

Article 1 – Title, Purpose and Intent

300.101 Title

An Ordinance to establish Zoning Districts and provisions governing the unincorporated portions of Allegan Township, Allegan County, Michigan, in accordance with the provisions of the Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended; to define certain terms used herein; to prescribe the powers and duties of certain officials; to provide for regulations governing nonconforming uses and structures; to establish a Zoning Board of Appeals and define its duties and powers; to amend the former Zoning Ordinance in its entirety; to provide for the administration and enforcement of this Ordinance and to provide penalties for the violation of this Ordinance.

This Ordinance shall be known as the “Allegan Township Zoning Ordinance” and will be referred hereinafter as “this Ordinance.”

300.102 Purpose and Intent

This Ordinance is adopted for the following purposes:

1. To promote the public health, safety, and general welfare.
2. To implement the goals, objectives and future land use recommendations of the Allegan Township Master Plan and to regulate the intensity of land use in a manner compatible with said plans;
3. To provide adequate natural light, air, and safety and to protect the public health;
4. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
5. To lessen or avoid congestion in the public streets and highways;
6. To conserve the value of land and buildings throughout the Township and to preserve and enhance aesthetic values throughout the Township;
7. To facilitate orderly growth;
8. To protect lands best suited for the pursuit of agriculture from the encroachment of development;
9. To provide for the needs of recreation, residence, commerce, and industry in future growth;
10. To protect land, woodlands, rivers, streams and underground deposits of mineral resources;
11. To regulate the completion, restoration, reconstruction, and extension of nonconforming uses;
12. To create a Zoning Board of Appeals and to define the powers and duties thereof;
13. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
14. To provide for the payment of fees for permits and escrow accounts to support the expense of administration and proper review of applications for permits;
15. To provide penalties for the violation of this Ordinance;
16. To provide safety in traffic and vehicular parking;
17. To accomplish any other purposes contained in Public Act 110 of 2006, as amended.

Article 2 – Definitions

300.201 Rules applying to text.

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

1. The particular shall control the general.
2. With the exception of this Article, the headings which title an article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
5. A “building” or “structure” includes any part thereof.
6. The word “person” includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
7. The words “used” or “occupied,” as applied to any land or building shall be construed to include the words “intended,” “arranged,” “designed to be used,” or “occupied.”
8. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

300.202 “A”

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

Accessory Use 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 Entertainment Use: a business or commercial enterprise that conducts or engages in any of the activities hereinafter defined:

1. Adult Arcade: any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically controlled or mechanically controlled still picture or motion picture machines, projectors, image-producing or image projecting devices are maintained to show images to five or fewer persons per machine or device at any time, and where the images so projected, produced or displayed are distinguished or characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
2. Adult Bookstore or Adult Video Store: a commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any of the following:
 - a. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or,

- b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
 - c. A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraphs 1 or 2, above, and still be categorized as an Adult Bookstore or Adult Video Store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if it compromises 20% or more of the establishment's gross revenues, or if such materials occupy 20% or more of the floor area or visible inventory within the establishment.
3. Adult Cabaret: a nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - a. Persons who appear in a state of nudity;
 - b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
 - c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities;
 - d. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
 4. Adult Motel: a hotel, motel or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right-of-way that advertised the availability of any of the above;
 - b. Offers a sleeping room for rent for a period of time that is less than (12) twelve hours; or
 - c. Allows a tenant or occupant of a sleeping room to offer it for rent or other consideration for a period of time that is less than (12) twelve hours.
 5. Adult Motion Picture Theater: a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction of Specified Sexual Activities or Specified Anatomical Areas.
 6. Adult Theater: a theater, concert hall auditorium, or similar commercial establishment that regularly features a person or persons who appears in a state of nudity, or that regularly features live performances that are characterized by exposure of Specified Anatomical Areas or Specified Sexual Activities.
 7. Escort: a person who, for consideration agrees or offers to act as a companion, guide, or date of another person or who agrees or offers to privately model lingerie or privately perform a striptease for another person.
 8. Escort Agency: a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes or services, for a fee, tip, or other consideration.
 9. Nude Model Studio: any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other

persons, who pay money or any other form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.

10. Sexual Encounter Center: a business or commercial enterprise that, as one of its business purposes or services, offers for any form of consideration any of the following:

- a. Any physical contact in the form of wrestling or tumbling between persons of the opposite sex or the same sex; or
- b. Activities between male and female persons or between persons of the same sex, when one or more of the persons is in a state of nudity.

11. Specified Anatomical Areas:

- a. Less than completely opaquely covered human genitals, pubic region buttock or anus; or female breast immediately below a point immediately above the top of the areola; or,
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

12. Specified Sexual Activities means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or breast;
- b. Sex acts, normal or perverted, actual or simulated including but not limited to intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated; or,
- d. Excretory functions as part of or in connection with any of the activities set forth in paragraph a, b, and/or c above.

Adult Day Care Facility: A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult Day Care Family Home: An owner-occupied private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Day Care Group Home: A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Foster Care Facility: An establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing

basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

1. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
2. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
3. County infirmary operated by a County department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
4. A child care institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
5. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
6. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

Adult Foster Care Family Home. An owner-occupied facility with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Small Group Home. A facility with approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Medium Group Home. A facility with approved capacity to receive at least seven (7) but not more than twelve (12) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Large Group Home. A facility with approved capacity to receive at least seven (7) but not more than twelve (12) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Agri-tourism Establishment: A commercial agribusiness, horticultural, or agricultural operation operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products; and which may include, but is not limited to, farm tours, educational and/or outdoor recreational programs, farm product retailing and sampling, horseback riding, companion animal or livestock showplaces, corn mazes, ancillary food service facilities, or similar activities.

Alterations, Structural: Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

Art Studio: A work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft, such as a photo gallery, dance studio or similar facility.

Automobile Repair Facility: Repair, rebuilding, or reconditioning of engines, or vehicles, collisions service (including body repair and frame straightening) painting or upholstering; or vehicle steam cleaning and undercoating.

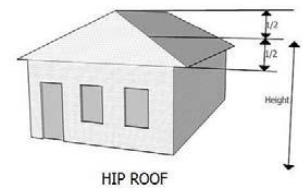
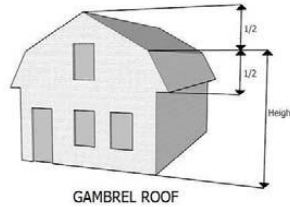
Automobile Sales Facility: A retail business typically characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as motor vehicle repair and service, a car wash, parts storage areas, and financial service areas.

300.203 “B”

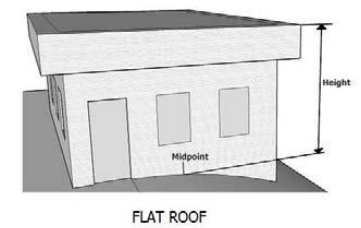
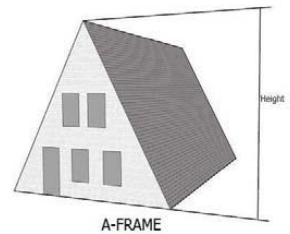
Basement: A portion of a building, or a portion of a room, located wholly or partially below grade, but not including any part thereof not so located.

Bed and Breakfast: A private owner-occupied residence at which overnight accommodations and a morning meal are provided to transients for compensation, for periods no longer than seven (7) days.

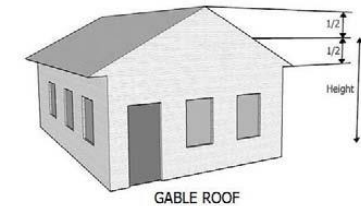
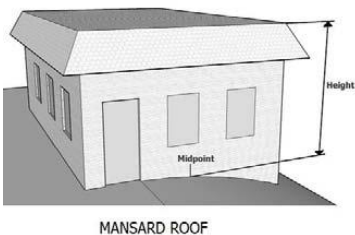
Building: Any enclosed structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.



Building Height: The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the dock of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.



Building Setback: The measurement from the property line to the nearest point of the main wall of the building or structure.



300.204 “C”

Campground: Any parcel or tract of land under the control of any person, organization or governmental entity, wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites generally for recreational purposes through use of tents or recreational vehicles.

Car Wash: An establishment utilizing mechanical facilities for the washing, drying or waxing of private automobiles, light trucks and vans, but not commercial fleets, and which may be an accessory use to a gas station.

Child Care Center: A facility, other than a private residence, receiving one (1) or more children for care or periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve

(12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

Child Care Home, Family: A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Child Care Home, Group: A private residence in which between seven (7) and twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Church: A place of assembly owned or maintained by an organized religious organization for the purpose of regular gatherings for worship services. The term church includes mosques, synagogues, temples, shrines, meetinghouses and pagodas, and which may include accessory private schools, administration offices, child care for members and visitors and other services for members incidental to the primary religious use.

Community Center: A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

Contractor's Yard: A facility or site and associated buildings used primarily for the office operations and the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft, and including incidental sales of materials.

300.205 "D"

Dwelling: Any building or portion thereof which is occupied all or in part as a home, residence or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms, or cabins.

Dwelling, Multiple-Family: A building designed for use and occupancy by three (3) or more families.

Dwelling, Single-Family: A building designed for use and occupancy by one (1) family only.

Dwelling, Two-Family: A building designed for use and occupancy by two (2) families only.

Dwelling Unit: One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purpose with housekeeping facilities.

300.206 "E"

Reserved.

300.207 "F"

Family:

1. An individual or group of two or more persons related by blood, marriage or adoptions, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character who are cooking and living as a single non-profit

housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relation is of a transitory or seasonal nature or for an anticipated limited duration of the school term or terms, or other similar determinable period.

Farm: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Operation: the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. (vii) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

Financial Institution: Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

Floor Area: The gross floor area of all floors of a building or an addition to an existing building for all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, and which may include cremation activities.

300.208 "G"

Garage Sale: The sale or offering for sale to the general public, on a temporary basis, items of tangible personal property on any portion of a lot used for residential purposes, whether within or outside any

building. The term “garage sale” includes “lawn sale,” “attic sale,” “rummage sale,” “estate sale,” or “basement sale.”

Gas Station: Any building, structure or land used for the dispensing, servicing, sale or offering for sale at retail, of any automobile fuels, oils, or accessories.

Government Building: The offices of any department, commission, independent agency, or instrumentality of the United States, of a State, County, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

300.209 “H”

Home Occupation: A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade, including beauty shops, barber shops, nursery schools, photographic studios, or vehicle repairs.

Home Occupation, Major: A Home Occupation that is conducted, in whole or in part, in an accessory building or that is conducted within the dwelling but the operation of which does not meet the restrictions and regulations for a Minor Home Occupation pursuant to this Ordinance.

Home Occupation, Minor: A Home Occupation that is conducted entirely within a dwelling and that is not normally detectable by neighbors, such as the instruction in a craft or fine art within the dwelling.

Hospital: A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.

Hotel or Motel: An establishment containing lodging accommodation designed for use by transients or travelers or temporary guests. Facilities provided may include a kitchen, maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges and other ancillary uses.

300.210 “I”

Indoor Recreation Facility: An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual or organized sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized events, including health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

Institutional Uses: Public and public/private group use of a nonprofit nature, typically engaged in public service, including, but not limited to nonprofit cultural centers, charitable organizations and educational institutions.

300.211 “J”

Junkyard: A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored baled, packed disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

300.212 “K”

Kennels: Any lot or premises on which four (4) or more cats or dogs, four months of age or older are kept temporarily or permanently for the purpose of breeding, boarding, training, or for sale.

300.213 “L”

Live/Work Dwelling: A single-family dwelling in which a portion of the first story of the dwelling is used as available as commercial or office space.

Lot: A piece or parcel of land occupied or intended to be occupied by a principal building and accessory structures, together with such open spaces as are required by this Ordinance.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the streets is one hundred thirty-five (135) degrees or less or a lot abutting upon a curved street or streets if tangents to the curve, at the two (2) points where the lot lines meet the curve, form an interior angle of one hundred thirty-five (135) degrees or less.

Lot Coverage: That portion of a lot, expressed as a percentage, occupied by buildings, structures, and parking and loading areas.

Lot Depth: The horizontal straight-line distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, Divided: A lot that is bisected by a street or private street.

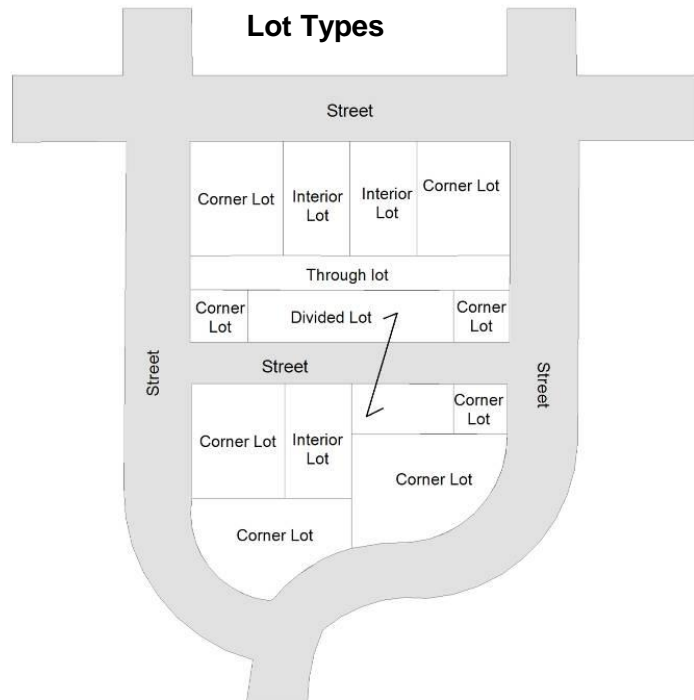
Lot Frontage or Frontage: The distance for which the front boundary line of the lot and the street line are coincident. In the case of a metes and bounds parcel, frontage is measured along that part of the lot abutting a street.

Lot, Interior: A lot other than a corner lot with only one frontage on a street.

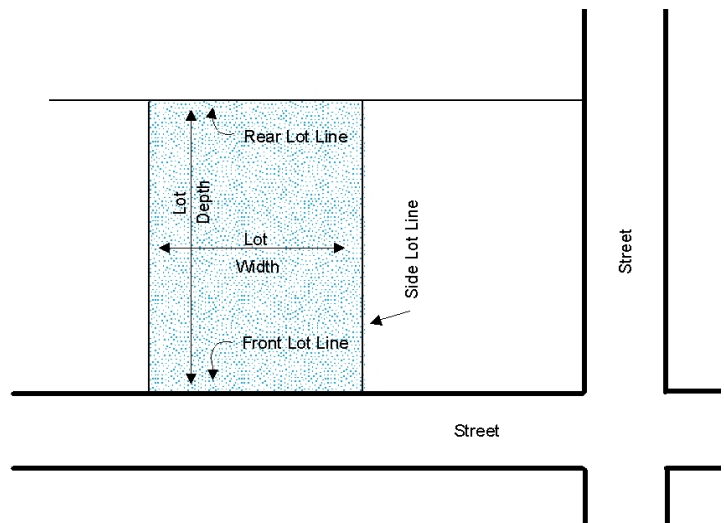
Lot, Lake Front: A lot with a front lot line which is coincident with the ordinary high water mark of a named lake or river.

Lot Lines: The lines bounding a lot as defined herein:

Front Lot Line: In the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, the Zoning Administrator shall designate the front lot line. In the case of a corner lot, the shorter street line shall be considered the front lot line; except in the case of both street lines being equal, the choice may be made at the



Lot Elements



discretion of the property owner. However, once declared, the designated front lot line shall remain as such. In the case of a Lake Front Lot, the lot line separating the lot from the water shall be considered the front lot line.

Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Allegan County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, Through: A lot that fronts upon two (2) more or less parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the minimum front setback line intersects the side lot lines.

300.214 “M”

Manufacturing and/or Processing Facility: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

Marihuana: This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated law, MCL 333.26423(d).

Marihuana Collective or Cooperative: Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed by a group or individuals in a group acting together as a collective enterprise or by an organization owned collectively by members who share in the benefits owned as a cooperative or in any way structured like a collective or a cooperative.

Marihuana Dispensary or Dispensary: Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated law 1 of 2008; and the Administrative Rules of the Michigan Department of Community Health.

Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated law, MCL 333.26423(d).

Primary Caregiver: Primary caregiver or caregiver means a person as defined under MCL 333.71 06(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

Qualifying Patient: Qualifying patient or patient means a person as defined under MCL 333.7106(h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

Smokehouse: Smokehouse means a facility that allows multiple qualifying patients to consume or ingest medical marijuana upon the premises. This term does not encompass: 1) a primary caregiver facility at which medical marijuana is consumed or ingested on the premises solely by the designated qualifying patient(s) of the primary caregiver(s); or, 2) the consumption or ingestion of medical marijuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is received care.

Medical Clinic: A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care and emergency medical services, which might include minor surgical care, that generally require a stay less than 24 hours.

Mining Operation: The removal, loading, processing and/or transporting of topsoil, sand, gravel, or other such minerals on, to, or from a lot, tract or parcel, in excess of 1,000 cubic yards per year, and including the incidental maintenance of machinery or equipment used in connection with such mining operation. Minor alterations of the grade elevation by cutting or filling earth for noncommercial purposes, such as preparing a plot for construction, shall not constitute a mining operation.

Mini-Warehouse or Self-Storage: A building or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods.

Mobile Home: a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure; provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use, and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

Mobile Home Park: A use which is a parcel of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

300.215 "N"

Nursing Home: A home licensed by the State for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

300.216 "O"

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

300.217 “P”

Packaging and/or Distribution Facility: A facility where goods are received, packaged and/or stored for delivery to customers at remote locations.

Park: A noncommercial, not-for-profit facility designed to serve the recreation needs of the community, designed primarily as an outdoor, open space for passive or active use. An improved park typically includes ancillary constructed or installed facilities, such as playground equipment, restrooms or picnic shelters, while an unimproved park may include interpretive programs and trail systems that take advantage of geological, biological or scenic resources. A park does not include an indoor or outdoor recreation establishment.

Parking Lot: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking lots shall include access drives within the actual parking area.

Parking Space: An off-street space available for the parking of one motor vehicle conforming to the typical parking lot standards.

Personal Service Establishment: An establishment that offers specialized goods and services purchased frequently by the consumer. Included are barbershops, beauty shops, tanning and nail salons, massage facilities, garment repair, and other similar establishments.

Planning Commission: The Allegan Township Planning Commission.

Planned Unit Development: A form of land development that is intended to accommodate developments with mixed or varied uses, having sites with unusual topography or unique settings within the community, or on land which exhibits difficult and costly development problems.

Principal or Main Use: The primary or predominant use of a lot.

Private Club or Lodge: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture, or similar activities, but not operated for profit and open only to members, not the general public.

Private Road: A private road is a non-public roadway, having a defined right-of-way which serves or is located upon more than one separately held parcel or lot, or which serves more than three dwelling units, or more than one commercial or industrial activity.

