a permit or deny the application.
 - c. If the application is approved, the Zoning Administrator will return one signed copy of the application with the zoning permit and retain the other copy with the application.
 - d. If the application is rejected, the Zoning Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Zoning Administrator's decision pursuant to the Zoning Board of Appeals. The applicant may reapply if the deficiencies specified by the Administrator are resolved.
 - e. If the Owner of a small-scale wind energy system is not the landowner, the landowner shall also be responsible for compliance with this Section.

ARTICLE 15

Nonconforming Uses, Lots, and Structures

Section 15.00 – Purpose

- A. Within the districts established by this Ordinance or any amendments thereto, there are structures, uses, lots, or sites that were lawful before this Ordinance was adopted or amended, that would be prohibited or regulated under the terms of this Ordinance. Such structures, uses, lots, or sites are called "legally or lawfully nonconforming" or "nonconformities."
- B. Since such nonconformities tend to disrupt the harmony of neighborhood and business districts, and can adversely affect the public health, safety, and welfare, it is the intent of this Article to permit them to continue to the extent required by law, but not to encourage their long-term existence or expansion. Therefore, the intent of this Article is to reduce rather than increase such nonconformance.
- C. Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit has been issued and on which substantial construction on the property has commenced prior to the effective date of this Ordinance.

Section 15.01 – General Provisions for Nonconformities

- A. An existing structure, use, or lot that does not fully comply with the provisions of this Ordinance, as amended, shall be permitted to continue subject to the requirements of this Article if one of the following conditions are met:
 - 1. The structure, use, lot, or site was lawfully established before the adoption of the Zoning Ordinance or an amendment that rendered it nonconforming, or
 - 2. The structure, use, lot, or site was created, developed, or commenced during a period of time when no valid Zoning Ordinance was in effect, or
 - 3. The structure, use, lot, or site 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.

- B. Any structure, use, lot, or site that was established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time it was established is in violation of this Ordinance and shall not be considered lawfully nonconforming, unless appropriate steps are taken to rectify the nonconforming situation.
- C. Any structure, use, lot, or site that was lawfully established under a previous Zoning Ordinance, but violates the terms of the original permit under which it was established, is in violation of this Ordinance, and shall not be considered being legally nonconforming.
- D. In the case of a dispute surrounding whether a structure, use, lot, or site is nonconforming, the person or entity alleging the dispute shall be responsible for demonstrating the existence of a lawful nonconformity (as well as the size, scope, intensity, and extent thereof).
- E. A change of tenancy, ownership, or management of any existing nonconforming structures, uses, lots, sites, or combination thereof, shall be permitted and shall not affect its nonconforming status.

Section 15.02 – Nonconforming Structures

- A. A nonconforming structure may continue to exist so long as it remains otherwise lawful, subject to the following provisions:
 - 1. Repairs, maintenance, and renovations necessary for health or safety reasons or to keep such a nonconforming structure in a sound condition may be made, provided that the structure is not altered in a way that increases the degree of nonconformance.
 - 2. Should a nonconforming structure be relocated to another lot for any reason or for any distance, it shall thereafter conform to the regulations for the zoning district in which it is located.
 - 3. A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not increase the degree of nonconformance.
 - 4. Where a structure is nonconforming due to its setback, the structure may be extended along the same horizontal plane as the existing nonconforming setback, provided that the setback itself is not further reduced. However, if a structure is nonconforming due to its setback, the portion of the structure within the required setback shall not be extended vertically.

5. If a nonconforming structure is damaged or destroyed by wind, fire, flood, or some other catastrophe, it may be restored to its original nonconforming status in the following circumstances:
 - a. The repair, replacement, or alteration must be undertaken within 1 year following the damage;
 - b. The degree of nonconformance with the provisions of this Ordinance shall not be increased.
 - c. If a nonconforming structure is damaged or destroyed by means to an extent of more than 60% of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with this Ordinance.
 - d. If standards 1-2 above are not met, then the building or structure may only be altered, repaired, or replaced in compliance with all requirements of this Ordinance.
6. If any nonconforming structure is altered or modified in a way that eliminates, removes, or reduces any or all of its nonconforming characteristics, then such nonconforming characteristics shall not later be re-established.

