

CHAPTER XIV

GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts.

SECTION 14.01 THE EFFECT OF ZONING. Zoning applies to every BUILDING, STRUCTURE or use. No BUILDING, STRUCTURE or land shall be used or occupied, and no BUILDING or STRUCTURE or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

SECTION 14.02 RESTORATION OF UNSAFE BUILDING. Subject to the provisions of the Nonconforming Uses Chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any BUILDING or STRUCTURE which is unsafe.

SECTION 14.03 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS.

- (a) Required Area or Space - A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- (b) Existing Lots of Record - If a lot in the AG District, R-1 District, R-2 District or R-3 District which is platted, or otherwise of legal record as of the effective date of this ordinance or of any amendment to this Ordinance does not comply with the area and/or width requirements of its zoning district, then such lot may be used for single family DWELLINGS only and then only if such single family use is first authorized by the Planning Commission as a SPECIAL USE. However, a lot which is platted or otherwise of record as of the effective date of this Ordinance or of any amendment to this Ordinance which is located in the AG District, R-1

District, R-2 District or R-3 District may be used for single family DWELLINGS only without authorization from the Planning Commission if the lot has a minimum lot area of eight thousand five hundred (8,500) square feet (or fifteen thousand [15,000] square feet if the lot is not served with public water and sewer) and if there is compliance with all YARD requirements for the R-3 District. In considering whether or not to grant the authorization described in this paragraph, the Planning Commission shall consider the following standards:

- (1) The size, character and nature of the residential BUILDING and any ACCESSORY BUILDINGS to be erected and constructed on the lot;
- (2) The effect of the proposed use on adjoining properties and surrounding neighborhood;
- (3) The effect of the proposed use on light and air circulation of adjoining properties;
- (4) The effect of any increased density of the intended use on the surrounding neighborhood; and
- (5) Available parking for the intended use.

If a lot in the C-1 District, C-2 District or I-1 District which is platted or otherwise of record as of the effective date of this Ordinance or of any amendment to this Ordinance does not comply with the area and/or width requirements of its zoning district, then such lot may be used only if first authorized by the Planning Commission as a SPECIAL USE. In considering such authorization, the Planning Commission shall consider the following standards:

- (1) The size, character and nature of the commercial or industrial BUILDINGS and any ACCESSORY BUILDINGS to be constructed on the lot;
- (2) The effect of the proposed use on adjoining properties and the surrounding neighborhood;
- (3) The effect of any increased density of the intended use on the surrounding neighborhood; and
- (4) Available parking for the intended use.

In all zoning districts, where two (2) or more lots do not comply with the area and/or width requirements of the applicable zoning district as of the effective date of this Ordinance or of any amendment to this Ordinance, and where the lots are adjacent to each other and are in common ownership as of the effective date of this Ordinance or of any amendment to this Ordinance, then such lots shall be combined so that the lot or lots created by the combination comply (or more closely comply in the event that compliance is not possible) with the requirements of the applicable zoning district. (Amendment Ordinance No.73, 01-11-95)

- (c) Exceptions - The following BUILDINGS and STRUCTURES shall be exempt from height regulations in all zoning districts, provided they are located at least the same distance as their height from any adjoining property line: parapet walls not exceeding four (4) feet in height; chimneys; silos; farm barns; water towers; elevators bulkheads; cooling and fire towers; church spires; penthouses for necessary mechanical appurtenances; (Amendment Ordinance No. 95, 11-12-97)

SECTION 14.04 ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, TOWERS, poles, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any Zoning District. (Amendment Ordinance No. 118 2-13-02)

Notwithstanding the exceptions contained in the immediately preceding sentence, the following regulations apply.

- (a) Public utility facilities in any Zoning District are required to be constructed and maintained in a neat and orderly manner. Any BUILDING which is constructed shall be landscaped and shall conform with the general

character of the architecture of the surrounding neighborhood.

- (b) Electrical substations, gas regulator stations, water collection and/or treatment plants, wastewater treatment plants, utility pump and metering stations, gasoline or oil pipelines and other public utility or governmental unit facilities which are potentially hazardous or obnoxious are permitted in any Zoning District but only with the prior approval of the Planning Commission as a SPECIAL USE. In considering such authorization, the Planning Commission shall consider the following standards:
 - (1) The location of the public utility or governmental unit facility and particularly its proximity to adjoining properties;
 - (2) The purpose of the public utility or governmental unit facility;
 - (3) The character, nature and size of the public utility or governmental unit facility;
 - (4) Whether any electrical substation and/or gas regulator stations are enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials;
 - (5) Any environmental or other consequences of the public utility or governmental unit facility; and
 - (6) The effect of the public utility or governmental unit facility on adjoining properties and the surrounding neighborhood.

- (c) An essential service shall not include antennas which are exterior transmitting or receiving devices mounted on a tower, BUILDING or STRUCTURE and used in communications which radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals; TOWERS which are designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes; radio and television transmission TOWERS; microwave TOWERS; common-carrier TOWERS; or cellular telephone TOWERS.