Professional Office: A building or portion thereof that is primarily used for offices for members of a recognized profession maintained for the conduct of business in professions such as architects, engineering, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.

300.218 “Q”

Reserved.

300.219 “R”

Recreational Vehicle: A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

Research Facility or Laboratory: A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

Resort: A building or group of buildings containing lodging accommodations, with a large portion of the site devoted to recreational activities, such as tennis, horseback riding, swimming, and golf, and which may furnish services customarily furnished at a hotel, including a restaurant and convention space primarily intended to serve users of the resort.

Restaurant: A retail establishment selling food and drink primarily for consumption on the premises, and including establishments selling prepared foods and drinks for immediate on-site consumption or for take-out.

Retail Store: A store or establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Riding Arena: An area enclosed within a building or fence which is intended to be used as a place to ride horses.

Riding Stable: A structure in which horses are kept for the purposes of boarding, breeding, personal use, training, or rental.

Roadside Stand: A temporary building, structure or area of land designed or used for the display and/or sale of agricultural products.

300.220 “S”

Sign: See definitions in Section 300.1311, 8.

Site Condominium: A land development that is undertaken subject to the requirements of the Michigan Condominium Act (Act 59 of 1978, as amended)

Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access

Structure: Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. For the purposes of this Ordinance, parking lots and septic tanks are not considered structures.

Subdivision: A land development that is undertaken subject to the platting requirements of the Michigan Land Division Act (Act 288 of 1967, as amended)

300.221 “T”

Theater: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Towing Service: An establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Township Board: The Allegan Township Board.

Township: Allegan Township, Allegan County, Michigan.

300.222 “U”

Usable Floor Area: The floor area of a dwelling exclusive of garages, porches, basement or utility area.

300.223 “V”

Reserved.

300.224 “W”

Warehousing Facility: A structure used for storage and/or repackaging of goods, wares, raw materials, equipment, parts and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner(s) of such items.

Wholesale Facility: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Communications Antenna: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers; cellular telephone and paging devices; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. (Not included are facilities for citizen band radio; short wave radio; ham and amateur radio; television reception antennae; satellite dishes; and government facilities which are subject to state and federal law).

300.225 “X”

Reserved.

300.226 “Y”

Yard: An open space unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general ground level of the lot upward.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line or private road right-of-way line, and the main wall of the building or structure. In the case of water front lots, the yard fronting on the street shall be considered the front yard.

Yard, Rear: A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

Yard, Side: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

300.227 “Z”

Zoning Administrator: The Allegan Township Zoning Administrator.

Article 3 – Zoning Districts and Map

300.301 Zoning Districts

For the purpose of this Ordinance, the Township of Allegan is hereby divided into nine zoning districts:

1. AG - Agricultural District
2. R1 - Rural Estate District
3. R2 - Low Density Residential District
4. R3 - Medium Density Residential District
5. C1 - Neighborhood Business District
6. C2 - General Business District
7. I1 - Industrial District
8. GS - Governmental Service District
9. LR - Lake Residential District

300.302 Zoning Map

The locations and boundaries of the zoning districts are hereby established as shown on a map titled “Allegan Township Zoning Map” which may be amended from time to time. The Allegan Township Zoning map is hereby made a part of this Ordinance.

300.303 Rules Applying to District Boundaries

Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or river beds shall be construed as following shorelines or lake or river beds, as in the event of change in the location of shorelines or lake or river beds, shall be construed as moving with the shoreline and lake or river bed.
5. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

Where these rules of construction are insufficient for interpretation by the Zoning Administrator, or where a property owner is aggrieved by the Zoning Administrator's interpretation, the Zoning Board of Appeals shall make the interpretation, pursuant to the provisions of Article 19 of this Ordinance.

300.304 Areas Not Included within a District

In every case where property has not been specifically included within a district or is annexed into the Township after the effective date of this Ordinance, such property is hereby declared to be zoned AG - Agricultural District.

Article 4 – AG Agricultural District

300.401 Purpose and Intent

This AG Agricultural District is intended to preserve, enhance and stabilize areas of the Township that are presently used predominantly for agricultural purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands. Agricultural zone areas may be subject to noise, chemical spray and other hazards which might normally disrupt a residential environment. It is explicitly the purpose of this District, therefore, to preserve a suitable working environment for farming operations without conflict with residential and other uses.

300.402 Uses Permitted by Right

- Adult Day Care Family Home
- Adult Foster Care Family Home
- Child Care Family Home
- Farms and Farm Operations
- Riding Stables
- Single-family dwellings
- Parks
- Minor Home Occupations
- Kennels
- Roadside Stands
- Buildings and Uses Accessory to Uses Permitted by Right

300.403 Special Land Uses

- Adult Day Care Group Homes
- Adult Foster Care Small Group Homes
- Adult Foster Care Medium Group Homes
- Child Care Group Home
- Major Home Occupations
- Mining Operations
- Professional Offices
- Riding Arena
- Wireless Communication Antenna

300.404 Dimensional Requirements

1. **Maximum Building Height:** 35 feet, except for agricultural buildings
2. **Required Building Setbacks:**
 - a. Front: 50 feet
 - b. Side: 20 feet
 - c. Rear: 75 feet
3. **Minimum Lot Width:** 330 feet, except as provided in Section 300.404(4)
4. **Minimum Lot Area:** 20 acres, except as provided for below:
 - a. Lots used exclusively for single-family residential purposes shall have a minimum area of 2 acres and minimum dimensions of 150 feet wide and 300 feet deep.
5. **Minimum Floor Area for Dwellings:** 864 square feet

Article 5 – R1 Rural Estate District

300.501 Purpose and Intent

The Rural Estate District is designed to accommodate the development of low-density residential uses within those areas of the Township where agricultural activities are not viable. This District includes existing one-family developments within the Township which have a similar lot area and character, as well as areas within which similar large-lot development appears likely and desirable.

300.502 Uses Permitted by Right

- Adult Day Care Family Home
- Adult Foster Care Family Home
- Child Care Family Home
- Farms and Farm Operations
- Minor Home Occupations
- Parks
- Roadside Stands
- Single-family dwellings
- Buildings and Uses Accessory to Uses Permitted by Right

300.503 Special Land Uses

- Adult Day Care Group Homes
- Adult Foster Care Small Group Homes
- Adult Foster Care Medium Group Homes
- Kennels
- Major Home Occupations
- Mining Operations
- Professional Offices

300.504 Dimensional Requirements

1. **Maximum Building Height:** 35 feet, except for agricultural buildings
2. **Required Minimum Setbacks:**
 - a. Front: 75 feet
 - b. Side: 20 feet
 - c. Rear: 50 feet
3. **Minimum Lot Width:** 330 feet, except as provided in Section 300.504(4)
4. **Minimum Lot Area:** 10 acres, except as provided for below:
 - a. Lots used exclusively for single-family residential purposes shall have a minimum area of 2 acres and a minimum width of 300 feet.
5. **Minimum Floor Area for Dwellings:** 864 square feet

Article 6 – R2 Low Density Residential District

300.601 Purpose and Intent

The Low Density Residential District is designed to accommodate the development of primarily low-density residential uses within those areas of the township where existing or anticipated public services, such as public sewer facilities, may be appropriate. This District includes existing one-family developments within the Township which have a similar lot area and character, as well as areas within which such development appears likely and desirable.

300.602 Uses Permitted by Right

- Adult Day Care Family Home
- Adult Foster Care Family Home
- Child Care Family Home
- Minor Home Occupations
- Parks
- Single-Family Dwellings
- Two-Family Dwellings
- Buildings and Uses Accessory to Uses Permitted by Right

300.603 Special Land Uses

- Adult Day Care Group Homes
- Adult Foster Care Small Group Homes
- Adult Foster Care Medium Group Homes
- Churches
- Institutional Uses
- Major Home Occupations
- Parks

300.604 Dimensional Requirements

1. **Maximum Building Height:** 35 feet or 2 ½ stories, whichever is less
2. **Required Minimum Setbacks:**
 - a. Front: 40 feet
 - b. Side: 7 feet minimum per side, 20 feet total
 - c. Rear: 15 feet
3. **Minimum Lot Width:** 120 feet
4. **Minimum Lot Area:** 18,000 square feet
5. **Minimum Floor Area for Dwellings:** 864 square feet

Article 7 – R3 Medium Density Residential District

300.701 Purpose and Intent

The Medium Density Residential District is designed to accommodate the development of medium to high density residential uses, either attached or detached, within those areas of the township where public services, such as public sewer facilities, are available to serve them. New development in this district should contain features and design elements to accommodate pedestrians and be well-connected to adjacent commercial areas, where appropriate.

300.702 Uses Permitted by Right

- Adult Day Care Family Home
- Adult Foster Care Family Home
- Child Care Family Home
- Minor Home Occupations
- Single-Family Dwellings
- Two-Family Dwellings
- Mobile Home Park
- Buildings and Uses Accessory to Uses Permitted by Right

300.703 Special Land Uses

- Adult Day Care Group Homes
- Adult Foster Care Small Group Homes
- Adult Foster Care Medium Group Homes
- Adult Foster Care Large Group Homes
- Churches
- Institutional Uses
- Major Home Occupations
- Multiple Family Dwellings
- Parks
- Nursing Homes

300.704 Dimensional Requirements

1. **Maximum Building Height:** 35 feet or 2 ½ stories, whichever is less
2. **Required Minimum Setbacks:**
 - a. Front: 30 feet
 - b. Side: 7 feet per side and at least 20 feet total for single and two-family dwellings; 20 feet for all other uses
 - c. Rear: 25 feet
3. **Minimum Lot Width:**
 - a. 85 feet for single-family dwellings on lots served by public water and sewer services
 - b. 100 feet for single-family dwellings on lots not served by public water and sewer services and all other uses
4. **Minimum Lot Area:**
 - a. 12,000 square feet for single-family dwellings on lots served by public water and sewer services
 - b. 15,000 square feet for single-family dwellings on lots not served by public water and sewer services
 - c. 15,000 square feet for two-family dwellings on lots served by public water and sewer services
 - d. 30,000 square feet for two-family dwellings on lots not served by public water and sewer services
 - e. 15,000 square feet for all other uses
5. **Minimum Floor Area for Dwellings:** See Section 300.1318

Article 8 – GS Governmental Service District

300.801 Purpose and Intent

The Governmental Service district is intended to accommodate governmental, educational, public and quasi-public uses in buildings that are owned and/or operated by a unit of government, school district, board of education or similar entity.

300.802 Uses Permitted by Right

- Community Centers
- Governmental Buildings
- Hospitals
- Indoor Recreational Facilities
- Institutional Uses
- Medical Clinics
- Parks
- Buildings and Uses Accessory to Uses Permitted by Right

300.803 Special Land Uses

300.804 Dimensional Requirements

1. **Maximum Building Height:** 35 feet or 2 ½ stories, whichever is less
2. **Required Minimum Setbacks:**
 - a. Front: 50 feet
Side: 20 feet
 - b. Rear: 50 feet
3. **Minimum Lot Width:** 250 feet
4. **Minimum Lot Area:** 3 acres
5. **Maximum Lot Coverage:** 30%

Article 9 – C1 Neighborhood Business District

300.901 Purpose and Intent

The Neighborhood Business District is intended to accommodate convenience shopping and service use intended to meet the daily needs of the community. Buildings should be oriented to face the street and sites should be designed to provide adequate access for pedestrian and bicyclists, as well as vehicles.

300.902 Uses Permitted by Right

- Art Studio
- Child Care Center
- Financial Institution
- Funeral Home
- Live/Work Dwelling
- Personal Service Establishment
- Restaurant
- Retail Store
- Buildings and Uses Accessory to Uses Permitted by Right

300.903 Special Land Uses

- Automobile Repair Facility
- Gas Station

300.904 Dimensional Requirements

1. **Maximum Building Height:** 35 feet
2. **Required Minimum Setbacks:**
 - a. Front: 50 feet
 - b. Side: 25 feet when adjacent to a lot zoned AG, R1, R2, or R3;
0 feet when adjacent to a lot zoned GS, C1, C2 or I1
 - c. Rear: 25 feet when adjacent to a lot zoned AG, R1, R2, or R3;
0 feet when adjacent to a lot zoned GS, C1, C2 or I1
No accessory building shall be located within 5 feet of the rear lot line
3. **Minimum Lot Width:** 100 feet
4. **Minimum Lot Area:** 15,000 square feet

Article 10 – C2 General Business District

300.1001 Purpose and Intent

The Commercial District accommodates those retail and business activities that serve the whole community, many of which are more intense than the uses permitted in the C1 District. Such activities require land and structure uses that generate large volumes of pedestrian and vehicular traffic. Buildings should be oriented to face the street and sites should be designed to provide adequate access for pedestrian and bicyclists, as well as vehicles.

300.1002 Uses Permitted by Right

- Adult Day Care Facility
- Adult Foster Care Facility
- Art Studio
- Automobile Sales Facility
- Campground
- Car Wash
- Child Care Center
- Contractor's Yard
- Financial Institution
- Funeral Home
- Hotel or Motel
- Indoor Recreation Facility
- Institutional Uses
- Medical Clinic
- Personal Service Establishment
- Private Club or Lodge
- Professional Office
- Research Facility or Laboratory
- Restaurant
- Resort
- Retail Store
- Theater
- Wholesale Facility
- Buildings and Uses Accessory to Uses Permitted by Right

300.1003 Special Land Uses

- Adult Business
- Automobile Repair Facility
- Gas Station
- Packaging and/or Distribution Facility
- Towing Service
- Wireless Communications Antenna
- Warehousing Facility

300.1004 Dimensional Requirements

1. **Maximum Building Height:** 35 feet
2. **Required Minimum Setbacks:**
 - a. Front: 50 feet
 - b. Side: 25 feet when adjacent to a lot zoned AG, R1, R2, or R3;
0 feet when adjacent to a lot zoned GS, C1, C2 or I1
 - c. Rear: 25 feet when adjacent to a lot zoned AG, R1, R2, or R3;
0 feet when adjacent to a lot zoned GS, C1, C2 or I1
 - d. No accessory building shall be located within 5 feet of the rear lot line
3. **Minimum Lot Width:** 100 feet
4. **Minimum Lot Area:** 15,000 square feet

Article 11 – I1 Industrial District

300.1101 Purpose and Intent

The Industrial District is intended to accommodate those industrial uses, manufacturing, storage, and related activities that may generate of noise, glare, odors, or any other potentially harmful or nuisance characteristics. This district is also intended to accommodate limited commercial activities.

300.1102 Uses Permitted by Right

- Automobile Sales Facility
- Automobile Repair Facility
- Art Studio
- Car Wash
- Contractor’s Yard
- Manufacturing and/or Processing Facility
- Mini-warehouse or Self-storage
- Packaging and/or Distribution Facility
- Personal Service Establishment
- Professional Office
- Restaurant
- Retail Store
- Warehouse
- Wholesale Facility
- Wireless Communication Antenna
- Buildings and Uses Accessory to Uses Permitted by Right

300.1103 Special Land Uses

- Towing Service

300.1104 Dimensional Requirements

1. **Maximum Building Height:** 3 stories or 45 feet, whichever is less
2. **Required Minimum Setbacks:**
 - a. Front: 75 feet
 - b. Side: 10 feet when adjacent to a lot zoned I-1; otherwise 25 feet
 - c. Rear: 50 feet
3. **Minimum Lot Width:** 100 feet
4. **Minimum Lot Area:** 15,000 square feet

Article 12 – LR Lake Residential District

300.1201 Purpose and Intent

The Lake Residential District is intended to establish and maintain a low intensity residential and recreational environment predominantly for single family dwellings in areas adjacent to the inland lakes of the Township. This district includes existing one-family developments within the Township which have a similar lot area and character, as well as areas within which such development appears likely and desirable.

300.1202 Uses Permitted by Right

- Adult Day Care Family Home
- Adult Foster Care Family Home
- Child Care Family Home
- Minor Home Occupations
- Single-Family Dwellings
- Buildings and Uses Accessory to Uses Permitted by Right

300.1203 Special Land Uses

- Major Home Occupations
- Parks

300.1204 Dimensional Requirements

1. **Maximum Building Height:** 35 feet or 2 ½ stories, whichever is less
2. **Required Minimum Setbacks:**
 - a. Front (waterfront side for lakefront lots): 50 feet
 - b. Side: 7 feet minimum per side, 15 feet total
 - c. Rear: 15 feet
3. **Minimum Lot Width:** 80 feet
4. **Minimum Lot Area:** 10,000 square feet
5. **Minimum Floor Area for Dwellings:** 864 square feet

300.1205 Additional Standards

1. Shoreline or beach improvements such as shoreline fill, retaining walls, seawall, and similar shoreline stabilization uses are permitted, providing that State and County permits are obtained. Township permits are not required for these improvements and such uses shall not require site plan review.
2. Docks, boathouses and mooring facilities are permitted as an accessory use subject to Section 300.1324

Article 13 – General Provisions

300.1301 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.

300.1302 Required Area or Space; Access

1. 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.
2. Every lot or parcel of land shall have the legal required frontage from a public street or an approved private street. All buildings shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

300.1303 Height Exceptions

The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, television and radio antenna, wireless communication antenna that do not exceed one-hundred and ninety-nine (199) feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

300.1304 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, electrical substations, gas regulator stations, utility pump and metering stations, 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.

Notwithstanding the exceptions contained in the immediately preceding sentence:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
2. 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 general character of the architecture of the surrounding neighborhood.

300.1305 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.

300.1306 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.

300.1307 Accessory Uses

In any Zoning District, accessory uses, incidental only to a permitted use, are permitted when located on the same lot provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry except as permitted by this Ordinance.

300.1308 Accessory Buildings

1. In any Zoning District, an accessory building may be erected or detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible to the principal building.
2. Detached accessory buildings shall not be located closer than fifteen (15) feet to the rear lot line or closer than fifty (50) feet to the water's edge in the case of a waterfront lot (except that pumphouses may be located within fifty (50) feet of the water's edge if they do not exceed three (3) feet in height and boat houses may be located closer than fifty (50) feet of the waters' edge if they do not exceed ten (10) feet height) and shall not occupy more than thirty percent (30%) of any required rear yard space; they shall not be closer to any side lot line or front lot line than the principal building is permitted.
3. Accessory buildings shall be considered as attached to a principal building when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located within required setbacks.
5. No accessory building or structure shall include residential or living quarters for human beings except a guest house located in the AG, R-1, R-2 or LR Zoning Districts. Such guest houses are subject to the following regulations:
 - a. One (1) guest house shall be allowed on the property with one (1) existing principal single family dwelling.
 - b. The guest house shall clearly be accessory and subordinate to the principal dwelling, shall retain the character of the neighborhood and shall be compatible and similar in appearance, structure and design to the principal dwelling.
 - c. The guest house shall comply with all applicable construction, housing, plumbing, and building codes in effect at the time the guest house is constructed. The guest house shall feature a total living space of at least 20 feet by 20 feet, but total square footage of the guest house shall not exceed that of the principal dwelling on the property.