Section 15.03 – Nonconforming Uses

- A. A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following conditions:
 1. The nonconforming use shall not be enlarged, extended, intensified, or expanded in such a way that increases the nonconforming nature of the use, such as the addition of dwelling units, additional bedrooms, additional manufacturing area, additional storage area, additional seating, or by the addition of other facilities which would allow the scope or intensity of the nonconforming use to increase.
 - a. Open and unenclosed decks, patios, stairways, and similar changes to residential structures shall not be considered an expansion of a nonconforming use, provided that:
 - i. The dimensional standards of the zoning ordinance are met
 - ii. For a deck, the floor is not higher than the first-floor level of the main structure to which it is attached, and no portion of the deck extends higher than guardrail

- or hand railing height as required by the building code;
 - iii. The baluster area between the flooring and the guardrail or hand railing is at least 50% open.
 - iv. The unenclosed expansion shall not later be enclosed.
 - b. ii. A nonconforming use may be extended throughout any parts of a structure that were manifestly arranged or designed for that use, and which existed at the time of the relevant adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- 2. A nonconforming use shall not be reestablished if it is abandoned for more than 1 year. A nonconforming use shall be considered abandoned if one or more of the following conditions exist, which are deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities such as water, gas, or electricity to the property have been disconnected;
 - b. The property, buildings, or grounds have fallen into disrepair or otherwise clearly indicate that the property is vacant;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Removal of buildings, structures, equipment, or fixtures that are necessary for the continuation or operation of the nonconforming use;
 - e. Operations or activities on the property have ceased, or
 - f. Other actions that constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
- 3. A nonconforming use may be changed to another nonconforming use only if the Zoning Board of Appeals finds that the new use would not increase the degree of nonconformance and would preserve or improve the desirability of the adjacent conforming uses. In making this determination, the Zoning Board of Appeals may require structural changes, building modifications, site

improvements, or other requirements deemed necessary to meet the above requirements. However, this shall not be construed to permit the conversion of a conforming use to a prior nonconforming use, nor to waive other provisions of this Article. Such approval shall not be considered a use variance.

Section 15.04 – Nonconforming Lots

- A. Legally nonconforming lots are those that do not conform to the lot area or width requirements of the district in which it is located.
- B. If the lot area or lot width is already less than the minimum requirements of this Ordinance, the lot shall not be further divided or reduced to increase the degree of nonconformance.
- C. A nonconforming lot may be used for any use permitted by the zoning district in which the lot is located provided that it meets all applicable setback, lot coverage, and similar requirements of this Ordinance.
- D. If a nonconforming lot of record abuts one or more nonconforming lots of record in the same ownership, which individually do not meet the lot width or other dimensional requirements of this Ordinance, such lots shall be considered as one lot for the purposes of this Ordinance.

Section 15.05 – Improvements to Nonconforming Sites

- A. This Ordinance recognizes that redevelopment may occur in South Haven Township on sites that do not meet the site development requirements of this Ordinance. The purpose of this section is to facilitate and encourage the redevelopment of these properties despite their nonconforming status. Thus, properties that are nonconforming by reason of nonconforming landscaping, parking, dumpster enclosures, lighting, etc. shall be deemed to be nonconforming sites. Such sites shall be permitted to continue and may be redeveloped or improved subject to the requirements of this Article.
 - 1. A nonconforming site shall not be expanded, altered, removed, or modified in a manner that increases the degree of nonconformance.
 - 2. Changes to a site that bring it into or closer to conformity with this Ordinance, such as parking improvements, additional landscaping, screening, or fencing, or replacing nonconforming signs shall be permitted and shall not be considered an unlawful expansion of a nonconforming structure or use.

3. Except as otherwise required by this Section, if a building expansion, change in land use, or other changes to the property occur that require site development improvements, nonconforming sites shall only be required to be brought into full compliance with this Ordinance to the extent necessary to accommodate the proposed changes. Except as required in (4) below, the required installation of site development improvements shall not require that the entire site be brought into compliance with this Ordinance.
4. When the re-use or redevelopment is proposed and the total project value, including building and all proposed site improvements, is equal to or greater than 75% of the total replacement value of the existing site, then the entire site shall be brought fully into compliance with this Ordinance.
5. The Zoning Administrator or Planning Commission shall have the authority to require site improvements if existing conditions are deemed unsafe by any official charged with protecting the public health, safety, or welfare.

ARTICLE 16

Zoning Board of Appeals (ZBA)

Section 16.00 – Purpose

There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, together with any amendments thereto, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured, and substantial justice done.