- (d) ABOVEGROUND UTILITY EQUIPMENT also shall be subject to the provisions of Chapter XIV-D of this Ordinance. (Amendment Ordinance No.118, 2-28-02)

- (e) An essential service shall not include wind energy conversion systems or wind energy conversion system testing facilities which are subject to the requirements of Chapter XIV-E of this Ordinance. (Amendment Ordinance No. 144, 2-14-07)

SECTION 14.05 REQUIRED YARD OR LOT. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the Zoning District in which they are located.

SECTION 14.06 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE VIBRATION AND ODORS. Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

SECTION 14.07 TEMPORARY USES OR STRUCTURES REQUIRING ZONING INSPECTOR AUTHORIZATION.

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

(a) In considering such authorization, the Zoning Inspector shall consider the following standards:

- (1) No unreasonable detrimental effect upon adjacent properties;
- (2) Necessary for the convenience and safety of the construction proposed;
- (3) The nature of the surrounding neighborhood;
- (4) The least offensive access point.

SECTION 14.08 ACCESSORY USES. In any Zoning District, accessory uses, incidental only to a permitted use, are permitted when located on the same lot.

SECTION 14.09 ACCESSORY BUILDINGS. All ACCESSORY BUILDINGS shall conform to the following requirements, except farm buildings in an AG Agricultural District: (Amendment Ordinance No. 48, 9-16-91)

(a) No ACCESSORY BUILDING(s) may be built on any R-1, R-2, or R-3 zoned lot on which there is no principal BUILDING. No portion of an ACCESSORY BUILDING(s) shall be utilized as a DWELLING or as sleeping quarters.

(b) No ACCESSORY BUILDING may be built in a front YARD unless it is set back at least two hundred (200) feet from, and fully screened from view from, the street right-of-way line. (Amendment Ordinance No. 112. 11-08-00)

(c) An ACCESSORY BUILDING(s) in a side YARD shall meet the side YARD provisions of its zone.

(b) Notwithstanding the provisions of Section 14.09(c), if an ACCESSORY BUILDING(s) is located in a side or rear YARD, the ACCESSORY BUILDING(s) shall be at least a distance equal to its height from both the side lot line and the rear lot line, but in no event shall this distance be less than less than ten (10) feet.

(e) No ACCESSORY BUILDING(s) may be closer than ten (10) feet to any other ACCESSORY BUILDING(s) or to any principal BUILDING.

(f) An ACCESSORY BUILDING(s) shall not exceed the following area and height limitations:

- (1) On lots of less than twenty thousand (20,000) square feet in area, the ACCESSORY BUILDING(s) shall not exceed a total of four hundred eighty (480) square feet in area or twelve (12) feet in height.
- (2) On lots equal to or greater than twenty thousand (20,000) square feet, but less than one (1) acre in area, the ACCESSORY BUILDING(s) shall not exceed a total of seven hundred sixty-eight (768) square feet in area or fourteen (14) feet in height.
- (3) On lots equal to or greater than one (1) acre in area but less than three (3) acres in area, the ACCESSORY BUILDING(s) shall not exceed a total of twelve hundred eighty (1280) square feet in area or sixteen (16) feet in height.
- (4) On lots equal to or greater than three (3) acres in area, the ACCESSORY BUILDING(s) shall not exceed a total of four hundred fifty (450) square feet times the number of acres upon which the same are located nor eighteen (18) feet in height. The maximum size allowed for ACCESSORY BUILDING(s) shall be 10,000 square feet in area.
- (5) After the construction of a BUILDING(s) upon a parcel of land, no subsequent division of such parcel of land shall be made which would cause the BUILDING(s) located thereon to be in violation of the terms of this Ordinance.
- (6) One (1) or more ACCESSORY BUILDINGS in excess of the square footage limitations or in excess of the height limitations described above may be allowed if authorized by the Planning Commission as a SPECIAL USE. In considering such a SPECIAL USE application, the Planning Commission shall consider the following standards, in addition to Chapter XVII:(Amendment Ordinance No. 112, 11-08-00; Ordinance No. 121 07-10-02)
 - (i) The area and/or height of the ACCESSORY BUILDING(s) in relation to the size of the lot on which it is (they are) to be placed;

(ii) The area and/or height of the ACCESSORY BUILDING(s) in relation to the principal BUILDING on the lot on which the ACCESSORY BUILDING(s) is (are) to be placed;

(iii) The location of the ACCESSORY BUILDING(s) in relation to other BUILDINGS on adjoining lots and in relation to the principal BUILDING on the lot;

(iv) Whether or not the ACCESSORY BUILDING(s) will affect light and air circulation of any adjoining property; and

(v) Whether the ACCESSORY BUILDING(s) will adversely affect the view of any adjoining property.

(d) An ACCESSORY BUILDING shall not include a MOBILE HOME, vehicle, trailer, or other such substitute and no such substitutes shall be permitted to be used as an ACCESSORY BUILDING.