- d. At least one (1) off street parking space shall be provided for the guest house; and such parking space shall be in addition to the off-street parking required for the principal dwelling.
- e. Installation of a separate gas and/or electric meter for the guest house shall be prohibited.
- f. The applicant shall provide evidence that the county health department has approved the guest house, with the purpose being to ensure that the applicant has sufficient capacity in their septic tank for the additional dwelling.
- g. The owners of the subject property shall sign a Statement of Conditions in a form acceptable to the Zoning Administrator containing a legal description of the subject property and specifying the restrictions on the guest house set forth in this approval as well as any other conditions imposed for the guest house. No Township building or zoning permits for the guest house shall be issued until the Township Zoning Administrator is provided with satisfactory proof that the fully executed Statement of Conditions has been recorded with the Register of Deeds of Allegan County.

300.1309 Principal Building or Use on a Lot

Not more than one (1) principal building or use shall be placed on a lot, unless such lot is used for multiple-family, agricultural, multi-tenant commercial or industrial purposes utilizing shared parking and operated as a single cohesive development and unless all such uses and/or buildings comply with all applicable provisions of this Ordinance.

300.1310 Reserved

300.1311 Signs

The purpose of this Article is to regulate the size, number, location and manner of construction and display of signs in the Township of Allegan. This Article is further intended to protect all zoning districts from visual chaos and clutter, eliminate distractions hazardous to motorists, protect uses from excessive signage, provide ability for the public to identify premises and establishments, encourage the preservation of rural character through sign design, and enhance the aesthetics of the community.

1. Scope

- a. It shall be unlawful for any person to erect, place, or maintain a sign in the Township of Allegan except in accordance with the provisions of this Article.
- b. Permit Required. Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as determined by the Township Board. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs. A building permit application shall be submitted along with the supplementary material noted below.
- c. Plan Required. When a site plan is required by the Zoning Ordinance, proposed signage shall be illustrated on the site plan showing the sign area, sign height, clearance between the ground and the bottom of the sign, sign illumination, sign location and setbacks from property lines, and other applicable information to enable the Township to determine compliance with the requirements of this Ordinance. When a site plan is not required, a scaled drawing clearly depicting this information shall accompany the building permit application. The Zoning Inspector may require that additional information be illustrated on a plan or drawing to determine compliance with this Ordinance.

2. General Provisions

- a. Sign Placement.
 - 1) Unless otherwise permitted, all signs shall be located on the same parcel for which the sign is intended to serve. The provisions of this Article are not intended to conflict with provisions controlling signs regulated under the authority of MCL 252.301 et seq., the Highway Advertising Act, as amended.
 - 2) No sign shall be located closer than one (1) foot to a public road right-of-way or property line, unless a lesser setback is approved by the Zoning Inspector or Planning Commission upon finding that traffic visibility will not be adversely affected. No sign shall overhang a public street right-of-way, and all signs shall have a minimum ground clearance of eight (8) feet above a sidewalk or walkway.
 - 3) With respect to signage, all intersections of public streets shall be provided and maintained with a clear unobstructed vision corner extending not less than twenty (20) feet from all right-of-way line intersections along said right-of-way line in the form of an isosceles triangle, within which no sign shall be located or permitted.
 - b. Sign Illumination.
 - 1) Unless otherwise specified by this Ordinance, all signs may be illuminated.
 - 2) Illumination shall not be flashing, blinking, intermittent, oscillating, or an on-and-off type of lighting. No sign may utilize a revolving beacon light. Illumination shall be arranged so that light is deflected away from adjacent properties and that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or from any adjacent property. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.
 - 3) No illumination or sign shall be so placed or designed to be confused with, or appear similar to, a highway sign or traffic safety device.
 - c. Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply, as determined by the Zoning Inspector.
 - d. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Building Inspector or designated representative. Temporary signs, portable signs, or signs made of cloth, fabric, lightweight plastic, or other easily combustible material, or which are produced or originally constructed to flutter in the wind, as determined by the Zoning Inspector, shall not be placed or left as permanent signs.
3. Signs Not Requiring Permits
- a. Signs shall not be erected without the issuance of a building permit, except for the following signs, provided that such signs comply with the provisions of this Section and other applicable provisions in this Ordinance:
 - 1) Signs erected by the Township, County, State, or Federal Government for street direction or traffic control; to designate hours of activity; or use of parking lots, recreational areas, governmental buildings or other public space; or for other public purposes.
 - 2) Signs erected by an essential service establishment denoting utility lines, railroad lines, hazards, and precautions, including portable flashing signs.

- 3) Signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
- 4) Real estate signs advertising premises for sale, rent, or lease when not more than thirty (30) square feet in area and six (6) feet in height for a commercial or industrial zoned property, or six (6) square feet in area and four (4) feet in height for other properties. A real estate sign shall be located on the property that is for sale, rent, or lease.
- 5) Political signs not larger than thirty-two (32) square feet in area may be placed upon any parcel of property in all districts provided they do not obstruct the vision of vehicular traffic on any street. Political signs erected in connection with an election or referendum shall be removed within forty-eight (48) hours following the election or referendum.
- 6) A temporary special event sign, used to advertise a garage sale or estate sale on residential property, graduation party or similar temporary event, not to exceed six (6) square feet in area. Such sign shall be removed within forty-eight (48) hours after the completion of the event. Such sign shall be placed on private property with appropriate permission of property owners received.
- 7) Holiday lights, works of art, and decorations with no commercial message.
- 8) Memorial signs not larger than twelve (12) square feet in area which are either 1) cut into the face of a masonry surface; or 2) constructed of bronze or other incombustible material when located flat on the face of a building.
- 9) A construction sign not exceeding thirty-two (32) square feet in area and having a height not greater than six (6) feet. There shall be only one construction sign for a development or project, and the sign shall be removed not later than the issuance of certificates of occupancy for ninety (90) percent of the building(s) in the development or project.
- 10) In parking areas, no signs other than directional or regulatory signs shall be permitted. Signs shall not include any advertising matter or commercial message and shall have a sign area no greater than four (4) square feet and a height no greater than four (4) feet.
- 11) One (1) human sign is permitted per lot at any given time, provided that the human sign does not block the sidewalk and remains outside of public rights-of-way.
- 12) One (1) farm sign shall be permitted per active farm as follows: each such sign shall not be larger than thirty-two (32) square feet and shall not be located in a manner that adversely affects traffic visibility, as determined by the Zoning Inspector.
- 13) Signs not larger than two (2) square feet in area posted to control and/or prohibit hunting or trespassing within the City. Such signs shall be spaced not less than two hundred (200) feet apart.

4. Prohibited Signs

- a. The following types of signs are prohibited in all zoning districts:
 - 1) Abandoned signs, or signs in disrepair
 - 2) Air-filled or gas-filled balloon signs
 - 3) Animated signs, audible signs, and/or flashing signs (except traffic control devices)
 - 4) Signs attached to a fence
 - 5) Signs imitating or resembling official traffic or government signs or signals

- 6) Streamer signs
- 7) Vehicle signs
- 8) Signs attached to utility poles and similar structures
- 9) Other signs not expressly permitted or which do not conform to the provisions of this Article

5. Supplementary Signs

- a. In addition to the signs permitted and regulated in Section 251.7 the signs listed below may be permitted in accordance with the following standards.
- b. Temporary Signs. Temporary signs shall be permitted on a parcel of land zoned GS, Governmental Service, C-1, Neighborhood Business, C-2, General Business and I-1, Industrial, as follows:
 - 1) Only one (1) temporary sign shall be permitted for each separate commercial establishment (that is, each separate store, market, office or other permitted use) located on a parcel of land.
 - 2) A temporary sign shall be displayed for not more than sixty (60) days (whether or not consecutive) in a calendar year; provided, however, that after the removal of a temporary banner sign, the sign may be re-displayed during the calendar year following any interval of time, so long as the total number of days of display during the calendar year does not exceed sixty (60).
 - 3) A temporary sign shall not be larger than eight (8) square feet. A temporary sign shall not be illuminated.
 - 4) A building permit for a temporary sign shall be required. There shall be no application fee, and an application for the permit shall include the following:
 - i. An accurate sketch, indicating the exact dimensions of the sign, its height, the structure upon which it will be placed, its location in relation to buildings, property lines, driveways and off-street parking areas, and such other information as may be required by the Zoning Inspector in order to assure that the sign shall comply with the applicable requirements of this Ordinance.
 - ii. A statement, signed by the applicant, listing specifically the days, or the span of consecutive days, during which the sign will be displayed, and also the date or dates on which the sign shall be removed and, if applicable, the subsequent date or dates on which the sign shall be re-installed and again removed, during the calendar year.
 - iii. A listing and description of the other temporary signs, if any, located on the property at the time of the application.
 - 5) Temporary signs shall include any other or subsequent temporary sign of generally similar appearance, nature and purpose, as compared to the temporary sign initially permitted under the terms of this Section. Accordingly, an applicant shall not seek to extend the time limitation on the display of a temporary sign by the attempted display of a different, though similar, temporary sign following the maximum permitted period of display of a permitted temporary sign.
- c. Changeable Copy Signs. All or a portion of a pole or ground sign, except a development sign, may be a changeable copy sign in compliance with all of the following requirements:

- 1) The area of a changeable copy sign shall be included in the maximum sign area limitation. The area of a changeable copy sign shall not exceed fifty percent (50%) of the maximum permitted sign area.
 - 2) A changeable copy sign shall not change its message, image or other graphic material with such frequency as to be a flashing or oscillating sign, whether in whole or in part. For purposes of this Section, a flashing or oscillating sign shall include not only a sign having a message or image that changes with high rapidity, but shall also include a sign having a message or image that changes with a frequency such as to serve as a means of attracting attention to the sign or the land use, rather than for the purpose of providing identification or information. The message, image or other graphic material of a changeable copy sign shall change no more frequently than six (6) seconds and each change shall occur in one (1) second or less.
 - 3) The message, image or other graphic material of a changeable copy sign shall, when changing, appear only in its entirety or shall appear in successive letters, words or other graphic elements from left to right only. The message, image or other graphic material shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.
 - 4) A changeable copy sign shall not display full white copy between sunset and sunrise and otherwise shall not feature a brightness level deemed to be a distraction or injurious to the vision of motorists, as determined by the Zoning Inspector.
- d. Portable Signs. One portable sign without illumination not larger than thirty-five (35) square feet in size, upon obtaining a permit, is permitted on a parcel with a non-residential use, provided that, it is located on the parcel for not more than fourteen (14) consecutive days and not more than four (4) times in any calendar year. No permit fee shall be required for a portable sign.

6. Permitted Signs by Zoning District

- a. The following sign types shall be permitted in accord with the following regulations, in the AG, R1, R-2, R-3 and LR Districts:

- 1) The following sign is permitted identifying the name of a permitted residential development:

Type	Maximum Number	Maximum Sign Area	Height
Development	1 per development	20 square feet	5 feet

- 2) The following sign is permitted identifying the name of a permitted non-residential use, except farm signs, which are governed by Section 251.6, D:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per development	48 square feet	6 feet
Wall	1 per building wall facing a public road or parking lot	48 square feet	Cannot extend above cornice or eave line

- b. The following sign types shall be permitted in accord with the following regulations, in the GS, C-1, C-2 and I-1 Districts:

Type	Maximum Number	Maximum Sign Area	Height
Wall <u>OR</u>	1 per building wall facing a public road or parking lot	20% of the wall surface or 100 square feet, whichever is less	Cannot extend above cornice or eave line
Marquee <u>OR</u>		50% of marquee face or 35 square feet, whichever is less	Cannot extend above cornice or eave line
Roof		20% of the wall surface under the sign or 100 square feet, whichever is less	Cannot be taller than 6 feet above cornice or eave line
Pole <u>OR</u>	1 per frontage; except a corner lot development is permitted 1 pole sign and the other frontage may use a ground sign	32 square feet	20 feet
Ground	1 per frontage	48 square feet	6 feet

- 1) Each individual establishment in a multi-tenant commercial or industrial building or development is not permitted a separate pole or ground sign; one (1) collective pole or ground sign may be used subject to the standards above, provided that such collective pole or ground sign shall not exceed one hundred and sixty (160) square feet if it provides advertising for three (3) or more establishments. Each individual establishment may, however, erect one (1) wall or marquee sign subject to the standards above; in which case wall surface applies to the wall surface of the individual establishment.
- 2) Up to twenty-five (25) percent of a gas station canopy facade visible from a public street may be used for signage, including logos, fuel price, and establishment identification.

7. Alteration or Re-establishment of Nonconforming Signs

- a. Any existing sign on the effective date of this Ordinance or any amendment hereto, which does not at that time comply with all of the provisions hereof, including any amendment:
 - 1) Shall not be changed to another type of sign which is not in compliance with this Ordinance.
 - 2) Shall not be structurally altered so as to prolong the life of the sign or so to change the shape, size, type, or design of the sign.
 - 3) Shall not have its face or faces changed unless the sign is brought into conformance with the requirements of this chapter, or unless the sign is a billboard regulated under the Zoning Ordinance.
 - 4) Shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer. The period of 90 days begins when the Zoning Inspector notifies the land owner in writing of its commencement.

- 5) Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the Building Inspector.
- 6) Shall not be placed, maintained, or displayed by any person on or after two (2) years after the effective date of this Chapter.

8. Definitions

The following listed terms are defined for the purpose of their use in this Ordinance:

- a. Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, establishment, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following specific sign types:
 - 1) Sign, Changeable Copy: A sign that consists, in whole or in part, of a message or image that can be changed periodically, whether manually or by automatic or technical means.
 - 2) Sign, Construction: A sign erected and used temporarily, only during the construction of a development or other permitted land use, and identifying the development of other use under construction, the name of the developer, and similar information.
 - 3) Sign, Development: A ground sign which identifies the name of a residential development and which is located at an entrance to the development, for the purpose of assisting the public in determining the location of the development.
 - 4) Sign, Directional or Regulatory: A sign prescribing directions for traffic within a parking area and containing no commercial message.
 - 5) Sign, Farm: A sign located on and identifying the name of an active farm or identifying a crop planted in a farm field or sold at a roadside stand.
 - 6) Sign, Ground: A sign supported by a foundation or base which is at least half as wide as the sign which it supports when looking at the sign face, and which does not exceed a sign height of six (6) feet, and with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.
 - 7) Sign, Human: A sign which is held by or attached to a human for the purpose of advertising any goods, services, functions or specific business locations.
 - 8) Sign, Marquee: A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the wall or building line.
 - 9) Sign, Memorial: A sign, tablet, or plaque memorializing a person, event, structure or site.
 - 10) Sign, Pole: A sign, other than a ground sign, structurally separated from a building and supported by one or more poles or braces.
 - 11) Sign, Political: A sign used in connection with a local, state or national election, political topic or referendum.
 - 12) Sign, Portable: A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Portable signs are typically situated on wheels and generally include manually-changed copy.

- 13) Sign, Roof: A sign which is erected, constructed and maintained on or above the roof of the building.
- 14) Sign, Streamer: An individual object and/or series of small objects made of lightweight plastic, fabric, cloth or other material, which may or may not contain text, which is suspended from and/or twined around a rope, wire or string; or which is supported by a vertical or horizontal staff and which is intended to flutter in the wind. The definition for streamer sign shall also include exterior string lights when used outside of a holiday display.
- 15) Sign, Temporary: A sign constructed of cloth, fabric, lightweight plastic or other light temporary materials with or without a structural frame, and which is displayed only on a temporary basis.
- 16) Sign, Vehicle: A sign shall be considered a vehicle sign when the vehicle or trailer upon which the sign is painted or attached is parked or placed primarily for advertising purposes. Currently licensed commercial vehicles in general daily off-site use are not included as part of this definition.
- 17) Sign, Wall: A sign which is painted on or attached directly to a surface of masonry, concrete, frame or other approved building walls, and which extends not more than one (1) foot from the face of the wall.

300.1312 Billboards

1. A billboard is any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or advertising products not primarily sold, manufactured, processed, or fabricated on such land.
2. Billboards may be established in the C-2 General Business and I-1 Industrial districts and are subject to the following conditions:
 - a. Not more than three billboards may be located per linear mile on a street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. The linear mile measurement shall not be limited to the boundaries of the Township of Allegan where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back to back billboard faces) and v-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirements set forth in subsection 2 below.
 - b. No billboard shall be located within 1000 feet of another billboard abutting either side of the same street or highway.
 - c. No billboard shall be located within 200 feet of a residential zone or an existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.
 - d. No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.

- e. The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.
- f. The height of a billboard shall not exceed 30 feet above the grade of the ground on which the billboard sits or the grade of the abutting highway, whichever is higher.
- g. No billboard shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
- h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of any 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.
- i. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
- j. No person, firm or corporation shall erect a billboard within Allegan Township without first obtaining a permit from the Allegan Township Zoning Administrator, which permit shall be granted upon a showing of compliance with provisions of this ordinance and payment of a fee therefore. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Allegan Township Zoning Administrator confirming continued compliance with this ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the Allegan Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.
- k. A billboard established within a business, commercial or industrial area as defined in the Highway Advertising Act of 1972 (PA 106 of 1972 as amended) bordering interstate highways, freeways or primary highways as defined in said act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

300.1313 Minimum Public Street or Private Road Frontage

Except as otherwise permitted by this Ordinance, every principal building and use shall be located on a lot having a minimum of eighty (80) feet of frontage on a public street, or on a private road having a right-of-way of not less than eighty (80) feet in width (except those principal buildings located on lots having frontage along a cul-de-sac).

300.1314 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.

300.1315 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 the Allegan County Health Department.

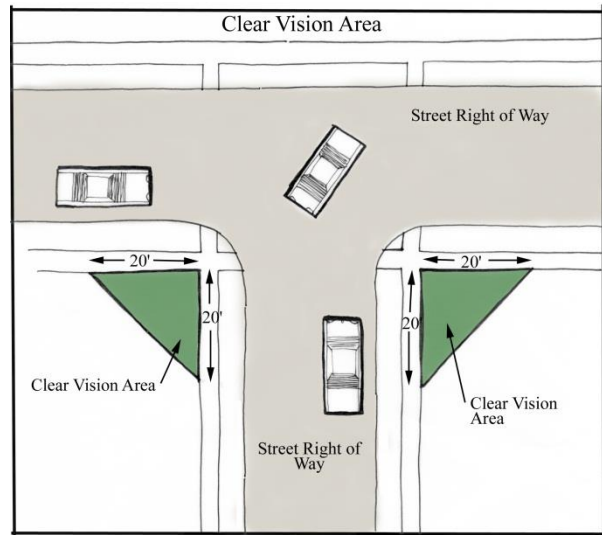
300.1316 Clear Vision Areas

On any corner lot or parcel, no fence, structure or planting over thirty (30) inches in height shall be erected or maintained within twenty (20) feet of the corner property line, so as to interfere with traffic visibility across the corner. (see graphic at right)

300.1317 Projections into Required Yards

Every part of every required yard or setback area shall be open and unobstructed by any use or structure from the ground to the sky, except as hereinafter provided:

1. Sills, belt courses, pilasters, chimneys, and other similar architectural appurtenances may project not more than twelve (12) inches into a required yard or setback area.
2. Cornices, eaves, and similar architectural appurtenances may project not more than thirty (30) inches into a required yard or setback area.
3. Fire escapes may project not more than six (6) feet into a required yard or setback area.
4. Uncovered stairs, porches, and decks shall meet the setback requirements of the zone district.
5. Swimming pools, accessory buildings, and accessory structures may be located in any required yard or setback area subject to applicable regulations contained elsewhere in this Ordinance.
6. Uncovered walks; patios; driveways and parking areas; landscaping; retaining walls; docks and similar customary and incidental yard uses and structures may be located in any required yard or setback area.
7. Fences may be located within any required yard or setback area, subject to the requirements of Section 300.1319.