Section 16.01 – Membership

- A. The Zoning Board of Appeals shall consist of three (3) members who shall be representative of the Township population and of the major interests present in the Township. All members shall be residents and qualified voters within South Haven Township. One member shall be a member of the Planning Commission. Also, one regular member may be a member of the Township Board, but shall not serve as chairperson of the Zoning Board of Appeals. The Township Board may appoint no more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis to sit as regular members of the Board in the absence of a regular member.
- B. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Section 16.02 – Terms

All members of the Zoning Board of Appeals shall be appointed by the Township Board. All Appeals Board members shall be appointed with staggered terms by the Township Board, but members may continue to serve until their successor has been appointed. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Members' terms may be extended if reappointed by

the Township Board. Terms shall be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board.

Section 16.03 – Vacancies

- A. In the event that a member of the Zoning Board of Appeals can no longer serve because of health or any other reason, the Township Supervisor may appoint, upon Township Board approval, another person to the Zoning Board of Appeals for that unexpired term. Should the unexpired be two (2) years or longer, it shall be considered as a full term.
- B. If a Zoning Board of Appeals member moves outside the jurisdictional boundaries of the Township, this shall constitute a resignation from the Board effective upon the date a replacement is appointed by the Township Supervisor and approved by the Township Board.

Section 16.04 – Absence and Removal

- A. Absence. Should a member have three (3) consecutive unexcused absences from regularly scheduled meetings or miss at least fifty (50) percent of the meetings within any twelve (12) month period, it shall constitute reasonable grounds for removal. To initiate this action, the chairperson shall prepare a memorandum requesting that member to resign. The memorandum of attendance or a letter of resignation shall be forwarded to the Township Supervisor with a request that an appointment be made to fill the vacancy.
- B. Reason for Removal. Members of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing. Failure of a member to disqualify himself/herself from a vote in which he/she has a conflict of interest shall constitute misconduct in office.
- C. Conflict of Interest. A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of conflict of interest if:
 - 1. The member has a direct financial interest in the outcome of the matter at issue; or
 - 2. The matter at issue involves the member's business or place of employment; or

3. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
4. The member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

Section 16.05 – Appeals

- A. Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order to the Zoning Administrator where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Zoning Administrator or other administrative agency in the carrying out of the provisions of this Ordinance.
- B. A notice of appeal specifying the grounds thereof shall be filed with the secretary of the Zoning Board of Appeals within thirty (30) days after the date of the action appealed from. A copy of the notice shall promptly be served upon the officer from whom the appeal is taken, who shall forthwith transmit to the Zoning Board of Appeals all records upon which the action appealed from was taken.
- C. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed except upon a restraining order by the Zoning Board of Appeals or by the Circuit Court.

Section 16.06 – Variances

- A. Subject to the other provisions of this Ordinance, the Zoning Board of Appeals shall have the power to decide applications for variances where the literal enforcement of this Ordinance would involve practical difficulties:
 1. The Zoning Board of Appeals shall have no authority to hear, consider or grant use variances.
 2. Variance Review Standards. No variance in the provisions or requirements of this Ordinance shall be approved by the Zoning Board of Appeals unless it finds from reasonable evidence that such variance meets all the standards below:
 - a. That the requested variance is not contrary to the public interest or to the intent and purpose of this Ordinance.

- b. That the requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.
 - c. That there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
 - d. That the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district. Increased financial return shall not be deemed sufficient to warrant a variance.
- B. Conditions of Approval. Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources, energy and to promote the use of land in a socially and economically desirable manner. To ensure compatibility with adjacent uses of land, the architectural character of accessory buildings requiring variances shall be considered.

Conditions imposed shall meet all the following requirements:

1. It is found that there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, and that a variance is necessary for the preservation and enjoyment of a substantial property right similar to the possessed by other properties in the zone.
2. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, and residence immediately adjacent to land use or activity and community as a whole.
3. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.

The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals shall maintain a record of conditions that are changed.

In the event the Zoning Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question such that it would exceed those rights given by the Zoning Ordinance or the variance or fail to follow any conditions place thereon by the Zoning Board of Appeals. In the event the use of the property exceeds those rights given by the Zoning Ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall immediately terminate and it shall be deemed a violation of this Ordinance.

Section 16.07 – Public Hearings

All applications made to the Zoning Board of Appeals shall require a public hearing. Notice shall be provided as required in Section 16.07 of this Ordinance. Any interested party may appear and be heard at such hearing in person or by agent or attorney.

Section 16.08 – Decisions

- A. The Board of Appeals 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 all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- B. Upon the date for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing to a specified time and date in order to permit the obtaining of additional information, or to cause such further notices it deems proper to be served. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the Zoning Board of Appeals so decides.