SECTION 14.09A ATTACHED GARAGES. A private attached garage for the storage of an automobile or automobiles and other garden and household equipment incidental to a residence may be located upon the residential premises provided its enclosed area does not exceed eighty-five percent (85%) of the ground FLOOR AREA of the residence on the site.

SECTION 14.10 PRINCIPAL BUILDING ON A LOT. In the R-1, R-2 or R-3 Zoning Districts, no more than one (1) principal BUILDING shall be placed upon a single lot or parcel unless the same is located in a Planned Unit Development, as provided in the Township Zoning Ordinance.

SECTION 14.11 DOUBLE FRONTAGE LOTS. BUILDINGS on lots having frontage on two (2) intersecting or non-intersecting streets shall comply with front YARD requirements on both such streets.

SECTION 14.12 SIGNS. (Amendment Ordinance No. 40, 6-28-90)

- (a) One (1) business SIGN is permitted for non-residential uses in the C-1, C-2, and I-1 Zoning Districts. If the SIGN is free standing, no part of the SIGN shall extend closer than twenty-five (25) feet to the street or obstruct visibility at street intersections. If the SIGN is attached to a BUILDING or STRUCTURE, no part of the SIGN shall extend farther than eighteen (18) inches from the face of the BUILDING or STRUCTURE to which it is attached.

- (a) The surface area of a business SIGN shall not exceed thirty-two (32) square feet.

- (c) In the R-1, R-2, or R-3 Zoning Districts, one (1) permanent identifying SIGN is permitted which shall not exceed twelve (12) square feet in area. In all other zoning districts, one (1) identifying SIGN is permitted which shall not exceed thirty-two (32) square feet in area.

- (d) No SIGN or SIGN STRUCTURE shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic SIGN, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any SIGN.

- (e) Light strings, flashing or blinking lights, and similar devices used to attract the attention of the public are prohibited. This provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display. Further, this provision shall not prohibit the display of banners, pendants, or balloons for a period of thirty (30) days or less, if authorized by the Board of Appeals pursuant to Section 20 of the Zoning Act. In deciding whether or not to issue such authorization, the Board of Appeals shall consider the following standards:
 - (1) The size, character, and nature of the display;
 - (2) The duration or time period during which the display will be utilized;
 - (3) The purpose(s) for which the display is to be erected;

- (4) The arrangements made for the removal of the display after the termination of its authorization;
 - (5) The effect of the display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the display;
 - (6) Whether or not the display will constitute a traffic hazard; and
 - (7) The effect of the display on the surrounding neighborhood.
- (f) Temporary real estate SIGNS are permitted in all zoning districts. The total area of a real estate SIGN or SIGNS advertising one (1) lot shall not exceed twelve (12) square feet in area. The total area of a real estate SIGN or SIGNS advertising more than one (1) lot shall not exceed thirty-two (32) square feet in area.
- (e) Subject to the provisions of the Nonconforming Uses, BUILDINGS or STRUCTURES Chapter hereinafter, all SIGNS shall be maintained in good condition and repair.
- (h) Gasoline service stations and public garages may display, in addition to one (1) business SIGN, the following SIGNS:
- (1) One freestanding or pylon SIGN advertising the name of the station or garage and/or the principal product sold on the premises, including any special company or brand name, insignia, or emblem; provided however, that each such SIGN shall not exceed thirty-two (32) square feet in area on a side and shall not be hung closer than twenty-five (25) feet to the street right-of-way and not less than ten (10) or more than twenty (20) feet above the ground.
 - (2) Not more than two (2) temporary SIGNS located inside the property line and specifically advertising special season servicing of automobiles or gasoline prices; provided, however, that no such SIGN shall exceed nine (9) square feet in area.
 - (3) Directional SIGNS or lettering displayed over individual entrance doors or bays, consisting only of the words "washing", "lubrication", "repairs", "mechanic on duty" or other words closely similar

in import; provided, however, that there shall not be more than one (1) such SIGN over each entrance or bay, the letters thereon shall not exceed fifteen (15) inches in height, and no such SIGN shall exceed six (6) square feet in area.

- (4) Customary lettering on or other insignia which are a structural part of a gasoline pump, consisting of the band name of gasoline sold, lead warning SIGN, a price indicator, and any other SIGN required by law, and not exceeding a total of three (3) square feet on each pump. If illuminated, such SIGNS shall be non-flashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.
 - (5) A non-illuminated credit card SIGN not exceeding two (2) square feet in area, if it is placed on or near the gasoline pump.
- (i) No permanent business SIGN or other type of permanent SIGN shall be constructed, erected or attached to a BUILDING prior to the issuance of a permit thereof by the Zoning Inspector.
 - (h) SIGNS may be illuminated if the source of light is not visible. Flashing type SIGNS of any kind are prohibited.
 - (i) Unless otherwise permitted in this Ordinance, one (1) permanent identifying SIGN is permitted for each SPECIAL USE by the Township, not to exceed four (4) square feet in area. (Amendment Ordinance No.105, 5-12-99)
 - (j) SIGNS for political advertising are permitted in all zoning districts provided they are temporary, not illuminated, and do not exceed six (6) square feet in area. All political SIGNS shall be removed within ten (10) days after the election with which the political SIGN is concerned.
 - (k) The following SIGNS are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:
 - (1) Highway SIGNS erected by the State of Michigan, County of Allegan, or the Township.