300.1318 Requirements for Dwellings

Single-family, two-family and multiple-family dwellings shall comply with the following standards:

1. Dwellings shall be a minimum of 864 square feet in floor area for one-story buildings and 600 square feet on the main level of buildings containing more than one level, except that individual dwellings within a multiple-family building shall have an area of at least 650 square feet. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas in multiple-family buildings, and accessory structures.
2. Dwellings shall have a minimum width across any front, side or rear elevation of 24 feet and shall comply in all respects with the applicable building code in effect in Allegan Township including

minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standard or regulation shall apply.

3. Dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission, and shall have a perimeter wall as required above.
4. In the event that a dwelling is a manufactured dwelling as defined herein, the manufactured dwelling shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism under carriage or chassis. Skirting that is aesthetically compatible with the structure shall be placed and maintained around all manufactured dwellings.
5. Dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. Dwellings shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
7. Dwellings shall be completed using quality materials and workmanship, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
8. The pitch of the main roof of the dwelling unit shall not be less than 3 feet of rise for each 12 feet of horizontal run.
9. Dwellings shall not contain additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
10. Dwellings shall comply with all pertinent building and fire codes. In the case of a manufactured dwelling, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall comply with all County and state regulations.
11. The foregoing standards shall not apply to a manufactured dwelling located in a licensed manufactured housing community except to the extent required by state or federal law or otherwise specifically required by Township ordinance pertaining to such use.
12. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

300.1319 Fences

Fences are permitted, or required, subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed 6 feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house, or the minimum required front yard, whichever is greater, unless the fence can be seen through. Fences may be constructed on the property line.
2. Fences up to four (4) feet in height may be erected from the front edge of the dwelling to within fifteen (15) feet of the road right of way unless the fence is of chain link or split rail then it may be erected from the front edge of the dwelling to and along the road right of way.
3. Fences in all districts shall be constructed such that supporting posts and framework are on the interior of the fence owner's side of the fence and that the sheathing or facing of the exterior as seen from the adjoining properties or the street is the more presentable and attractive side of the fence. Also, consideration should be given to whether a proposed fence enhances the neighborhood or blocks scenic views for nearby property owners and be aesthetically pleasing in keeping with the character of the neighborhood.
4. Fences on lots of record in residential districts shall not contain barbed wire, electric current, or charge of electricity.
5. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated with an area developed with recorded lots, shall not exceed 8 feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total surface area.
6. Line fences marking property lines, may be permitted in all yards in areas designated as farms or agricultural areas.

300.1320 Keeping of Pets and Livestock

1. It shall be unlawful for any person to own, possess, shelter, keep, or harbor any combination of more than three dogs or cats over four (4) months of age at any one time in residentially zoned areas. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal protection shelter or licensed kennel/cattery facility.
2. In the AG and R1 districts, farm animals and livestock may be kept without restriction, except that:
 - a. All such land areas used by said farm animals shall be properly fenced in such a manner to prevent the animals from leaving the property and all such animals shall be maintained and accommodated in a fashion that prevents them from becoming a nuisance to adjoining property or a hazard to public health, safety and welfare.
 - b. Any building or other structure sheltering or housing non-household animals shall meet setbacks required for the district in which it is located.
3. This Section shall not prohibit the keeping of small domestic animals or livestock for supervised youth agricultural experiences sponsored by an organization that is exempt from taxation under Section 501(c)(3) of the IRS Code of 1986, or by any subsequent corresponding IRS code of the United States as from time to time amended, in any area which is zoned for residential use, on lots of one (1) or more acres.

4. The provisions of this section do not apply to farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with adopted Generally Accepted Agricultural Management Practices (GAAMPs).

300.1321 Personal Property Sales

1. Garage Sales. Garage sales, as defined herein, are permitted in residential districts and shall not be set up more than 24 hours prior to the sale. Signs used to advertise the sale and all leftover merchandise shall be removed immediately at the conclusion of the sale. No such sale shall occur on more than three days in a period of 30 days beginning on the first day of said sale.
2. Small Items. The sale of smaller personal items such as bicycles, furniture, electronics, small yard equipment, and the like is permitted, provided that it is not deemed a nuisance by the Zoning Administrator, and provided that the following standards are met:
 - a. Items offered for sale are not sold in a quantity or in such an arrangement so as to be considered a garage sale, unless the provisions of subsection 1 of this section are met.
 - b. Items offered for sale are not sold on a recurring or ongoing basis.
 - c. Such items offered for sale shall not be located within a road right-of-way, cause a hazard to traffic or obstruct vehicular or pedestrian use of a road.
 - d. Items offered for sale shall be kept in reasonable condition and the area where they are located shall be maintained in a neat and orderly manner.
3. Large Items. The sale of larger personal items such as vehicles, boats, lawn tractors, trailers, and the like is permitted, provided that the following standards are met:
 - a. No more than six such items, and no more than four automobiles, shall be offered for sale per year.
 - b. No more than one such item shall be offered for sale at a time.
 - c. Such items offered for sale shall not be located within a road right-of-way, cause a hazard to traffic or obstruct vehicular or pedestrian circulation or use of a road.
 - d. Items offered for sale shall be kept in reasonable condition and the area where it is located shall be maintained in a neat and orderly manner.

300.1322 Vehicle Storage

1. Mechanical work on the premises on motor vehicles owned by the occupant of a dwelling is permitted, but parts of vehicles or vehicles not in legally operating condition shall be stored within an enclosed building.
2. No person, firm or corporation shall park, store or place upon any public right-of-way, public property or upon any premises that is primarily used or is zoned for any type of residential purpose within the Township, any motor vehicle, house trailer, tractor trailer, new or used parts or junk therefrom unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building law of the Township, County or the State of Michigan, except for the following:
 - a. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.

- b. Vehicles or trailers that are temporarily inoperable because of minor failure, but which are not in any manner dismantled and have substantially all the main component parts attached, which may remain upon such private property for not more than fifteen (15) days.
- c. Not more than one (1) vehicle in fully operating condition such as stock cars or modified cars that have been redesigned or reconstructed for any other purpose other than for which it was manufactured, provided no building or garage is located upon the premises on which the same shall be parked or stored.

300.1323 Outdoor Illumination

- 1. The purpose and intent of this Section is to maintain the rural character of the Township by promoting the sensible, energy-efficient use of exterior lighting that limits unnecessary light from being directed skyward or onto neighboring properties or roadways. This Section is intended to ensure that direct or directly reflected light is confined to each property to prevent light trespass and to avoid glare.
- 2. Outdoor illumination on non-residential property shall be designed, installed and maintained in accord with the following:

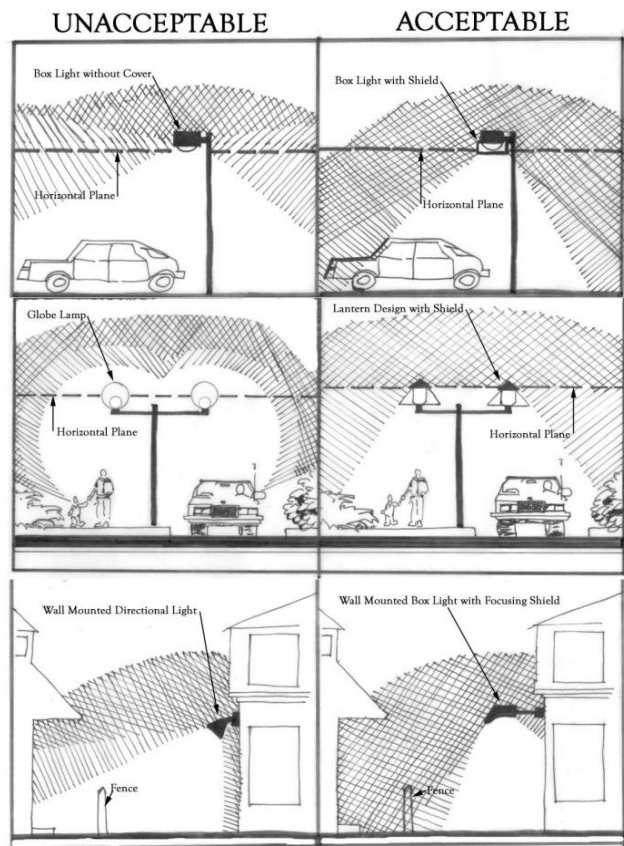
- a. All lighting shall be fully-shielded and aimed downwards to not create glare onto neighboring properties or public rights-of-way. Lighting fixtures shall have 100% cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.

- b. No elevated exterior light fixture, including light poles, canopy lights, wall-mounted lights, soffit lights and similar fixtures shall exceed 20 feet in height above grade. The height of light fixtures required for doors on decks above grade can be measured from the walking surface (i.e. deck) they illuminate. Such elevated light fixtures shall be set back from the lot line one foot per every foot of height.

- c. There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color. Search lights, laser source lights or any similar high-intensity light shall not be permitted except in emergencies as directed by emergency personnel or night road repairs.

- d. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

- e. Lighting used for agricultural production purposes, up-lit flags and decorative lighting intended and used



to illuminate church steeples shall be exempt from the provisions of this Section.

- f. Seasonal holiday lighting, such as for Christmas, is allowed providing it does not create objectionable glare.
- g. The Zoning Administrator, Planning Commission or Township Board may require that outdoor light fixtures be turned off after normal business hours to prevent or reduce glare.
- h. Sign illumination shall comply with provisions in Section 300.1311.

300.1324 Docks, Boat Houses, and Mooring Facilities

Dock, boat house and mooring facilities are permitted, whether seasonal or permanent, and are subject to the following requirements. No dock, boat house or mooring facility shall:

- 1. Be built closer to any property line than ten (10) feet.
- 2. Have a height greater than five (5) feet from the elevation of the mean water level, except that boat houses may be erected that have a height not greater than 10 feet from the elevation of the mean water level.
- 3. Project into the waterway more than thirty five (35) feet beyond an elevation which is three feet below the ordinary high water mark. The Zoning Administrator, Planning Commission or Township Board may require a professional land surveyor licensed in the State of Michigan to certify this elevation.
- 4. Be used for commercial purposes or rented for compensation in any form.
- 5. Be so constructed or arranged so as to constitute a hazard to navigation.
- 6. No dock shall obstruct the navigable waters of the State. All docks shall conform to MDEQ standards.
- 7. No more than three (3) boats including personal water craft shall be regularly moored at any dock serving a single parcel.

300.1325 Home Occupations

- 1. A minor home occupation meeting criteria set forth in subsection 3 below may receive a Land Use Permit from the Zoning Administrator for the conduct of the minor home occupation without holding a public hearing. All other home occupations, except for medical marihuana uses, shall file for special land use approval pursuant to Article 14.
- 2. The following land uses shall not be considered home occupations: adult businesses, motor vehicle repair and service, major motor vehicle repair, motor vehicle sales, bed and breakfasts, and junk yards.
- 3. Minor home occupations shall comply with the following standards:
 - a. The use shall be conducted entirely within the dwelling.
 - b. The use shall be operated only by persons residing in the dwelling.
 - c. The exterior appearance of the dwelling shall not be modified to accommodate the home occupation.
 - d. The home occupation shall not occupy more than four hundred (400) square feet of floor area or thirty (30) percent of the floor area of the dwelling, excluding area of basement, whichever is less.

- e. There shall be no selling of goods, merchandise, supplies or products, provided that orders made by telephone or at sales events off the premises may be filled on premise so long as customers do not arrive on premise to acquire orders.
 - f. Outdoor storage or display is prohibited.
 - g. There shall be no regular deliveries from commercial suppliers to the premises.
 - h. There shall be no activity on premise resulting in noise, vibration, smoke, dust, odors, heat or glare that creates a nuisance to adjoining properties.
 - i. As a result of operating the home occupation, there shall occur no more motor vehicle traffic than would be normal for a dwelling.
 - j. No combustible, toxic or hazardous substances shall be kept on premise attendant to the home occupation
 - k. Each home occupation may be subject to an annual compliance inspection.
 - l. The Zoning Administrator shall have discretion to refer any home occupation application to the Planning Commission for approval.
 - m. Each minor home occupation may have one (1) four (4) square foot sign.
4. All other home occupations, except for medical marihuana uses, shall be considered major home occupations and a special land use permit shall be required. Major Home Occupations shall be subject to the requirements of Article 14 of this Ordinance.
5. Medical Marihuana Use. Medical Marihuana use by a primary caregiver shall be permitted and considered as a permitted minor home occupation use only in the residential and agricultural districts AG, R-1 and R-2 pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, et. seq. and the requirements of this section. As a permitted home occupation, it is at all times, subordinate and incidental to the use of the dwelling as a residence. The caregiver shall file an application and site plan with the zoning administrator who shall review, and if approved, file a land use permit for the use. The Zoning Administrator may also notify the county sheriff department of site plan approval. The requirements for a primary caregiver as a permitted home occupation shall be as follows:
- a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act ("Act") and the Administrative Rules of the Michigan Department of Community Health, ("Administrative Rules") as they may be amended from time to time.
 - b. A primary caregiver must be located outside of a one-thousand (1,000) foot radius from any real property as follows: a registered daycare facility; a church, synagogue or other place of religious worship; a recreational park, public community center, private youth center, playground, public swimming pool, video arcade facility; a public or private preschool, elementary school, middle school, high school, community college, vocational or secondary school; a public or private college, junior college, university; any and all other schools that have different name references but serve students of the same age. Measurements for purposes of this section shall be made from, parcel/lot/site condominium unit boundary to parcel/lot/site condominium unit boundary.
 - c. Not more than one primary caregiver within a single-family dwelling shall be permitted to service qualifying patients who do not reside with the primary caregiver. A primary caregiver

shall not operate within an apartment building, multi-family residential building, cooperative building or similar housing, or commercial or multi-use building.

- d. No signage is permitted regarding medical marihuana.
- e. All medical marihuana shall be contained within an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient.
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana.
- g. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11 p.m. and 6 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
- h. Nothing in this subsection or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the Administrative Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat or alleviate a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Ordinance. Also, since federal law is not affected by that Act or the Administrative Rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
- i. Delivery. The primary caregiver shall deliver medical marihuana to their patients. Patients shall not visit the caregiver's premises.
- j. It shall be considered unlawful for any person or persons to establish or operate a profit or non-profit medical marihuana dispensary, collective or cooperative or smoke house in any zoning classification within the Township.
- k. If at any point the above standards conflict with the Michigan Medical Marihuana Act, the Act shall take precedence.

300.1326 Subdivisions and Site Condominiums

Subdivisions and site condominiums shall meet the requirements of the Subdivision - Site Condominium Ordinance (Ordinance 06-02) and the following requirements:

1. Subdivisions and site condominiums shall be served by public water and sewer utilities.
2. Site Plan review shall be required for all subdivisions and site condominiums pursuant to Article 16 of this Ordinance. If a subdivision or site condominium is proposed to contain a land use that

is considered a special land use in the district in which it is located, special land use review in approval in accordance with Article 14 is also required.

3. Subdivisions and site condominiums may be developed with the open space option pursuant to Section 300.1326(5) below and/or as a Planned Unit Development (PUD) in pursuant to Section 300.1421 of this Ordinance.
4. Open Space Preservation Option.
 - a. Land zoned for residential development at a density equivalent to 2 or fewer dwelling units per acre, or if the land is served by a public sewer system, 3 or fewer units per acre, may be developed with the same number of dwelling units permitted on a smaller portion of the land than is required by this Ordinance.
 - b. A percentage of the land area, not less than 50% of the parcel, excluding a fixed percentage for street right-of-way purposes, shall remain in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Such permanent open space shall be determined through the preparation and submittal of a detailed site analysis which shall identify native soils, water features, wetlands, topography, vegetation, wildlife corridors, views to water and prominent meadows from off site, steep slopes (in excess of 20%) and other unique or aesthetic features.
 - c. Any portion of the open space with a least dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the required 50% provided in this section.
 - d. Lands to be included within permanently dedicated open space may not include areas containing or impacted by gas or oil wells, personal wireless communication facilities, electrical transmission lines or similar elements; but may include detention or retention facilities if designed to reflect a natural wetland.
 - e. The maximum number of lots that may be approved shall be computed by subtracting from the project's total gross acreage a fixed percentage of 15% for street right-of-way purposes, and multiplying the remaining area by the maximum dwelling unit density available for the district. Lot size may be reduced up to 50% of the required lot size and lot width may be reduced up to 33% of the required lot width in the district.

300.1327 Temporary Uses or Structures

1. Temporary construction office or yard. Upon application, the Zoning Administrator may issue a permit for a temporary office structure or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such structure or yard is still incidental and necessary to construction at the site where located.
2. Temporary sales office. Upon application, the Zoning Administrator 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 Administrator 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.

3. Temporary Sales

- a. Upon application, the Zoning Administrator may issue a permit for the temporary sale of merchandise in the commercial district, related to a temporary or periodic event. Such temporary sales uses shall include the sale of merchandise, fireworks, farm products and similar activities.
- b. In considering a request for a temporary sales permit, the Zoning Administrator must determine that the operation of such a use is limited in its duration and will not be established as a permanent use.
- c. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the Zoning Administrator for up to two (2) additional successive periods of two (2) months each, provided the season or event to which the use relates is continued.

4. Standards. In considering authorization of any temporary use, the Zoning Administrator shall consider the following standards:

- a. that the use or structure does not have an unreasonable detrimental effect upon adjacent properties;
- b. in the case of sections 300.1327 (1-2) above, that the use or structure is reasonably necessary for the convenience and safety of the construction or project proposed;
- c. that access to the area or structure will not constitute a traffic hazard due to ingress or egress;
- d. that adequate off-street parking is available to accommodate the use;
- e. that no parking space required for any other use shall be occupied by a temporary use or structure.
- f. all local, state and federal licenses or permits that may be required for such temporary uses shall be issued and maintained for the duration of the temporary use.

5. Conditions

- a. The Zoning Administrator may establish conditions on the temporary use permit as necessary to protect the public health, safety and welfare, including a prescribed duration of the temporary use and the removal of temporary structures.
- b. if any conditions of the temporary use permit or any requirements of the zoning or general ordinances are violated, the temporary use permit may be rescinded by the Zoning Administrator and such temporary use or activity shall be removed immediately.