Section 16.09 – Time Limit

If a variance is granted or other action requested by the applicant is authorized, the necessary permits shall be commenced, and the authorized action begun within six (6) months after the date and the variance is granted and completed within twelve (12)

months of said date. The Building Official may, upon good cause shown, extend either the six (6) and/or the twelve (12) month period; and if the Zoning Board of Appeals further finds that conditions have altered or changed in the interval since the action was granted, the Zoning Board of Appeals shall revoke or rescind its approval. Should applicant fail to obtain the necessary permit or fail to commence work within such six (6) month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal; and all permissions, variances and permits shall be deemed automatically rescinded.

Section 16.10 – Vote Necessary for Decision

The final disposition of any matter by the Zoning Board of Appeals shall receive the concurring vote of a majority of the members of the Zoning Board of Appeals. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

Section 16.11 – Minutes and Records

The Secretary or his/her designee shall keep minutes of the Zoning Board of Appeals proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Zoning Board of Appeals examinations and official actions, all of which shall be filed with the Township Clerk and be a public record. The grounds for determination made shall be so stated in any motion of approval or denial. A copy of each determination shall be sent to the Zoning Administrator and to the Planning Commission. No building permit shall be issued until such a copy has been received by the Zoning Administrator.

Section 16.12 – Limitation of the Board

The Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provision of this Ordinance except as specified. Where the Zoning Board of Appeals finds recurrent requests for relief from specific provisions of this Ordinance, or where the Zoning Board of Appeals considers specific provisions are creating unnecessary hardship, the Zoning Board of Appeals shall recommend action to amend such provision as provided by law.

Section 16.13 – Appeals of Decisions

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by, or any person having an interest affected by the decision of the Zoning Board of Appeals may appeal said decision to the Circuit Court for the County of Van Buren as long as said appeal is filed in said court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson.

Section 16.14 – Reapplications

In the event a petition to the Board is denied, in whole or in part, a new application (i.e. reapplication) may not be made for the same or substantially similar request within six months of denial. A new application may be submitted if the Zoning Administrator finds that the new plan is substantially different, or there is newly discovered evidence.

ARTICLE 17

Administration, Enforcement, and Severability

Section 17.00 – Zoning Administrator

- A. The Township Board shall appoint a Zoning Administrator who shall enforce and administer this Ordinance. The Zoning Administrator may be provided with assistance from such other persons as the Township Board may direct. The Township Board shall determine the compensation for the Zoning Administrator.
1. The Zoning Administrator or the appointed agent shall have the power to grant certificates of zoning compliance and to make necessary inspections of premises in the enforcement of this Ordinance.
 2. It shall be unlawful for the Zoning Administrator to approve plans or issue certificates of zoning compliance for any construction or use until he or she has inspected such plans and found them to conform with this Ordinance.
 3. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuation of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuation of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of, its provisions.
 4. The Zoning Administrator or an official appointed by the Zoning Administrator shall be authorized to issue and serve appearance tickets on any person with respect to any violation of this Ordinance when there is reasonable cause to believe that the person has committed such an offense.

Section 17.01 – Certificate of Zoning Compliance

- A. It is the intent and purpose of this Section to establish a process for issuing permits granted pursuant to this Ordinance. A certificate of zoning compliance, issued by the Zoning Administrator pursuant to this Section, shall indicate that the uses and plans for which the certificate is requested comply with this Ordinance. Upon the issuance of a certificate of zoning compliance, an applicant may erect a building or structure only for which the certificate of zoning compliance has been issued, and only after receiving a Building Permit from the Building Inspector and co-signed by the Zoning Administrator, along with any other applicable from local, state, or federal agencies having jurisdiction.
- B. **Certificate Required.** It shall be unlawful to construct, enlarge, alter or permit the use or occupancy of a building or structure or change the use of a building until a certificate of zoning compliance has been issued by the Zoning Administrator. The certificate shall state that the building, structure, lot, and use thereof conform to the requirements of the Ordinance.
- Further, no excavation shall be initiated, no construction may begin, no use may commence, no building shall be erected, altered, moved, razed, and no structural alterations (including but not limited to porches, deck, patios, terraces) shall be initiated until a certificate of zoning compliance has been issued by the Zoning Administrator and where required, a Building Permit has been issued by the Building Official. A building permit shall not be issued until a certificate of zoning compliance has been issued pursuant to this Ordinance.
- C. No certificate of zoning compliance shall be issued for any building or land use where the construction, addition or alteration, or use thereof would be in violation of this Ordinance, except upon written authorization of the Zoning Board of Appeals. An application for a certificate of zoning compliance shall be available from the Zoning Administrator. Further, the Building Inspector shall not issue a certificate of occupancy until the Zoning Administrator affirms that all requirements and/or conditions of the certificate of zoning compliance have been satisfied.
- D. **Required Information.** An application for a certificate of zoning compliance shall be filed by the Owner or his or her agent, and it shall state the intended use of the land, structure, or building. In order to determine whether a proposed use, building, or structure complies with the requirements of this Ordinance, the Zoning Administrator shall require, at

a minimum, the following information as applicable to be submitted with the application.