- (2) Governmental use SIGNS erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental BUILDINGS.
- (3) Reserved for future use (Amendment Ordinance No. 62, 7-14-93).
- (4) Historic SIGNS designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
- (5) Placards posted to control or prohibit hunting or trespassing within the Township, provided that any such SIGN does not exceed one (1) square foot in area or ten (10) feet in height. (Amendment Ordinance No.89, 03-12-97)
- (6) Subdivision SIGNS not exceeding thirty-two (32) square feet in area; provided, however, that such SIGNS shall be removed at such times as fifty (50) percent or more of the lots in such subdivisions are sold or after five (5) years, whichever shall first occur.
- (7) One (1) construction SIGN per project of no more than thirty-two (32) square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction; however, for single and two family DWELLINGS under construction, one construction SIGN per project of no more than nine (9) square feet in area shall be exempt.
- (8) Essential service SIGNS denoting utility lines, railroad lines, hazards, and precaution.
- (9) Memorial SIGNS or tablets which are either (a) cut into the face of a masonry surface; or (b) constructed of bronze or other incombustible material when located on the face of a BUILDING.
- (10) Special decorative displays or SIGNS used for holidays, public demonstrations or promotion of civic welfare of charitable purposes when authorized as a SPECIAL USE by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - (a) The size, character and nature of the display or SIGN;
 - (b) The duration or time period during which the display or SIGN will be utilized;

- (c) The purpose(s) for which the display or SIGN is to be erected;
- (d) The arrangements made for the removal of the display or SIGN after the termination of its usefulness;
- (e) The effect of the proposed display or SIGN on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed display or SIGN;
- (f) Whether or not the display or SIGN will constitute a traffic hazard; and
- (g) The effect of the display or SIGN on the surrounding neighborhood.

(11) One SIGN per farm in the AG Zoning District, provided such SIGN serves only to identify the name of the farm, the farm owner, and the crops or livestock produced thereon, and provided such SIGN does not exceed eight (8) square feet in area.

(n) Each public or open-to-the public BUILDING, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity or event may erect not more than (2) informational SIGNS. Each informational SIGN shall be limited to nine (9) square feet in area on a side, must be located within five (5) miles of the destination to which it gives direction, and shall not be placed closer than five (5) feet to the street right-of-way. (Amended Ordinance No. 62, 7-14-93)

SECTION 14.12A REGULATION OF BILLBOARDS. (Amendment Ordinance No. 62, 7-14-93) BILLBOARDS may be erected adjacent to I-196 or U.S. 31, provided that they must meet all of the following conditions. For purposes of these conditions, double-faced BILLBOARDS (i.e. STRUCTURES with back-to-back faces containing or able to contain advertising) and V-shaped BILLBOARDS having only one face visible to traffic proceeding from any given direction on a street shall be considered as one (1) BILLBOARD. Otherwise, BILLBOARDS having more than one (1) face, including BILLBOARDS with tandem (side-by-side) or stacked (one-above-the-other) faces, shall be considered as multiple BILLBOARDS and shall be prohibited in accordance with the minimum spacing requirement set forth below. A BILLBOARD's surface display area containing or able to

contain advertising shall be considered to be the BILLBOARD's face(s).

- (a) Not more than three (3) BILLBOARDS may be located per linear mile of street, regardless of the fact that such BILLBOARDS may be located on different sides of the street. The linear mile measurement shall not be limited to the Township's boundaries if the particular street extends beyond such boundaries.
- (b) No BILLBOARD may be located within one thousand (1,000) feet of another BILLBOARD. The one thousand (1,000) feet measurement shall not be limited to the Township's boundaries.
- (c) No BILLBOARD may be located within two hundred (200) feet of any pre-existing DWELLING, pre-existing church or pre-existing school. If the BILLBOARD is illuminated, the required distance shall be increased to three hundred (300) feet.
- (d) No BILLBOARD may be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way; further, no BILLBOARD may be located closer than ten (10) feet from any other property line of the lot on which the BILLBOARD is located.
- (e) A BILLBOARD's face may not exceed three hundred (300) square feet. Double-faced BILLBOARDS and V-shaped BILLBOARDS may have two (2) faces which individually do not exceed three hundred (300) square feet.
- (f) A BILLBOARD's height (measured to its highest point) may not exceed twenty (20) feet above the grade of the ground upon which the BILLBOARD sits, or above the grade of the abutting street, whichever is higher.
- (g) No BILLBOARD may be placed on top of, cantilevered from or otherwise suspended above the roof of any BUILDING.
- (h) A BILLBOARD may be illuminated, but only if such illumination is concentrated on the BILLBOARD's face(s) and is located so as to avoid glare or reflection onto any portion of an street, the path of oncoming vehicles, or any adjacent lot. No rotating or oscillating beam, beacon, flashing illumination or intermittent lights may be used in connection with any

BILLBOARD. No BILLBOARD illumination may obscure or interfere with the effectiveness of an official traffic SIGN, device or signal.