6. Temporary Dwellings. The Zoning Administrator may approve the use of a mobile home outside of a mobile home park as a temporary dwelling during the construction or major rehabilitation of a primary residence, subject to the following regulations:

- a. The mobile home shall meet all yard and setback requirements of the district in which it is located.
- b. The mobile home shall only be occupied by the owner of the parcel or an employee of the owner of the parcel.
- c. The mobile home shall be occupied during the construction or major rehabilitation of the primary dwelling.

- d. The mobile home shall be hooked to a water supply and wastewater disposal system, approved by the Allegan County Health Department.
- e. A bond, in the amount of \$1,000, has been posted for the removal of the mobile home in the event that the time limit has expired, or that the conditions of the approval have not been met, or that the temporary mobile home has become a public nuisance.

The Zoning Administrator may approve a temporary mobile home for not more than six months. The Zoning Administrator may issue one extension for a period of not more than six months, providing that all conditions of the approval are met, and the temporary mobile home has not become a public nuisance. The Zoning Administrator may consult with the Planning Commission prior to the issuance of any extension.

300.1328 Roadside Stands

All roadside stands shall be considered accessory uses and are subject to the following restrictions and regulations:

1. Roadside stands shall be permitted in the AG, R-1, or R-2 districts. In the Commercial district, roadside stands are permitted as a temporary use, subject to the provisions of Section 300.1327 of this Ordinance.
2. The roadside stand shall be situated in such a manner that ingress/egress to and from the roadside stand is safe and an area outside the right of way is available for vehicular parking. If access and egress to the parking area is from roads that are under the jurisdiction of the Michigan Department of Transportation (MDOT), a permit from MDOT must be obtained.
3. Roadside stands shall be set back at least fifteen (15) feet from the road surface and shall not be located within the public right of way.
4. Any temporary buildings or structures placed on a site for a roadside stand shall be removed during those seasons where the roadside stand is not in use.
5. Roadside stands shall be kept in a neat and orderly condition and in good repair.

300.1329 Unclassified Uses

Where a proposed use of land or use of a building is not expressly authorized, contemplated or named by this Ordinance in any of the zoning districts, or where the Zoning Administrator has a question as to the appropriateness of a use that involves other features which are not expressly authorized, contemplated or specified in this Ordinance, the Zoning Administrator may determine that the use is unclassified. In the case of an unclassified use, an amendment to classify, permit and regulate the use may be initiated pursuant to Section 300.2011. Unclassified uses may not be treated as a special land use.

300.1330 Dumpsters

Dumpsters or other refuse or recycling containers which serve multi-unit residential buildings, institutional, commercial, office or industrial establishments shall be enclosed and such enclosures shall comply with the following requirements:

1. Such enclosures shall be finished with, at a minimum, a privacy or shadowbox style fence at least six feet in height design to prevent visibility and access.
2. The enclosure shall be four-sided with a lockable gate constructed of opaque materials; provided, the Zoning Administrator or Planning Commission may permit a three-sided enclosure where site configuration makes a four-sided enclosure impractical or where a three-sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.

3. Walls of the enclosure shall be 6 feet in height.
4. Interiors and exteriors of enclosures shall be kept clean and free of debris and clutter.
5. The Planning Commission may modify one or more of requirements of this subsection only where it is determined that adequate screening can be provided and maintained for the life of the use by natural vegetation or other means without negative impact on the aesthetics of the surrounding area.

300.1331 Landscaping

Purpose and Intent. The intent of this Section is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of sites, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall rural character in the Township.

The standards of this Article are also intended to screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, minimize negative impacts of storm-water runoff, minimize noise, air and visual pollution, and promote the preservation of healthy, desirable trees.

The landscape standards of this Section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

1. Plan Required and Time of Installation

- a. Plan Required. Individual single-family dwellings, two-family dwellings and agricultural uses are not subject to the provisions of this Section. When a site plan is required pursuant to Article 16, 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.
- b. Time of Installation. Wherever this Ordinance requires landscaping or plant materials, it shall be planted within six (6) 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 (6) months upon request of an applicant based on seasonal weather conditions, but all landscaping must be installed within one (1) year of issuance of a certificate of occupancy

2. Specific Requirements

- a. Parking Lot Landscaping. Within every parking area containing twenty (20) or more proposed spaces, at least one (1) deciduous tree shall be used for every twenty (20) parking spaces, in addition to any other landscaping requirements. This landscaping shall meet the following standards:
 - 1) Landscaping shall be dispersed within the parking area in order to break up large expanses of parking surface and help direct smooth traffic flow within the lot.
 - 1) Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the site plan.

- b. **Buffers between Uses.** For non-residential uses abutting or adjacent to a residential zoning district and/or a residential use, there shall be provided and maintained on those sides a masonry wall or wooden privacy fence six (6) feet in height, or between six (6) feet and eight (8) feet in height in industrial districts, or a totally obscuring landscape buffer or berm, at least partially comprised of evergreen trees, sufficient to provide adequate screening between uses for the purpose of protecting the quality and integrity of the residential use.
- c. **Front Yard Landscaping.** In addition to the provisions of subsection a. above, where a front yard parking lot exists or is proposed, a minimum of one (1) deciduous tree shall be planted between the parking area and the street per every thirty (30) feet of linear frontage. Base plantings, such as shrubs and perennials, shall be required along the front of the building. Additional front yard landscaping is encouraged and may be required by the Planning Commission where it is found that such additional landscaping would enhance and protect the Township's rural character.

3. Planting Specifications

- a. Plant materials permitted in required landscaped areas shall be hardy to the climate of Michigan, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
 - 1) Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this Article:
 - i. Deciduous Trees shall have a two and a half (2 ½) inch caliper minimum trunk measurement at four (4) feet off the ground, with a minimum eight (8) feet in height above grade when planted.
 - ii. Evergreen trees shall be a minimum of six (6) feet in height above grade when planted.
 - 1) The following plant materials are not permitted for planting (in a public right-of-way or as required by the minimum landscaping standards of this Ordinance) due to susceptibility to storm damage, propensity for root clog of drains and sewers, susceptibility to disease or insect pests, or other undesirable characteristics, such as being an exotic invasive species: Silver Maple, Box Elder, Honey Locust (thorned), Ginko (female), Mulberry, Black Locust, Willow, Siberian Elm, Slippery Elm (Red Elm), Chinese Elm, Horse Chestnut, Poplar, Ailanthus, Catalpa, Osage orange, Cottonwood, European Barberry, purple loosestrife, autumn olive, and Russian olive.

4. Mature Tree Preservation. It is the intent of this section that developments, structures, utilities, and all other site activities be designed, installed, and constructed so that the maximum number of mature trees with a diameter of twelve (12) inches or larger at breast height are preserved on all lots or parcels. Individual single-family dwellings, individual two-family dwellings and agricultural uses are not subject to the provisions of this subsection.

- a. **Tree Preservation Plan.** To minimize tree loss and to mitigate tree removal on wooded lots or parcels with trees, the applicant shall submit the following information as a part of the landscaping plan required by this Section:
 - 1) Location, condition, size and identification of species of all existing mature trees with a diameter of twelve (12) inches or greater at breast height on the subject parcel or parcels.
- b. **Tree Preservation.** The landscape plan shall demonstrate that a proposed development would retain as many healthy, existing mature trees with a mature trees with a diameter of twelve (12) inches or larger at breast height as is practical.

- c. Justification. The applicant is responsible for providing justification of the removal of mature trees on the site with a diameter of twelve (12) inches or greater at breast height.
5. Adjustment of Requirements. Pursuant to the site plan review process described in Article 16, the Planning Commission may review a landscape plan and determine that the provisions of this Article would better serve the intent and purpose of this Ordinance if modified; and may require additional landscaping beyond these minimum requirements when deemed necessary due to the scope and nature of the proposed development. Additionally, the Planning Commission may waive or lessen requirements of this Article when it finds circumstances that warrant a decrease in the requirements or in a finding that existing landscaping or screening, or existing conditions on the site, will be preserved and would meet the intent of this Article.
6. Maintenance
 - a. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn areas, shall be maintained in a healthy condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within six (6) months of written notice from the Zoning Administrator, or within an extended time period as specified in said notice.
 - b. All landscaped areas shall be provided with a readily available and acceptable water supply to facilitate continued growth and vitality.

300.1332 Lake/Riparian Access

The following restrictions are intended to limit and regulate the number of users and types of uses of lake frontage in order to preserve the qualities of the waters, minimize conflicting land uses, promote safety and help preserve the quality of recreational use of lands and waters within the Township.

1. For all lake front lots, there shall be at least sixty (60) feet of lake frontage, as measured along the ordinary high-water mark of the lake, for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit utilizing or accessing the lake frontage.
2. A multiple-unit residential development located on a lake front lot shall have not more than one (1) dock for each sixty (60) feet of lake frontage, as measured along the normal high water mark of the lake.
3. No lake access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment), institutional, nonresidential or nonagricultural uses or purposes.
4. No new channel or canal shall be created abutting, enlarging or connecting to a lake, nor shall existing canals or channels be enlarged. Canals or channels which touch or abut a lake and were lawfully in existence as of the effective date of this ordinance may be cleaned and dredged, so long as they are not enlarged beyond their original dimensions.
5. The restrictions of this Section shall apply to all lake front lots, regardless of whether access to the lake or waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

300.1333 Recreational Vehicles

Not more than one recreational vehicle may be stored outside of a building on any lot in the Township, subject to the following requirements:

1. Storage of recreational vehicles and recreational equipment may be located outside of an enclosed building only within the A, R1, R2, R3 or LR Districts. The outside storage of recreational vehicles is not permitted in front of a dwelling, accessory building or structure unless it is more than one hundred (100) foot from the front lot line.
2. Recreational vehicles may be parked within any yard, but not within a required yard, for cleaning, loading, or unloading purposes for not more than twenty-four (24) hours within any seven (7) day period.
3. Unless otherwise permitted by this Ordinance, not more than one recreational vehicle may be used for temporary living purposes for a period not exceeding thirty-one (31) days in any calendar year. When not used for residential purposes the recreational vehicle shall be removed from the property or stored on the property in accordance with the provisions of this Section. Recreational vehicles may not be used permanently as a dwelling.
4. All recreational vehicles and areas surrounding such vehicles shall be kept and used in a neat, sanitary and orderly manner at all times.
5. The Township may require that a recreational vehicle not meeting the provisions of this Section be permanently removed from a lot.

Article 14 – Special Land Uses

300.1401 Description and Purpose

In order to make this Ordinance a flexible zoning control and afford protection of property values and orderly and compatible development of property within the Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the location of certain uses within various zone classifications designated as Special Land Uses.

Such special land uses have been selected because of the unique characteristic of the use which, in the particular zone involved or under certain physical circumstances and without property controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district or with the surrounding districts and, accordingly, detrimental thereto.

It is the purpose of this Article to establish an equitable procedure for the review of special land uses. The criteria for the decisions and requirements of this Article shall be in addition to additional requirements and criteria established elsewhere in this Ordinance.

300.1402 Special Land Use Procedures

An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:

1. Application. Applications for a special land use shall be submitted not less than twenty-one (21) days prior to the next scheduled Planning Commission meeting. The Zoning Administrator shall review the application for completeness, and when complete transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee pursuant to Section 300.2013 of this Ordinance.
2. Required Information. An application for a special land use shall be accompanied by the following documents and information:
 - a. An application form that has been completed in full by the applicant.
 - b. A site plan, pursuant to the standards of Article 16 Site Plan Review.
 - c. Any additional information deemed necessary for 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 take the form of, 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.
3. Public Hearing Required. The Township Planning Commission or Zoning Administrator shall, upon receipt of a written application in proper form, schedule and hold a public hearing in accordance with Section 300.2006 of this Ordinance.
4. Issuance of Special Land Use Permit. Following such hearing, said Commission shall either approve, deny or approve with conditions a request for a special land use. The decision shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. Said decision shall be filed with the zoning enforcement officer of the Township.

5. Performance Guarantee. In authorizing a Special Land Use permit, the Planning Commission may require a performance guarantee pursuant to Section 300.2012.
6. Appeals. No decision or condition related to a special land use application shall be taken to the Zoning Board of Appeals.
7. Amendments. Amendments to special land use permit shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a site plan may be made to an existing special land use permit with the approval of the Zoning Administrator.
8. Transfers. The special land use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner upon the sale or transfer of the property in question. The original owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit and compliance with the terms and conditions of the approved permit.
9. 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 the terms and conditions of the approved permit. The special land use permit will expire on the occurrence of one or more of the following conditions:
 - a. If replaced or superseded by a subsequent permitted use or special land use.
 - b. If the applicant or current owner of the property requests the rescinding of the special land use permit.
 - c. If the special land use is considered abandoned pursuant to Section 300.1402(10), below.
 - d. If a building permit has not been obtained or if on-site development has not commenced within one (1) year of approval of the special land use.
10. Abandonment. Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter without approval in accordance with this Article, if any of the following conditions apply:
 - a. The owner declares or otherwise makes evident his intent to discontinue such use.
 - b. When the use has been replaced by a different use.
 - c. The cessation of the permitted special land use for a period of twelve (12) consecutive months or more.
11. Phasing. An application for a special land use approval may include a comprehensive plan and specifications for a development which is to be accomplished in phases over a specified period of months or years and secure a review of the entire project, thereby avoiding the need for multiple special land use hearings unless modifications in any proposed special land use plan are subsequently necessary, wherein a special land use hearing on the modification would be required.

In the case of a phased project, the first phase shall commence within one (1) year after Special Land use approval and subsequent phases shall commence within one year after completion of the previous phase. Phased projects that do not meet this standard shall be considered expired.
12. Violations. The site plan and specifications, and all conditions, limitations, and requirements imposed by the Planning Commission shall be incorporated as a part of the special land use permit. Violations of any aspect of the special land use approval at any time may cause revocation of said permit and said special land use shall cease to be a lawful use.

If a violation is determined to exist by the Zoning Administrator, the Township Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit after giving notice to the permit holder, specifying the alleged violation(s) and holding a public hearing pursuant to Section 300.2006 of this Ordinance on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

300.1403 Special Land Use Review Standards

The Planning Commission shall approve a special land use upon finding that the proposed special land use meets all applicable regulations of this Ordinance and complies with each of the of the following standards:

1. The proposed special land use shall be consistent with the adopted Allegan Township Master Plan.
2. The proposed special land use shall be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
3. The proposed special land use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
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, water and sewage facilities and schools, or persons or agencies responsible for the establishment of the proposed special land use shall be able to provide adequately for such services.
5. The proposed special land use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The proposed special land use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or the general welfare of the community by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
7. 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 by topographic modifications that result in maximum harmony with adjacent areas.

300.1404 Standards for Specific Special Land Uses

The following sections of this Ordinance contain specific performance standards for land uses permitted as a special land use in Allegan Township. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance that are applicable to the special land use under consideration.

Furthermore, the following specific standards and requirements for certain uses also apply when the use is permitted by right, after site plan review and approval in accordance with Article 16.

300.1405 Adult Entertainment Uses

Some uses, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

It is the intent and purpose of Allegan Township to adopt reasonable regulations for adult entertainment uses in the Township, so as 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's retail trade, maintain property values, protect and preserve the quality of life in the Township, preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of residential neighborhoods in commercial districts.

1. The operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, may be permitted as a Special Land Use in the C-2 General Business District and only in conformance with the requirements of this Section.
2. No adult entertainment use shall be located within five hundred (500) feet from the following zoning districts: AG Agricultural, R1 Rural Estate, R2 Low Density Residential, R3 Medium Density Residential, LR Lake Residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoning district to the location of the proposed building containing the adult entertainment use.
3. All adult entertainment uses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
4. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relation to specified sexual activities, specified acts of violence or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.
5. The proposed Adult Business owner/operator shall have provided an exterior maintenance program to the Township 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.
6. 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.
7. Any booth, room or cubicle available in any Adult Entertainment Use used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - a. Be constructed in accord with the Michigan Building Code, as may be amended from time to time;
 - b. Be unobstructed by any door, lock or other entrance and exit control device;

- c. 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. Be illuminated by a light bulb of not less than sixteen-hundred (1,600) lumens; and
 - e. Have no holes or openings, other than doorways, in walls.
8. The premises shall meet all barrier free requirements and building code requirements applicable in the Township.
 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 which 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 with 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 Uses for the protection of the general welfare and individual property rights of affected property owners, and for insuring that the intent and objectives of this Section will be observed. The violation of any condition, safeguard, requirement or approved rule of operation shall be grounds for suspension and/or revocation of the special land use permit, pursuant to Section 300.1402,12 of this Ordinance.

300.1406 Adult Day Care Group Home

Adult day care group homes shall be subject to the following requirements:

1. Building and lot shall conform to the yard, setback and height standards of the zoning district in which it is located.
2. All required state and local licensing shall be maintained at all times.
3. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
4. Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.

300.1407 Adult Foster Care Home

Adult foster care homes shall be subject to the following requirements:

1. Adult Foster Care homes serving fewer than seven (7) residents shall be considered a residential use and shall not be subject to the requirements of this Section.
2. Adult Foster Care homes shall at all times maintain all valid state and local licenses.
3. An adult foster care home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care home.

300.1408 Automobile Repair Facility

Automobile repair establishments shall be subject to the following requirements:

1. Not more than four (4) dismantled, wrecked or inoperable vehicles of any kind shall be parked or stored where visible from any adjoining property or right-of-way. Regardless of any screening, no dismantled, wrecked or inoperable vehicle or vehicle parts may be stored outdoors for longer than ninety (90) days. The Planning Commission may require an opaque fence up to six (6) feet in height and/or an evergreen landscape buffer not less than six (6) feet in height at time of planting to screen any vehicles from neighboring uses or passers-by.
2. No buildings associated with an automobile repair establishment shall be erected within fifty (50) feet of any residential zoning district.
3. All equipment including hydraulic hoists, pits, and lubrication and repair facilities shall be entirely enclosed within a building.
4. All repair and maintenance activities shall be performed entirely within an enclosed building.
5. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
6. The premises shall not be used for the sale of vehicles, unless approved for such use as part of site plan review.

300.1409 Child Care Home, Group

Day care group facilities shall be subject to the following requirements:

1. Building and lot shall conform to the yard, setback and height standards of the zoning district in which it is located.
2. All required state and local licensing shall be maintained at all times.
3. All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
4. Such facilities shall be located at least 1,500 feet from any one of the following:
 - a. A licensed or pre-existing operating group child care home.
 - b. An adult care small, medium or large group home.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - d. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
5. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
6. Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.

300.1410 Church

Churches shall be subject to the following requirements:

1. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
2. Parking shall not be permitted within any required yard.
3. Outside activities shall not take place within fifty (50) feet of any property line abutting a Residential District.
4. The Planning Commission may require an additional greenbelt or screening to minimize visual, noise, or other effects from the proposed use or parking area.

300.1411 Reserved

300.1412 Dwellings, Multiple-Family

Multiple family dwellings shall be subject to the following requirements:

1. No dwelling unit shall have its principal access more than one-hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
2. Multiple family dwellings shall be located on a parcel of at least 1 acre.