1. Proof of ownership of the lot or premises.
 2. Location, dimensions, and size of the lot or premises.
 3. A drawing and/or aerial photograph illustrating the location of the building or structure, the distance from all lot lines, the right-of-way of abutting streets, the location and number of parking spaces, and the location and type of use of buildings on adjacent land. This drawing shall also include the location of all building foundations, driveway locations, setback measurements, and lot dimensions. The applicant shall also provide building elevations and a grading plan for the property.
 4. For buildings, a written notice of acceptance or hookup fee receipt is required if public sanitary sewer service is available or required by local or state law. If public sanitary sewer service is not available, a written report from the Van Buren/Cass District Health Department certifying the approval of a private septic system is required.
 5. When a public or private water supply system is required by law or proposed by the applicant, either a written notice of acceptance from the Van Buren/Cass District Health Department or other approval from applicable agencies is required. When use of a public water supply is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
 6. The Zoning Administrator may require additional materials to aid in determining whether a proposed use, building, or structure complies with this Ordinance.
- E. Issuance of Certificate. Within ten (10) days after the receipt of any application, the Zoning Administrator shall either (1) issue a certificate if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a certificate and state the reason(s) or cause(s) for such denial in writing. In each case, the certificate or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent. A copy of the certificate shall also be transmitted to the Township Clerk.

- F. Planning Commission Approval. When the terms and provisions of this Ordinance require authorization by the Planning Commission (such as a special land use) and such authorization is given, then the Zoning Administrator shall indicate that the application has been approved by the Planning Commission. One approved copy shall be provided each to the applicant and one copy shall be retained by the Township Clerk.
- G. In cases where development authorized by a certificate of zoning compliance has not commenced within one (1) year of issuance, the certificate shall automatically become void and all rights thereunder shall terminate. A single one (1) year extension may be granted by the Zoning Administrator upon written application. Expiration of this extension shall require resubmittal of all applicable information as was submitted for the initial development proposal, including any required fees.
- H. Fees. Application fees shall be charged and collected by the Zoning Administrator in accordance with the fee schedule adopted by the Township Board. Failure to obtain a certificate of zoning compliance before commencing construction or alteration or occupying land or a building or other activities for which a certificate is required shall constitute a violation of this Ordinance.

Section 17.02 – Certificates of Occupancy

- A. No building or structure, except as otherwise provided in the Building Code, shall be used or occupied, and no change in the use of a building or portion thereof shall be made until the Building Official has issued a certificate of occupancy. Such a certificate shall affirm that the building conforms in all respects to the approved plans and all applicable provisions of this Ordinance and the Building Code.
- B. A temporary certificate of occupancy may be issued by the Building Official for the use of a portion or portions of a building prior to the completion of the entire building.
- C. No permit or certificate shall be issued for any illegal use existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a certificate of occupancy shall in no case be construed as waiving any provision of this Ordinance.
- D. A certificate of occupancy shall not be issued until the Zoning Administrator determines that all requirements of the certificate of zoning compliance have been satisfied.

Section 17.03 – Public Hearings and Notice Requirements

- A. Whenever a public hearing on a zoning application is required by this Ordinance or the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.
1. Notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
 2. For applications involving a specific parcel or applications involving the rezoning of ten or fewer properties, a notice of public hearing shall be mailed by way of first-class mail or by personal delivery to the following persons, at least 15 days prior to the date of the public hearing:
 - a. The owners of property for which approval is being considered.
 - b. All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and
 - c. The occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the Township.
 - d. If the above described 300-foot boundary extends outside of the Township's boundaries, then notice must be provided outside of the Township's boundaries, within the 300-foot radius, to all persons in the above stated categories.
 3. The notice of public hearing shall include the following information.
 - a. Description of the nature of the application/request;
 - b. Identification/description of the property that is the subject of the application or request. The notice shall include a listing of all street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.

- c. State when and where the application will be considered, including the date, time, and location of the public hearing on the application; and
- d. Identify when and where written comments will be received concerning the application or request.