- (i) A BILLBOARD shall be securely anchored and otherwise adequately constructed in order to withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A BILLBOARD shall be adequately maintained to assure its continued structural soundness and the continued readability of its message.
- (j) A BILLBOARD adjacent to the interstate highway, freeway and primary highway systems of the State of Michigan, as such terms are defined in the Highway Advertising Act of 1972 (Michigan Public Act 106 of 1972, as amended), shall comply with all of the above requirements as well as the applicable provisions and/or regulations may be amended from time to time.

SECTION 14.13 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO MAJOR STREETS. Notwithstanding any other provision of this Ordinance, no BUILDING or STRUCTURE shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Laketown Township General Development Plan", as the same shall be amended from time to time, unless the following minimum BUILDING setbacks measured from the street centerline are maintained.

- (a) Major County Primary - one hundred (100) feet.

SECTION 14.14 MINIMUM PUBLIC STREET FRONTAGE. (as amended 2/84)

- (a) Except as hereinafter provided, minimum lot widths for BUILDING sites in all districts shall be measured along the lot line abutting a public street and shall not be diminished below such minimum throughout the lot or parcel.
- (b) In the case of lots abutting public cul-de-sac streets, the minimum lot width shall be measured at the required setback distance for BUILDINGS and STRUCTURES from abutting public street and the minimum width shall not be diminished throughout the remainder of the lot Such

cul-de-sac lots shall have a minimum width of fifty (50) feet at the abutting street line, which minimum shall not be diminished within the required setback area for STRUCTURES and BUILDINGS.

- (c) Minimum lot widths for irregular, flag, or T-shaped lots which are not abutting a cul-de-sac street shall be measured along the lot line abutting a public street and shall not be diminished below such minimum throughout the lot. (Amendment Ordinance No. 30, 7-29-89)
- (d) No new, irregularly-shaped lots shall be created that do not meet required lot width and area requirements of the Zoning Ordinance unless they are part of an approved, recorded subdivision, have been the subject of an approved variance by the Zoning Board of Appeals under Chapter XX of the Zoning Ordinance, or are part of a Planned Unit Development under Chapter XIII of said Ordinance.

SECTION 14.15 GOVERNMENTAL IMPROVEMENTS. The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

SECTION 14.16 HEALTH DEPARTMENT APPROVAL. No permit shall be issued for the construction of a BUILDING or STRUCTURE which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Allegan County.

SECTION 14.17 PONDS. (Amendment Ordinance No.74, 04-12-95)

- (a) No pond shall be constructed, erected, installed, located or maintained unless it has first been authorized by a permit from the Zoning Inspector. In considering such authorization, the Zoning Inspector shall consider the following standards:
 - (1) The location of the pond and particularly its proximity to adjoining properties;
 - (2) The purpose(s) of the pond;

- (3) The character, nature and size of the pond;
 - (4) Any potential of the pond to result in stagnant water or other such difficulties or problems; and
 - (5) The effect of the pond on adjoining properties and the surrounding neighborhood.
- (b) If the Zoning Inspector determines, in considering the authorization of a pond, that the protection and safety of the general public requires that the pond be enclosed, then it shall be enclosed by a fence or wall constructed and erected to such specifications as shall be established by the Zoning Inspector.
- (c) No pond shall be used unless adequate public health measures are periodically taken to ensure that the existence and/or use thereof will not cause or spread a disease or otherwise provide conditions dangerous to the public health.
- (d) The discharge pipe leading from any pond shall not exceed six (6) inches in diameter and shall be composed of galvanized iron or such other standard and durable material as may be approved by the Zoning Inspector. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon other property. No pond shall discharge into the public sanitary sewer. If a storm drain is readily accessible to the lot on which the pond is located, then the pond shall be emptied in such a manner as to utilize such storm drain.
- (e) The slope to the banks or sides of a pond shall in no event exceed a minimum of four (4) feet horizontal to one (1) foot vertical. This slope must be maintained and extended into the water to a depth of four (4) feet.
- (f) No pond shall be constructed, erected, installed, maintained or located that will cause or contribute to the erosion of any adjoining property.
- (g) Each pond shall be located on one (1) lot and shall be at least forty (40) feet from any lot line (i.e. no lot

line may be closer than forty (40) feet to any portion of the pond).

- (f) The pond may not exceed twenty-five (25%) percent of the total area of the lot in question.
- (i) The pond shall comply with all of the regulations in this Zoning Ordinance pertaining to the removal of natural resources from the premises.
- (j) The Zoning Inspector may not authorize any pond which exceeds any of the limitations in this Section. If an applicant proposes a pond which will be located on more than one (1) lot and therefore will not meet the requirements of the (g) above, then the pond may not be constructed, erected, installed, maintained or located unless authorized as a SPECIAL USE by the Planning Commission. In considering such a SPECIAL USE application, the Planning Commission shall consider the standards in (a) above.