300.1413 Gas Station

Gas stations shall be subject to the following requirements:

1. The Planning Commission may establish hours of operation for Gasoline Stations to protect the character of the land uses in the vicinity.
2. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
3. All buildings, pump islands, canopies and other facilities shall be located in conformance with the yard and setback requirements of the zoning district in which it is located.
4. Dismantled, wrecked, or immobile vehicles stored shall be completely screened from any adjoining parcel or right-of-way.
5. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.
6. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
7. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with any applicable State or Federal requirements.

300.1414 Home Occupation, Major

Major home occupations shall be subject to the following requirements:

1. The use shall be conducted entirely within the dwelling and/or not more than one accessory building.
2. The use shall be operated by persons residing in the dwelling and not more than three (3) other persons.

3. The exterior appearance of the dwelling and accessory building, if used in connection with the home occupation, shall not be modified to accommodate the use.
4. The home occupation shall not occupy more than four hundred (400) square feet of floor area or thirty (30) percent of the floor area of the dwelling, excluding area of basement, whichever is greater.
5. The use shall be clearly incidental and secondary to the dwelling.
6. Outdoor display of goods or merchandise is prohibited.
7. Equipment used in connection with the home occupation shall be parked or stored within a building or within a gated six (6) foot high screening fence enclosure.
8. There shall be adequate off-street parking and maneuvering area.
9. There may be only incidental and occasional selling of goods, merchandise, supplies or products.
10. No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.
11. There shall be no activity that would cause vibrations, smoke, dust, odors, heat, or glare and activity shall not interfere with radio or television signals, nor result in an adverse effect at or beyond the property line.
12. As a result of the home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.
13. There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.
14. Any non-illuminated sign shall comply with the sign requirements for the zoning district in which the use is located, pursuant to Section 300.1311 of this Ordinance.

300.1415 Institutional Uses

Institutional uses shall be subject to the following requirements:

1. The Planning Commission may require completion of a traffic study.
2. Institutional uses shall have direct access to a paved public road.
3. The applicant shall demonstrate that the conduct of the institutional use would be compatible with existing and permitted land uses in the vicinity.
4. The Planning Commission may limit the hours of operation of the facility to protect the character of the vicinity and surrounding uses.

300.1416 Kennels

Kennels shall be subject to the following requirements:

1. The minimum lot area shall be one (1) acre for the first four (4) animals, and an additional one-third (1/3) acre for each animal in addition to the first four (4).
2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any adjacent property line.

3. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
4. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a completely enclosed building.

300.1417 Mining Operations

Mining operations shall be subject to the following requirements:

1. General Site Plan Requirements: In addition to the requirements of this Article, an application for a mining operation shall be accompanied by a site plan drawn to a scale of at least 1" = 100' and shall include, at a minimum, the following information:
 - a. Name and address of owner(s) of land which removal will take place.
 - b. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - c. Location, size and legal description of the total site area to be mined.
 - d. The means and routing of access and egress from the site to local, county and state roads.
 - e. Surface water drainage provisions and outlets.
 - f. The location and size of any structures on the site.
 - g. A current aerial photograph displaying the area and all lands within 1,320 feet of the site. The aerial map shall show the uses of the lands on the aerial map and the location of the various types and extent of existing natural features, such as soils, vegetation, and water bodies. Appropriate overlays at the scale of the aerial photograph may be used to depict topography, slope hazards, soils, vegetation, wildlife habitat, or any other information the Township requires in order to assess the environmental impact of the proposed extraction activity and restoration plan.
 - h. A description of the various types and extent of existing major ground vegetation, particularly tree species, and endangered species found within the area proposed for mineral removal.
 - i. A detailed description of any known, anticipated or likely adverse or detrimental effect upon any aspect of the community or element of the natural and built environment, with respect to both the site of the mineral removal and the surrounding area.
 - j. A description of the type, quality, and amount of the mineral material at this site and of the current and potential market for the mineral material to be removed.
 - k. A plan for material extraction for the total project which shall include:
 - 1) Pre-mining soil survey indicating soil depths and types for future reclamation of the site.
 - 2) Surface overburden and topsoil stripping and stockpiling plans indicating erosion and runoff control measures, distance from property lines, length of storage time, and pile heights.
 - 3) Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
 - 4) The estimated quantity of product in place and to be mined, an overall phasing plan and an approximate timetable for the facility.

- 5) The location and types of noise and vibration mitigation including earth berms, fences, vegetation within the required setbacks and other features.
 - 6) The location and types of dust mitigation tools.
 - 7) Phasing plan illustrating the portions of the site to be worked and an approximate schedule for opening, operation and closing of each phase.
 - 8) The portions of the site (if any) that may be used for on-going operations, such as equipment staging, crew areas or other uses.
 - 9) A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district(s) in which the facility is located, including the following information:
 - i. A narrative description of proposed land uses at the conclusion of mining activity.
 - ii. A site plan illustrating a conceptual layout of the site with a conceptual plan for internal vehicular circulation on the site (if any), any areas of open water anticipated, the nature of vegetation to be established.
2. Small Pits. Mines of no more than 5 acres in total area shall comply with the following standards:
- a. The total land area devoted to a Small Pit shall not exceed 5 acres, or 217,800 square feet. The determination of total area shall be cumulative incorporating any areas on the same parcel from which material is extracted.
 - b. The Zoning Administrator shall require satisfactory evidence that the operation and restoration of a Small Pit shall at all times be safe.
 - c. Excavation below the grade of adjacent roads or property lines shall not take place within seventy-five (75) feet from any property line or road right-of-way.
 - d. A Small Pit shall be graded to slopes which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface whenever excavation operations cease for any period in excess of fourteen (14) days.
 - e. A land use permit for a Small Pit shall expire six (6) months following cessation of operations, or three years, whichever occurs first. A land use permit may be extended for additional intervals of not more than two (2) years each, upon application and determination by the Zoning Administrator of continued satisfactory operation.
3. Large Pits. Pits of 5 acres or more in total area shall comply with the following site development requirements:
- a. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
 - 1) Excavation below the existing grade of adjacent roads or property lines shall not take place within seventy-five (75) feet from any adjacent property line or road right-of-way.
 - 2) No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
 - b. Fencing: The Planning Commission may require fencing. If required, the applicant shall specify the type, characteristics, and location of the required fencing to the satisfaction of the Planning Commission.

- c. Stockpiles of earth materials shall be limited to a height that minimizes the potential for dust and dirt to blow onto adjacent properties. Stockpiles shall not be located in any required setback area, unless by approval of the Planning Commission.
 - d. Interior access roads, stockpiles, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind or blown dust.
 - e. Hours of operation shall be established by the Planning Commission as part of the special land use approval.
 - f. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 65 decibels at any property line.
 - g. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
 - h. Large pits shall be operated and maintained in such manner so as to eliminate, as far as practicable, excessive erosion that may affect neighboring properties or adjacent rights-of-way.
4. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All excavation shall be either to a water-producing depth or shall be graded or backfilled to ensure that the excavated area will not retain or collect stagnant stormwater. For the purposes of this subsection, a water-producing depth shall be defined as not less than ten (10) feet below the average summer level of groundwater in the excavation. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to slopes which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than fifteen (15) acres of the site shall be open at any time.
- a. In the event filling of the mined area is necessary in the course of reclamation, the fill material shall not consist of or contain any organic waste, hazardous materials, toxic materials, radioactive materials, agricultural waste, industrial waste, sludges or sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and, moreover, such fill material shall not contain any machinery or equipment or parts thereof, or any material which will, or is likely to impair or harm the air water and natural resources, and public trust therein, and/or the public health and safety. Only material which will settle firmly without pockets shall be used.
 - b. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water consistent with soil makeup depths from pre-excavation samples.
 - c. 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 and to minimize erosion
 - d. Within twelve (12) months of cessation of mining operations, all plant structures, buildings, stockpiles and equipment shall be removed, provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which the property is located may be retained.

5. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Land Use permit may result in the immediate revocation of said Special Land Use permit and any and all other sanctions and/or penalties available to the Township and/or State
6. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of his intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, he shall not declare abandonment.
7. Financial Guarantees: A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the Township Treasurer. The performance guarantee shall be in the form of a letter of credit, a certified check, a cash bond or a performance bond with the Township named as the principal. The bond shall be returned when all conditions stipulated in the Special Land Use permit have been met and the Special Land Use permit revoked prior to its release. There shall be no partial release of the bond.
8. Extraction Fees: The operator shall, as a condition of the special land use, comply fully with the Township in the payment of any extraction fees that may be established either prior or subsequent to the application for the special land use permit.
9. Issuance of a Special Land Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities and such successor is found by the Planning Commission to have experience and credentials substantially equivalent to those of the original applicant. At that time, the Special Land Use permit may be transferred.
10. Permit Expiration: If approval for a Special Land Use permit is granted by the Planning Commission for a period exceeding one (1) year, the operation shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.
11. Annual Reports: Each year, the applicant shall provide an annual report to the Zoning Administrator or Planning Commission indicating progress in implementation of the material extraction plan as outlined in this Section. In the event the Zoning Administrator determines that progress on the site is not proceeding in general conformance with the material extraction plan or the Zoning Administrator finds that the operations on the site have departed in a material way from the approved Special Land Use permit, the Zoning Administrator shall require that the applicant submit, within ninety (90) days of being so notified, an amended special land use application pursuant to this Section which shall be reviewed by the Planning Commission as if it were a new application. If no such amended special land use application is filed by the applicant, the Township may consider the suspension or revocation of the special land use in accordance with Section 300.1402, 12.

No more frequently than every five (5) years, the Zoning Administrator may require that the applicant provide at its own expense, an independent certification by a licensed surveyor or

engineer, of the quantity of materials removed in the period since the last certification, the quantity of materials imported (if any) and their location on the site, the quantity of materials stockpiled and their location on site, the approximate quantity remaining on site but not yet extracted, the condition of any areas previously mined and reclaimed and the approximate remaining life of the facility.

12. Modification of the Site Plan: The Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:
 - a. Modification of the plan is necessary so that it will conform to the existing laws.
 - b. It is found that the previously approved plan is clearly impractical to implement and maintain.
 - c. The approved plan is obviously not accomplishing the intent of the Ordinance.

300.1418 Reserved

300.1419 Nursing Homes

Nursing homes shall be subject to the following requirements:

1. The use shall be established and maintained in accordance with all applicable local, State and federal laws. As a condition of special land use approval, the use shall at all times maintain all valid State and local licenses.
2. A nursing or convalescent home shall not be located within fifteen hundred (1,500) feet of any other nursing or convalescent home.
3. Sufficient off-street parking shall be provided on-site.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

300.1420 Parks

Parks shall be subject to the following requirements:

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential district or use.
3. Any building shall comply with the yard setback requirements of the district in which it is located.

300.1421 Planned Unit Developments (PUD)

1. Purpose and Intent. It is the purpose of this section to permit flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects. The basic provisions concerning Planned Unit Development are the subdivision, development, and use of land as an integral unit, combining more than one primary land use and which may provide for single-family residential, multi-family residential, education, business, commercial, recreation, park and common use areas, which are compatible with one another and provide for efficient use of land. The objectives of these Planned Unit Development standards are:
 - a. To permit flexibility in the regulation of land development.

- b. To encourage innovation in land use, the potential for mixed land use, and variety in design, layout, and type of structures constructed.
 - c. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
 - d. To encourage useful open space, and to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and Township.
 - e. To encourage the innovative use, re-use, and improvement of existing sites and buildings.
2. Standards. A Planned Unit Development shall meet the following standards:
- a. A PUD is permitted in the following zoning districts only: R-2, R-3, LR, C-1, C-2 or I-1.
 - b. In acting upon the application, the Planning Commission may alter lot size limits, required facilities, buffers, open space areas, setback requirements, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations, where such regulations or changes are consistent with the intent, objectives, and standards set forth in this Section.
 - c. The Planning Commission may also authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section, the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved PUD unless expressly retained in the special land use permit.
 - d. In order to be eligible for a PUD, the proposed area shall have a minimum area of five (5) acres.
 - e. Maximum Densities: For the purposes of this chapter, maximum densities shall be determined on the basis of the gross area of the proposed PUD District. The maximum residential density of a PUD may exceed that of the underlying zoning district, provided that it is not more than one and one half (1.5) times the maximum density of residential living units permitted in the zoning district in which the PUD lies. The increase in density proposed for the PUD shall be justified in the documentation supplied with the PUD application in terms of the design criteria intended for the PUD, including character of the proposed development, provision of public utilities, community services, and open space and recreational amenities provided as part of the PUD.
 - f. Usable Open Space Requirement. A PUD containing dwellings shall maintain a minimum of 350 square feet of useable open space per dwelling unit, or 20,000 square feet, whichever is greater. Such open space shall be set aside through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, that ensures the open space shall remain undeveloped in perpetuity.
 - g. Sewer and Water Service: A PUD shall be served by public water and sanitary sewer utilities.
 - h. Performance Guarantee. In authorizing a PUD, the Township may require a performance guarantee in accordance with Section 300.2012 of this Ordinance.
3. Application Procedures.
- a. Pre-application Conference. Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Zoning Administrator, and such consultants as deemed appropriate. The applicant shall present at the conference a sketch plan of the proposed Planned Unit Development, and the following information:

- 1) A legal description of the property in question;
 - 2) The total number of acres to be included in the project;
 - 3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
 - 4) The approximate number of acres to be occupied and/or devoted to or by each type of use;
 - 5) The number of acres to be preserved as open space or recreation space; and
 - 6) All known natural resources and natural features.
- b. Following the above conference, copies of a Site Plan and application for a PUD special land use request shall be submitted to the Zoning Administrator in accordance with the requirements of Section 300.1402.
- c. In addition to the requirements of Article 14 and Article 16, the PUD site plan shall include the following information:
- 1) The location and proposed use for all proposed structures on the site.
 - 2) Size and location of all areas devoted to green space.
 - 3) A phasing plan indicating boundaries and uses included to be constructed during the phase.
 - 4) A narrative describing:
 - i. The nature of the project.
 - ii. The proposed density, number, and types of dwelling units if a residential PUD.
 - iii. A statement describing how the proposed project meets the objectives of the PUD.
 - iv. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - v. Proof of ownership or legal interest in property.
 - vi. Any other information deemed necessary by the Planning Commission to aid in the review of the proposed PUD.
- d. The Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the PUD application and shall be published and conducted in accordance with Section 300.2006 of this Ordinance
- e. Following the public hearing, the Planning Commission shall approve, approve with conditions, or deny the PUD special land use request and Site Plan.
- f. In making its decision, the Planning Commission shall document its findings of fact that the proposed PUD meets (or does not meet) the intent of the PUD district, the general requirements of Section 300.1403 and the following standards:
- 1) Granting of the Planned Unit Development special land use will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - 2) The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

- 3) The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.
- 4) The Planned Unit Development shall not change the essential character of the surrounding area when compared to permitted uses in the underlying zoning district.
- 5) The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Township.
- 6) The Planning Commission shall also consider the factors outlined in Section 300.1605 in making its decision.

g. PUD decisions cannot be appealed to the Zoning Board of Appeals.

300.1422 Professional Offices

Professional offices shall be subject to the following requirements:

1. The applicant shall demonstrate that the proposed establishment will be compatible with adjacent land uses and buildings.
2. The use shall have direct access to a paved road.
3. Parking areas shall be screened from view from any public right-of-way. If residential uses are adjacent to the parking area, a three-foot berm or fence shall be provided to block glare from vehicular headlights.
4. The Planning Commission may limit the hours of operation of the facility to protect the character of the vicinity and surrounding uses.

300.1423 Warehousing, Packaging, and/or Distribution Facility

Warehousing facilities shall be subject to the following requirements:

1. Additional landscaping may be required to help screen the building or any outdoor storage area.
2. Hazardous materials shall be disposed of, stored and handled as required by the Allegan County Health Department, the Michigan Department of Public Health, or other duly appointed authority. No hazardous materials shall be buried or incinerated on site.
3. The Planning Commission may require that outdoor lighting be turned off after normal business hours.
4. At least twenty (20%) percent of any elevation of a warehouse facility visible from a public road right-of-way shall be comprised of brick.

300.1424 Wireless Communication Antenna

Wireless communication antennas shall be subject to the following requirements:

1. Applicability. All new towers or antennas in Allegan Township shall be subject to these regulations, except as provided for below:
 - a. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section unless modified.
 - b. Exempt Towers or Antennas. The following types of wireless communications antenna may be administratively approved in the Township:

- 1) Amateur Radio Station Operators. Any tower, or the installation of any antenna, that is under one hundred and twenty five (125) feet in height and is owned and operated by a federally-licensed amateur radio station operator, may be approved by the Zoning Administrator as an accessory use.
 - 2) The following uses of wireless communication antenna may be administratively approved after review by the Zoning Administrator:
 - i. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the industrial district provided it is setback a minimum of three hundred (300) feet from a public right-of-way.
 - ii. Locating or collocating antennas on existing structures or towers.
 - iii. A tower that is modified or reconstructed to accommodate the collocation of an additional antenna, provided that it is of the same tower type as the existing tower.
 - iv. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 - 3) Antenna Placement on Publicly-Owned Facilities. Wireless Communication antenna or towers may be installed on publicly-owned water towers or other facilities, and their accessory equipment and shelters may be installed on publicly-owned property, in any zoning district, with a lease approved by the Township Board, and subject to the requirements of the Site Plan Review provisions.
2. Review Provisions and Zoning Districts Allowed: Except as provided above, wireless communication antenna and their accessory equipment and shelters shall be considered a Special Land Use.
 3. Additional Information Required for Review: In addition to the requirements for site plans and special land uses, the following information shall be provided by the applicant when applying to construct a wireless communication antenna:
 - a. Name and address of the proposed operator of the site.
 - b. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.
 - c. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.
 - d. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
 - e. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

- f. A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate through co-location.
 - g. Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Allegan Township, or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure. The Zoning Administrator may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate antennas within the Township, provided, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 - h. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. The applicant shall also demonstrate the reasons such existing towers or tall structures cannot be used in lieu of the proposed communication tower.
4. Once all required materials are submitted, the Planning Commission shall review the application in accordance with the standards of Section 300.1403 and shall either approve, approve with conditions, or deny the application within 90 days of receipt of all required information, as determined by the Zoning Administrator. If the Planning Commission does not approve, approve with conditions, or deny the application within 90 days, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
 5. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.
 6. General Provisions: Construction of wireless communication antenna including its accessory equipment and/or structures is permitted in Allegan Township as a special land use and is subject to the following provisions:
 - a. A communication antenna may be considered a principal or accessory use and shall be placed on parcels (whether the land is owned or leased by the tower or antenna owner) which have an area not less than the minimum parcel area and width for the district, except that the leased area in which the tower is located may have an area or width that is less than the minimum required.
 - b. All setbacks for the zoning district shall be met and in addition, no tower or antenna shall be placed closer to any property line than the radius of the certified fall zone and in no case less than 200 feet from any residence or 200 feet from a zoning district which does not permit wireless communication antenna as a Special Land Use.
 - c. All proposed towers of more than thirty-five (35) feet in height shall be submitted to the Michigan Aeronautics Commission and FAA for review and approval prior to approval by Allegan Township. All wireless communication antenna must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards

- and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- d. The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.
 - e. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
 - f. Monopole or lattice tower design is required. Guyed towers are prohibited.
 - g. All exterior lighting shall be in accordance with applicable federal requirements.
 - h. The Planning Commission may require landscape screening of the service building and fencing.
 - i. Strobe lights shall not be allowed except as required by FAA.
 - j. Signs; No signs shall be allowed on an antenna or tower, except for one sign of not more than two (2) square feet, listing the name, address and contact telephone number of the operator and not more than two (2) signs not to exceed two (2) square feet signaling "danger" or "no trespassing."
 - k. Towers or antenna and their accessory equipment and buildings shall be enclosed by a locked gate and security fencing at least 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
 - l. Applicant shall certify its intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease.
 - m. Notwithstanding the provisions of this section, the maximum height for a wireless communication antenna in Allegan Township shall be one hundred ninety-nine (199) feet.
7. Removal of Abandoned Antennas and Towers: A wireless communication antenna that is unused for a period of twelve (12) months shall be removed at the owner's expense. The applicant or owner is responsible for the removal of an unused tower. Failure to remove the wireless communication tower following reasonable notice shall be sufficient cause for the Township to regard the facility as a nuisance per se and remove the structure.
8. Bonds: The owner of a wireless communications antenna; including equipment/accessory buildings, shall post a bond with Allegan Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the communication tower. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Planning Commission as a condition of approval.
9. Nonconforming Towers.
- a. Pre-existing towers that do not meet the requirements of this section shall be allowed to continue in use as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, other than routine maintenance on a pre-existing tower

shall comply with the requirements of this Ordinance. Modifications to height and type of construction of pre-existing towers shall not be permitted, except in conformance with this Section.