Section 17.04 – Zoning Amendments

- A. The Planning Commission may initiate, or any interested person or public body may make, a written request to the Planning Commission for an amendment to the zoning map or text of this Ordinance in accordance with the following procedures:
 - 1. The applicant shall submit a formal application to the Zoning Administrator, together with a fee as determined by the Township Board. Applications shall be submitted at least thirty-five (35) days prior to the next scheduled Planning Commission meeting.
- B. Required Information. All petitions for amendment to this Ordinance shall be submitted to the Zoning Administrator on a form provided by the Township. The following information shall be provided:
 - 1. The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
 - 2. The nature and effect of the proposed amendment;
 - 3. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-ways and easements bounding and intersecting the land to be rezoned;
 - 4. The alleged error in the ordinance that would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
 - 5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
 - 6. All other circumstances, factors, and reasons that the petitioner offers in support of the proposed amendment.

C. Review Process

1. The Planning Commission shall hold a public hearing, noting all comments and reports requested, or noting the absence of such. Notice of the public hearing shall be provided as required in Section 16.07
2. Prior to a recommendation, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical, formatting, or grammatical errors. The changed text shall be forwarded as above without further hearing.
3. The Planning Commission shall forward the proposed amendment along with its recommendation to the Township Board and Van Buren County Planning Commission pursuant to Section 307 of the Michigan Zoning Enabling Act. Said recommendation shall be accompanied by a summary of the comments made at the public hearing and by written findings of fact in support of the Planning Commission's recommendation.
4. The County Planning Commission shall have thirty (30) days to review and comment upon the amendment prior to the Township Board taking a final action. Comments from the Van Buren County Planning Commission are advisory.
5. Upon receipt of the recommendation from the Planning Commission and comments from the County (if received), the Township Board shall either approve or deny the requested amendment in accordance with the procedures adopted by the Board.

D. Review Criteria - Map Amendment (Rezoning). In making its recommendation on a proposed zoning map amendment (rezoning) to the Township Board, the Planning Commission shall consider the following factors:

1. If the proposed rezoning is consistent with the Township's adopted Master Plan;
2. If the proposed rezoning is consistent with recent development trends in the area;
3. If the range of uses permitted by right and by special land use of the proposed zoning district is compatible with existing and future

land uses in the vicinity of the subject site or throughout the zoning district(s) affected by the proposed amendment;

4. If existing or planned public infrastructure, including streets, sanitary sewers, stormwater, water mains or wells, sidewalks, and street lighting, is capable of accommodating the potential changes in land use resulting from the proposed rezoning;
5. If the proposed rezoning is consistent with the intent and purpose of this Ordinance and whether the proposed amendment would protect the health, safety, and welfare of the Township.

E. Review Criteria - Text Amendment. Prior to making a recommendation on a proposed amendment of the Zoning Ordinance text to the Township Board, the Planning Commission shall consider the following factors:

1. If the proposed text amendment would clarify the intent of the Ordinance or correct an error;
2. If the proposed text amendment would address changes to state legislation, recent case law, or opinions from the Attorney General, or promote compliance with changes in other county, state, or federal regulations;
3. If the proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items;
4. If the proposed amendment is consistent with the Township's ability to provide adequate public facilities, utilities, and services and is consistent with the Township's desire to protect the public health, safety, and welfare of the community; and
5. In the event the amendment will add a use to a district, if the proposed use is fully consistent with the character of the range of uses provided for within the district, and that the amendment will not create incompatible land uses within a zoning district or between adjacent districts, and if there are adequate public utilities and services exist to accommodate the use.

Section 17.05 – Conditional Rezoning

- A. Any interested property owner may voluntarily offer in writing, and the Township Board may approve, certain uses and/or development of the land as a condition to a rezoning of the land.

1. Application Procedure.

- a. If the applicant wishes to submit an offer of conditions or restrictions related to the site, the proposed use or its impact on the community along with a petition to rezone land, such offer of conditions or restrictions shall be presented in writing. Proposed restrictions shall be stated clearly, as determined by the Zoning Administrator.
- b. The applicant may request a pre-application meeting, at which the Zoning Administrator and other Township officials may identify concerns reasonably related to the rezoning request. The Township shall not require the applicant to offer conditions or restrictions as a prerequisite for rezoning, nor shall the presentation of an offer of conditions or restrictions create any obligation on the part of the Township to rezone any land.
- c. The offer of conditions or restrictions shall be received in writing with the rezoning application, prior to the Planning Commission public hearing on the rezoning request. Provided, if an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the Township time to consider the offer; and if an offer of conditions is proposed at a Township Board meeting, the rezoning request and such conditions shall be remanded back to the Planning Commission for consideration and recommendation.
- d. The Planning Commission or Township Board may postpone a request to give residents of the Township more time to fully understand the offer of conditions.