SECTION 14.18 RAZING OF BUILDING. No BUILDING shall be razed until a permit has been obtained from the Zoning Inspector who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of FLOOR AREA of the BUILDING to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Inspector may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

SECTION 14.19 MOVING OF BUILDING (Amendment Ordinance No.82, 4-10-96)

- (a) No existing BUILDING or STRUCTURE of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless authorized by the Planning Commission as a SPECIAL USE. In considering whether or not to grant such a SPECIAL USE PERMIT, the Planning Commission shall consider the following standards:
 - (1) The type and kind of construction of the existing STRUCTURE or BUILDING in relation to its strength

to tolerate the move, in relation to whether or not it may be a fire hazard, and in relation to its compatibility with the type and kind of BUILDINGS and STRUCTURES adjoining and in the neighborhood surrounding the lot to which the BUILDING or STRUCTURE is to be moved;

- (1) Whether or not the type and age of the BUILDING or STRUCTURE to be moved is in keeping with the type and age of such BUILDINGS and STRUCTURES which are adjoining and in the neighborhood surrounding the lot to which the BUILDING or STRUCTURE is to be moved;
 - (3) The type and kind of materials used in the construction of the STRUCTURE or BUILDING desired to be moved as such construction materials relate and compare to the type and kind of materials used in the construction of other BUILDINGS and STRUCTURES adjoining and in the neighborhood surrounding the lot to which the BUILDING or STRUCTURE is to be moved;
 - (4) The reports and/or conclusions of any Township, Allegan County or State of Michigan inspectors concerning whether or not the BUILDING or STRUCTURE, if moved as proposed, would meet the required standards of any and all required construction codes (including without limitation the applicable BUILDING, electrical, plumbing and mechanical codes);
 - (5) Whether or not the BUILDING or STRUCTURE, if moved as proposed, would meet the required standards of the Ordinance and any other relevant Township ordinance; and
 - (6) Whether or not the lot onto which the BUILDING or STRUCTURE is to be moved would be appropriately graded and landscaped so as to be compatible with the surrounding neighborhood.
- (b) As a condition to any SPECIAL USE PERMIT granted by the Planning Commission to move an existing BUILDING or STRUCTURE, the Planning Commission may require the person granted the permit to file with the Township a

security deposit (consisting of cash, certified check, or irrevocable bank letter of credit) for the following purposes and conforming to the following provisions and requirements:

- (1) The security deposit shall be conditioned upon the faithful performance of the person holding the permit. In the event the person fails to comply with any one (1) or more of the provisions of the permit or of this Ordinance, the Township may use the security deposit or require the person to use the security deposit to comply with all of the provisions of the permit and this Ordinance. The Township may also recover from the security deposit any damages or losses suffered by the Township and any costs or expenses incurred by the Township as a result of the person's fees and costs, up to the full amount of the security deposit. The Township shall not be precluded from claiming additional damages or losses against the person holding the permit, over and above the full amount of the security deposit.
- (2) The security deposit shall insure strict compliance with any regulations contained herein or required as a condition of the issuance of the permit hereunder. The security deposit shall be maintained in full force and effect until all of the conditions of the permit and requirements of this Ordinance have been met, although the security deposit may be reduced on a proportional basis as the conditions or requirements are partially met.
- (2) The security deposit shall be in such form and in an amount determined by the Planning Commission to be reasonably necessary to insure compliance hereunder.

SECTION 14.20 FENCES. (Amendment Ordinance No. 105, 5-12-99) No fence in excess of six (6) feet in height shall be erected, constructed, located or maintained in any R-1, R-2 or R-3 Zoning District. In addition, no fence in excess of forty-eight (48) inches in height shall be erected, constructed, located or maintained in a front YARD in any R-1, R-2 or R-3 District or in the front or rear YARD, of any waterfront lot in any R-1, R-2 or R-3 Zoning District.

Any fence constructed in a front YARD, or in a front YARD or a rear YARD of any waterfront lot, shall not be a solid barrier which completely obstructs view; rather, any such fence shall allow at least seventy-five (75%) percent visibility through the fence itself. No fence shall contain barbed wire unless the fence is used as part of a farming operation. The Board of Appeals may, in its discretion pursuant to Section 20 of the Zoning Act, authorize a fence of a height greater than six (6) feet or forty-eight (48) inches, as the case may be. In granting such authorization, the Board of Appeals shall consider the following standards:

The effect upon adjoining properties;

Whether the fence will affect the light and air circulation of any adjoining properties;

3. Whether the fence will adversely affect the view from any adjoining property;
4. The reason for the request to construct a fence higher than permitted by this Ordinance;
5. The size, type and kind of construction, proposed location and general character of the fence; and
6. The size of other fences on properties which are adjoining and in the surrounding neighborhood.