- b. Rebuilding Damaged or Destroyed Nonconforming Towers. Nonconforming towers that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

300.1425 Towing Service

Towing service establishments shall be subject to the following requirements:

1. The applicant shall demonstrate that the proposed establishment will be compatible with adjacent land uses and buildings.
2. Such facilities shall include a secured outdoor storage area for the temporary storage of towed vehicles.
3. The temporary outdoor storage area shall be screened to such that the visual impact from neighboring residential uses or the public right-of-way is minimized.
4. The Planning Commission may require additional landscaping or fencing to help screen the building or any temporary outdoor storage area.
5. Towing services shall at all times be maintained in a manner consistent with the character of the surrounding uses.

Article 15 – Parking and Loading

300.1501 Purpose and Intent

The intent of this Article is to ensure sufficient land area out of the public right-of-way set aside for the temporary storage or parking of motor vehicles to avoid vehicle congestion and parking on roadways. As such, no parking space required herein shall be located in, or encroach upon, any public right-of-way unless otherwise noted. Additionally, this Article is intended to prevent “over-parking” and excessive parking area pavement, which can undermine the rural character of the Township and cause storm-water runoff issues.

300.1502 Scope

In all zoning districts, off-street facilities for the temporary storage or parking of motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided in accordance with this Article.

Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use(s). If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means as applicable, additional off-street parking shall be provided commensurate with such increase in intensity of use.

300.1503 General Standards

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

1. The number of off-street parking spaces required shall be determined in accordance with Section 300.1504. For uses not specifically mentioned therein, the quantity of off-street parking required shall be established by the Zoning Administrator using requirements for similar uses and/or using technical publications from entities such as the Institute of Transportation Engineers or other similar objective standards.
2. Any area once designated as required off-street parking shall never be changed to any other use unless and until equivalent facilities are provided elsewhere. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building shall not be reduced to an amount less than would hereinafter be required for such building or use.
3. Provision of common parking facilities for several uses in the same vicinity is encouraged. Two (2) or more buildings or uses may collectively provide the 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 individual uses computed separately. The total number of parking spaces provided for each use may be less than the total cumulative individual requirements if the peak needs for the use(s) occur at distinctly different times of the day from the peaks of the other use(s), as determined by the Zoning Administrator or Planning Commission.
4. The storage of merchandise and junk within a designated parking area is prohibited. Motor vehicles for sale and the repair of vehicles shall be prohibited in all parking areas, except for those vehicles registered in the name of persons owning or renting the housing on the lot where such

repair activity takes place for a period not to exceed 30 days, and except for approved business uses involved in the conduct of motor vehicle sale or repair.

5. Off-street parking, whether public or private, for nonresidential uses and multiple-family development shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
6. Off-street parking facilities required for single and two-family dwellings shall consist of a driveway, and typically a garage or combination thereof, and shall be located on the premises they are intended to serve. For single and two-family dwellings, off-street parking shall not be permitted in the required front yard except on a driveway which leads to an approved parking space.
7. The parking lot and its driveways shall be effectively screened pursuant to Section 300.1330 of this Ordinance.
8. Parking lot and driveway lighting facilities shall be arranged and designed pursuant to Section 300.1323 of this Ordinance.

300.1504 Quantity of Parking Spaces

The number of parking spaces required on a site shall be determined based on the requirements below. The minimum requirements below may be adjusted per Section 300.1505. Where the requirements indicate a certain number of spaces “per employee,” it shall mean the total number of employees working in the largest shift. Where the requirements indicate that the applicant demonstrate parking demand, the applicant shall submit a narrative or analysis that clearly relates the proposed number of parking spaces to actual projected demand; however, the Zoning Administrator and/or Planning Commission may consult technical publications from entities such as the Institute of Transportation Engineers to determine required parking to evaluate and confirm any such parking demand projection.

Use	Minimum Parking Requirement
Adult day care family home	Applicant shall demonstrate parking demand
Adult day care group home	Applicant shall demonstrate parking demand
Adult foster care family home	Applicant shall demonstrate parking demand
Adult foster care large group home	Applicant shall demonstrate parking demand
Adult foster care medium group home	Applicant shall demonstrate parking demand
Adult foster care small group home	Applicant shall demonstrate parking demand
Art studio	Applicant shall demonstrate parking demand
Assisted living facility	1 space per 2 dwelling units or bedrooms
Automobile repair facility	1 space per employee plus 2 spaces per service bay
Automobile sales facility	Applicant shall demonstrate parking demand
Bed and breakfast establishments	2 spaces for principal dwelling use plus 1 space per rental room

Use	Minimum Parking Requirement
Campground	2 spaces on each campsite plus 1 space per 5 campsites
Car wash	3 stacking spaces per bay plus 1 space per 350 square feet of retail/office space
Child care center	1 space per employee plus 1 space per 4 persons cared for
Churches	1 space per 4 units of legal capacity in main worship room
Contractor's yard	1 space per employee plus 1 space per 500 square feet of retail or showroom space
Day care, family	Applicant shall demonstrate parking demand
Day care, group	Applicant shall demonstrate parking demand
Dwelling, live/work	2 spaces per unit
Dwelling, single family	2 spaces per unit
Dwelling, two-family	2 spaces per unit
Educational facilities	1 space per employee plus 1 space per classroom plus 1 space per 4 seats of seating capacity in a gymnasium or auditorium
Essential services	Applicant shall demonstrate parking demand
Farm	Applicant shall demonstrate parking demand
Financial Institution	1 space per 200 square feet of usable floor area
Foster care facility	Applicant shall demonstrate parking demand
Funeral home and mortuary	1 space per employee plus 1 space per 4 units of legal capacity
Gas station	1 space per 150 square feet dedicated to retail activity plus 1 space at each fuel pump plus 1 stacking space per fuel pump
Government building	Applicant shall demonstrate parking demand
Home occupation, major	Applicant shall demonstrate parking demand
Home occupation, minor	Applicant shall demonstrate parking demand
Hotel / motel	1 space per rental room, plus additional spaces for restaurant, convention and other space as determined by the Zoning Administrator based on publications from the Institute of Transportation Engineers or similar
Indoor recreation facility	Applicant shall demonstrate parking demand
Institutional uses	Applicant shall demonstrate parking demand
Junkyard	Applicant shall demonstrate parking demand
Kennels	Applicant shall demonstrate parking demand
Manufacturing or processing establishment	1 space per employee plus 1 space per 2,000 square feet usable floor area
Medical clinic	1 space per employee plus 1 space per 200 square feet usable floor area
Mining operation	Applicant shall demonstrate parking demand

Use	Minimum Parking Requirement
Packaging / distribution facility	1 per employee
Parks	Applicant shall demonstrate parking demand
Personal service establishment	1 space per 350 square feet usable floor area
Private club or lodge	1 space per 300 square feet usable floor area
Professional and business office	1 space per 3 units of legal capacity
Research facility or laboratory	Applicant shall demonstrate parking demand
Resort	Applicant shall demonstrate parking demand, but no less than 1 space per sleeping room plus required spaces for other uses on site
Restaurants	1 space per 3 units of legal capacity
Retail store	1 space per 250 square feet usable floor area up to 10,000 square feet, plus 1 space per 350 square feet usable floor area in excess of 10,000 square feet
Riding stables	Applicant shall demonstrate parking demand
Roadside stands	Applicant shall demonstrate parking demand
Temporary uses	Applicant shall demonstrate parking demand
Self-storage facility	Applicant shall demonstrate parking demand
Theater	1 space per 4 units of legal capacity in performance hall
Warehousing facility	1 space per employee plus 5 visitor spaces
Wholesale facility	1 space per employee plus 1 space per 350 square feet of retail space

300.1505 Adjustment of Standards

The Planning Commission may increase or decrease the requirements of Section 300.1504 upon request of an applicant, up to 25% of the required minimum number of spaces. The applicant shall submit, in writing, justification for the proposed adjustment. Modifications shall not result in inadequate parking area; large, unwarranted amounts of unused parking space; or a reduction in critical open space or natural features. In addition, in approving any request to modify the parking standards, the Planning Commission must find that the proposed quantity of parking spaces would preserve the rural character of the Township, be consistent with Section 300.1501, and protect the public health, safety and welfare.

300.1506 Barrier-Free Parking

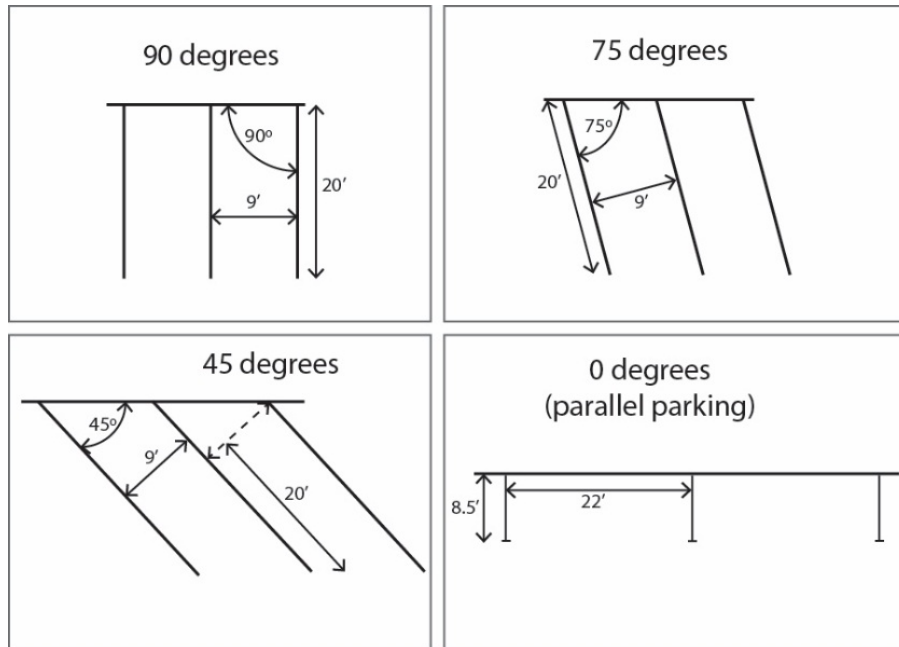
Barrier-Free Requirements. Off-street parking facilities as required under this Ordinance shall include, in accordance with the following table and identified by signs, parking spaces which are barrier free and designed in accordance with PA 1 of 1966, being MCL 125.1351-1356, as amended (Barrier Free Design), and reserved for physically handicapped persons. Signs shall be located approximately six (6) feet above grade. Each reserved parking space shall be not less than twelve (12) feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Barrier free parking spaces shall be located as close as possible to walkways and building entrances. Signs shall be provided when necessary indicating the direction to a barrier-free entranceway into a building.

Barrier Free Total Parking Spaces Provided	Parking Spaces Required Minimum Number of Barrier Free Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20, plus 1 for each 100 over 1,000

300.1507 Parking Lot Layout, Construction and Maintenance

1. Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives so located as to minimize traffic congestion.
2. Bumper stops or wheel chocks shall be provided, as necessary or as required by the Township, and located so as to prevent any vehicle from projecting over the lot line.
3. The parking lot and its driveway shall be designed to provide adequate drainage to eliminate surface water.
4. The surface of the parking lot, except for parking areas serving single and two-family dwellings, and including drives and maneuvering aisles, shall be constructed of asphalt, concrete or a similar all-weather dustless material approved by the appropriate reviewing body. The Township reserves the right to require a specific paving material in the interest of protecting the integrity of any nearby natural water features, to avoid excessive water runoff, to establish a dustless parking surface, or protect the public safety, health and welfare.
5. Parking areas shall be maintained in good condition, free of trash and debris, and parking spaces shall be clearly marked.
6. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Angle	Maneuvering Aisle (width)	Parking Space (width)	Parking Space (length)
0 degrees (parallel)	12 feet	8.5 feet	22 feet
30-59 degrees	13 feet	9 feet	20 feet
60-74 degrees	17 feet	9 feet	20 feet
75-90 degrees	24 feet	9 feet	20 feet



7. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street in a manner which will least interfere with traffic movements. All parking spaces shall be designed in such a manner as to not permit vehicles to back directly out onto a public street.
8. Parking lots shall be landscaped in accordance with Section 300.1331.

300.1508 Commercial Loading Space

1. For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition (1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and (2) off street loading spaces in relation to floor areas as follows:
 - a. Up to twenty thousand (20,000) square feet - one (1) space;
 - b. Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces; and
 - c. One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

2. Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and shall provide a height clearance of at least fourteen (14) feet. No such space shall be located closer than fifty (50) feet to any lot in any Residential Zoning District.
3. The Planning Commission may increase or decrease the number of loading spaces required by this Section upon request of an applicant. Such modifications shall not result in inadequate loading space; large, unwarranted amounts of unused loading areas; or a reduction in critical open space or natural features. In addition, in approving any request to modify the loading standards, the Planning Commission must find that the proposed quantity of parking spaces would preserve the rural character of the Township, be consistent with Section 300.1501, and protect the public health, safety and welfare.

Article 16 – Site Plan Review

300.1601 Purpose and Intent

The intent of this section is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish objectives in the utilization of land within the regulations of the Ordinance, with minimum adverse effect on the land, shore, highways, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance.

300.1602 Site Plan Required

1. Site plan review and approval shall be required before any change of use, or before any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development; and, except as hereinafter provided, no building permit shall be issued for any building or use, or reduction or enlargement in size or other alteration of any building or change in use of any building including accessory structures unless a site plan is first submitted and approved by the Planning Commission pursuant to the provisions of this Article.
2. All uses in the following districts shall require site plan approval:
 - a. C1 Neighborhood Business District
 - b. C2 General Business District
 - c. I1 Industrial District
 - d. GS Governmental Service District
3. In the AG, R1, R2 and R3 districts, site plan approval shall be required for all uses other than single-family dwellings, their accessory buildings, and farming structures.
4. Site Plan review and approval shall be required for all Special Land Uses, and for all developments, including single-family homes, to be located in wetlands as defined by the Michigan Department of Natural Resources (DNR) or with a 100 year floodplain as determined by the Federal Emergency Management Agency (FEMA).
5. Site plan review and approval shall not be required if the construction, alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

300.1603 Optional Sketch Plan Review

1. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to site plan review. The purpose of such procedure is to allow discussion between a developer and the Planning Commission, to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:
 - a. 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.
 - b. Legal description, property parcel number, and street address of the subject parcel of land.

- c. Sketch plans showing tentative site and development plans.
2. 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.

300.1604 Application Procedure

A request for site plan review shall be made at least twenty-one (21) days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator the following:

1. An application for Site Plan Review consisting of the following:
 - a. A completed application form, as provided by the Township.
 - b. Payment of a fee, in accordance with a fee schedule as determined by the Township Board.
 - c. A legal description of the subject property.
 - d. Ten (10) copies of the site plan, which shall include and illustrate at a minimum the following information:
 - 1) Small scale sketch of properties, streets and use of land within one-half (1/2) mile of the area.
 - 2) A Site Plan at a scale of not more than one (1) inch equals one hundred (100) feet showing any existing or proposed arrangement of:
 - i. Existing adjacent streets and proposed streets.
 - ii. Existing proposed lots.
 - iii. Parking lots and access points.
 - iv. Proposed buffer strips or screening.
 - v. Natural features including, but not limited to, open space, stands of trees, brooks, ponds, hills and similar natural assets both on the subject property and within one hundred (100) feet of the property line.
 - vi. Location of any signs not attached to the building.
 - vii. Existing and proposed buildings.
 - viii. Existing and proposed general topographical features including contour intervals no greater than two (2) feet.
 - ix. Present zoning of the subject property and adjacent property.
 - x. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
 - xi. Location and type of drainage, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
 - xii. Existing and proposed 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.

- xiii. Detail pertaining to proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination.
 - xiv. 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.
- 2) A narrative describing:
- i. The overall objectives 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.
2. Modification of Requirements: The Zoning Administrator or Planning Commission may waive the submission of materials outlined in this Section if such materials are determined to be not pertinent to the application.
3. 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 one copy to each Planning Commissioner; one (1) copy to the Fire Department 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 sixty (60) days of the date of the receipt of the plans and completed application.
 - c. The Planning Commission or Zoning Administrator may determine to hold a public hearing on any application for its plan to be approved. The Planning Commission or Zoning Administrator shall set the time and place for such public hearing and arrange for notice of such hearing in accordance with Section 300.2006 of this Ordinance.
 - d. After a public hearing, if held, 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.

300.1605 Site Plan Review Standards

In the process of reviewing a site plan, the Planning Commission shall consider the following:

- 1. That there is a proper relationship between the existing streets 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.

2. 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 and the neighborhood.
3. 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 neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, walls or landscaping.
5. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
6. That all buildings and structures are accessible to emergency vehicles.
7. That a plan for erosion control, storm water discharge, has been approved by the appropriate public agency.
8. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.
9. That the plan as approved is consistent with the goals, objectives and future land use policies of the Allegan Township Master Plan.

300.1606 Approved Site Plans

1. 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. Three copies of the approved site plan and any supporting documents shall be signed by the Chairman or Secretary of the Planning Commission and the applicant. Two copies of the approved site plan shall be kept on file by the Township and the other copy shall be retained by the applicant.
2. Conformity to Approved Site Plans: Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto which have received the approval of the Planning Commission or Zoning Administrator. If construction and development does 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 upon the site, other than for the purpose of correcting the violation.