B. Standards for Approval.

- 1. When reviewing a rezoning request and/or an offer of conditions or restrictions, the Township may consider, but shall not be limited to, the rezoning criteria specified in Section 17.04(D).
- 2. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the Zoning Ordinance or other regulations or ordinances promulgated by, or applicable in, the Township.

3. When considering an offer of conditions or restrictions, the Township shall determine whether the conditions or restrictions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

C. Expiration of Agreement, Reversion, and Extensions.

1. If conditions are approved, the Township may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph C(3) hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, per subparagraph D(3) hereof. The approved conditions shall be in a recordable form and shall be recorded with the County register of deeds.
2. The Township shall not add to or alter the approved conditions during the time period specified.
3. The time period specified under subparagraph 3(A) may be extended upon the application of the property owner and approval of the Township:
 - a. The applicant shall submit in writing a request to the Zoning Administrator, who will forward the written request and their recommendation on the request to the Planning Commission. The written request shall include the reasons why the extension is being solicited.
 - b. Upon the recommendation of the Planning Commission, the Township Board may extend the time period specified under subparagraph A(3). If the extension is approved and if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, per subparagraph D(3).
4. If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. After a public hearing and after determining that the applicant has failed to satisfy the approved conditions, the Planning Commission shall make a recommendation to the Township Board. The Planning Commission shall state what specific conditions were not met, shall note all comments and reports requested or the

absence of such. The Township Board shall then consider the rezoning of the land back to its former zoning classification.

D. Coordination and Performance Bonds.

1. Where proposed conditions or restrictions involve public improvements, the applicant shall submit the following to the Planning Commission prior to final approval of the rezoning and offer of conditions:
 - a. A construction schedule.
 - b. Costs and obligations.
 - c. Responsible parties for obtaining permits.
 - d. Proof in writing that applicable utility or regional agencies or reviewing bodies have reviewed and approved the final design of said public improvements.

E. Notices and Hearing. Rezoning or zoning reversion of land shall require notice of public hearing in accordance with Section 16.07 hereof.

Section 17.06 – Fees and Applicant Escrow Accounts

- A. Application Fees. The South Haven Township Board may establish by resolution, fees for appeals, applications for amendments, special uses, site plan reviews, certificates of zoning compliance, variances, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Hall and may be altered only by resolution of the Township Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
- B. Escrow Accounts. If the Township determines that the basic fees provided under subsection (1) above will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs.
- C. These additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit

or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 17.07 – Performance Guarantees

- A. In the interest of ensuring compliance with the Zoning Ordinance provisions, protecting the health, safety, and welfare of the residents of the Township, and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Zoning Administrator, Planning Commission, Zoning Board of Appeals or Township Board may require the applicant to deposit a performance guarantee with the Township as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.
 - 1. Performance guarantees may also be required as a condition of approval for land uses that may be temporary in nature and where the reclamation or restoration of a site to an acceptable condition will be needed, such as mining operations, wind and/or solar energy systems, and similar uses.
 - 2. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator in consultation with the Township Engineer, Attorney, or other consultants as deemed appropriate. All performance guarantees shall be subject to approval by the Township Zoning Administrator.

3. When a performance guarantee is required, said performance guarantee shall be deposited with the Township prior to the issuance of a certificate of zoning compliance or any other approval by the Zoning Administrator for the development and use of the land.
4. In the event a performance guarantee is required, the applicant shall also furnish such authorization as is required by the Township to permit the Township to enter upon the subject property to complete the improvements at the cost of the applicant, in the event of default by the applicant.
5. An approved site plan or project shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin on the date of the issuance of the certificate of zoning compliance.
6. Upon the satisfactory completion of the improvement for which the performance guarantee was required, and as determined by the Zoning Administrator, the Township shall return to the applicant the performance guarantee deposited.
7. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township administrative costs in completing the improvement with any balance remaining being refunded to the applicant. At the time the performance guarantee is deposited with the township and prior to the issuance of a certificate of zoning compliance, the applicant shall enter into

an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

Section 17.08 – Planning Commission

- A. Creation. In accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, the Planning Commission is hereby established.
- B. Membership.
 - 1. The Planning Commission shall consist of seven (7) members, or such other number determined by the Township Board and authorized by law.
 - 2. The Planning Commission membership shall generally be representative of the Township population and of the major interests present in the Township.
 - 3. Members of the Planning Commission shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township.
 - 4. One (1) member of the Township Board shall be a member of the Planning Commission.
 - 5. All members of the Planning Commission shall be nominated by the Township Supervisor and appointed with an affirmative majority vote of the members of the Township Board.
 - 6. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C. Conflicts of Interest. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so, provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Ex-parte communication? Reference to bylaws.
- D. Terms. The term of each member shall be 3 years, and until a successor is appointed and qualified, except that a Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the

Commission shall vary, though not exceeding 3 years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.

- E. Officers. The officers of the Commission shall be the chairperson, the vice-chairperson and the secretary. The officers shall be elected by affirmative majority vote of the Commission members present and voting at the first meeting of the calendar year. The Commission may, by majority vote, establish other officers at its discretion. In addition, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
- F. Bylaws and Record keeping. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- G. Meetings of the Planning Commission.
 - 1. Regular meetings of the Commission shall be held once a month on a day and at a time to be determined by the Commission at its first meeting of the calendar year; provided, however, that a meeting need not be convened if pending matters do not warrant a meeting.
 - 2. The Commission shall hold at least 4 meetings each year.
 - 3. All meetings of the Planning Commission shall be public meetings, held in compliance with the provisions of the Open Meetings Act.
 - 4. A quorum for the conduct of business shall consist of a majority of the total number of current members of the Commission.
- H. Duties and Responsibilities. The Planning Commission shall be responsible for the following planning activities, among others:
 - 1. To prepare, consider and approve or recommend approval of the Township's Master Plan.
 - 2. Monitor and oversee the effectiveness of the Master Plan; and in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to consider, no less frequently than every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve or recommend approval of any such revisions or amendments.

3. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
4. To promote understanding of and interest in the Master Plan and this Ordinance.
5. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.
6. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
7. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, as applicable and in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
8. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
9. To carry out other duties and responsibilities provided by law.

Section 17.09 – Property Surveys

- A. The Zoning Administrator or Building Official shall have the authority to require that an applicant or property owner provide the Township with a current survey by a registered surveyor for one (1) or more boundary or property lines of the lot or parcel involved (including providing a sealed survey drawing by such professional surveyor and with property boundaries staked by such professional) if the Zoning Administrator or Building Official determines that it is reasonably necessary in order for the Township to determine whether the zoning setback, area, and other applicable requirements are met. The Zoning Administrator or Building Official may also require that the professional surveyor place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All surveying costs shall be paid by the applicant or property owner.
- B. Property surveys shall be required prior to new construction of a principal residential building, and for a nonresidential building project for which a permit is required pursuant to this ordinance. Such surveys shall show the

property boundaries and the location of all proposed improvements and existing structures on the subject property.

- C. In performing the survey, the surveyor shall place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes
- D. The Zoning Administrator may waive the requirement for a survey when it is apparent that a survey would not be necessary to determine compliance with this Ordinance.

Section 17.10 – Penalties

- A. **Penalties.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.
- B. **Procedure.** Any person, firm, corporation or entity that violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance, or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

The owner, if possible, and the occupant of any property upon which a violation has occurred, shall be notified in writing to correct the violation within fourteen (14) days after service of the notice upon such person. Such notice shall be served personally or by certified mail, return receipt requested. Additional time may be granted by the Zoning Administrator where good faith efforts to correct the violation are in progress.

- C. **Municipal Civil Infraction.** A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense	\$75	\$500

2nd Offense	\$150	\$500
3rd Offense	\$325	\$500
4th Offense	\$500	\$500

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, that South Haven Township has incurred in connection with the municipal civil infraction.

- D. Remedial Action. The Township Board, Township Supervisor or Enforcement Officer appointed by the Township Board may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 17.10 – Administrative Liability

No officer, agent, employee, Building Official, Zoning Administrator, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall be personally liable for any damage that may accrue to any Person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 17.11 – Severability

This Ordinance and each section, subsection, paragraph, subparagraph, or any provision thereof, shall be deemed to be severable. If any section, subsection, paragraph, subparagraph, or any other provision of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional for any reason, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in force and effect.

Section 17.12 – Repealer

The former Zoning Ordinance of this Township (_____), effective **November 6, 1990**, and all amendments thereto prior to _____, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township, in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed to the extent of such conflict.

Section 17.13 – Effective Date

.This Ordinance was adopted at a regular meeting of the South Haven Township Board on _____, and is ordered to take effect upon the expiration of eight (8) days following publication of adoption in The South Haven Tribune, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.