No fence, hedge or other landscaping shall be erected, constructed, located or maintained in any Zoning District which constitutes a traffic hazard because of obstruction or visibility or any other reasons.

No fence shall be erected, constructed, located or maintained on any waterfront lot within twenty (20) feet of the high water mark for that lot. No hedge or other landscaping over three (3) feet in height shall be erected, constructed, located or maintained on any waterfront lot within twenty (20) feet of the high water mark for that lot. (Amendment Ordinance No.105 5-12-99)

SECTION 14.21 KEEPING OF ANIMALS. (Amended Ordinance No. 59 & 89, 11-11-92; 03-12-97)

(a) The keeping of DOMESTIC ANIMALS shall be permitted in the R-1, R-2, and R-3 Districts per the regulations of the following table:

| | R-1 | R-2 | R-3 |
|--|--|-------------|-------------------|
| # of LARGE HOOFED and SMALL HOOFED ANIMALS | two LARGE HOOFED/acre; or four SMALL HOOFED/acre; or Combination Thereof | none | None |
| # of SMALL ANIMALS | two/acre, with a maximum of ten per parcel | four/parcel | two/dwelling unit |
| # of POULTRY AND SMALL FUR BEARING ANIMALS | eight/acre | four/parcel | None |

b. BUILDINGS for housing LARGE HOOFED and SMALL HOOFED ANIMALS shall not be closer than one hundred (100) feet to a neighboring DWELLING UNIT, nor closer than fifty (50) feet to an abutting property line.

c. The keeping of EXOTIC ANIMALS is permitted as a SPECIAL LAND USE in the AG Agricultural (as per Section 5.02(k)), R-1 Rural Estate (as per Section 6.02 (m)), R-2 Low Density Residential (as per Section 7.02 (k)), and R-3 Medium Density Residential (as per Section 8.02 (i)) Zoning Districts.

SECTION 14.22 SWIMMING POOLS.

- (a) POOLS used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such POOL less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such POOLS are permanently equipped with a water recirculating system or involve structural materials.
- (b) A swimming POOL or appurtenances thereto shall not be constructed, installed, enlarged or altered until a permit has been obtained from the Zoning Inspector.
- (c) The outside edge of the POOL wall shall not be located closer than six (6) feet from any rear or side property line; provided, that if any part of the POOL walls are more than two (2) feet above the surrounding grade level, such POOL shall be placed or erected not less than ten (10) feet from any lot line. No POOL shall be located under any electrical wiring or in a front YARD.
- (d) Each POOL shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children. A natural barrier, hedge, POOL cover, or other protective device approved by the Board of Appeals may be used as long as the degree of protection afforded by the substituted devices or STRUCTURES is not less than the protection afforded by the enclosure, gate and latch described herein.
- (e) All swimming POOL installations shall comply with the State Construction Code and all standard codes referred to therein.

SECTION 14.23 UNLICENSED AND INOPERABLE VEHICLES.

- (a) No unlicensed vehicle which is licensable under the laws of the State of Michigan as originally

manufactured or designed shall be stored or parked upon any lot or parcel of land within the Township which is not zoned for vehicle salvage or junkyard purposes unless same is located in a fully enclosed BUILDING.

- (b) No dismantled or inoperable automobile, truck, vehicle, boat, dune buggy, camping busses, snowmobile, camping units or trailers shall be parked or stored upon any lot or parcel of land within the Township which is not zoned for vehicle storage or approved junkyard unless the same is located within a fully enclosed BUILDING.
- (c) No dismantled or inoperable automobile, truck, vehicle, boat, dune buggy, camping busses, snowmobile, camping units or trailers shall be left unhoused for more than twenty (20) days after the owner of the premises has received notice by registered mail from the Zoning Inspector. The Planning Commission shall have the authority to grant an extension of the foregoing time limitation where such vehicle is awaiting repairs which cannot be accomplished during said period through no fault of the owner of the same, or for any reason which would make the enforcement of said time limitation an unreasonable hardship upon said owner.

SECTION 14.24 SAND DUNE DEVELOPMENT. In all zoning districts, uses within one half mile of the Lake Michigan shoreline, or as determined by the Zoning Inspector, shall be subject to the following regulations.

- (a) A site plan shall be submitted as specified in Chapter XV.
- (b) Minimum setback requirements as established by the Michigan Department of Natural Resources for high risk erosion areas shall be enforced.
- (b) BUILDINGS, STRUCTURES or roads shall be located in areas where vegetation has stabilized the dunes.
- (d) Raised construction techniques shall be utilized in areas of unstable or sparsely vegetated sand dunes.
- (e) Roads or driveways may be located behind the high dune, in the trough between the high dune and the foredune ridge, and/or through natural gaps within the dune

system. The natural topography of the dune crest shall not be altered.

- (c) Non-vehicular pathways and trails shall be primarily sited in the trough behind the foredune or behind the high dune. These pathways and trails may only cross the dune crest where natural gaps exist. If a pathway or trail causes erosion or damage to non-vegetated or vegetated sand areas, raised boardwalks or stairs shall be used.
- (d) When practical, shared access drives, roads and utility easements will be encouraged.
- (e) Non-paved and paved roads or driveways shall have beach grass (*Ammophila Breviligulata* Fernald) or other suitable material planted on areas of open sand fifty (50) feet on each side of the road or driveway.
- (f) BUILDINGS, STRUCTURES and roads or driveways shall be sited to minimize their disturbance of natural vegetation.

SECTION 14.25 HOME OCCUPATIONS. All home occupations shall be subject to the following restrictions and regulations:

- (a) The occupation shall be operated in its entirety within the DWELLING and not within any garage or ACCESSORY BUILDING located upon the premises, except for incidental storage in or use of a residential-type garage upon the premises.
- (b) The occupation shall be conducted only by the person or persons occupying the premises as their principal residence a major portion of each month; provided, however, the Zoning Board of Appeals shall have the authority to permit additional subordinate assistants who do not so reside within said DWELLING where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event shall such additional assistants exceed three in number.
- (c) The DWELLING has no exterior evidence, other than a permitted one (1) square foot SIGN, to indicate that the same is being utilized for any purpose other than that of a DWELLING.

- (d) The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
- (e) No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- (e) No occupation shall be conducted upon, or from, the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- (f) Any such home occupation shall be subject to annual inspection by the Zoning Inspector of the township and may be terminated by order of such inspector whenever the same fails to comply with the Zoning Ordinance.
- (g) The Planning Commission shall have authority to determine whether or not a proposed use complies with the Zoning Ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety and general welfare of the neighborhood will not thereby be impaired under and in accordance with the procedure set forth in Chapter XVII of the Zoning Ordinance.

SECTION 14.26 CLEAR VISION CORNERS. On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three and one half (3 1/2) feet and eight (8) feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty-five (25) feet from the intersection of the right-of-way lines.

SECTION 14.27 LITTER. No person, firm or corporation shall dump or cause to be dumped or deposited on any public or private land situated in the Township any tin cans, automobile bodies, appliances, junk, moveable STRUCTURES or other litter or waste material of any kind or description unless such area is a municipally owned or operated public

landfill, dumping ground or waste collection depot; and no dumping, depositing, littering, placing or permitting to be so deposited of any such waste material of any kind or nature in violation of Michigan Public Act 106 of 1963, as amended, shall be allowed within the Township.

SECTION 14.28 SATELLITE DISH ANTENNAS. No SATELLITE DISH antenna shall be erected, constructed, installed, maintained or operated in the Township except in conformance with the following restrictions and regulations. (as amended 5/8/85)

- (a) Only one (1) SATELLITE DISH antenna shall be permitted per lot or premises.
- (b) A SATELLITE DISH antenna shall only be permitted in a rear YARD, except that a SATELLITE DISH antenna shall also be permitted on the top of a BUILDING used for a commercial purpose and located in a Commercial District.
- (c) A SATELLITE DISH antenna shall be securely anchored through the use of a concrete pad or other system approved by the Zoning Inspector as being adequate to secure the SATELLITE DISH antenna during high winds.
- (d) A SATELLITE DISH antenna shall be located in compliance with the setback regulations applicable to ACCESSORY BUILDINGS not used as garages as specified in Section 14.09 of this Zoning Ordinance.
- (e) A SATELLITE DISH antenna shall not exceed fifteen (15) feet in height or twelve (12) feet in diameter.
- (f) No portion of a SATELLITE DISH antenna shall contain any names, message, symbol or other graphic representation.
- (g) A SATELLITE DISH shall be a neutral color approved in writing in advance of installation by the Zoning Inspector.
- (h) A SATELLITE DISH antenna shall not be erected, constructed, or installed until a permit has been obtained from the Zoning Inspector in accordance with Chapter XIX, Section 19.03 of this Zoning Ordinance. The application shall be accompanied by drawings showing the proposed method of erection, construction

and installation, including details concerning anchoring, and by a site plan showing the proposed location of the SATELLITE DISH antenna, its proposed height, and foundation details.

- (i) The Zoning Board of Appeals shall have authority to grant a variance from the foregoing requirements where the applicant proves to said Board that practical difficulties exist peculiar to the applicant's property that would prevent full compliance with the foregoing requirements for a serviceable antenna.

SECTION 14.29 SLEEPING QUARTERS. No travel trailer, boat, motor home, house trailer, bus, trailer home, camper, trailer coach, or similar transportable unit parked or stored on private or public property in the R-1, R-2 or R-3 Zoning Districts shall be used as sleeping quarters, be connected to utilities or be used for human habitation in any manner. The same prohibition shall apply to such units in any other zoning district unless the unit is in a properly licensed and lawfully operated park or marina designed for use by such units, or unless the BUILDING and Zoning Inspector issues a permit authorizing specifically-named individuals to use such a unit for a specifically-designated period of time in a way which would otherwise violate the terms of this Section. (Amendment Ordinance No. 30, 7-29-89)