3. Duration of Approval: An approved site plan shall be valid for a period of two (2) years after the date of approval. Upon written request by the applicant stating the reasons therefore, the Planning Commission may extend a site plan approval for an additional one (1) year period if the evidence shows that all of the following conditions exist:
 - a. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - b. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
 - c. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
 - d. There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.

An application for an extension of a site plan must be filed at least 60 (sixty) days prior to the expiration of the original site plan or the expiration of any extension previously approved by the Township, whichever is applicable.

4. If a site plan expires pursuant to subsection 300.1606, 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.

300.1607 Changes to Approved Site Plan

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator pursuant to the following standards:

1. Minor changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, trafficway, landscaping and building size up to ten (10) percent of the approved area, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting.
2. Major changes or amendments to an approved site plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation or of a building, and increase in the gross floor area or heights of buildings, a 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.

300.1608 Appeals

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

300.1609 Performance Guarantees

In approving a Site Plan, the Planning Commission may require a performance guarantee pursuant to Section 300.2012 of this Ordinance.

Article 18 – Nonconformities

300.1801 Purpose and Intent

It is recognized that within the zoning districts established by this Ordinance or amendments thereto, there exist uses, buildings, structures and/or parcels and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or an amendment thereto. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Article, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

300.1802 General Provisions for Nonconformities

1. Any lot, use of land, building or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, building or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing lot, use of land, building or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided that such lot, use of land, building or structure is in compliance with this Article.
3. A lawful use of land, building or structure which is under construction at the time of adoption of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this Article.
4. On any nonconforming building or structure, or on any building or structure located on a nonconforming lot or devoted in whole or in part to any nonconforming use, work may be done in on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, provided that the building or structure as it existed on the effective date or amendment of this Ordinance, shall not be altered or increased except in compliance with this Article.
5. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
6. A change of tenancy, ownership or management of any existing nonconforming lots, uses of land, buildings or structures, or of lots, uses of land, buildings or structures in combination, shall be permitted.

300.1803 Nonconforming Uses

1. No part of any nonconforming use shall be moved unless the movement does not increase the degree of the nonconformity.
2. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined by the Zoning Administrator to be abandoned if one (1) or more of the following conditions exists:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - b. The property, buildings, and grounds, have fallen into disrepair.
 - c. Signs or other indications of the existence of the nonconforming use have been removed.
 - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the property owner or lessee to abandon the nonconforming use.
3. A nonconforming use shall not be changed to another use that is also nonconforming. Once a conforming use is established the prior nonconforming use may not be reestablished.
4. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Planning Commission or Zoning Administrator upon reaching a determination that the proposed enlargement, increase, or greater area:
 - a. Is not larger than fifty percent (50%) of the original nonconforming area.
 - b. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots.
 - c. Complies with all height, area, and/or parking and loading provisions with respect to such proposed extension, enlargement, or greater area.
 - d. Complies with any reasonable conditions imposed that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.

300.1804 Nonconforming Buildings and Structures

1. The expansion of a nonconforming structure shall be permitted provided that the addition complies with other provisions of this Ordinance and does not increase the degree of nonconformance.
2. Except as elsewhere provided in this Ordinance, in the event any nonconforming building or structure is damaged by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration does not exceed sixty percent (60%) of the replacement value as determined by the Building Inspector. If the cost of restoration exceeds sixty percent (60%) of the replacement value as determined by the Building Inspector, the building or structure shall only be rebuilt in conformance with all provisions of this Ordinance.
3. A nonconforming building or structure shall not be moved in whole or in part unless the movement eliminates or reduces the nonconformity.

300.1805 Nonconforming Lots

A nonconforming lot may be used for the purposes permitted in the zoning district in which it is located, provided that:

1. If the lot area or lot width is already less than the minimum requirements of this Ordinance, the lot shall not be divided or reduced in dimensions or area so as to increase the degree of nonconformance with the minimum requirements of this Ordinance.
2. Any principal building on a nonconforming lot shall be located so that at least sixty-six percent (66%) of the setback requirements of the District in which the lot is located are met.
3. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
 - a. Are in common ownership.
 - b. Are adjacent to each other or have continuous frontage.
 - c. Individually do not meet the lot width or lot area requirements of this Ordinance.

Parcels meeting the provisions of subsection A 1-3, above, shall be combined into a lot or lots complying as nearly as possible with the lot width and lot area requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

Article 19 – Zoning Board of Appeals

300.1901 Zoning Board of Appeals

1. There is hereby established a Zoning Board of Appeals in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended, being the Michigan Zoning Enabling Act. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act, as amended, and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured.
2. Membership, Terms of Office. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. The first member of such board shall be a member of the Planning Commission, and the Commissioner's term on the board shall be concurrent with their term on the Planning Commission. The Township Board shall appoint the remaining members of the Board. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as Chair of the Zoning Board of Appeals.

The term of office of each member shall be three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Township Board shall seek to stagger the expiration dates of members of the Zoning Board of Appeals so at least one member's term expires each year and to achieve a reasonable degree of continuity of membership from one year to the next. The Township Board may appoint at least two (2) alternate members, who shall each serve for three (3) years.

3. Meetings. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as the Board in its rules of procedure may specify. The Chair or in his absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.
4. Duties, Rules, Hearing and Decisions of Appeals, Right to and Grounds of Appeal. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures. It shall also hear and decide appeals from and review any order, requirements, decision or determination made by the administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County, or State. The grounds of every determination shall be stated.
5. Time to and Notice of Appeal: Transmission of Record. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the

Township Clerk, the Zoning Administrator or other officer from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds thereof together with a fee established by Township Board which shall be paid to the Township at the time the notice of appeal is filed. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

6. Stay of Proceedings Pending Appeal. An appeal shall stay all proceedings in furtherance of the action appealed, except as provided herein. Proceedings shall not be stayed in the event the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that a stay would cause imminent peril to life or property. The Zoning Board of Appeals or the Circuit Court may issue a restraining order to re-institute a stay on application and notice to the officer from whom the appeal is taken with due cause shown.
7. Hearings and Notices, Right to be Heard, Disposition of Appeals, Decision Not Final. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney. The Zoning 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. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power, in passing upon appeals, to vary or modify any of its rules, regulations or provisions in accordance with Section 300.1903 so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done. The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court.

300.1902 Duties and Powers of the Zoning Board of Appeals

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of intent of this Ordinance, but does have power to act on those matters where by statute or this Ordinance provision is made for an administrative review, interpretation, variance or exception as defined therein.

1. Review. The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or the Planning Commission or by any other official in administering or enforcing any provision of this Ordinance. The allegation shall be duly made within thirty (30) days of the date of decision being appealed. The date of decision is presumed to be five (5) days after the literal date of decision.
2. Interpretation. The Zoning Board of Appeals shall have the power to:
 - a. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts.
3. Variances. The Zoning Board of Appeals shall have the power to authorize variances pursuant to Section 300.1903 of this Ordinance.

300.1903 Variances

The Zoning Board of Appeals shall have the power to authorize, upon an appeal, variances from the requirements of this Ordinance if it finds that all of the conditions contained in this Section are met. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. Standards. In granting a variance, the Zoning Board of Appeals shall find that the variance request meets all of the following standards:
 - a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - b. The requested variance shall not permit the establishment within a district of any use that is not permitted within that zone district.
 - c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
 - d. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
 - e. The need for the requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
 - f. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
 - g. The requested variance is the minimum variance that will make possible the reasonable use of the land.
 - h. 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.
 - i. The requested variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
2. Rules. The following rules shall be applied in the granting of variances:
 - a. The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 - b. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a building permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.
 - c. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a

detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

3. Performance Guarantee. In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Zoning Board of Appeals may require that a performance guarantee pursuant to Section 300.2012 of this Ordinance.

Article 20 – Administration and Enforcement

300.2001 Zoning Administration

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

300.2002 Zoning Administrator

1. The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Administrator, the applicant must be: (1) generally informed of the provisions of this Ordinance; (2) have a general knowledge of the building arts and trades; and (3) be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.
2. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature or the violation and ordering the action necessary for correction. He/she shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal addition, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance or general law to ensure compliance with or to prevent violation of the provisions of this Ordinance.
3. All Township personnel responsible for carrying out their responsibilities under the terms of this Ordinance shall show proper credentials before entering private property for the purposes of carrying out such responsibilities.

300.2003 Duties and Limitations of the Zoning Administrator

1. The Zoning Administrator shall have the authority to grant Land Use Permits and to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
2. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Land Use Permit for any excavation or construction or use until such plans have been reviewed in detail and are found to be in compliance with this Ordinance. To this end, the Zoning Administrator shall require that an application for a Land Use Permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this Ordinance, be accompanied by a site plan in accordance with Article 16 of this Ordinance.
3. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application, and site plan, when required, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Land Use Permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.
4. Issuance of a Land Use Permit shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator shall have no authority to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land, except as such authority may be explicitly provided for in this Ordinance. The Zoning Administrator shall have

no authority to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.

5. The Zoning Administrator shall not refuse to issue a Land Use Permit when the applicant has complied with all applicable conditions required by this Ordinance. Violations of contracts such as covenants, deed or plat restrictions, or private agreements which may result upon the granting of said permit are not cause for refusal to issue a permit.

300.2004 Land Use Permit

1. Land Use Permit Required. No building or structure except farm buildings in the Agricultural District and Rural Estate District but not excepting 1) farm dwellings, 2) temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located, 3) temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project, and 4) accessory building of less than one hundred and forty-four (144), square feet, shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except wholly interior alterations or repairs at a cost of fifteen hundred dollars (\$1,500.00) or less, unless a land use permit therefor has been issued by the Zoning Administrator. An application for a permit shall be in writing and upon duplicate printed forms furnished by the Township. A permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies of the application over his signature and file one copy with the Township Clerk and return the other copy to the applicant. The Zoning Administrator shall also provide the applicant with a construction card signed by the Zoning Administrator stating the extent of the work authorized. This card shall be attached to and remain on the lot or premises during the progress of the work authorized.
2. Contents of Application. Each application shall include such reasonable information as may be requested by the Zoning Administrator in order to determine compliance with the terms and provisions of this Ordinance and shall include, as a minimum, the following information:
 - a. The location and actual dimensions of the lot or premises to which the permit is to apply;
 - b. The kind of buildings or structures to which the permit is to apply;
 - c. The width of all abutting streets;
 - d. The area, size and location of all buildings or structures to which the permit is to apply;
 - e. The type of use to be made of the building or structure to which the permit is to apply;
 - f. The use of buildings or structures on adjoining lands; and
 - g. The estimated cost of the building or structure.
3. The Zoning Administrator, in his/her discretion, may waive the inclusion of any of the foregoing information in an application if he/she shall determine that such information is not reasonably necessary for him/her to determine compliance with the terms and provisions of this Ordinance.
4. Accessory Buildings or Structures. Accessory buildings or structures, when erected, moved, placed reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require the issuance of a separate permit. A separate permit shall be required for accessory

buildings over one hundred and forty-four (144) square feet if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises.

5. Issuance of Land Use Permit. Within thirty (30) days after the receipt of any application, the Zoning Administrator shall either (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent.
6. Expiration of Land Use Permit. A permit for a single family dwelling for which all construction work has not been completed within one (1) year from the date of its issuance shall expire automatically; a permit for any other building or structure for which all construction work has not been completed within two (2) years from the date of issuance shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable once for additional terms of one (1) and two (2) years, respectively (one (1) year for single family dwelling, two (2) years for any other building or structure), on payment of an additional fee equal to one half (1/2) of the original permit fee.
7. Cancellation of Land Use Permit. The Zoning Administrator shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.
8. Fees. For each permit issued, a fee shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. A schedule of fees shall be set by the Township Board.

300.2005 Reapplication

No application for a Special Land Use, Site Plan Review, Planned Unit Development, or Variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence, or unless the site plan is substantially changed in the opinion of the Zoning Administrator.

300.2006 Public Hearing and Notice Requirements

Where this Ordinance requires the Township to provide notice of a public hearing for any decision or action permitted, authorized or required by this Ordinance or under Act 110 of the Public Acts of 2006 as amended, notice of the public hearing shall be given as follows:

1. The 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. Except as provided in subsection 4 below, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - a. The applicant;
 - b. The owner or owners of the subject property;

- c. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request, even if the 300 feet extends outside of the Township's boundaries; and
 - d. The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the Township's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
3. The notice of public hearing shall include the following information:
 - a. A description of the nature of the proposed amendment, application or request.
 - b. An identification of the property that is the subject of the application or request, if applicable. Except as provided in subsection 4 below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
 - c. State when and where the application or request will be considered.
 - d. Identify when and where written comments will be received concerning the application or request.
 - e. In the case of an amendment to the Ordinance or to the Zoning Map, the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
 4. When a proposed rezoning involves the text of the Zoning Ordinance or 11 or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation of the Zoning Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of subsections 2(b), 2(c) and 2(d), of this Section are not required, and the listing of individual property addresses under subsection 3(b) is not required.
 5. For a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township for the purpose of receiving the notice of public hearing.
 6. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

300.2007 Rehearing

1. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - a. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which were relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - b. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.

- c. The Township Attorney by written opinion states that in the Attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:
 - a. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 - b. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 - c. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
3. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

300.2009 Reserved

300.2010 Planning Commission

1. Allegan Township has created a Planning Commission in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended.
2. Membership
 - a. The Planning Commission shall consist of seven members. Members of the Commission shall be appointed by the Township Supervisor subject to approval by majority vote of the members of the Township Board elected and serving.
 - b. The term of each member shall be three years, and until a successor is appointed and qualified, except that any 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 three years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.
 - c. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests, as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health,

government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

- d. Members of the Planning Commission shall be qualified electors of the local unit of government, except that one Planning Commission member may be an individual who is not a qualified elector of the local unit of government.
 - e. 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. 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. Unless the Township Board, by ordinance, defines conflict of interest for the purposes of this subsection, the Planning Commission shall do so in its bylaws.
3. Officers of the Planning Commission
 - a. The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices, as it considers advisable. The Township Board member of the Planning Commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under subsection 4 hereof.
 - b. The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
 4. Procedures of the Planning Commission
 - a. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
 - b. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.
 5. Meetings of the Planning Commission
 - a. The Planning Commission shall hold not less than four regular meetings each calendar year. At its first meeting of each calendar year, the Planning Commission shall adopt and provide public notice of its regular meetings for the ensuing year in accordance with the Open Meetings Act, as amended; provided, however, that a meeting need not be held if pending matters do not warrant a meeting. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.
 - b. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, as amended. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
 6. Duties and Responsibilities of the Planning Commission. The member of the Planning Commission shall have the following principal duties and responsibilities, among others:
 - a. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.

- b. To prepare, consider and approve the Township Master Plan, in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended.
- c. 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 any such revisions or amendments.
- d. 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.
- e. 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.
- f. To promote understanding of and interest in the Master Plan and this Ordinance.
- g. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
- h. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
- i. To carry out other duties and responsibilities provided by law.

300.2011 Amendments

1. Amendments to this Ordinance may be initiated by the Township Board by resolution or by any interested person or person by petition to the Township Board.
2. Amendment Petition Procedure. All petitions for amendment to this Ordinance shall be in writing signed, and filed in the triplicate with the Township Clerk for presentation to the Township Board. Such petitions shall include the following
 - a. 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;
 - b. The nature and effect of the proposed amendment;
 - c. 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 right-of-way and easements bounding and intersecting the land to be rezoned;
 - d. The alleged error in the ordinance which 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.
 - e. The change or changing conditions in the area or the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
 - f. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

3. Applicable Factors. When reviewing an amendment request, the Township may consider, but shall not be limited to the following:
 - a. Whether the proposed change is in accordance with the Township's Master Plan.
 - b. Whether the proposed change represents a form of spot zoning.
 - c. Whether the proposed use would be incompatible with existing (and/or future) uses in the area.
 - d. Whether the proposed change would negatively affect the Township's ability to implement or follow the Master Plan for the area.
 - e. Whether the proposed use would add more acreage than can be justified, thereby detracting from the Township's ability to develop according to the Master Plan
 - f. Other factors set forth in the Zoning Enabling Act, Act 110 of 2006, as amended.
4. Amendment Procedure.
 - a. After initiation, amendments to this Ordinance shall be considered as provided in the Zoning Enabling Act, Act 110 of 2006, as amended.

300.2012 Performance Guarantees

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Allegan 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 or Zoning Board of Appeals may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure 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 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.
2. When a performance guarantee is required, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a Land Use Permit by the Zoning Administrator for the development and use of the land. Upon the deposit of the performance guarantee, when in the form of a cash deposit or certified check, the Township shall deposit it in an interest-bearing account.
3. 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 in the event of default by the applicant.
4. 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 from the date of the issuance of the Land Use Permit.
5. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposited funds when one-hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is

made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the Zoning Ordinance standards and the specifications of the approved site plan.

6. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the Township Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
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 amounts by which the costs 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 land use permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

300.2013 Fees and Applicant Escrow Accounts

1. The Allegan Township Board may establish by resolution, fees for appeals, application for amendments, special uses, site plan reviews, land use permits, 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.
2. If the Planning Commission or Zoning Board of Appeals 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.
3. 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.

Article 21 – Miscellaneous Provisions

300.2101 Severability

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

300.2102 Administrative Liability

No officer, member, agent, or employee of the Township Board, Planning Commission or Zoning Board of Appeals shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause arising out of the discharge of such person's duties and responsibilities pursuant to this Ordinance.

300.2103 Penalties and Injunctive Relief

1. Any person, corporation or firm who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals or the Township Board issued in pursuance of this Ordinance shall be in violation of this Ordinance, and each day said violation continues may be regarded as a separate violation. Any such violation is hereby declared to be a nuisance, per se. Whoever violates any provision of this Ordinance is guilty of a Municipal Civil Infraction, for which the fine is as follows:
 - a. Not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500) for the first offense, and
 - b. Not less than one hundred fifty hundred dollars (\$150) and not more than five hundred dollars for the second offense within a three-year period; and
 - c. Not less than three hundred dollars (\$300) and not more than five hundred dollars for the third offense within a three-year period; and
 - d. Five hundred dollars for the fourth offense and any subsequent offenses within a three-year period; and
 - e. all other costs, damages and expenses provided by law
2. The penalties provided herein shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

300.2104 Repealer and Savings

1. Repeal of Former Ordinance. The Allegan Township Zoning Ordinance of 8-4-75, including amendments and additions thereto, is hereby repealed as of the effective date of this Ordinance.
2. Savings. The repeal of the Allegan Township Zoning Ordinance of 8-4-75, as amended, shall not release any penalty or liability incurred under said Ordinance, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty or liability.

300.2105 Effective Date

This Ordinance shall become effective eight (8) days following publication of a notice of adoption in a newspaper of general circulation in the Township.

300.2106 Adoption

Adopted by the Allegan Township Board at a regularly scheduled meeting held on _____, 2015.

Moved by _____, support by _____ to adopt the Allegan Township Zoning Ordinance as recommended and approved by the Allegan Township Planning Commission.

Ayes:

Nays: