Chapter I
Title, Legal Basis & Effective Date

Section 1.1 Title

This Ordinance shall be known and may be cited as the "Golden Township Zoning Ordinance."

Section 1.2 Legal Basis

This Ordinance was adopted pursuant to the provisions of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

Section 1.3 Severability

The provisions of this Ordinance are severable. If any provision is held unconstitutional by any court, such holding shall not impair or affect the remaining provisions of this Ordinance.

Section 1.4 Repeal

This Ordinance repeals the previous Golden Township Zoning Ordinance in its entirety.

Section 1.5 Effective Date

This Ordinance shall become effective as of the date of publication of a notice of its adoption by the Golden Township Board of Trustees.

Chapter II
Purpose & Interpretation

Section 2.1 Purpose

The purpose of this Ordinance is to promote and preserve the health, safety, security, and general welfare; to provide for the orderly development of the township; to encourage the use of the lands and resources in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to create and maintain safe and favorable conditions for living, economic activity, and recreational activities; to reduce hazards to life and property; to provide, in the interests of health and safety, standards under which certain buildings and structures may be erected and used; to stabilize and enhance property values; to provide for safety in vehicular traffic on public roadways and in public and private parking areas; to establish minimum standards and regulations applicable to open spaces, lot and parcel size, the location and use of buildings and structures, and the development of land for residential, commercial, recreational, industrial, institutional, public and other purposes; to facilitate the development of adequate systems of transportation, fire protection, education, recreation, sewage disposal, safe and adequate water supplies, and other public requirements; to conserve life, property and natural resources, and the use of public funds for public services and improvements to conform with the most advantageous use of land, resources and properties; and to provide standards and regulations intended to assist with implementation of the Golden Township Master Plan.

Section 2.2 Interpretation

This Ordinance is not intended to repeal, annul or impair existing provisions of other laws or ordinances, or any private restrictions placed upon property by covenant, deed or other private agreement.

In those instances where this Ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings and structures, or on lot coverage, or where this Ordinance requires greater lot areas or larger yards or other open spaces than required by other laws, ordinances or private restrictions, the provisions of this Ordinance shall prevail.

Chapter III

Section 3.1 General Interpretation

For the purpose of this Ordinance, words used in the present tense include the future tense, words used in the singular include the plural, and words in the plural include the singular.

The term "shall" is always mandatory and not discretionary or directory. The term, "the Township" shall mean Golden Township in Oceana County, Michigan.

Any word or term not defined shall be defined by common or standard usage.

The word "building" includes the word "structure." The word "lot" includes the words "tract," "parcel" And “building site”. Amended June 8th 2004.

The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The term adjoining lots and parcels is intended to include lots and parcels separated by highways, roads, streets, rivers, public utilities, and easements.

The word "person" includes any individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Section 3.2 Definitions

Accessory Use

A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located.

Accessory Building

A freestanding building that is located on a lot on which a principal use or principal building is located, and that is devoted to and occupied by a use that is customarily incidental and subordinate to that principal building or use. Examples of accessory buildings include, but are not limited to, detached residential garages and sheds, boat houses, snowmobile sheds, greenhouses, guard or gate houses, barns, and swimming pools.

Adult uses

This term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, not run by therapists licensed by the American Massage Therapy Association or a graduate of a certified School of Massage Therapy, and nude artists or photography studios.
These terms are further defined as follows:

A. Adult Book Store- An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals, videotapes, movies, or adult-related

novelties which are characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

B. Adult Cabaret- An establishment including but not limited to, a café, restaurant, or bar which features go-go dancers, erotic dancing, lap dancing strippers, topless and/or bottomless wait-staff, male or female impersonators, or similar entertainers.
C. Adult Motion Picture Theater- An establishment presenting material distinguished or characterized by an emphasis on material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, for the observation by paying patrons.
D. Massage Establishment- An establishment having a fixed location for business where persons not certified by the American Massage Therapy Association or a graduate of a certified School of Massage Therapy administer massages for pay. A massage is defined as method of treating external human body parts by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument. This does not include massage to the scalp, neck, face or shoulders.
E. Nude Artist and Photography Studio- any premises used solely as a place which offers as its principal activity the providing of models to display “specified anatomical areas” or “specified sexual activities” as defined herein for artists or photographers for a fee or charge. 04-09-04
F. Specified Anatomical Areas- Specified anatomical areas are defined as less than completely and opaquely covered:
    1. Human genitals, pubic region, buttock, and female breasts displaying the nipple area.
    2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
G. Specified Sexual Activities
   Specified sexual activities are defined as:
    1. Human genitals in a state of sexual stimulation or arousal
    2. Acts of human masturbation, sexual intercourse, or sodomy
    3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

   Amended June 8th 2004.

Agricultural Labor Camp

A lot and all buildings or structures pertaining thereto, part of which is established, occupied or used as living quarters for migratory laborers engaged in agricultural activities, including related food processing, and which may or may not be licensed under the provisions of Act 368 of the Public Acts of 1968, as amended.

Amusement Facility

A business enterprise, which may or may not include buildings and structures, where there are various rides, devices, and/or coin-operated games for entertainment of and/or use by patrons.

Basement

That portion of a building partly below the grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and Breakfast Establishment

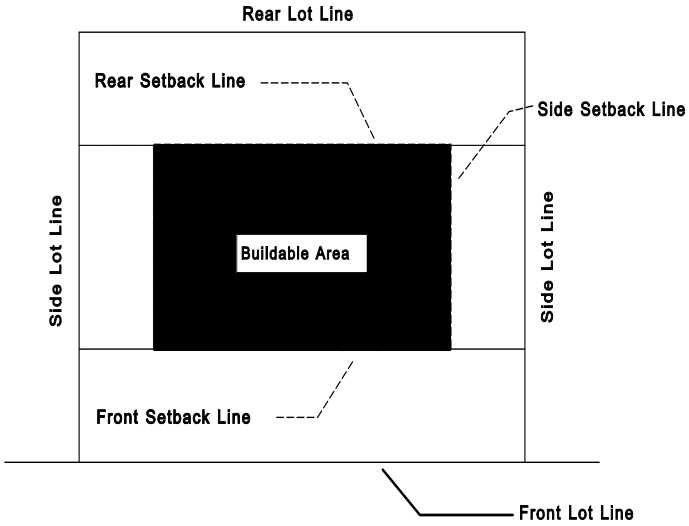
A private residence that offers sleeping accommodations to the travelling public in six (6) or fewer bedrooms located within the residence, and that offers breakfasts to its lodgers for no additional cost.

Boarding House

A single-family dwelling where lodging and meals are furnished to three or more persons who are not members of the family occupying the dwelling on a weekly or monthly basis.

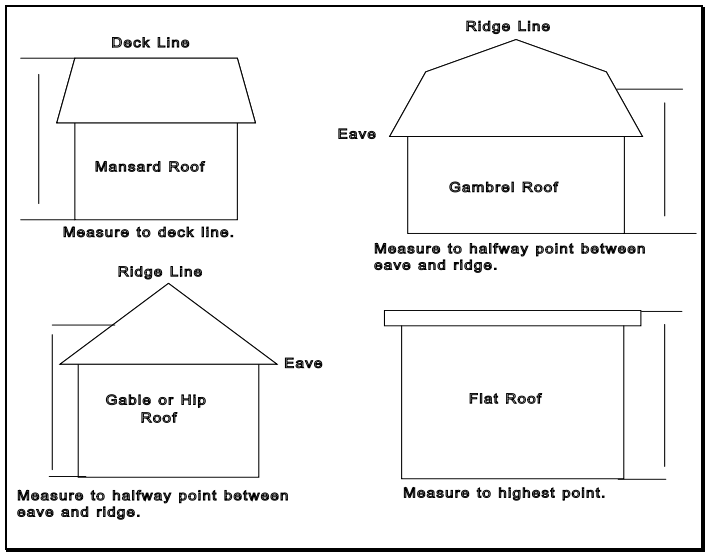
Buildable Area

That portion of a lot or building site excluding required yards and open space areas. Amended June 8th 2004.



Building

A structure, either temporary or permanent, having a roof supported by columns, walls, or other supports, which is for the purpose of housing, storing, enclosing or sheltering persons, animals, personal property, or for conducting business activities or other similar uses.



Building, Principal

A building within which is conducted the principal or main use of the lot on which it is located.

Building Height

The vertical distance from the established grade at the center of the front of the building, to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gabled, hip and gambrel roofs.

Campground

A business or parcel that offers sites for Recreational Vehicle units or tents on a daily, weekly, monthly, or annual basis. Accommodations may include, but are not limited to camp store, swimming pool, and recreational facilities. Amended June 8th 2004

Carry-Out Restaurant

A business establishment which by design of physical facilities, or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not encouraged.

Common Elements

Portions of a condominium project and site condominium project other than the condominium units. Amended June 8th 2004

Condominium Project

Land developed and owned under the provisions of the Condominium Act (P.A. 59 of 1978, as amended).

Condominium Project, Site

A subdivision where the owner of a unit also owns the defined lot where the building is located. Amended June 8th 2004.

Condominium Unit

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

Condominium Subdivision

A division of land, on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act (P.A. 591 of 1996, as amended).

Development or to Develop

The construction of any new building or other structure on a lot, the relocation of any existing buildings, or the use of a lot for any new use.

Dock

A temporary or permanent structure, built out and over the water, supported by pillars or pilings, which provides a mooring for one or more for motorboats or sailboats.

Drive-In Establishment, Drive-Through Establishment

A business which offers goods or services to customers who purchase goods or services while remaining in their in vehicles.

Drive-In Restaurant

A business establishment which by design of physical facilities permits or encourages the purchase and consumption of prepared ready-to-eat foods by customers who remain in their vehicles.

Driveway, Residential
A driveway providing access from a public or private road to a single parcel of property.
(amended December 1999)

Driveway, Commercial

A driveway providing access from a public or private road to any business enterprise, resort, public or private recreational facility, governmental or institutional facility, or to any multiple family dwelling.

Dwelling

A building that is designed, occupied and used exclusively as a residence for one or more families. Accessory buildings, tents, automobiles, school busses, and recreational vehicles are not considered to be dwellings under the meaning of this definition, and shall not be utilized as such. Amended June 8th 2004

Dwelling, Single Family

A building that is designed for occupancy and use by one (1) family.

Dwelling, Two Family

A building that is designed for occupancy and use by two (2) families living independently of each other in separate dwelling units.

Dwelling Multiple Family

A building that is designed for occupancy by three (3) or more families living independently of each other in separate dwelling units.

Dwelling Unit

One or more rooms designed for occupancy and use as an self-contained housekeeping unit for one family, including kitchen, sleeping and sanitary facilities.

Dwelling Unit, Senior Independent
A separate dwelling unit in a Retirement Community building which provides a minimum of 575 square

feet of floor area to be occupied by no more than two occupants who are each 55 years of age or older. (amended 11/30/00)

Essential Service

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, in connection therewith including, buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health and safety and/or general welfare. Amended June 8th 2004.

Established Grade

The average finished ground level adjoining a building or structure at all exterior walls. When finished ground level slopes away from the exterior walls, grade shall be established by the lowest points between the building and the lot line. When the lot line is more than ten (10) feet from the building, average grade shall be established by the lowest point between a building and a point ten (10) feet from the building.

Family

1. Family means one person, two persons, two unrelated persons, or where there are more than two persons residing in a dwelling, persons classified constituting a family shall be husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, stepchildren, and legally adopted children, or any combination of the above persons living together in a single dwelling unit.

2. Domestic Unit: a domestic unit is a collective number of individuals living together in one dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other(s) and all are living and cooking as a single housekeeping unit.

3. Anyone seeking the rights and privileges afforded a member of a family or a domestic unit by this ordinance shall have the burden of proof by clear and convincing evidence of each of the elements of a family or domestic unit.

Family Day Care Home

A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four (4) hours during a calendar day.

Farm Building

Any building or structure other than a dwelling that is located on a farm, and that is essential to and customarily used on farms of that type for the agricultural purposes.

Flood Plain

An area adjoining the channel of a river, stream, water course, lake or other similar body of water which has been or could be inundated by floodwaters.

Floor Area

The area of all floors computed by measuring the dimensions of the outside walls of a building excluding porches, patios, terraces, breezeways, carports, verandas, attached garages, and attics having headroom of more than six and one-half (6.1/2) feet. For commercial buildings, areas used exclusively for the storage of goods or materials shall be excluded from the floor area calculation. Amended June 8th 2004.

Garage, Commercial

Any building that is not a private garage that is used for storing, repairing, servicing, cleaning, caring for, refinishing, reconditioning, renting, equipping, or sale of any vehicle.

Garage, Private

A detached accessory building, or portion of a dwelling used primarily for the storage of passenger vehicles by the occupants of the premises.

Gasoline Service Station

A business enterprise which in addition to the dispensing of vehicular fuels offers to perform automobile maintenance, service or repair by the business owner or owners representatives, and which nay offer incidental sale of merchandise, such as convenience foods and items not related to the maintenance, service or repair of vehicles.

Group Day Care Home

A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks a calendar year.

Hazardous Substances

A chemical or other material which is or may become injurious to the pubic health, safety, or welfare, or to the natural environment.

Home Occupation

Any profession or other occupation conducted in a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which complies with the regulations established by General Provisions Section 4.25.

Hotel

See Motel.

Inland Lake or Stream

A natural or artificial lake, pond or impoundment; a river, stream or creek which may or may not be serving as a drain as defined by PA 40 of 1956, as amended; or any other body of water which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Junk Yard or Salvage Yard

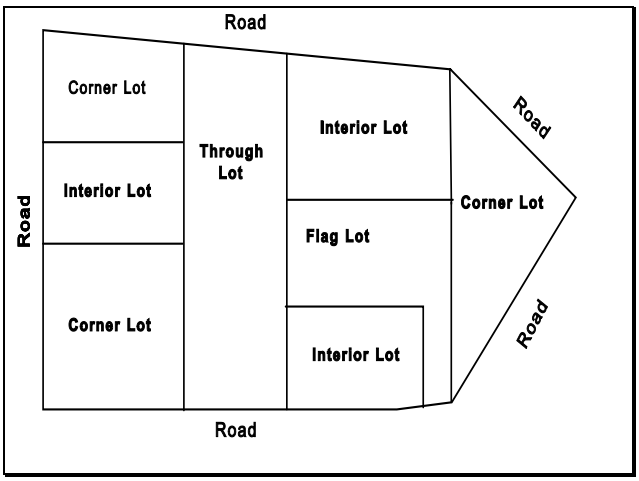
A business enterprise where junk, waste, discarded, salvaged or salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to wrecked or used motor vehicles, used building materials, used equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

Keyhole Development

The use of a waterfront lot as common open space for lake or stream access by the owners of lots that do not have frontage on a lake or stream, or by the patrons or occupants of a public or private campgrounds and resorts.

Lot

A measured portion of land that is a numbered lot in a platted subdivision, a condominium unit in a condominium subdivision building site in a site condominium project, or a parcel of land described by metes and bounds. Amended June 8th 2004



Lot, Corner

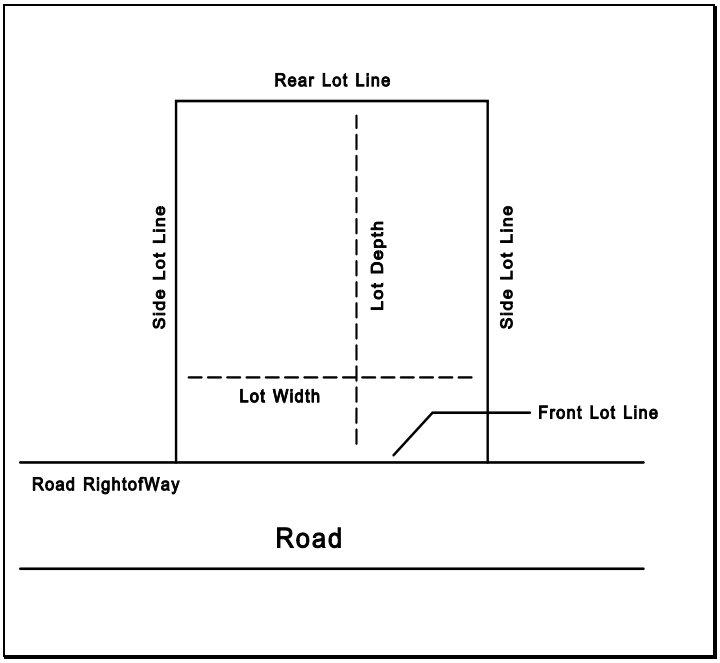
A lot or building site at which has frontage on two intersecting public or private roadways, or which has frontage on a curving roadway, provided that such frontage has an interior angle at the curve of less than 135 degrees. Amended June 8th 2004

Lot, Through

A lot or building site other than a corner lot having frontage on two non-intersecting public or private roadways. Amended June 8th 2004

Lot Line, Front

That property line separating a lot from a public or private road right-of-way. On a corner lot, the front lot line shall be those property lines separating the lot from both road rights-of-way.



Lot Line, Side

That property line that is neither a front or rear lot line.

Lot Line, Rear

That property line which is opposite and most distant from the front lot line. On a corner lot, the Zoning Administrator shall determine a property line, other than a front lot line, that will serve as the rear lot line. In the case of a non-residential corner lot, or permitted non-residential use in a residential zoning district, the Planning Commission shall determine which lot line, other than a front property line, that will serve as the rear lot line.

Lot, Water Abutting

A lot abutting a lake or stream.

Lot of Record, Lawful

A lot which has been recorded in the office of the Oceana County Register of Deeds on or before the effective date of this Ordinance.

Lot Width

The horizontal distance between side lot lines measured perpendicular to the side lot line, at the front yard setback line, and remaining undiminished between that setback line and the rear lot line.

Mini storage facility

A building or group of buildings for rent or sale to the public for storage of personal property, not as an accessory building or use.

Mobile Home

A single family dwelling unit of a type and quality conforming with the United States Department of Housing and Urban Development mobile home construction and safety standards, being 24CFR 3280, as amended, and which is transportable in one or more sections and designed to be used as a dwelling with or without a permanent foundation. A mobile home is not a recreational vehicle.

Mobile Home Park

A lot on which three (3) or more mobile 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 mobile home.

Motel

A business establishment providing lodging for the travelling public with parking facilities contiguous to the motel building. A motel may provide on premise food service or restaurant facilities for use by lodgers and other patrons, and may or may not provide on premise recreational facilities for use by patrons such as swimming pools and tennis courts. For the purpose of this Ordinance "motel" and "hotel" are considered synonymous.

Nonconforming Building or Structure

A lawfully established building, structure, or portion thereof that lawfully existed before the effective date of this Ordinance, and that does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which it is located.

Nonconforming Lot of Record

A lawfully established lot of record that does not meet the area and width requirements of the zoning district in which it is located.

Nonconforming Use

A use of land, or use of land and buildings, which lawfully existed before the effective date of this Ordinance that does not conform to the use regulations of the zoning district in which such land is located.

Ordinary High Water Mark

The line between upland (land lying above the ordinary high water mark) and bottomland (land lying below the ordinary high water mark) which persists through successive changes in water

levels, below which the presence and action of 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.

Parcel

A lot.

Park, Private

A lot contiguous to or located in a subdivision, condominium subdivision, or other condominium project that is owned by a property owner's association or condominium association that is exclusively designated and used for passive and active recreation by association members and which may or may not include bathhouses, picnic pavilions, and restroom facilities.

Park, Public

A publicly owned lot designated and used by the public for historic or recreational activities which may or may not include museums, bathhouses, picnic pavilions and restroom facilities.

Planning Commission

The Golden Township Planning Commission.

Public Utility

Any firm, corporation, municipal department, or board authorized to furnish and furnishing water, natural gas, propane gas, telephone, electricity, sewage disposal, or other utility services to the public.

Recreational Vehicle

A motorized or non-motorized vehicle or prefabricated portable structure such vehicle or structure being less than 12 feet wide designed and intended for use as a temporary living quarters for recreational, camping, or travel use, including travel trailers, pop-up camper trailers, motor homes, and truck-mounted campers. (Amended 5/8/2001)

Resort

A business establishment that provides temporary lodging accommodations, with or without meals and other services, for the travelling public. For the purpose of this Ordinance a resort can provide lodging accommodations in a single building having several separate lodging accommodations, in separate buildings each providing an individual lodging accommodation, or by a combination of lodging accommodations and campsites, and which may also provide on-premise recreational facilities such as swimming pools, tennis courts, and similar facilities.

Restaurant
A business establishment where food and drink is prepared, served and consumed primarily within the principal building.

Retirement Community

One or more one-story buildings comprised of Senior Independent Dwelling Units and which may also house central food service, exercise and social activity facilities. A Retirement Community is not a facility licensed by the state of Michigan to provide full-time, intermediate or extended nursing and/or medical care to persons who by reason of chronic illness, infirmity or advanced age are unable to care for themselves. (amended 11/30/00)

Road, Private

Any road or thoroughfare for vehicular traffic that is privately owned and maintained, and that provides the principal means of access to abutting properties.

Road, Public

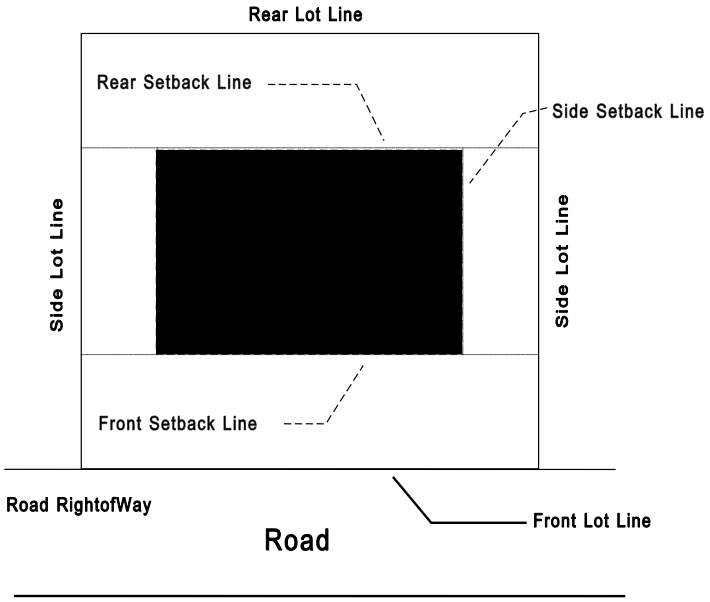
Any road, street or thoroughfare for vehicular traffic that is publicly owned and maintained, and that provides the principal means of access to abutting properties.

Roadside Farm Stand

A booth or other enclosure located on a farm from which farm produce and farm products are sold to the general public.

Setback

The distance between a lot line and the nearest point of a building or structure.



Setback Line

An imaginary line situated at ground level and parallel to a lot line or building site beyond which no portion of a building or structure may be located except as otherwise provided for in this Ordinance. Amended June 8th 2004.

Setback, Front

The linear distance measured between a front lot line or building site and any portion of a building or structure.
Amended June 8th 2004.

Setback, Rear

The linear distance measured between a rear lot line or building site and any portion of a building or structure
Amended June 8th 2004.

Setback, Side

The linear distance measured between a side lot line or building site and any portion of a building or structure.
Amended June 8th 2004.

State Licensed Residential Facility

A structure constructed for residential purposes licensed by the state pursuant to Act 287 of P.A. of 1972 as amended, and Act 116 of P.A. of 1973 as amended, which provides resident services for six (6) or less persons under 24-hour supervision for persons in need of such supervision. This definition does not include Adult Foster Care Facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

Story

That part of a building included between the surface of any floor and the surface of the next floor or the roof above. In the case of basements where the distance from the average established grade to the ceiling of a story below grade exceeds five (5) feet, then the basement shall be counted as a story.

Story, Half

A story which is situated within a sloping roof, the area of which at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in the story below.

Sign

See Chapter XIV for definitions of the various types of signs regulated by this Ordinance.

Street

See road.

Structure

Anything constructed or erected, the use or placement of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, including buildings, signs, billboards, swimming pools, gazebos, sheds, storage bins, though excluding fences, sidewalks, driveways and roads.

Tavern

Any business establishment where alcoholic beverages are sold for consumption by patrons on the premises.

Tourist Home

A private residence where lodging accommodations are provided to the travelling public for compensation with or without meals.

Township Board

The Golden Township Board of Trustees

Water's Edge

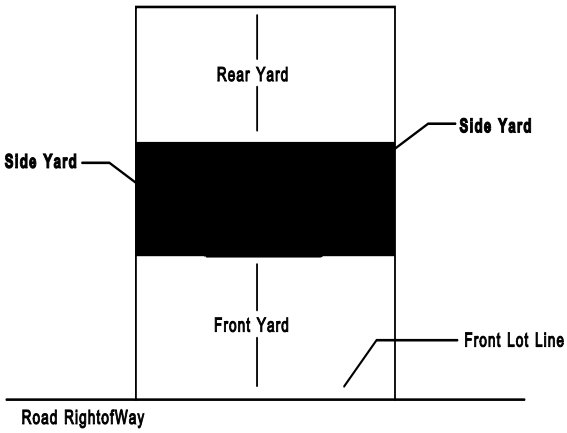
See ordinary high water mark.

Wind Powered generators

A structure designed and built to produce electricity. Such structure shall be operated only by wind power.
Amended June 8th 2004

Yard

An open space on the same lot with a building that is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum required horizontal distance between the lot line and any portion of a building or structure.



Yard, Front

A yard occupying the full width of a lot located between a front lot line and any portion of a building or structure.

Yard, Rear

A yard occupying the full width of a lot located between a rear lot line and any portion of a building or structure.

Yard, Side

A yard located between a side lot line and any portion of a building or structure.

Zoning Administrator

The Golden Township Zoning Administrator

Zoning Board of Appeals

The Golden Township Zoning Board of Appeals.

Chapter IV
General Provisions

4.1 Extent of Regulations

The regulations contained in this Chapter shall apply to all uses in all zoning districts except as may be provided elsewhere in this Ordinance.

4.2 Effect of Zoning

No building, structure, lot, use, or development shall be built, moved, extended, enlarged, altered, created, used, or occupied except in compliance with the provisions of this Ordinance.

4.3 Unlawful Uses Not Authorized

Nothing in this Ordinance shall be construed as authorization for nor approval of the continuance of the unlawful use of a building, structure, or land on the effective date of this Ordinance or any amendment thereto.

4.4 Principal Use of Property

Except as permitted elsewhere in this Ordinance, no more than one principal use uses shall be established on any lot.

4.5 Principal Use Required

Accessory buildings, structures, and uses shall be established only on lots occupied by a lawfully established principal use.

4.6 Road Frontage Required

All lots shall abut an improved public or private road.

4.7 Zoning Approval & Building Permits

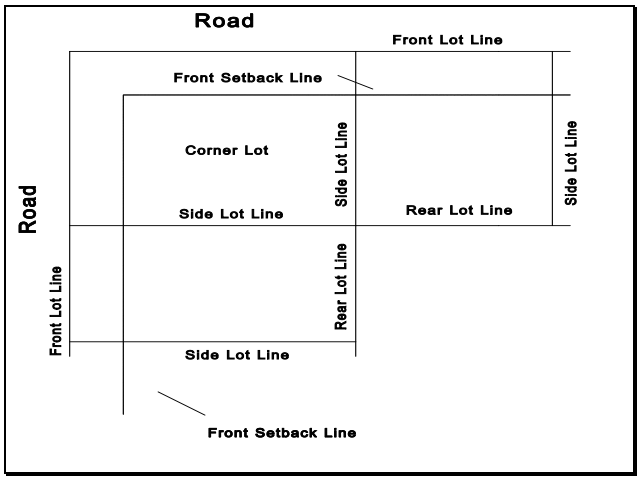
The construction of buildings and structures, and activities associated with the establishment of developments and uses regulated by this Ordinance shall be commenced only after zoning approvals required by this Ordinance and building permits required by the Oceana County Building Code have been obtained.

4.8 Moving of Buildings & Structures

The moving of an existing building or structure to a new location shall be considered an act of constructing a new building or structure, and all provisions of this Ordinance applicable to the construction of such building or structure shall apply.

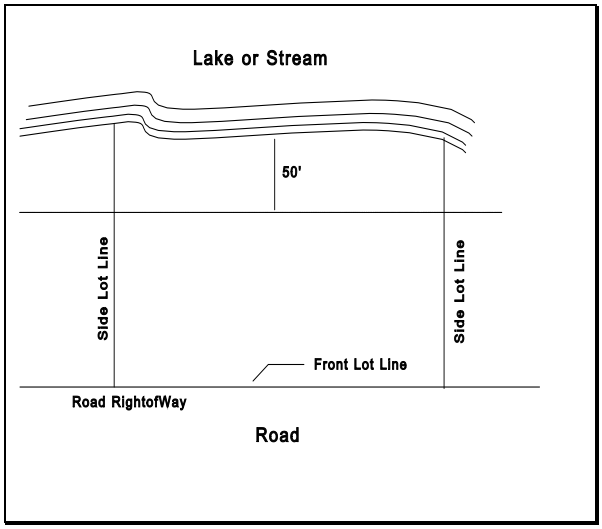
4.9 Front Yard Setbacks on Corner Lots

Front yard setback requirements shall apply to both yards fronting on road rights-of-way.



4.10 Front Yard Setbacks on Through Lots

Front yard setback requirements shall apply to both yards fronting on road rights-of-way.



4.11 Setbacks on Water Abutting Lots

On waterfront lots, all buildings and structures (except docks, boat houses, pump houses, and other structures authorized by this Ordinance) shall be set back at least fifty (50) feet from the water's edge.

If a lot is separated from the water's edge by a public or private road right-of-way or other easement, and if the width of such right-of-way or easement when combined with zoning district setback regulations is less than 50 feet, then the above provision shall apply.

4.12 Regulations Applicable to Dwellings

The following regulations shall apply to all dwellings located outside of licensed mobile home parks.

1. All dwellings shall comply with the minimum floor area requirements established by applicable zoning district regulations.

2. All dwellings shall have a minimum width across any front, side or rear elevation of 16 feet at time of construction. Modular and manufactured homes must be no smaller than 16 feet (manufacturer's classification) and be no older than 5 years at the time of placement. As amended 7-8-08.

3. All dwellings shall comply with the building, electrical, mechanical, and plumbing codes administered by Oceana County. In the event a dwelling is a mobile home, it shall meet or exceed mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, as amended.

4. All dwellings shall be placed upon and anchored to a foundation complying with the building code administered by Oceana County. In the event that a dwelling is a mobile home, it shall be placed upon a foundation complying with the building code administered by Oceana County, and shall be anchored to such foundation pursuant to the manufacturer's setup instructions in compliance with rules and regulations of the Michigan Mobile Home Commission.

5. Dwellings shall have no exposed towing mechanisms, undercarriage, or chassis.

6. All dwellings shall be connected to water supply and sewage disposal systems approved by the Oceana County Health Department.

7. Dwelling shall provide a storage area, either within the dwelling, or in a separate structure of standard construction. This storage area shall be equal to 10% of the habitable floor area of the dwelling or 100 square feet, whichever is be less.

4.13 Use of Basement as Living Quarters

When not attached to any above-ground dwelling, the use of a basement for living quarters shall be prohibited. The use of a basement of a partially completed building as a dwelling unit is prohibited.

4.14 Use of Semi-Trailers for Storage Purposes

The use of semi-trailers, **shipping containers, van truck boxes, and properly licensed utility trailers** for the storage of agricultural products in the agricultural zoning district prior to the shipment of such products for processing or sale is permitted in the agricultural zoning district as a matter of right, **they may not be used as dwellings**. The use of semi-trailers, **shipping containers, van truck boxes, and unlicensed utility trailers** for the storage of goods or materials in **R-1, RR, and AR** zoning district shall not be permitted unless otherwise stated on a Zoning Permit for no more than 6 months. The use of semi-trailers, **shipping containers, van truck boxes, and unlicensed utility trailers shall not be used as dwellings in any zoning district. (Amended 5-14-19)**

4.15 Lawfully Established Nonconforming Lots of Record

1. Lots in Platted Subdivisions
   Nonconforming contiguous separately numbered lots under single ownership in platted subdivisions recorded before the date of this Ordinance may be sold as separate buildable lots. Such lots shall be subject to the following setback regulations. The side and rear yard setbacks shall be no less than 6 feet. The front yard setback shall be determined by the average of the nonconforming front yard setbacks of existing buildings within 200 feet either way of the proposed building on the same side of the road. AMENDED JUNE 8TH 2004.

2. Lots Outside of Platted Subdivisions

Contiguous lots under single ownership outside of platted subdivisions lawfully created and recorded before the effective date of this Ordinance may be sold as separate buildable lots. Such lots shall be subject to applicable zoning district setback regulations.

4.16 Residential Accessory Buildings & Structures

1. Accessory buildings shall not be used for dwelling purposes, nor for the conduct of any business enterprise.

2. Accessory buildings shall comply with setback requirements for principal buildings.

3. Accessory buildings having a floor area of 200 square feet or less, shall be exempt from the provisions of the Oceana County Building Code, though shall comply with the setback requirements established by this Section.

4. An accessory building may be erected in any residential zoning district only as an accessory to an existing dwelling on which an occupancy permit has been issued. As amended 7-8-08.

4.17 Accessory Buildings on Water Abutting Lots

Except for bathhouses, gazebos, and buildings less than 120 square feet, accessory buildings may not be located between the water's edge and a required or established setback line, though may be located between a principal building and road right-of-way conditioned upon compliance with setback requirements applicable to principal buildings.

4.18 Accessory Buildings & Structures on Corner & Through Lots

Accessory building may not be located in the front yards of corner and through lots.

4.19 Detached Garages

On all lots of less than one-half (1/2) acre, one detached garage shall permitted per lot. Such garages shall be limited to one story of usable floor area, and shall not exceed 15 feet in height. Detached garages shall not be used to provide guest or living quarters on either a temporary or permanent basis.

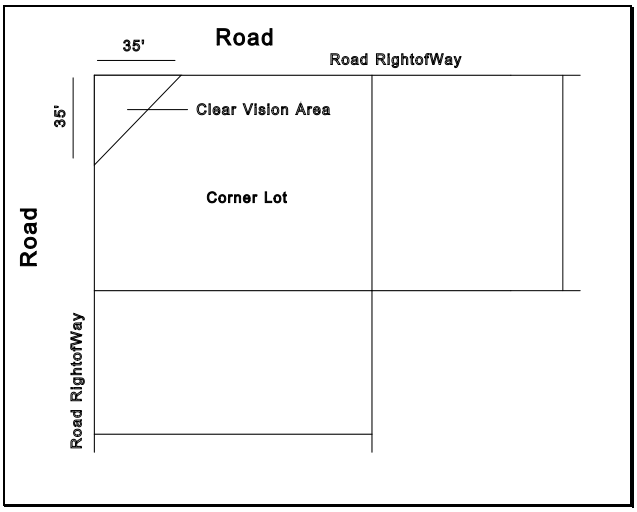
4.20 Other Accessory Buildings

On lots in platted subdivisions, one additional accessory building in addition to a detached garage is permitted provided such building does not exceed 400 square feet in area.

4.21 Swimming Pools

In and above ground swimming pools are permitted accessory structures, and shall comply with setback requirements applicable to accessory structures.

4.22 Traffic Visibility Across Corner Lots



No structure, fence or planting in excess of 30 inches in height shall be allowed within the area formed by the point of intersection of road right-of-ways, and the points on both road rights-of-way located 35 feet from the point of intersection.

4.23 Mixed Residential & Business Use in Same Building

When permitted by zoning district regulations, dwelling units located in buildings which are also used for business purposes must provide a minimum floor area of 720 square feet.

4.24 Water Supply & Sewage Disposal

All buildings shall comply with District Health Department regulations applicable to water supply and sewage disposal systems.

4.25 Home Occupations

1. Home occupations are permitted as a special use in all zoning districts in which single-family dwellings are permitted.
2. Home Occupations shall be operated in their entirety within the dwelling (not within an attached or detached garage or accessory building), and shall occupy no more than twenty-five percent (25%) of the dwelling's floor area. Attached and detached residential garages may be used for incidental storage.
3. Home Occupations shall be conducted only by the person or persons occupying the premises as their principal residence.
4. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
5. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to adjoining property owners and surrounding zoning district.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses. Any machinery, mechanical devices or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not associated with the use of the dwelling for residential purposes.
7. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
8. There shall be no parking permitted within any setback areas.
9. There shall be no exterior evidence of the Home Occupation other than an unlighted nameplate (see sign regulations in Chapter XIV) not to exceed two square feet in area.

4.26 Essential Services

Essential services are permitted in any Zoning District, subject to the following conditions:

1. Electrical substations, gas regulator stations, and any building associated with any essential services shall be subject to the site plan review provisions of this Ordinance.

2. The design of electrical substation and gas regulator stations shall incorporate measures to minimize aesthetic impacts on the surrounding area, such as use of screen walls and enclosures, dense vegetative screening, earth berms, and low profile and intensity of exterior lighting.

4.27 Storage of Hazardous Substances

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, and wetlands.
2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.

3. General purpose floor drains may be approved only if connected to a public sanitary sewer system, and only if approved in writing by the agency responsible for the operation and maintenance of such system. General purpose floor drains are prohibited under all other circumstances.

4. State and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater or surface water, whether direct or indirect, shall be allowed without required federal and state permits and approvals.

4.28 Escrow Funds.

Applications for Site Plan Review, Special Use Permits and PUDs shall be submitted with an application fee (as set from time to time by the Township Board) and an initial escrow fee in a dollar amount determined by the Planning Commission to be sufficient to offset the expenditure of public funds on the use of Township professional consultants during the review of such applications.

4.29 Garage Sales & Yard Sales

Garage sales and yard sales incidental to the use of a lot for residential purposes to sell household items shall be permitted during one consecutive seven day period of time during any calendar month. The operator of the garage or yard sale must be the owner, renter, or lessee of the parcel where the sale is being conducted. Flea market dealers and transient sellers are prohibited.
Amended June 8th 2004.

.Signs advertising such sales shall not exceed four square feet in area, and shall be displayed only during the duration of such sales. Amended June 8th 2004.

4.30 Fences & Walls

Walls and fences may be erected along any property line subject to the following standards:

1. All fences and walls shall be of sound construction, and shall be maintained in a sound and attractive condition.
2. No barbed wire or electrically charged fences shall be erected in any zoning district except the Agricultural/Residential zoning district.
3. All fences and walls in front yards shall be limited to a maximum height of four feet, and shall not be erected in clear vision areas on corner lots. Fences and walls in side yards shall be limited to a maximum height of six feet.

4. The Planning Commission may authorize the erection of fences of greater height than specified above as may be required for compliance with PUD, Site Plan Review, or Special Use approval standards.

4.31 Keyhole Development

The standards contained in this section shall apply to all lots having frontage on or access to any lake or stream regardless of whether access to a lake or stream is by way of an easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

1. In all zoning districts there shall be a segment (as measured along the water's edge) of lake or stream frontage that is equal to the minimum lot width required for those districts for each dwelling unit, cottage, condominium unit, or site condominium unit utilizing or having access to a lake or stream.
2. Any residential development (platted subdivision, condominium project, or association) that shares a common lake or stream frontage is permitted to provide lake or stream access to one dwelling unit, cottage, condominium unit, or site condominium unit for each segment of lake or stream frontage that is equal to the minimum lot width requirement of the zoning district in which such development is located.
3. Any residential development (platted subdivision, condominium project, or association) that shares a common lake or stream frontage is permitted to have one dock for each segment of lake or stream frontage that is equal to the minimum lot width requirement of the zoning district in which such development is located.
4. The provisions of this section shall not apply to keyhole developments in existence as of the effective date of this ordinance.

4.32 Private Road Standards (amended December 1999)

1. A 66 foot wide dedicated easement.

2 Minimum of 18 feet wide gravel surface with a depth of 6 inches compacted.
Amended June 8th 2004.

3. All necessary drainage i.e. ditches culverts etc.

4. A written maintenance agreement approved by the township board to be signed by the developer and/or property owners as the parcels are sold. Amended June 8th 2004.

4.33 Recreational Vehicle Use (amended 5/8/2001)

1. Recreational vehicles may be the primary use on lots only in upper Silver Lake Plats # 8 and #10 and the Plat of Lake Holiday Gardens; provided, however, such units must be limited to one unit per lot; must be connected to sewer and water systems approved by Dist. #10 Health Dept.; must have electrical hook-up Zoning permits are required for new installations, improvements and additions.

2. A permit may be granted for one recreational vehicle for up to 12 months following the issuance of a building permit for a primary use on that property and must be connected to sewer and water systems approved by District #10 Health Department for that property. As amended 7-8-08.

3. Except as provided in paragraphs 1 and 2 above in Section 4.33, recreational vehicles shall not be moved upon any property that does not have a legal primary use including but not limited to a dwelling; provided, however in RR and R1 RV's shall be limited to one (1) per parcel on parcels up to and including 5,000 sq. ft., two (2) per parcel on parcels 5,001 sq. ft. up to and including 12,000 sq. ft., three (3) per parcel on parcels from12,001 sq. ft. up to and including 1 acre, and four (4) per parcel of more than 1 acre. Such RV's shall be in place no more than seven (7) consecutive days with a maximum of thirty (30) days per year. As amended 7-8-08.

4. Any non-conforming use of a recreational vehicle, which existed before May 17, 2001, the effective date of this section 4.33, shall be exempt if and only if, such pre-existing use is registered with the Zoning Administrator not later that June 30, 2001. Such registration shall be in writing and shall state the date such use began, the make, year, and serial number of the recreational vehicle.

5. The exemption for pre-existing non-conforming use of a recreational vehicle applies only to the specific vehicle registered, and will not extend to a replacement vehicle. No improvements or additions may be made to such exempt recreational vehicles. Further, such non conforming use will be considered abandoned in the event of non use of the registered vehicle for a period of 12 months.

4.34 Adult Uses Amended June 8th 2004

It is recognized that adult uses, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to residential areas or houses of worship, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting, or downgrading of the surrounding areas. These regulations are for the purpose of preventing the concentration of these uses within an area or to prevent the deterioration or blighting of nearby neighborhoods. These controls do not legitimize activities which are prohibited in other sections of this Ordinnace.

1. Adult uses shall comply with the following requirements:
    a. The adult uses shall not be located within 1000 foot radius of any other such use or be located on a lot within 1000 feet of a park, school, child care facility, church, or place of worship.
    b. Signs for an adult use must comply with the sign provisions of this ordinance, and shall not include photographs, silhouette, drawings, or pictorial representations of any type, nor include any animation or flashing illumination.
    c. Signs must be posted on both interior and exterior walls of the entrances in a location clearly visible, using letters at least 2 inches high, that:
        1. "Persons under the age of 18 years are not permitted to enter"
        2. "No alcoholic beverages of any type are permitted within the premises unless allowed by license from the Michigan Liquor Control Commission".
    d. No product for sale or gift, or any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by any person of normal visual acuity from the nearest adjoining roadway or property.
    e. No adult use shall open for business before ten o'clock (10:00 A.M.) or after ten o'clock (10:00 P.M.). However, Employees or other agents may be on the premises at other hours for legitimate business purposes such as maintenance, record keeping, preparation, and similar purposes.
    f. No adult use may be expanded without review and approval by the Planning Commission.

4.35 Bed and Breakfast Amended June 8th 2004

A bed and breakfast establishment is an accessory use to a single family dwelling. The following regulations are in place to insure little or no negative impact on the neighboring residential properties.

1. Bed and breakfasts shall be operated by the owner of the dwelling, who must reside on the premises.
2. There shall be one off street parking space for each rented sleeping unit and two off street parking spaces for the residents.
3. Exterior refuse storage facilities beyond what might be normally expected for a single family dwelling shall be screened by a 6 foot high solid fence on all sides.
4. One sign no more than six (6) square feet in area shall be permitted. It may be illuminated by indirect light. It shall be set back ten (10) feet from any property line.
5. A maximum of two non family employees are allowed.
6. Meals may be served to family members, employees, and overnight guests only.

4.36 Group Day Care

A group day care home shall be issued a special use permit, conditional use permit, or other similar permit if the group day care home meets all of the following standards:

1. Is located not closer than 1500 feet to any of the following:
    a. another licensed group day care home
    b. an adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737

c. a facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, 11978 PA 368, MCL333.6101 to 333.6523
d. a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Dept. of Corrections
e. adult uses as described in Section 4.34 of this Ordinance.

2. Has appropriate fencing for the safety of the children in the group day care home as determined by the local unit of government.

3. Maintains the property consistent with the visible characteristics of the neighborhood.

4. Does not exceed 16 hours of operation during a 24 hour period. The local unit of government may limit but not prohibit the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.

5. Meets regulations, if any, governing signs used by a group day care home to identify itself.

6. Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodations for his or her employees.

4.37 Impervious Surface Limitation

In Resort 1, Resort Residential, and Agricultural Residential zones, impervious surfaces shall be limited to 50% of lot coverage. As amended 7-8-08.

Chapter V
Zoning Districts & Zoning Map

5.1 Establishment of Zoning Districts

For the purposes of this ordinance, Golden Township is divided into the following zoning districts:

R-1 Single Family Residential
RR Resort Residential
AR Agricultural Residential
RC Resort Commercial
CI Commercial Industrial
C-I Village Center Commercial
PUD Planned Unit Development

5.2 Zoning Map

The locations and boundaries of the above districts are established and shown on the Golden Township Zoning Map and are adopted as part of this Ordinance. The official zoning map shall be located at the Golden Township Hall, and together with other zoning records, shall be the final authority as to status of zoning of property in the township.

5.3 Interpretation of Zoning District Boundaries

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

Where boundaries are indicated as approximately following section lines, and/or half, quarter or eighth section lines, then such lines shall be construed as the district boundary.

Where boundaries are indicated as approximately following a street, then the centerline of such street, or such line extended, shall be construed as the district boundary.

Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

Boundaries indicated as approximately following the boundaries of platted subdivisions shall be construed as following such boundaries.

Boundaries indicated as following the shoreline of a lake, or the centerline of a stream, shall be construed as following such shoreline or centerline.

In cases where the application of the above rules leaves a reasonable doubt as to the boundaries between two districts, a boundary determination shall be made by the Zoning Board of Appeals after receiving a recommendation by the Zoning Administrator.

5.4 Lot Area, Lot Width, Setback & Height Requirements

Lot area, lot width and setback requirements for the various zoning districts are specified in Table 5.4.1.

TABLE 5.4.1-Lot Area, Lot Width, Setback & Height Requirements

Zoning District	Minimum Lot Area	Minimum Lot Width	Setbacks			Maximum Building Height
			Front	Side	Rear	
R-1	12,000 sf	100’	25’	10’	10’	35’
RR	12,000sf	100’	25’	10’	10’	35’
AR	2 ACRES	300’	40’	30’	40’	35’
RC	21,780sf	150’	25’	10’	25’	35’
C-1	0	0	0	0	0	35’
C-I	2 Acres	200’	75’	Note 5	15’	35’

Supplemental notes:

1. All buildings and structures must be set back at least 50 feet from the water's edge of a lake or stream.

2. Accessory buildings on water abutting lots may not be located between the water's edge and principal building.

3. Contiguous numbered lots under single ownership in platted subdivisions recorded before the effective date of this Ordinance may be sold as separate numbered lots,,side and rear yard setbacks shall be no less than 6 feet.
   The front yard setback shall be determined by the average of the nonconforming front yard setbacks of existing buildings within 200 feet either way of the proposed building on the same side of the road. Amended June 8th 2004.

4. Barns, silos and similar agricultural buildings and structures are exempt from height restrictions. Wireless communication towers and antennas. All towers and antennas regulated by chapter XIII-A are not permitted or authorized pursuant to the provisions of this Section (see 4.26) but are, instead, permitted only as provided in chapter XIII-A.

5. 10% of front lot width, minimum 10 feet maximum 50 feet (amended December 1999)

6. Minimum lot area includes building site area. Amended June 8th 2004.

7. Minimum dwelling size in all districts is 720 square feet. Amended June 8th 2004.

Chapter VI
R-1 Single Family Residential Zoning District

This zoning district has been established to accommodate high density, detached single-family residential development.

6.1 Permitted Uses

Churches

Detached single-family dwellings

Residential accessory buildings and structures

Family day care homes

State Licensed Residential Facilities

6.2 Uses Permitted as PUDs

Detached single-family site condominium subdivisions

Detached single-family platted subdivisions

Mobile home parks

6.3 Special Uses

Schools

Community clubs & fraternal organizations

Publicly owned buildings and other buildings required for the provision of essential services without exterior service or storage areas

Public and private parks

Retirement community (Amended 11/30/00)

Home occupations subject to the provisions of General Provisions Section 4.25

Group Day Care Home

Adult Foster Care for persons released from or assigned to adult correctional institutions

Other uses which are determined by the Planning Commission to be similar to the above permitted and special uses. Such determinations shall be subject to the application and public hearing procedures applicable to special uses as specified by Chapter XIII (Special Uses).

6.4 Lot Area, Lot Width, Setback & Height Requirements

See Table 5.4.1

6.5 Floor Area Requirements

No dwelling shall be erected or altered which provides less than 720 square feet of floor area exclusive of any garage area or area in any accessory building, except for senior independent units in a Retirement community building. (Amended 11/30/00)

Chapter VII
Resort Residential Zoning District

This zoning district has been established in recognition of a need to provide for seasonal and year-round residential development that will not be subject to encroachment by incompatible business and commercial land uses. This district encompasses existing platted subdivisions and land areas comprising smaller lots in areas of the Township near Silver Lake, Upper Silver Lake, and the Lake Michigan Shoreline.

7.1 Permitted Uses

Detached single-family dwellings

Residential accessory buildings and structures

Family day care homes

Recreational vehicles in accordance with General Provisions 4.33 (amended 5/8/2001)

Churches

State Licensed Residential Facilities

7.2 Uses Requiring Approval as Planned Unit Developments

Detached single & two-family site condominium subdivisions

Detached single & two-family platted subdivisions

Multi-family dwellings

Resorts

7.3 Special Uses

Publicly owned buildings and buildings necessary to the provision of essential services without service or storage areas

Community clubs & fraternal organizations

Public and private parks

Home occupations subject to the provisions of General Provisions Section 4.25

Group Day Care Home

Adult Foster Care for persons released from or assigned to adult correctional institutions

Other uses which are determined by the Planning Commission to be similar to the above permitted

and special uses. Such determinations shall be subject to the application and public hearing procedures applicable to special uses as specified by Chapter XIII (Special Uses).

7.4 Lot Area, Lot Width, Setback & Height Requirements

See Table 5.4.1

7.5 Floor Area Requirements

No dwelling shall be erected or altered which provides less than 720 square feet of floor area, exclusive of any garage area or area in any accessory building.

Chapter VIII
Resort Commercial Zoning District

This zoning district encompasses the Silver Lake business district which is characterized by seasonal, tourism and recreation oriented business activity. The purpose of this district is to provide for the establishment and maintenance of seasonal and year-round business establishments in that area of the Township devoted to such uses as of the effective date of this Ordinance.

8.1 Permitted Uses

Restaurants

Boat liveries and bait shops

Resort and tourism oriented retail business establishments

Churches

One single-family dwelling unit on the second floor of or otherwise attached to a building occupied by a permitted or special use. Such dwelling units shall provide a minimum floor area of 720 square feet, and shall be limited to occupancy by the building or business owner.

Accessory building and structures. Amended June 8th 2004.

8.2 Special Uses

Motels & hotels

Amusement facilities providing either or both indoor or outdoor amusement activities.

Carry-out & drive-through restaurants

Drive-through business establishments

Commercial garages

Gasoline service stations

Campgrounds & resorts

Other uses which are determined by the Planning Commission to be similar to the above permitted and special uses. Such determinations shall be subject to the application and public hearing procedures applicable to special uses as specified by Chapter XIII (Special Uses).

8.3 Lot Area, Lot Width, Setback & Height Requirements

See Table 5.4.1.

Chapter IX
Agricultural/Residential Zoning District

The Agricultural/Residential District is intended for promoting and preserving agricultural land uses while allowing limited residential development. This district encompasses active farmland and other areas devoted to low density residential development.

9.1 Permitted Uses

Farms and forestry

Roadside farm stands selling produce and farm products grown in Oceana County.
(amended December 1999)

Single-family dwellings

Agricultural labor camps

Churches, schools, and cemeteries

Publicly owned buildings and essential services without service or storage areas

Accessory buildings and structures

State Licensed Residential Facility

Family Day Care Home

9.2 Uses Requiring Approval as Planned Unit Developments

Detached single-family site condominium subdivisions

Multi-Family site condominium projects (amended 8/12/2003)

Detached single-family platted subdivisions

Campgrounds

Mobile home parks

Mixed use developments

9.3 Special Uses

Grain elevators & commercial food processing facilities

Auto and farm machinery and supplies, sales, and service

Hunting and fishing preserves

Golf Courses & driving ranges

Sanitary landfills and sewage disposal systems

Public & private parks

Home occupations subject to the provisions of General Provisions Section 4.25

Group Day Care Home

Adult Foster Care for persons released from or assigned to adult correctional institutions

Other uses which are determined by the Planning Commission to be similar to the above permitted and special uses. Such determinations shall be subject to the application and public hearing procedures applicable to special uses as specified by Chapter XIII (Special Uses).

9.4 Lot Area, Lot Width, Setback & Height Requirements

See Table 5.4.1.

9.5 Floor Area Requirements

No dwelling shall be erected or altered which provides less than 720 square feet of floor area, exclusive of any garage area or area in any accessory building.

Chapter X
Commercial/Industrial Zoning District

This zoning district encompasses existing commercial uses in and near the Mears Village area, and along the Polk Road corridor west of the U.S. 31 interchange. This district is intended to accommodate permitted and special uses specified below.

10.1 Permitted Uses

Any retail business selling food, prescription drugs, clothing, hardware, or jewelry; or businesses furnishing services such as barber and beauty shops, banks, theaters, and floral shops

Any new or used car sales facility, not including repair facilities, pool or billiard hall, bowling alley, electrical shop, dance hall, skating rink, carpenter shop, and plumbing shop

Private offices

Hospitals and clinics

Feed and grist mills

Animal hospitals

Receiving and shipping of agricultural products

Commercial cold storage and processing of agricultural products

Mini or self-storage warehouses

Churches

10.2 Special Uses

Laundry facilities

Dry cleaners

Print shops & paint shops

Hotels and motels

Amusement facilities

Public garages and gasoline service stations

Drive-through restaurants & other drive-through business establishments

Adult Uses

Other uses which are determined by the Planning Commission to be similar to the above permitted and special uses. Such determinations shall be subject to the application and public hearing procedures applicable to special uses as specified by Chapter XIII (Special Uses).

10.3 Lot Area, Lot Width, Setback & Height Requirements

See Table 5.4.1.

Chapter XI

C-1 Commercial District

This zoning district has been established to promote and preserve the Mears Village Center economic base. This district encompasses what has historically been the commercial center of the Township.

11.1 Permitted Uses

Retail business such as selling food, prescription drugs, clothing, hardware, jewelry, or furniture: or service businesses such as barber or beauty shops, banks, floral shops, theatres, electrical shop, carpenter shop, plumbing shop.

Restaurants, without drive-through

Offices such as, Doctor or Dentist, insurance, accounting.

Bakery

Accessory buildings

11.2 Special Uses

Gas Stations with or without repair facilities

Indoor amusement facilities

Residential accessory to commercial

11.3

Lot area: None

Setbacks: None

Lot Width: None

Building Height: 35 feet

Amended 12/12/2006

Chapter XII
Planned Unit Development (PUD) Zoning District

12.1 Purpose

The PUD zoning district is established to require a review and approval process for certain land uses that would have undesirable impacts on the public health, safety and welfare if such a process was not required. The PUD zoning district is established to accomplish the following objectives:

1. To encourage the use of land in ways consistent with its character and adaptability;

2. To enable farmers and other landowners to realize their rightful equity in their land holdings by providing for the division, sale, and development of land;

3. To provide for the preservation of farmland, orchards, forest land, open space, visual and community character, and to protect and preserve natural resources;

4. To provide for the division of land under the provisions of the Land Division Act (P.A. 591 of 1996, as amended) and the Condominium Act (P.A. 59 of 1978, as amended);

5. To provide for the orderly development of land and the orderly layout of lots;

6. To assure that land is suitable for the creation of building sites and to allow innovation and flexibility in the design of residential and mixed-use developments;

7. To provide for the preservation of environmental amenities and recreational opportunities to present and future residents of the community;

8. To provide for safe and adequate ingress and egress to lots;

9. To provide for the construction and maintenance of roads, storm water management systems, and public utilities in an economical and efficient manner;

10. To provide for the construction and maintenance of public facilities and infrastructure in a manner that does not overburden the Township's financial ability to provide such facilities and infrastructure;

11. To assure the equitable provision of fire, emergency, medical, and police services to all residents and property owners;

12. To encourage and accommodate innovation in the design, layout, and construction of land uses and land development projects;

13. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township;

14. To promote and ensure greater compatibility of design and use between neighboring properties;

15. To provide for the development of land in a manner consistent with the Golden Township Master Plan, and;

16. To provide for other purposes as outlined in Section 16c of the Township Zoning Act (PA 184 of 1943, as amended).

12.2 Applicability of Regulations

These regulations shall apply to all platted subdivisions, condominium subdivisions, mobile home parks, and mixed-use developments.

12.3 Rezoning to PUD Required

A PUD may be established only by an amendment to this Ordinance and the Golden Township Zoning Map. An approved final PUD site plan, and any conditions associated with approval of same shall constitute the boundaries of and regulations applicable to a PUD zoning district.

12.4 PUD Zoning District Regulations Are Established on Case by Case Basis

The site plan and conditions associated with approval of a PUD shall constitute the district regulations governing the construction, use and occupancy of buildings, the construction of other improvements, and alteration of natural resources within a PUD.

12.5 Uses Permitted

All permitted and special uses allowed in an underlying zoning district may be established in a PUD. Additional uses not specifically permitted in an underlying zoning district may be authorized by the Planning Commission if it is demonstrated such uses will have a clearly beneficial, complimentary, and functional relationship to other uses in the PUD.

The establishment of incompatible business or industrial uses in zoning districts in which such uses are not permitted shall not be permitted under any circumstances.

12.6 General Requirements

1. Location

   A PUD may be established in any zoning district except in the RC zoning district.

2. Minimum Land Area

   The minimum lot area eligible for PUD zoning is five (5) acres.

3. Escrow Funds

   The Planning Commission may require applicants to deposit escrow funds to cover all costs incurred by the township for engineering, legal and planning consulting services during the review of applications for PUD zoning.

12.7 Design Standards

All improvements associated with a PUD shall comply with the following standards:

1. Access

   Each building site, lot, dwelling unit or other use shall have access to a public road by way of an improved public road constructed to Oceana Road Commission standards. As amended 7-8-08.

2. Roads

   All roads shall be designed and built in accordance with plans prepared by a professional engineer and shall meet Oceana County Road Commission standards, and shall be submitted to Oceana County Road Commission for acceptance into the county road system as public roads. As amended 7-8-08.

3. Signs

   All signs, whether attached to a building or freestanding, shall be of unified design and construction and shall comply with the sign regulations for the zoning district in which a proposed PUD is to be located.

4. Lighting

   All exterior lighting fixtures, whether attached to buildings or freestanding, shall be of uniform design and quality, and shall be of a type and quality that limits illumination to the PUD only.

5. Parking Areas

   Parking areas shall be designed and constructed to adequately serve the needs of all buildings and uses within the PUD. Such areas shall be provided with a dust-free surface of either compacted gravel, asphalt or concrete.

   Parking areas shall be screened from view from adjoining property as deemed appropriate by the Planning Commission for the zoning district in which a PUD is located. Screening can be accomplished by existing trees or other vegetation, opaque fencing or walls, or landscaped buffers or greenbelts.

6. Driveways & Access

   Access to a PUD from adjoining public roads shall be designed and constructed to assure the safety of vehicles and pedestrians. Clear vision areas shall be provided at adjoining public roads, and at public and private road rights-of-way to assure the safety of vehicles and pedestrians traveling on adjoining public roads and sidewalks.

7. Access for Emergency Services

Routes for police, fire, and emergency medical services vehicles shall be provided to all buildings and uses. Such routes shall be maintained to assure year-round access to all buildings and uses in the PUD.

8. Loading, Service, & Storage Areas

Areas used for the delivery or pickup of goods or materials, or for servicing vehicles or equipment, shall be screened from view from adjoining property as deemed appropriate by the Planning Commission. Areas used for the storage of waste materials shall be screened from view from adjoining properties and public roadways. Screening may be provided by existing trees and other vegetation, opaque fencing or walls, or by landscaped buffers or greenbelts.

9. Storm drainage

Storm water runoff from improved areas shall be managed to prevent off-site impacts. Each PUD shall be provided with a storm drainage system designed to accommodate a 25-year rainfall event, and that maintains storm water runoff at a pre-development rate.

10. Integration of Natural Features

Existing natural features, such as stands of trees, regulated and unregulated wetlands, watercourses, ponds, lakes, and topographic features shall be incorporated into the design and layout of PUDs.

11. Utility Service

Utilities services shall be installed underground.

12.8 Optional Preapplication Conference

Before submitting an application for PUD zoning, applicants are encouraged to meet with the Planning Commission to present preliminary PUD plans and concepts for informal, nonbonding informational purposes.

This optional conference is intended to allow applicants to present a proposed PUD concept to the Planning Commission, and to allow the Planning Commission to inform applicants of township land use policies and areas of concern. Statements made by applicants or the Planning Commission at preapplication conferences shall be for information purposes only, and shall not be legally binding.

12.9 Applications

Applications for PUD zoning shall be processed in the same manner as any other application for rezoning. Applications shall be submitted to the zoning administrator, and shall consist of the following materials and information:

1. A completed application form, including a property ownership disclosure;

2. An application fee;

3. An escrow fee;

4. A site plan complying with the provisions of Chapter XII. If the PUD is proposed for developed in phases, the location and timing of each phase must be indicated on the site plan.

5. A typewritten legal description of the property.

6. A typewritten statement describing:

    a. The number of acres of land subject to the application;

    b. The use or uses to be established in the proposed PUD, including the number and area of lots or building sites, number, type, and floor area dwelling units, and the number, type, and floor area of all other buildings.

    c. In the event elements of the proposed PUD do not comply with underlying zoning district regulations (such as setbacks, floor area, etc.), the nature and extent of such noncompliance must be clearly specified.

    d. If a PUD is proposed for phased development, a tentative construction schedule must also be provided.

12.10 Review Procedure

1. Public Hearing

The Planning Commission shall conduct at least one public hearing on any application for PUD zoning. Notification of the date, time, location and purpose of the public hearing must be published in a newspaper and be delivered to the applicant and to owners and occupants of property within three hundred feet of the property subject to the application. The notice must also indicate when and where the PUD site plan and other materials relevant to the application may be inspected by the public, and when, where, and to whom written comments pertaining to the application may be directed.

Notification must be published and delivered as follows:

a. Publication

Notice of public hearing must be published once, at least 15 days before the date of the public hearing.

b. Delivery

Copies of the notice must be delivered by mail or personal delivery not less than eight days before the date of the hearing to the applicant and to all owners and occupants of property located within three hundred feet of the property subject to the application.

The Planning Commission shall conduct the public hearing for the purpose of receiving comment on the application.

Following the public hearing the Planning Commission may request that modifications be made to the site plan, or that additional information deemed necessary to continued deliberations be provided. In such cases, the Planning Commission may table consideration of the application until the modified site plan and/or other information is provided by the applicant.

2. Planning Commission Recommendation to Township Board

Within a reasonable period of time following the public hearing, the Planning Commission shall make a recommendation to the Township Board to approve, deny, or approve with conditions the application for PUD zoning. A copy of the recommendation shall also be provided to the applicant.

The Planning Commission's recommendation must be consistent with the following standards:

a. It be made in writing, and must include a finding of fact describing how the PUD does or does not comply with the provisions of this Chapter, and shall state the basis for the Planning Commission's determination and recommendation to the Township Board regarding establishment of the PUD zoning district.

b. The recommendation must make reference to each of the approval standards outlined under Section 11.11 below.

c. If the Planning Commission recommends approval of a PUD, the basis for the recommendation must be clearly specified. If approval is recommended with conditions, the basis for those conditions, and the conditions themselves, must be clearly specified. If the Planning Commission recommends denial of a PUD, the reasons for denial must be clearly specified. A copy of the Planning Commission's recommendation must be provided to the applicant.

d. A copy of the site plan and other information upon which it is based must accompany the Planning Commission’s written recommendation.

e. The Planning Commission may recommend that all buildings and improvements within a PUD be constructed and completed prior to occupancy.

12.11 Approval Standards

Before making a recommendation to approve, approve with conditions, or deny an application for PUD zoning, the Planning Commission must find that the PUD will or will not comply with the following standards:

1. Use or uses established in a proposed PUD shall be consistent with the township's Master Plan & its Zoning Ordinance.

The type of development authorized by the PUD zoning will be consistent with the intent and purpose of the Master Plan, as well as the intent and purpose of the underlying zoning district in which the PUD is located.

2. The proposed PUD will create recognizable & substantial benefit.
The granting of PUD zoning will result in a recognizable and substantial benefit to the users of the PUD and the township. Such benefits would not likely be realized if the PUD zoning was not granted.

3. The Proposed PUD will not burden public roads, facilities, utilities & services.

The use or uses established in the PUD will not result in a material burden on police and fire services, nor on other public services or facilities.

4. The proposed PUD will not materially impact use & development of surrounding property.

The use or uses established in the PUD will not diminish the opportunity for surrounding property owners to use and develop their property as zoned.

5. Single ownership or control required.

The proposed PUD is under single ownership or control. A single person or entity has responsibility for completing the project in conformity with the approved site plan and any conditions of approval.

6. Incorporation of natural features & environmental amenities required.

Natural features, including watercourses, natural and artificial drainageways, wetlands, floodplains, sand dune areas, lakes, ponds, stands of trees, etc., shall be substantially incorporated into the design and construction of the PUD. The PUD shall be designed so as to require a minimal disturbance of the natural topography.

7. Completion of Construction of Buildings & Improvements

Buildings and improvements must be completed prior to use and occupancy unless such use or occupancy will not impair the health, safety, and general welfare of the users or occupants of the PUD, and of the users and occupants of adjoining property. The Planning Commission may establish conditions applicable to the completion buildings and other improvements.

8. Performance Guarantees

The Planning Commission may require a performance guarantee (cash, certified check, irrevocable bank letter of credit, or other surety) covering the estimated cost completing improvements within the PUD. For purposes of this subsection, the term "improvements" means features including roadways, lighting, utilities, sidewalks, stormdrainage facilities, screening and the like deemed by the Planning Commission as reasonably necessary to protect the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed PUD. Improvements do not include the entire PUD.

When required, performance guarantees shall be deposited with the Township Clerk before any land clearing, excavation or other construction activities commence in a PUD zoning district.

In the event a performance guarantee is in the form of a cash deposit, it shall be rebated periodically by the Township Board on application by the depositor in reasonable proportion to the ratio of the work completed on the required improvements.

12.12 Referral of Planning Commission Recommendation to Oceana County Planning Commission

The Planning Commission's recommendation shall be forwarded to the County Planning Commission as is required for any other rezoning application.

12.13 Township Board Action on Township Planning Commission Recommendation

Within a reasonable period of time following receipt of the County Planning Commission's comments on the application, the Township Board shall review the Township Planning Commission's recommendation, the accompanying site plan and other information. Following its review, the Board may take any of the following actions:

1. Approve the Planning Commission's recommendation as submitted and approve the application for PUD zoning. If approval is granted with conditions in addition to those recommended by the Planning Commission, the basis for those conditions, and the conditions themselves, must be clearly specified. If the Township Board denies the application for PUD zoning, the reasons for denial must be clearly specified.

2. Hold additional public hearing(s) on the application.

3. Consider changes, additions, or modifications to the recommendation. In such cases, the Township Board may return the application to the Planning Commission for additional deliberations, reports, and public hearings.

12.14 Actions Following Township Board Approval of Planning Commission Recommendation

If the application for PUD zoning is approved, a notice regarding the establishment of the PUD zoning district shall be published in a newspaper not more than fifteen days after establishment of the PUD district was approved by the Township Board.

Three (3) copies of the approved site plan shall be signed and dated by the Zoning Administrator and the applicant. A copy of the approved Planning Commission recommendation shall be attached to each signed site plan.

One (1) site plan shall be provided to the applicant. One shall be provided to the Township Clerk for inclusion in Zoning Ordinance. One (1) copy shall be provided to the Zoning Administrator for inclusion in his or her files of Township approval of the PUD.

12.15 Statement of Compliance Required

All buildings, structures and improvements within an approved PUD zoning district shall be established in strict compliance with the approved site plan, and any conditions of approval. Following completion of construction buildings, structures and improvements, the applicant shall provide a statement,

prepared by an architect, engineer, or other qualified professional certifying that all buildings, structures, and improvements have been constructed in compliance with approval granted.

12.16 Recorded Affidavit Required

An affidavit in a form acceptable to the Township Attorney containing the information outlined in this Section shall be recorded with the Oceana County Register of Deeds within a reasonable period of time following approval of the application for PUD zoning:

1. Date of approval of the PUD by the Township Board.

2. Legal description of the property.

3. A statement by the applicant(s) certifying that the property will be developed in accordance with the site plan and other materials approved by the Township Board, and in accordance with all conditions associated with approval of the PUD. This statement shall indicate that no modifications shall be made to the PUD as approved unless the Township in accordance with Section 11.17 below approves such modifications.

Three (3) certified copies of the affidavit shall be provided to the Zoning Administrator. One (1) copy shall be attached to his or her copy of the signed site plan. One (1) copy shall be placed in the Planning Commission's record of proceedings on the PUD. One (1) copy shall be provided to the Township Clerk for inclusion in the Township Board's record of proceedings on the PUD.

12.17 Modification of an Approved PUD

All modifications to approved PUDs shall be approved as follows:

1. The Township Board on the Recommendation of the Planning Commission may approve minor Modifications.

Minor modifications to a PUD site plan may be approved by mutual agreement between the applicants or successors in interest and the Township Board on recommendation of the Planning Commission, provided such changes comply with all applicable requirements of this Ordinance and other Township ordinances.

Minor modifications include changes associated with the location of buildings, structures, roads, parking areas, signs, lighting, and driveways, provided they are in the same general location as originally approved. Increasing the size of individual buildings by not more than one hundred twenty square feet of the original gross floor area is also considered a minor modification.

2. Major Modifications may be Approved Only Upon Refiling of an Application for PUD Zoning

Major modifications to an approved PUD shall be subject to review and approval under a new application for PUD zoning. Major modifications include, but are not limited to, increases in floor area of any building in excess of one-hundred twenty square feet, or increases in the number of building sites, lots, or dwelling units, increases in land area occupied by non-residential uses, or the addition of other buildings, structures, uses and improvements not originally proposed by the applicant.

12.18 VAL-DU-LAKES P.U.D.
REVISED

Replaced by section 12.29 & 12.30.

12.19 Val Du Lakes PUD
REVISED

Replaced by section 12.29 & 12.30.

12.20 Val Du Lakes PUD
REVISED

Replaced by section 12.29 & 12.30.

12.21 Silver Hills Farm PUD

An ordinance to amend the Golden Township Zoning Ordinance and Zoning map by establishing the Silver Hills Farm Planned Unit Development zoning district.

Section 1 Effect

This ordinance was adopted by the Board of Trustees on 12 Sept., 1995 to amend the Zoning ordinance and Zoning Map by establishing the Silver Hills Farm PUD zoning district (the PUD).

The Property described in Section 2 of this Ordinance is hereby rezoned from AR-Agricultural Residential to PUD for the purpose of permitting the applicant for rezoning (Don Wiener - Silver Hills Farm - Fox Road, Mears, MI 49436 & 6504 SW 114PL. #H, Miami, FL 33173, and any assignees, heirs, successors, and transferees - hereafter referred to as the Applicant) to develop and improve the property in as indicated on the final PUD site plan dated August 9, 1995, to establish a retail antique mall, and parking area, driveway, landscaping, and stormdrainage improvements as described in Section 3 of this Ordinance.
The provisions of this Ordinance shall run with the land encompassed by the PUD zoning district, and shall bind the Applicant.

Section 2 Legal Description of PUD

The PUD comprises approximately 5 acres of land area. The legal description provided on the final site plan is as follows:

Part of the SW 1/4 of the NE 1/4 of Section 22, T15N, R18W, Golden Township, Oceana County, MI, described as commencing at the SW corner thereof as the Point of Beginning; thence North along the north-south 1/4 line 595 feet; thence East parallel with the east-west 1/4 line 234 feet; thence South parallel with the north-south 1/4 line 240 feet; thence east parallel with the east-west 1/4 line 197 feet; thence South parallel with the north-south 1/4 line 175 feet; thence east parallel with the east-west 1/4 line 50 feet; thence South parallel with the north-south 1/4 line 180 feet' thence W along the east-west 1/4 line 481 feet to the point of beginning.

Section 3 Permitted Uses

The Applicant may establish and construct only the those uses and improvements illustrated on the final PUD site plan, except as may be permitted by Zoning Ordinance Section 13.8.
The PUD will include an antique mall in the existing barn, and an improved parking area, and landscaping improvements.

Section 4 Effect of Other Zoning Ordinance Provisions

This Ordinance shall not be construed as a substitute for the balance of the Golden Township Zoning Ordinance, nor in any way relieve the Applicant form obtaining all approvals and permits required by the Township, except as otherwise expressly provided within this Ordinance.

Section 5 Project Phasing

The PUD will be developed in one phase.

Section 6 Conditions & Requirements

In addition to the above, all recommendations, requirements, conditions and stipulations contained in the Planning Commission's report (as required by Zoning Ordinance Section 13.4(B[1,c]) dated August 22, 1995 recommending approval of the application for PUD zoning shall also apply. The conditions and requirements contained in the Planning Commission's

12.22 WILSON P.U.D.

An ordinance to amend the Golden Township Zoning Ordinance and Zoning Map by establishing the Wilson PUD Zoning District.

Section 1 Effect
Amends the Zoning Ordinance and Zoning Map by establishing the Wilson PUD zoning district and establishing regulations applicable to the land uses and improvements within the zoning district.

Section 2 Legal Description of PUD
The PUD comprises approximately 40 acres described as SW1/4 of SW1/4 of Section 13 of Golden Township

Section 3 Permitted Uses

- **a-** Mini – Storage units
- **b-** Commercial uses approved by the Golden Township Planning Commission.
- **c-** Single Family Site Condo 5/28/2002 (minor modification) development as approved by the Golden Township Planning Commission.

Section 4 Effect of Other Zoning Ordinance Provisions
This Ordinance shall not be construed as a substitute for the balance of the Golden Township Zoning Ordinance, nor in any way relieve the applicant from obtaining all approvals and permits required by the Township, except as otherwise expressly provided within this Ordinance.

Section 5 Project Phasing
The PUD will be developed in three (3) phases.

Effective Date
This Ordinance shall be effective immediately upon publication thereof.
Passed and approved by the Golden Township Board of Trustees on Oct. 20, 1998.
Published in Oceana's Herald-Journal Oct. 29, 1998.

12.23 WIEDMAN P.U.D.

An Ordinance to amend the Golden Township Zoning Ordinance and map by establishing the Wiedman Planned Unit Development district

Section 1 Effect
This ordinance was adopted by the Board of Trustees on October 20th. 1998 to amend the Zoning Ordinance and Zoning map by establishing the Wiedman PUD Zoning district (the PUD).

Section 2 Legal Description of PUD
The PUD comprises approximately 33 acres of land area. The legal description of the PUD is on the final PUD Site Plan, a copy of which is made part of ordinance amendment and which is maintained in the office of the Township Clerk.

Section 3 Permitted Uses
The PUD permitted uses are;

- **A.** Residential dwellings
- **B.** Residential accessory structures

Section 4 Effect of Other Zoning Ordinance Provisions.
This Ordinance shall not be construed as a substituted for the balance of the Golden Township Zoning Ordinance, nor in any way relieve the applicant from obtaining all approvals and permits required by the Township, except as otherwise expressly provided within this Ordinance.

Effective Date
This Ordinance shall be effective Immediately upon the publication thereof.
Passed and approved by the Golden Township Board Oct. 20th 1998 and published in Oceana's Herald-Journal Oct.,1998

12.24 HIDEAWAY CAMPGROUND P.U.D.

An Ordinance to amend the Golden Township Zoning Ordinance and Zoning Map by establishing the Hideaway Campground planned unit development zoning district.

Section 1 Effect
Amends the Zoning Ordinance and Zoning Map by establishing the Hideaway Campground PUD zoning district, and establishing regulations applicable to the land uses and improvements within the zoning district. A complete copy of the ordinance amendment is maintained in the office of the Golden Township Clerk.

Section 2 Legal Description of PUD
The PUD comprises Lots 30,33,36 and 39 of the Plat of Silver Channel Shores, Golden Township, Oceana County, Michigan, 20 acres

Section 3 Permitted Uses
77 seasonal campsites with water, sewage holding tanks pumped by waste hauler, and electric. 125 Modern campsites with water and electric, 17 primitive campsites. Bathhouse, gift store/ ice cream sales, new swimming pool, one way exit with automatic gate, six foot privacy opaque fence along west property line. Exit driveway paved by may 1, 2001, One new service building, two existing service buildings.

Section 4 Effect on Other Zoning Ordinance Provisions
This Ordinance shall not be construed as a substitute for the balance of the Golden Township Zoning Ordinance, nor in any way relieve the applicant from obtaining all other approvals and permits required by the Township, except as otherwise expressly provided within this Ordinance.

Section 5 Conditions & Requirements
In addition to this amendment, the conditions and stipulations contained in the Planning Commissions minutes dated February 29th, 2000, recommending approval of the application for PUD zoning shall apply to the establishment and maintenance of the land uses and improvements within the PUD.

Effective Date
This Ordinance shall be effective immediately upon the publication thereof. Passed and approved by the Golden Township Board on March 14th, 2000. Published in the Oceana Herald-Journal in it's March 23rd, 2000 issue

12.25 BREAKAWAY BAY P.U.D.

WHEREAS, Breakaway Bay LLC has requested approval of a Planned unit Development (PUD) pursuant to the provisions of Chapter XI of the Golden township Zoning Ordinance.

WHEREAS, the Golden township Planning Commission held a public hearing on the application on April 28, 2003 and at its meeting on June 24, 2003, recommended approval, subject to certain conditions, and whereas the Golden Township Board approved the application on September 13th, 2003, subject to certain conditions.

NOW THEREFORE, be it resolved that:

The said PUD is hereby approved on the following described premises and as set forth in the said revised site plan:

Part of Section 4 of T5N, R18W, Golden Township, Oceana County, Michigan, described as:

Beginning at the SE corner of Lake Michigan Shores, according to the recorded plat thereof, thence N 87 deg 51' west along the south line of Lake Michigan Shores 3560.2' to the point of beginning; thence S 31 deg 42' E 867.4 feet; thence S 64 deg 56' E 870 feet; thence N 88 deg 35' E 386 feet; thence S 46 deg 35' E 377 feet; thence N 90 deg E 192 feet; thence S 00 deg E 692 feet; thence N 90 deg West 760 feet; thence South 00 deg E 100 feet, more or less, to the West 1/16 line 69 feet, more or less, to the east-west quarter line of Section 4;thence North 87 deg 32' West along the east-west quarter line 1266 feet, more or less, to the centerline of ridge Road; then NE along the centerline of Ridge Road to the South line of Lake Michigan Shores; thence S 87 deg 51' E along the South line of Lake Michigan Shores to the point of beginning.

The said PUD is hereby approved subject to the following conditions:

1. 176 campsites plus 4 existing sites housing old trailers at least 2 of which shall be immediately available as temporary lodging accommodations for the traveling public; cabins or RV's may be added so long as maximum does not exceed 180.

2. Office/store shall not be larger than 1200 sq.ft: shall be located no closer to Ridge Rd. than current facility, as shown on site plan: signage shall not be located on or visible from Ridge Road. Breakaway Bay will make reasonable efforts not to sell to anyone who is not a guest at the resort. No alcohol to be sold.

3. Maintenance, bathhouse, swimming pool, dump station approved as shown on site plan.

4. The buffer area will as members vacate, discontinue use of 10 campsites; 18,20,100,102,103,104,106,108,109 & 110 relocating to other sites not in view of Ridge Rd. Interior of resort shall be blocked from view of Ridge Rd. by berm and/or year round vegetation.

5. The resort shall be limited, in its operational and physical entirety, to the east side of Ridge Road.
6. Keyhole to Lake Michigan, omitted.

7. Breakaway Bay will submit a site plan to the PC for its approval in conformity with these conditions.

8. Breakaway Bay and the township shall enter into a development agreement including the conditions to this PUD approval: No building permits shall be issued until such agreement is signed.

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon adoption thereof by the Golden Township Board,

CERTIFICATION

The undersigned, being the Golden Township clerk, hereby certifies that the foregoing Resolution was duly adopted by the Golden Township Board on the 12th day of September, 2003. Published September 21st. 2003.

Laurie Kolosci, Clerk
Golden Township

12.26 TIMBERLAKE TERRACE P.U.D.

An Ordinance to amend the Golden Township Zoning Ordinance and Zoning Map by establishing the Timberlake Terrace Planned Unit Development zoning district owned by Breakaway Bay LLC, a Michigan limited liability company.

Section 1 Effect
Amends the Zoning Ordinance and Zoning Map by establishing the Timberlake Terrace P.U.D. zoning district, and by establishing regulations applicable to the land uses and improvements within the zoning district. A complete copy of the ordinance amendment is maintained in the office of the Golden Township Clerk.

Section 2 Legal Description of PUD
The PUD comprises approximately 183 Acres of land area located in Section 4 T15N R18W. The legal description of the PUD is included on the final PUD Site Plan, a copy of which is made part of this ordinance amendment, and which is maintained in the office of the Township Clerk. The legal description provided on the final site plan.

Section 3 Permitted Uses
The PUD will include 39 single family site condominiums with green space and areas for future development, with the Streets will dedicated to the Oceana County Road Commission.

Section 4 Effect of Other zoning Ordinance Provisions
This Ordinance shall not be construed as a substitute for the balance of the Golden Township Zoning Ordinance, nor in any way relieve the Applicant from obtaining all approvals and permits required by the Township, State and Local authorities, except as otherwise expressly provided within this Ordinance.

Section 5 Conditions & Requirements
In addition to this amendment, the conditions and stipulations contained in the Planning Commission's report dated March 29th, 2005 recommending approval of the application for PUD zoning shall apply to the establishment and maintenance of land uses and improvements within the PUD.

Effective Date
This Ordinance shall be effective immediately upon the publication thereof.
Passed and approved by the Golden Township Board on April 12th, 2005
And published in Oceana Herald-Journal in its issue of April 29th, 2005

12.27 SILVER LAKE RESORT & CAMPGROUND P.U.D.

An Ordinance to amend the Golden Township Zoning Ordinance and Zoning Map by establishing the Silver Lake Resort & Campground Planned Unit Development zoning district.

Section 1 Effect
Amends the Zoning Ordinance and Zoning Map by establishing the Silver Lake Resort & Campground PUD zoning district, and establishing regulations applicable to the land uses and improvements within the district. A complete copy of the ordinance amendment is maintained in the office of the Golden Township Clerk.

Section 2 Legal Description
The North three-quarter of the Southeast quarter of the Southwest quarter of Section 21, Township 15 North, Range 18 West, Golden Township, Oceana County Michigan 30 Acres, M/L.

Section 3 Permitted Uses
68 seasonal campsites with water and electric hookup, 19 seasonal campsites with electric hookup, 83 primitive seasonal campsites, 12 cabin sites, bathhouse, playground, swimming pool, dump station, office camp store, dwelling, maintenance building.

Section 4 Effect on Other Zoning Ordinance Provisions
This Ordinance shall not be construed as a substitute for the balance of the Golden Township Zoning Ordinance, nor in any way the applicant from obtaining all other approvals and permits required by the township, except as expressly provided within this Ordinance.

Section 5 Conditions & Requirements
In addition to this amendment the conditions and stipulations contained in the Planning Commission's report dated May 31, 2005 recommending approval of the application for PUD shall apply to the establishment and maintenance of land uses and improvements within the PUD.

Effective Date

This Ordinance shall be effective upon publication thereof .
Passed and approved by the Golden Township Board on June 14, 2005.
Published in the Oceana Herald- Journal June 23, 2005.

12.28 SILVER LAKE VISTA PUD

An Ordinance to amend the Golden Township Zoning Ordinance and Zoning Map by establishing the Silver Lake Vista planned Unit Development zoning district.

Section 1 Effect
Amends the Zoning Ordinance and Zoning Map by establishing the Silver Lake Vista PUD zoning district, and by establishing regulations applicable to the land uses and improvements within the zoning district. A complete copy of the ordinance amendment, and which is maintained in the office of the Township Clerk.
The legal description provided on the final site plan is as follows:

Section 2 Legal Description of PUD
The PUD comprises approximately 25 acres of land area. The legal description of the PUD is included on the final PUD Site Plan, a copy of which is made part of this ordinance amendment, and which is maintained in the office of the Township Clerk.

Section 3 Permitted Uses

1. Twenty one (21) Lots for residential uses
2. Two (2) Private roads

Section 4 Effect on Other Zoning Ordinance Provisions
This Ordinance shall not be construed as a substitute for the balance of the Golden Township Zoning Ordinance, nor in any way relieve the applicant from obtaining all other approvals and permits required by the Township, except as otherwise expressly provided within this Ordinance.

Section 5 Conditions and requirements
In addition to this amendment, the conditions and stipulations contained in the Planning Commissions minutes dated May 30th, 2006; approvals from Health Department, Drain Commission, Road Commission, DEQ, and providing copies of Association Regulations.

Effective Date
This Ordinance shall be effective immediately upon the publication there of. Passed and approved by the Golden Township Board on June 13th, 2006. Published in the Oceana Herald Journal in it's June 22nd, 2006 edition.

12.29 COTTONWOOD CREEK P.U.D.

An Ordinance to repeal 12.18, 12.19, 12.20 Val Du Lakes P.U.D. and amend the Golden Township Zoning Ordinance and Zoning Map to establish the Cottonwood Creek Planned Unit Development Zoning District.

Section 1 Effect
Amends the Zoning Ordinance and Zoning Map by establishing the Cottonwood Creek Planned Unit Development Zoning District, and by establishing regulations applicable to the land uses and improvements within that zoning district. A complete copy of the ordinance amendment is maintained in the office of the Golden Township Clerk.

Section 2 Legal Description of the P.U.D.
The PUD comprises approximately 49.8 Acres of land area. The complete legal description of the PUD is included on the final PUD site plan , a copy of which is made part of this ordinance, and which is maintained in the office of the township clerk. The legal description provided on the final site plan is recorded by Land Division # 06-01.

Section 3 Permitted Uses
The PUD will include a 374 site recreational vehicle campground, managers office/ storage building, unimproved parking area, restroom and foodservice buildings, roadway improvements, transient lodging facilities, and associated support facilities.

Section 4 Effect of Other Ordinance Provisions
This Ordinance shall not be construed as a substitute for the balance of the Golden Township Zoning Ordinance, nor in any way relieve the applicant from obtaining all approvals and permits required by the Township, except as expressly provided by the Ordinance.

Section 5 Project Phasing
The PUD will be developed in two (2) phases.

Section 6 Conditions & Requirements
In addition to this amendment, the conditions are as follows; (a) adherence to the campground rules supplied to the planning commission; (b) an 8 foot high wooden privacy fence to be constructed from the Southwest corner of the campground North to the end of the new sites and East along Hazel Road to the end of the existing campground; (c) none of the new sites are to be used until phase 2 is completed.

Effective Date
This Ordinance shall be effective immediately upon publication thereof. Passed and approved by the Golden Township Board April 15, 2009. Published in the Oceana Herald Journal April 23, 2009.

12.30 Val Du Lakes Resort PUD

An Ordinance to repeal 12.18, 12.19, 12.20, Val Du Lakes PUD and amend the Golden Township Zoning Ordinance and Zoning Map by establishing the Val Du Lakes Resort Planned Unit Development zoning district.

Section 1 Effect
Amends the Zoning Ordinance and Zoning Map by establishing the Val Du Lakes PUD zoning district, and by establishing regulations applicable to the land uses and improvements within the zoning district. A complete copy of the Ordinance amendment is maintained in the office of the Golden Township Clerk.

Section 2 Legal Description of the PUD
The PUD is approximately 14.4 acres of land area. The legal description of the PUD is included on the final PUD site plan, a copy of which is made a part of this ordinance amendment, and which is maintained in the office of he township clerk. The legal description provided on the final site plan is recorded by Land Division #06-01.

Section 3 Permitted Uses
The PUD will include the existing concert, softball, restaurant, manager office, unimproved parking, associated support facilities and the following new land uses and improvements:
a. Transient lodging facilities
b. Roadway improvements
c. Restroom and food service buildings

Section 4 Effect of Other Zoning Ordinance Provisions
This Ordinance shall not be construed as a substitute for the balance of the Golden Township Zoning Ordinance, nor in any relieve the applicant from obtaining all approvals and permits required by the township, except as otherwise expressly provided within this Ordinance.

Section 5 Conditions & Requirements
No additional conditions or requirements.

Effective Date
This Ordinance shall be effective upon publication thereof. Passed and approved by the Golden Township Board April 15, 2009. Published in the Oceana Herald Journal April 23, 2009.

Chapter XIII - Site Plan Review

13.1 Purpose

The site plan review and approval process is intended to assure that land uses comply with zoning district and other zoning regulations, the regulations and standards outlined in this Chapter, and applicable county, state and federal statutes.

13.2 When Required

Site plan review and approval is required for the following uses:

1. For all uses in all zoning districts except as indicated below.

2. For all special uses in all zoning districts.

   Site plans shall be submitted with all applications for special use permits. In such cases, review of the site plan shall be concurrent with the Planning Commission's deliberations on the application for the special use permit.

3. For PUD's in any zoning district.

   A site plan shall be submitted with applications for PUD zoning. The review of the site plan shall be concurrent with deliberations on the application for PUD zoning.

13.3 When Not Required

Site plan review and approval is not required for the following:

1. Single-family and two-family dwellings in any zoning district.

2. Farm buildings associated with agricultural operations permitted by right in the Agricultural/Residential zoning district.

3. For home occupations permitted as special uses in any zoning district.

4. Signs

13.4 Prohibitions Prior to Site Plan Approval

No grading, removal of vegetation, filling of land, construction of buildings, building foundations, signs, driveways, roadways, walkways, or parking areas is permitted until a site plan has been approved in accordance with the provisions of this Chapter.

13.5 Responsibility for Site Plan Review

The Planning Commission has sole responsibility for the review and approval of site plans.

13.6 Optional Preapplication Conference

Before submitting an application, applicants are encouraged to meet with the Zoning Administrator or Planning Commission to discuss the review process, to present a preliminary site plan, and to allow the Zoning Administrator or Planning Commission to inform applicants of township land use policies, and to discuss any elements of the site plan may be of concern. report are as follows:

a. The applicant's engineering consultant shall, as required by Zoning Ordinance Section 14.4 (A)[4], and the conditions of this Section, prepare and submit construction plans and specifications for the parking area, driveway, landscaping and storm drainage improvements for review and approval by the Township's planning/engineering consultant. These plans and specifications must be approved by the Planning Commission on the recommendation of the Zoning Administrator, before construction the parking area, driveway and storm drainage improvements can begin. The location and layout of parking area and driveway improvements shall be in compliance with the parking area and driveway plans submitted by the applicant's engineering consultant.

b. The parking area shall provide and adequate number of parking spaces for customers, and one parking space for each employee and vendor present to conduct business within the mall Not less tan eight (8) customer parking spaces, one (1) of which shall comply with American With Disabilities Act requirements, and one (1) employee/vendor parking spaces hall be provided.

c. The parking area shall be setback at least ten (10) feet from the Fox Road right-of-way. The area between the parking area and right-of-way shall remain undisturbed, and shall be maintained in grass or other landscape planting. A ten foot grass buffer shall be maintained between the hedge row lying north and south between the barn and road right-of-way. The applicant shall provide and maintain a landscaped buffer along the western edge of the parking area in accordance with Zoning Ordinance Sections 13.2(D)[4 & 11].

d. Parking spaces shall measure 9 feet by 18 feet. At least one (1) ADA parking spaces shall be provided. Access and circulation aisles shall measure at least 24 feet in width, and shall not be used to accommodate overflow parking.

e. Customer, employee and service vehicles may park only within the confines of the PUD zoning district, and only within the confines of the improved parking area. The adjoining meadow shall not be used for the parking of customer, employee or service vehicles. Overflow parking is prohibited outside the confines of the PUD zoning district, and is also prohibited outside the confines of the improved parking area.

f. Signs may be provided as illustrated on the final site plan. Temporary signs are prohibited.

g. The applicant may establish only the land use and improvement illustrated on the final site plan, except as may be provided by Zoning Ordinance Section 13.8. The Board of Trustees shall not be required to take additional action following establishment of the PUD zoning district, except as may be provided by Zoning Ordinance Section
13.8.

h. As provided by Zoning Ordinance Section 13.4 (c), the applicant shall deposit a performance guarantee with the Township Clerk in an amount equal to the cost of constructing parking area, driveway, and storm drainage improvements. Construction cost shall be determined by a professional engineer, and shall be based on construction drawings for roadway, parking areas and storm drainage improvements prepared under his or her direction.

i. The applicant, and any assignees, heirs, and successors, shall be required to comply with all township, county, state and federal laws and regulations applicable to the establishment of uses and construction of improvements within the PUD zoning district.

Applications must be accompanied by the materials and information described below:

1. A completed application form and application fee;

2. An escrow fee;

   The Planning Commission may require the applicant to deposit money in escrow to cover actual costs of engineering, legal and planning consulting services during the review of applications.

3. Ten copies of a site plan complying with the requirements Section 12.10. The site plan shall be an accurate, reproducible drawing at an accurate, reasonable scale showing the land subject to the application, and all land within 100 feet of the land subject to the application. The Planning Commission may require that site plans be based on a professional survey.

13.7 APPLICATION AND REVIEW PROCESS

Applications must be submitted to the Zoning Administrator not less than 30 days before the date of the meeting at which the applicant wishes the Planning Commission to consider the site plan Applications submitted less than 30 days before the date of such meetings shall not be accepted for consideration.

Applications must be accompanied by the materials and information described below:

1. A completed application form and application fee;

2. An escrow fee;

   The Planning Commission may require the applicant to deposit money in escrow to cover actual costs of engineering, legal and planning consulting services during the review of applications.

3. Ten copies of a site plan complying with te requirements Section 12.10. The site plan shall be an accurate, reproducible drawing at an accurate, reasonable scale showing the land subject to the application, and all land within 100’ feet of the land subject to the application. The Planning Commission may require that site plans be based on a professional survey.

13.8 Planning Commission Options for Action

The Planning Commission shall approve, approve with conditions or modifications, or deny an application for site plan approval within a reasonable period of time following its first consideration of same. In the event the Planning Commission requires additional information in order to make an

informed decision on an application, discussion of the application may be tabled until such information is made available by the applicant.

If the Planning Commission finds that the site plan complies with the provisions of this Chapter, it must be approved. If the Planning Commission finds that the site plan does not comply with the provisions of this Chapter, then it may be approved with conditions or denied.

Before making its decision, the Commission may require an applicant to distribute copies of the site plan to any or all of the following agencies for review and comment:

1. The Oceana County Soil Erosion and Sedimentation Control Officer
2. The Oceana County Drain Commissioner
3. The Oceana County Road Commission and , if appropriate, the Michigan Department of Transportation
4. The District #10 Health Department
8. The township fire and ambulance services providers
9. The Michigan Department of Environmental Quality and/or Michigan Department of Natural Resources

In such cases, the reviewing agencies shall provide their comments in writing to the applicant who shall distribute same to the Planning commission for consideration. In the event reviewing agencies have no comments or concerns, agency representatives may indicate same on three copies of the site plan.

13.9 Conditional Approval

Reasonable conditions may be required with the approval of a site plan by the Planning Commission. These conditions may include those necessary to 1) insure that public services, such as police, fire, ambulance and similar services are capable of accommodating increased service or facility loads caused by the proposed land use or activity; 2) protect the natural environment and conserve natural resources and energy; 3) insure the use proposed on the site plan is compatible with adjacent uses of land; 4) promote the use of land in a socially and economically desirable manner.

When required, such conditions shall:

1. Be designed to protect natural resources, the health, safety, welfare and social and economic well being of those who will use the land use or activity under consideration, as well as those residents and landowners immediately adjacent to the proposed land use, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.

3. Be necessary to meet the intent and purpose of the Golden Township Master Plan and this Ordinance, and be necessary to insure compliance with the standards for site plan approval outlined in Section 12.11.

If the Planning Commission denies an application for site plan approval, the reason(s) for such denial must be included in the Planning Commission's record of proceedings on the application.

13.10 Content of Site Plans

Site plans shall illustrate the following features and information, unless waived by the Planning Commission or Zoning Administrator for good cause:

1. North arrow, scale, and date of original submittal and last revision;

2. A vicinity map;

3. A legal description of the property;

4. The acreage of the property subject to the application.

5. The zoning classifications of the subject parcel and adjoining parcels, including those parcels which are adjoining but are separated from the subject property by a road right-of-way;

6. The location of proposed and/or existing lot lines and dimensions of same;

7. Building setbacks;

8. Grading plan showing finished contours at a minimum interval of 2 feet, and correlated with existing contours so as to clearly indicate cut and fill required (all finished contour lines are to be connected to existing contour lines at or before the lot lines);

9. A detailed description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations. This description shall include the location of proposed retaining walls, dimension and materials of same, fill materials, typical vertical section, and plans for restoration of adjacent properties, where applicable;

10. The location and type of significant vegetation, including woodlots and individual trees twelve inches and larger in diameter at breast height.;

11. The location and elevations of existing water courses and water bodies, including county drains, man-made surface drainage ways, 100-year flood plains, and wetlands;

12. The location of existing and proposed buildings, as well as the length, width, height, and area (in square feet) of each building;

13. The location of all existing buildings or structures within 50 feet of the subject property;

14. The proposed location of accessory structures, buildings, and uses, including, but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators, and similar equipment (Details of the method of screening, where applicable, shall be included);

15. The name, location, dimensions, and associated right-of-way of all existing and proposed streets (public or private), and typical cross section of same (cross section shall show surface, base, and sub-base materials; location and typical details of curbs; location, dimensions, and details of all passing lanes and deceleration/acceleration tapers or lanes; and the location, width, surface elevations, radii, and grade of all access points to the site); new road names are to be approved by the Oceana County Road Commission and the Oceana County Equalization Department. As amended 7-8-08.

16. All driveways located within 100 feet of the site;

17. The location and design of parking areas, and number of parking spaces and unloading areas, including information on proposed curbing, barrier-free-access design, and dimensions for parking spaces, circulation aisles, and unloading spaces;

18. The design and dimensions for all exterior lighting, including any element relative to shielding light spillover onto adjacent properties and road-ways;

19. The location and design of all sidewalks, walkways, bicycle paths, and areas for public use;

20. The location, design, sizing, and easements related to all existing and proposed utility systems to be located on the site, including, but not limited to:

    a. Water lines and fire hydrants, if proposed;
    b. Storm sewers, if proposed;
    c. Sanitary sewer lines, if proposed, and;
    d. Septic systems.
    e. Storm water retention and detention areas. These areas should be designed to accommodate a 25 year rainfall event;

21. The location, size, and specifications of all signs (freestanding and signs placed on or attached to buildings);

22. The location and specifications for all fences, walls, and other screening features with cross sections;

23. The location and specifications for all proposed perimeter and internal landscaping, and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate;

24. The location, size, and specification for screening of all trash receptacles and other solid waste disposal facilities;

25. The number of employees on largest shift. If shifts overlap, indicate the number of employees for the largest 2 shifts which overlap.

Upon receipt of a completed site plan, the Zoning Administrator may 1) forward the site plan to the Planning Commission for formal review, or; 2) return the site plan to the applicant for revisions as may be required for compliance with this subsection.

13.11 Site Plan Review & Approval Standards

A decision to approve, approve with conditions, or deny a site plan shall be based on the following criteria:

1. Compliance With Zoning District Regulations

All buildings, structures, uses and improvements shall comply with the regulations and standards established by zoning district regulations, and all other applicable regulations contained in this Ordinance.

2. Organization of Elements

All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character and use of adjoining property, and the type and size of buildings.

The site shall be developed to not impede the orderly development, improvement, and enjoyment of surrounding property. All buildings, structures, and other improvements shall be designed and located so as to minimize adverse impacts on adjacent and nearby properties.

3. Preservation of Natural Features and Natural Landscape

Natural features (woodlots, wetlands, watercourses, ponds, shorelines, attractive vegetation etc.) shall be preserved and protected to the greatest extent possible. Natural features of the landscape shall be incorporated into the design and layout of the site so as to buffer it from adjacent incompatible land uses, to preserve the character of the surrounding area and community as a whole, and to control soil erosion and storm water runoff.

4. Drainage Provisions

Special attention shall be given to proper site drainage so that storm water runoff will not affect neighboring properties, or impact area watercourses. Storm water management systems shall be designed in accordance with professionally accepted principles, and shall provide retention or detention basins designed to hold runoff from a 25-year frequency storm event.

Discharge of storm water runoff from any site which may contain oil, grease, toxic chemicals, or other hazardous or polluting materials is prohibited unless measures to trap pollutants meet the requirements of the Michigan Department of Environmental Quality, based upon professionally accepted principles.

5. Soil Erosion

Proposed developments or uses shall not result in soil erosion or sedimentation problems.

6. Screening & Buffering

Screening and buffering, in the form of landscape plantings, existing vegetation, screen fences, and the like, may be required at the discretion of the Planning Commission to assure compatibility between a site and adjoining land uses.

7. Emergency Vehicle Access

All buildings, groups of buildings, and uses shall be arranged to allow emergency vehicle access to all improved areas during all seasons of the year under all weather conditions.

8. Pedestrian and Vehicular Circulation

Proposed driveway entrances and exits, parking areas, service drive and other internal circulation routes shall be located and arranged to assure the safety and convenience of pedestrian and vehicular traffic. If proposed by an applicant, or required at the discretion of the Planning Commission, or as otherwise provided in this Ordinance, pedestrian and bicycle pathways shall be insulated as completely as reasonably possible from the vehicular circulation system.

9. Compliance with Applicable County, State and Federal Statutes

Site plans shall conform to applicable county, state, and federal laws. Site plan approval and an occupancy permit may be conditioned on receipt of necessary county, state or federal permits.

13.12 Certification of Approved Site Plan

If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's record of proceedings on the site plan.

13.13 Expiration of Site Plan Approval

Unless a zoning permit and a building permit has been issued within 365 days of the date of the Planning Commission's approval of the site plan, such approval shall expire and be of no effect unless the applicant and Planning Commission have mutually agreed to a six (6) month extension of approval. The Planning Commission may, by mutual consent and for good cause, grant additional six (6) month extensions at its discretion. Amended 6/8/2004

13.14 Completion Requirements

The development illustrated on approved site plan shall be completed within 18 months of initiation of construction unless an extension has been granted by the Planning Commission.

13.15 Resubmittal Required in Event of Expiration

If an approved site plan has expired as set forth herein, no permits for development or use of the subject property shall be issued until the site plan has been resubmitted and approved subject to the provisions of this Ordinance on the date of resubmittal.

13.16 Inspection & Certification Requirements

The applicant, or independent professionals retained by the applicant, shall provide the Planning Commission with written certification indicating that utilities, roadways, drives, parking areas, storm water management systems and retention/detention areas, soil erosion and sedimentation control measures and systems, landscaping, screening, and other improvements illustrated on the site plan

comply with the site plan as approved by the Planning Commission.

The Planning Commission may, as a condition of approval, assign such inspection duties to the township's own independent professional's. In such cases, the cost for such inspections shall be born by the applicant.

13.17 Performance Guarantees

A performance guarantee in an amount equal to 1.25 times the cost of constructing improvements as determined by the applicant and verified by the Planning Commission or authorized consultants may be required to ensure completion of improvements subject to approval under this Chapter.

When a performance guarantee is required, it shall be deposited with the Township Clerk prior to the issuance of a zoning permit authorizing construction of approved buildings and improvements, or prior to issuance of an occupancy permit in those cases where the guarantee is being required for improvements delayed due to weather conditions. The Township shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the applicant.

If a performance guarantee is in the form of a cash deposit, it shall be rebated periodically by the Township on application by the applicant in reasonable proportion to the ratio of work completed on the required improvements.

13.18 Modification of Approved Site Plans

Minor Modifications

Minor modifications to a previously approved site plan may be approved by mutual agreement between the applicants or successors in interest and the Planning Commission, provided such changes comply with all applicable requirements of this Ordinance and other Township ordinances. Minor modifications include changes associated with the location of buildings, structures, roads, parking areas, signs, lighting, and driveways, provided they are in the same general location as originally approved. Increasing the size of individual buildings by not more than one-hundred twenty square feet of the original gross floor area is also considered a minor modification.

Major Modifications

Major modifications to a previously approved site plan shall be subject to review and approval under a new application for site plan review. Major modifications include, but are not limited to, increases in floor area of any building in excess of one-hundred twenty square feet, or increases in the number of building sites, lots, or dwelling units, increases in land area occupied by non-residential uses, or the addition of other buildings, structures, uses and improvements not originally proposed by the applicant.

Chapter XIV
Special Uses

14.1 Purpose

In addition to the uses permitted as a matter-of- right in each zoning district, this Ordinance allows the establishment of additional land uses subject to the procedures, standards and regulations described in this Chapter. Applications for special use permits may only be filed by any person owning or having legal interest in the property subject to the application.

14.2 Responsibility for Approval of Special Uses

The Planning Commission has sole responsibility for decisions on applications for special uses. Decision on applications for special uses may not be appealed to the Zoning Board of Appeals.

14.3 Application Procedure

Applications for special use permits shall be submitted to the Zoning Administrator not less than thirty (30) days prior to the meeting at which the Planning Commission will consider the application. Applications submitted less than thirty (30) days prior to such meetings shall not be accepted for consideration.

Applications must be accompanied by the materials and information described below:

1. A completed application form, and application and escrow fees;

2. Ten (10) copies of a site plan described in Chapter XII.

3. A typewritten statement, with supporting evidence, demonstrating how the proposed special use will comply with the general standards for special use approval listed under Section 13.6 below.

14.4 Notice of Public Hearing

Notice of a public hearing on the application must be published in a newspaper at least fifteen (15) and not less than five (5) days before the date of the meeting at which the public hearing will be conducted.

Notice of the hearing must also be delivered by mail or personal delivery to the applicant and all owners and occupants of property located within three hundred (300) feet of the property subject to the application. These notices must include the following information:

1. The special use being requested by the applicant;

2. A description of the property subject to the application in the form of an address, tax number, or legal description;

3. The date, time and place of the public hearing;
4. When and where the application, site plan and other materials may be inspected by the public, and;

5. When and where written comments on the application from interested will be received.

14.5 Public Hearing & Review Procedures

The Planning Commission shall conduct the public hearing, and review the site plan and other materials submitted with the application. Within a reasonable period of time following the public hearing, the Planning Commission shall determine whether or not the proposed special use is, as proposed by the applicant, consistent with the standards applicable to approval of special uses outlined in Section 13.6, and the standards for site plan approval outlined in Section 12.11.

If the Planning Commission finds that the proposed special use complies with the special use and site plan approval standards, the application must be approved. If the Planning Commission finds that the proposed special use does not comply with these standards, the application may be approved with conditions or denied.

A decision to approve, approve with conditions, or deny the application must be made within a reasonable period of time following first consideration of same.

At any point during its review of an application, the Planning Commission may request that the applicant modify the site plan, or present additional information deemed necessary before a decision on a proposed special use is made. In such cases, the Planning Commission shall table consideration of the application until the amended site plan or additional information is made available by the applicant.

14.6 General Standards for Approval of Special Uses

Prior to approving, approving with conditions, or denying an application under the provisions of this Chapter, the Planning Commission must find that a proposed special use complies with the standards listed in this section.

1. The property subject to the application is located in a zoning district in which the proposed special use is allowed by district regulations.

2. The special use will comply with any specific standards applicable to it as listed by appropriate zoning district regulations.

3. The special use will be constructed, operated and maintained so as to be harmonious with the character of the general vicinity, and will not change the essential character of the area in which it is located.

4. The special use will be consistent with the intent and purpose of the township's Master Plan, as well as the intent and purpose of the zoning district in which it will be located.

5. The special use will not result in a material burden on police and fire services, nor on other

public services or facilities, and will be adequately served by public services and facilities, or that the applicant will adequately provide any such service or facility.

6. The special use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

7. The special use will not diminish the opportunity for surrounding property owners to use and develop their property as zoned.

8. The special use will be designed, constructed, operated and maintained so as not to negatively impact the character of land uses in the surrounding area.

9. The special use will not involve uses, activities, processes, materials or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap materials. The special use will not be hazardous or disturbing to existing nearby uses.

10. The special use will be harmonious and in accordance with the goals and objectives of the Golden Township Master Plan.

11. Will be consistent with intent and purposes of this Ordinance, and the standards for site plan approval outlined in Chapter 12.

14.7 Basis for Decisions

A decision to approve, approve with conditions, or deny an application for a special use shall be consistent with the following standards:

1. It must include specific reference to the standards outlined above, as well as the basis in fact for any conditions associated with an affirmative decision.

2. It must be made in writing, and must include a finding of fact describing how the special use does or does not comply with the provisions of this Chapter.

3. It must make specific reference to each approval standard outlined above.

If approval is granted, the basis for the such approval must be specified. If approval is conditionally granted, the basis for those conditions, and the conditions themselves, must be specified. If the Planning Commission denies the application, the reasons for denial must be clearly specified.

14.8 Performance Guarantee

The Planning Commission may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with an approved special use to assure it complies with approval as granted.

If required as a condition of approval, a performance guarantee shall be provided by the applicant

at the time approval is granted by the Planning Commission. If the performance guarantee is a cash deposit, it shall be rebated periodically by the Township Board on application by the depositor in reasonable proportion to the ratio of the work completed on the required improvements.

14.9 Compliance With Conditions of Approval Required

Approved special uses shall be constructed, maintained and operated in compliance with the approved site plan, and any conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant, and as approved by the Planning Commission.
In the event improvements associated with the special use were designed by an architect, engineer, or other qualified professional, the applicant shall, following completion of construction, provide a statement prepared by such professional certifying that all improvements have been constructed in compliance with approval as granted.

14.10 Reconsideration of Denied Applications

Applications which have been denied shall not be resubmitted for a period of one year except on grounds of reasonable proof of a change in conditions sufficient to justify reconsideration by the Planning Commission.

14.11 Special use continuance Amended June 8th 2004

1. Approved special uses must start construction or begin operation with in one year. The Planning Commission may grant a one year extension upon review.
2. If operation is abandoned for one year a new application must be approved by the Planning Commission.

Chapter XIV-A
Wireless Communications towers and antennas

14A.1 Background

A. The Township has received or expects to receive requests to site wireless communications towers and antennas within its boundaries.
B. The Township finds that it is in the public interest to permit the siting of wireless communication towers and antennas within its boundaries.
C. It is the Townships intent to permit the siting of wireless communications towers and antennas within its boundaries
D. It is the Townships intent to protect and promote the public health, safety and welfare by regulating the sitting of wireless communications towers and antennas within its boundaries.

14A.2 Purpose and Goals

This chapters purpose is to establish general guidelines for siting wireless communications towers and antennas. This chapters goals are to: (A) protect residential areas and land uses from potential adverse impacts of towers and antennas: (B) encourage the location of towers and antennas in non-residential area: (C) minimize the total number of towers and antennas throughout the Township: (D) promote the joint use of existing tower sites rather than construction of additional towers: (E) promote the location of towers and antennas in areas where the adverse impact on the Township is minimal: (F) promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques: (G) promote telecommunications services to the Township which are quick, effective, and efficient: (H) protect the public health and safety of the Township and its residents: and (I) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. To map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

14A.3 Definitions.

For purposes of this Chapter only, the following terms shall have the following meanings.

A. **Alternative Tower Structure:** Man-mad trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
B. **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.
C. **FAA:** The Federal Aviation Administration.
D. **FCC:** The Federal Communications Commission.

Height: When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the tower or other building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.

E. **Lattice Tower:** A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.

F. **Preexisting Towers and Preexisting Antennas:** Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the amendment to the Ordinance adding this Chapter, or any tower or antenna for which no building and/or special use permit was required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

G. **Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting (i.e. without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.

H. **Tower Pair:** Any two (2) towers which are located within one hundred (100) feet of each other.

14A.4 Applicability.

A. **New Towers and Antennas:** All new towers and new antennas in the Township shall be subject to this Chapter, except as otherwise provided in this section.

B. **Amateur Radio Station Operators/Receive Only Antennas; Television Antennas:** This Chapter shall not govern any tower, or the installation of any antenna that (I) is under seventy (70) feet in height and(ii) is owned and operated by a federally-licensed amateur radio station or is used exclusively for receive only antennas for voice or television or television reception.

C. **Preexisting Towers and Antennas:** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Chapter, other than the requirements of Section 13A.5F and G, and the general requirements of this Ordinance concerning preexisting structures (i.e. Chapter XVI (nonconforming uses).

14A.5 General Requirements.

A. **Principal or Accessory Use:** Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot. Likewise, an existing antenna or tower on a lot shall not preclude the location of a different use, building or structure on the same lot.

B. **Lot Size:** Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements, and other such requirements. The area of the lot and the lot dimensions, frontage for example, shall meet the minimum requirements of the zoning district within which it is located.

C. **Inventory of Existing Sites:** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of applicants existing towers,

antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one (1) mile of the Township border, including specific information about the location, height, and design of each tower or antenna.

D. **Tower Finish:** Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

E. **Tower Site:** At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

F. **Antenna Color:** An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

G. **Lighting:** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority, If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

H. **State or Federal Requirements:** All towers and antennas 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 and applicable 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 comply with such revised and applicable standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the tower and/or antenna at the owners expense.

I. **Building Codes; Safety Standards:** The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar success or organization, as amended from time to time. If the Township suspects that a tower or an antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e. Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owners expense.

J. **Measurement:** Tower setbacks and separation distances shall be measured and applied to facilities located in the Township without regard to municipal and county jurisdictional boundaries.

K. **Not Essential Services:** Towers and antennas shall be regulated and permitted pursuant to this chapter. They shall not be regulated or permitted as essential services, public utilities, or private utilities.

L. **Franchises:** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained: they shall file a copy of all required franchises with the Zoning Administrator.

M. **Signs:** No signs or advertising shall be allowed on an antenna or tower. However,

the tower owner may post a sign no larger than thirty-two (32) square feet in area designating a person to contact in an emergency, together with persons telephone number and address.

N. **Metal Towers:** Metal towers shall be constructed with a corrosion resistant material.

O. **No Interference:** Towers shall not interfere with television or radio reception on surrounding properties.

P. **Paving Requirements:** All parking and drive areas shall be surfaced with concrete or asphalt pavement and shall be constructed in accordance with the requirements of Chapter XV (Parking & Loading Areas).

14A.6 Permitted uses:

A. **General:** The uses listed in this section are deemed to be permitted uses by right in any zoning district and shall not require a special use permit.

B. **Permitted uses:**

1. Antennas or towers located on property owned, leased, or otherwise controlled by the Township are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Township. This provision shall not be interpreted to require the Township to approve a license or lease.
   Antennas which are themselves not more than thirty (30) feet in height and located upon legally-existing lattice electric transmission towers are permitted uses.

14A.7 Special Use Permits.

A. **General:** The following provisions shall govern the issuance of special use permits for towers or antennas by the planning commission.

1. If the tower or antenna is not a permitted use under section 13A.6 of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.
2. Applications for special use permits under this section shall be subject to the general procedures and requirements of this ordinance for special uses [see chapter XIII (special uses)], except as modified in this section.
3. In granting a special use permit, the planning commission may impose such conditions that the planning commission concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. This engineer shall certify in writing that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.

Processing Special Use Applications:

f. **Information required.** Applicants for a special use permit for a tower or an

antenna shall submit the following information, in addition to any other information required by this ordinance.

a. A scaled site plan showing the location, type and height of the proposed tower or antenna: on-site land uses and zoning: adjacent land uses (including buildings and structures located thereon) and zoning (even if adjacent to another municipality): Township Master Plan classification of the site and all properties within the applicable separation distances set forth in Table 2 in this chapter: small scale sketch of properties, streets and uses within one-half mile of the proposed tower or antenna: adjacent roadways: proposed means of access: setbacks from property lines: elevation drawings of the proposed tower or antenna and any other structures: topography: parking: and other information deemed necessary by the Zoning Administrator or Planning Commission to assess compliance with this Ordinance.

Legal description of the lot and the leased portion of the lot (if applicable together with a copy of the applicants deed or lease pertaining to that lot.

b. The separation distance between the proposed tower or antenna and the nearest dwelling,platted residential properties, and unplatted residentially zoned properties.
c. The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to section 13A.5C, the type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known.
d. A landscape plan showing specific landscape materials, both existing and proposed.
e. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
f. Sealed construction plans for the tower and/or antenna.
g. A description of compliance with the requirements of this chapter, and of all applicable federal, state, county or township laws, rules, regulations and ordinances.
h. A notarized statement by the applicant for a tower, indicating if the tower will accommodate co-location of additional antennas for future users.
i. A description of the services to be provided by the proposed new tower or antenna, and any alternative ways to provide those services without the proposed new tower or antenna.
j. A description of the feasible locations(s) of applicants future planned towers or antennas within the township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.

2. **Factors considered in Granting Special Use Permits for Towers or Antennas.** In addition to any other standards specified in this Ordinance for considering special use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a special use permit under this chapter.

a. Height of the proposed tower or antenna;
b. Proximity of the proposed tower or antenna to residential structures and residential district boundaries:
c. Nature of uses on adjacent and nearby properties:
d. Surrounding topography:
e. Surrounding tree coverage and foliage:
f. Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness:
g. Proposed ingress and egress to the proposed tower or antenna:
h. Availability of suitable existing towers or antennas, alternative tower structures, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed below in this section:
i. The effect of the proposed tower or antenna on the conforming properties and the surrounding neighborhood:and
j. Whether or not the proposed tower or antenna is located in zoning districts or on structures where the township intends at least most towers and antennas in the Township to be located, as subsequently described in this section.

3. **Township Intentions concerning the Location of Most if Not All towers and Antennas.** The Township intends that most if not all towers and antennas will be located as described below.

a. The Township encourages the location of towers and antennas, including the placement of additional buildings or other supporting equipment used in connection with them, in the C-I (commercial/Industrial) zoning district.
b. The township encourages the location of antennas on existing structures or towers consistent with the terms of subsections (I) and (ii) below.

(i) The township encourages antennas on existing structures which are not towers, as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure;

(ii) The Township encourages antennas on existing towers, provided that:

(a.) A tower which is modified or reconstructed to accommodate the collocation of one or more additional antennas shall be of the same tower type as the existing tower or a monopole;

(b.) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna may be modified or rebuilt to a taller height, not more than once per tower and not to exceed thirty (30) feet over the towers existing height (this additional height shall not require an additional distance separation per Table 2 of this chapter; rather the towers premodification height

shall be used to calculate such distance separations); and

(c.) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna may be moved on site within fifty (50) feet of its existing location (a relocated tower shall continue to be measured from its original location for purposes of calculating separation distances between towers pursuant to Table 2 of this chapter).

4.Availability of suitable Existing Towers, Antennas, Alternative Tower Structures, Other Structures, or Alternative Technology. No new tower or antenna shall be permitted unless the applicant demonstrates to the planning commission that no existing tower, antenna, alternative tower structure or alternative technology can provide the services sought by the applicant without the erection of the applicants requested new tower or antenna. To prove that no existing tower, antenna, alternative tower structure, structure, or alternative technology can provide the services sought by the applicant, the applicant could demonstrate that (a) no existing towers, antennas, alternative tower structures, alternative technology, or other structures are available within the geographical area which meet the applicants engineering requirements; (b) existing towers, antennas, alternative tower structures, or other structures are not of sufficient height to meet the applicants engineering requirements, and that their height cannot be increased to meet such requirements; (c) existing towers, alternate tower structures, or other structures do not have sufficient structural strength to support the applicants proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support; (d) the proposed antenna would cause electromagnetic interference with existing towers or antennas, or that existing towers or antennas would cause interference with the applicants proposed antenna; (e) the costs to co-locate an antenna exceed the costs of erecting a new tower or antenna; (f) there are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable ;or (g) an alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.

5. **Setbacks.** The following setback requirements shall apply to all towers for which a special use permit is required.

   c. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.
   d. Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.

6. **Separation.** The following separation requirements shall apply to all towers for which a special use permit is required.

a. Separation of towers from off-site uses/designated areas.

(i) Tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1. The separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the offsite uses or designated areas.

(ii) Separation requirements for towers shall comply with the minimum standards (listed in linear feet) established in Table 1.

(iii) Once a tower has been located, all future buildings or structures on the same parcel or lot as the tower was initially located on shall be located so as to comply with the separation requirements contained in Table 1.

Table1:

Off-Site Use/Designated Area	Separation Distance2
Single-family or two-family dwelling units:1	200 feet or three times the height of the tower whichever is greater.
Unimproved R-1 or RR land or PUD approved for residential use equivalent to R-1 or RR land which is platted, has preliminary subdivision plan approval which has not expired, or which is part of a site condominium approved as part of a PUD or other provision of this Ordinance.	200 feet or three times the height of the tower, whichever is greater.
Other unimproved residentially zoned lands:3	100 feet or the height of the tower, whichever is greater
Existing multiple-family dwelling units:	100 feet or the height of the tower, whichever is greater.
Non-residentially zoned lands or non-residential uses, if not covered by any of the above categories:	None; only setbacks established by this Ordinance apply.

1,Includes modular homes and mobile homes used for living purposes.
2,Separation measured from base of tower to closest building setback line.
3 ,Includes any unplatted residentially zoned properties without a preliminary subdivision plan or site condominium approval as PUD or pursuant to other applicable provisions of this Ordinance and any AR Zoning District Land.

b. Separation distances between towers and tower pairs.

(i) Separation distances between a tower and a tower pair, or between two (2) towers which are not included in a tower pair, shall be applicable for and measured between the proposed tower and a preexisting tower pair, or between the proposed tower and any preexisting tower which would not form a tower pair with the proposed

tower. The separation distances shall be measured by drawing or following a straight line between the base of the closest existing tower and the proposed base, pursuant to a site plan of the proposed tower.

(ii) Separation distances between a tower and a tower pair, or between two (2) towers which are not included in a tower pair, shall comply with the minimum distances (listed in linear feet) established in Table 2.

Table 2:

Existing Towers-Types

Proposed Tower	Lattice	Guyed	Monopole 75 feet in Height or Greater	Monopole Less than 75 feet in Height
Lattice	10,000	10,000	3,000	1,500
Guyed	10,000	10,000	3,000	1,500
Monopole 75 Feet in Height or Greater	3,000	3,000	3,000	1,500
Monopole Less than 75 Feet in Height	1,500	1,500	1,5000	1,500

7. **Security fencing.** Towers and their guy wires, if any, for which a special use permit is required shall be enclosed by security fencing not less than six (6) feet in height.

8. **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required. The required landscaping shall be maintained in good condition for the duration of the special use permit and shall be irrigated.

   a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property then used for dwellings, one-family or multiple-family, or included in a residential zoning district or PUD residential development. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

   b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer.

14A.8 Accessory Utility Buildings.

All utility buildings and structures accessory to a tower or an antenna shall comply with all other requirements of this Ordinance, shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district where the tower or antenna is located. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

14A.9 Removal of Abandoned Antennas and Towers.

Notwithstanding anything to the contrary elsewhere in this Ordinance, any antenna that is not operated or any tower that is not utilized for an operating antenna for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the tower or antenna at the owners expense. If there are two(2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The owner of each antenna and/or tower shall submit to the Township in January of each year evidence satisfactory to the Township that the antenna and/or tower is being currently operated and utilized.

14A.10 Expansion of Nonconforming Use.

Notwithstanding any other provisions of this Ordinance to the contrary, towers that are constructed and antennas that are installed in accordance with this chapter shall not be deemed to be the expansion of a nonconforming use or structure.

Section XIV-B
Wind Powered Generator Systems

14B.1 Purpose

The township has received and expects to receive requests to place Wind Powered Generator systems both private and commercial within the township. These standards are intended to achieve a balance between 1) protecting the public health, safety, and general welfare, 2) the public need for clean renewable energy,3) practical latitude for specific uses of land by the land owner and 4).farm land preservation

14B.2 Definitions

a. Ambient: The sound pressure level exceeded 90% of the time or L90.
b. ANSI: American National Standards Institute.
c. Bonds: Bonds must be provided from the State of Michigan Treasury Department's list of acceptable bond companies and approved by the affected agencies.
d. Commercial Wind Powered Generator (CWPG) systems: A wind powered generator system designed and built to provide electricity to the electric utility grid; this generated electricity is sent to the electric utility grid primarily for end use off of, or away from, the property or parcels of property upon which the CWPG system is located.
e. dB(A) : Sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
f. Decibel: The unit of measure to express the magnitude of sound pressure and sound intensity.
g. IEC: International Electro technical Commission. A global organization that prepares and publishes international standards for all electrical, electronic, and related technologies.
h. ISO: International Organization for Standardization. A network of national standards institutes of 156 countries.
i. MET Tower: A freestanding tower containing anemometer instrumentation to provide wind and meteorological information.
j. Private Wind Powered Generator (PWPG) system: An on site privately owned wind powered generator system designed and built to provide electricity primarily to the land owner or lessee; the generated electricity may be sent to the utility grid, however, the electricity so sent is primarily sent as a means of storage to facilitate on site use of electricity to the land owner or lessee.
k. Rotor: An element of the wind generator that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
l. SCADA Tower: A freestanding tower containing instrumentation such as anemometers that provides present moment wind data for use by Supervisory Control and Data Acquisition (SCADA) system.
m. Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specific direction. The pressure of the sound measured at a receiver.
n. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

o. Wind Powered Generator (WPG) system: A system that converts wind energy into electricity through the use of a wind turbine generator and include the turbine, blades, and tower as well as related electrical equipment. This does not include the wiring to connect to the grid.

p. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility if using that site for construction of a wind powered generator system.

14B.3 Private Wind Powered Generator (PWPG) systems: PWPG systems shall be considered a Special Use in all zoning districts. Prior to installation of a PWPG system, an application for Special Use Permit and site plan shall be filed in accordance with Sections 12 & 13 hereof and will include documentation that sound pressure level, construction code, and safety requirements have been met, proof of applicant's public liability insurance, and exception consent documents properly registered with the Oceana County Register of Deeds.

1. Property Set-Back: The distance between a PWPG system and the owner's property line or nearby occupied dwellings shall be a minimum of 1.5 times the total height of the tower including the top of the blade in the vertical position. Exceptions for neighboring property are allowed with the written consent of those property owners.
2. Sound Pressure Levels: PWPG systems shall not exceed 55dB (A) at the property line closest to the system or nearby occupied dwellings. This sound pressure level may be exceeded during short-term events such as utility shortages and/or severe wind storms. If the ambient sound pressure level exceeds 55dB (A), the standard shall be ambient dB(A) plus 5dB(A). Exceptions for neighboring property are allowed with the written consent of those property owners.
3. Construction Codes, Towers, & Interconnection Standards: PWPG systems shall comply with all state construction and electrical codes and local building permit requirements. PWPG systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act (Public act 259 of 1959, MCL 259.481 et seq.). Interconnected PWPG systems shall comply with Michigan Public Service Commission and Federal Regulatory Commission standards. Off grid systems are exempt from this requirement.
4. Safety: PWPG systems shall have automatic braking, governing and a feathering system to prevent uncontrolled rotation and over speeding. All wind towers shall have lightning protection. If supported by guy wires, the wires shall clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for any system using a horizontal axis rotor.

14B.4 Wind Site Assessment and Monitoring for Private and Commercial WPG Systems: Installation of MET towers for assessment of a PWPG system or CWPG system site shall require an application for Site Plan and Special Use Permit in accordance with Section 12 & 13 hereof. The application shall include a copy of the applicant's lease with the land owner granting authority to install the MET tower and requiring the applicant to remove all equipment and restore the site after completion of the assessment and proof of the applicant's public liability insurance. The set-back from non-leased property shall be 1.5 times the height of the tower. Guy wires shall be no closer than 10 feet from non-leased property lines and adequately marked or fenced. Leased property can contain more than one parcel and the

requirement shall apply to the combined properties.

Prior to installation of an anemometer 60 feet or higher, an application for Site Plan and Special Use Permit shall be filed in accordance with Sections 12 & 13 hereof and will include a copy of the applicant's lease with the land owner granting authority to install the MET tower and requiring the applicant to remove all equipment and restore the site after completion of the wind assessment, and proof of the applicants public liability insurance.

SCADA and MET towers shall also comply with the property set-back requirements. The set-back shall be 1.5 times the height of the SCADA and MET tower. An operations and maintenance office building, substation, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building. Exceptions for neighboring property or public rights of way are allowed with written consent of those property owners, provided that the lease requires removal of the tower prior to its termination and makes the township a third-party beneficiary to that requirement of removal, or provided that the applicant, if the fee owner of the property, enters into an agreement with the township to remove the tower with in a determinate number of years.

14B.5 Commercial Wind Powered Generator (CWPG) systems: CWPG systems shall be a Special Use in the Agriculture Residential Zone and require a Site Plan and Special Use Permit application, signed by the property owner and developer, in accordance with Sections 12 & 13 hereof. The application shall also include the following:

1. Insurance: Proof of the applicants' public liability insurance.
2. Lease or Ownership Documents: Proof of lease or fee ownership of the property by the applicant.
3. Consent Documents: Copies of any written waivers granted by neighboring property owners properly registered with the Oceana County Register of Deeds.
4. Sound Pressure Level: Copy of modeling and analysis report.
5. Certifications: Certification that the applicant has complied with all applicable state and federal laws and regulations.
6. Visual Impact: Visual simulation of how the completed project will look from four viewable angles.
7. Power Line Location: Location of buried on-site and off-site buried and overhead power distribution lines to the township line.
8. Manufacturers' Material Safety Data: Documentation shall include the type and quantity of all materials used in the operation of all equipment, including but not limited to, all lubricants and coolants, operation of braking systems, and ice control.
9. Road Maintenance: Plan to protect and maintain all roads used during construction, repair, and replacement, and a bond in an amount agreeable to the Golden Township Board and the Oceana County Road Commission for maintenance and repair of such roads.
10. Decommissioning: A plan for decommissioning and a bond to cover the estimated cost of removal and restoration of the site in the event of abandonment.
11. Compliant Resolution: Description of the compliant resolution process.

CWPG system projects shall meet the following standards and requirements:

1. Property Set-Backs: The distance between a CWPG system and the property lines of adjacent properties, not a part of the CWPG property including, but not limited to rights of way,

shall be a minimum of 1.5 times the total height of the tower plus the blade in its vertical position. Where the CWPG property exists on directly opposite sides of a private right of way, a tower may be placed no closer than one rotor radius from the closest edge of the private right of way. WCPG property may include more than one piece of property and the property setback requirements shall apply to the combined properties. Setbacks shall apply to occupied dwellings. There is no set-back on lot lines of adjacent CWPG properties. Exceptions for neighboring property are allowed with the written consent of those property owners.

2. Sound Pressure Level: The sound pressure level of a CWPG system shall not exceed 55dB(A) measured at the property lines nearest the CWPG system between CWPG and non-CWPG properties. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55dB(A), the standard shall be ambient dB(A) plus 5 dB(A). Exceptions to this requirement are allowed with the written consent of property owners. As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the CWPG system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the CWPG system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a type II sound meter. Documentation of the sound pressure levels shall be provided to the planning commission and township board within 60 days of the operation of the project. Sound pressure level readings may be required by the planning commission or township board for compliant resolution.

3. Construction Codes, Towers, and Interconnection Standards: CWPG systems shall comply with all applicable state construction and electrical codes and local building permit requirements. Systems shall comply with FAA requirements and Michigan Tall Structures Act (P.A. 259 of 1959, MCL 259.481 et seq.) The minimum FAA lighting standards shall not be exceeded; lighting must be shielded to the extent possible to reduce glare and visibility from the ground. CWPG systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

4. Safety: All CWPG systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site. Emergency contact information shall be kept current with the zoning administrator. A minimum 4sq.ft. sign, shall be placed at the road entrance to warn visitors of the potential danger and will contain emergency contact information. The minimum vertical blade clearance from grade shall be 50 feet for a system using a horizontal axis rotor.

5. Visual Impact: All CWPG systems shall use tubular towers and blades which are finished in a single, non-reflective matte finished color. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have the lettering that exhibits the manufacturers' and /or owners identification.

6. Decommissioning: The applicant shall submit a decommissioning plan approved by the township. The plan shall include: 1) the anticipated life of the project. 2) estimated cost of decommissioning and salvage value in current dollars, 3) bonding to cover the cost of decommissioning, restoration, and maintenance and repair of roads, 4) anticipated manner in which the project will be decommissioned and the site restored.
7. Compliant Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a compliant. The process shall not preclude the local government from acting on a compliant or violation of this ordinance. During construction and operation the applicant shall maintain and make available to nearby residents and the zoning administrator a telephone number where a project representative can be reached during normal business hours.

Chapter XV - Signs

15.1 Purpose

These regulations are intended to acknowledge the legitimate identification and informational needs of all land uses, and to recognize that the unrestricted erection and placement of signs and other advertising structures benefits neither private enterprise nor the community at large. These regulations are also intended to recognize that reasonable sign regulations are needed to:

1. Improve and preserve the appearance of roadways, commercial corridors, and areas of business, commercial, industrial, and recreational development;

2. Assure vehicular and pedestrian traffic safety by preventing the placement of signs and sign structures that impede or obstruct vision at traffic intersections, pedestrian crossings, driveways and parking areas;

3. Assure that signs and sign structures are safely secured and maintained in good condition to prevent safety hazards during high winds, and;

4. Preserve scenic views, and the character of the community at large.

15.2 Scope

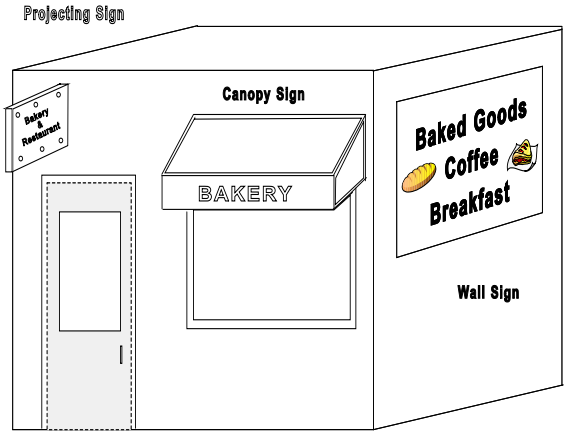
Signs, billboards, and other advertising structures may be erected, replaced, structurally altered, enlarged, illuminated, changed in size or purpose, or moved to another location on a lot or within the Township only in compliance with the provisions of this Chapter.

15.3 Definitions

The following terms and definitions shall apply to the administration of these regulations:

<u>Abandoned Sign</u>
An off-premise sign erected to identify or advertise a use no longer in existence.

<u>Canopy</u>
Any non-rigid material such as fabric, or flexible plastic, that is supported by or stretched over a frame that is attached to an exterior wall.



Canopy Sign
A sign placed directly on the surface of a canopy.

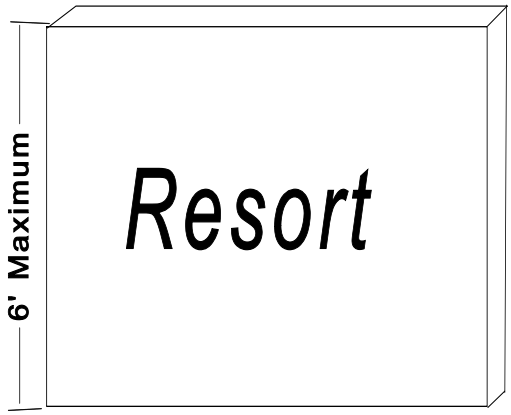
Directional Sign
A sign that provides on-site directional assistance for the convenience of the public or patrons of a business establishment, such as the location of exits, entrances, parking areas, and the like.

Freestanding Sign
Any on-premise sign which is supported from the ground and not attached to a building. Monument and pole signs are freestanding signs.

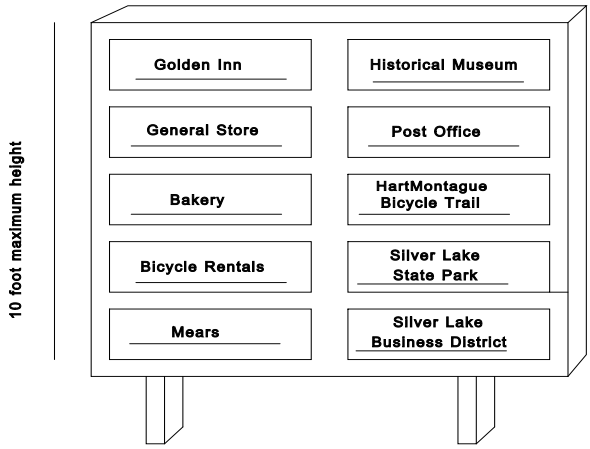
Marquee
A permanent structure, other than a roof, that is attached to supported by and projecting from a building.

Marquee Sign
A sign attached to and made part of a marquee or any other similar projection from a building.

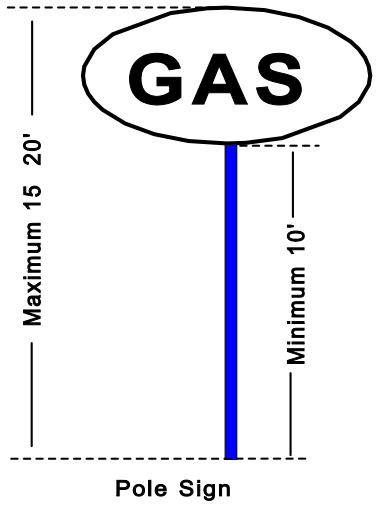
Monument Sign
A freestanding sign affixed to the ground by a base measuring at least two-thirds the horizontal length of the sign.



Off-Premise Sign
A sign which is not located on the premises that it identifies or advertises.

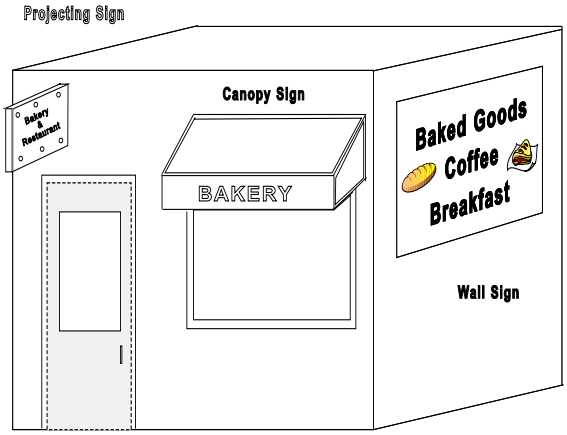


Pole Sign
A free standing sign supported from the ground by
a pole or a similar support structure of narrow width.



Portable Sign
A sign that is not permanently affixed to a building, structure, or the ground, or designed to be permanently affixed to a building, structure, or the ground.

Projecting Sign
A sign which is mounted perpendicular to the wall of a building.



Sign
Any device situated outdoors that displays letters, characters, graphics, logos, or other information to identify a land use or attract the public's attention to a land use.

Wall Sign
A sign painted on or attached to a wall of a building and parallel to the wall.

15.4 Zoning Permits Required

Zoning permits shall be required for all signs except for name and address, home occupation, temporary real estate, yard and garage sale, temporary political, and security signs in the residential, resort residential, and agricultural/residential zoning districts. Zoning permits shall not be required for the following signs in any zoning district:

1. Directional Signs

Signs giving on-site directional assistance for the convenience of the public, not exceeding two square feet in area, nor located closer than five feet to any property line. Directional signs may be internally lit or illuminated by white light only.

2. Handicapped Parking Space Sign

Signs not exceeding two square feet in area reserving parking spaces for handicapped motorists.

3. Public Signs

Signs erected by government agencies or utilities including traffic, utility, safety, and identification signs for public facilities, and any signs erected by the Township.

4. Security and Warning Signs

On-premise signs regulating the use of the premises, such at no trespassing, no hunting, and no

soliciting signs that do not exceed two square feet in area in residential areas and five square feet in commercial and industrial areas.

15.5 General Standards and Criteria

These regulations specify the number, types, sizes, heights, and locations of signs in all zoning districts. When a site plan, PUD, or variance has been approved with greater restrictions or lesser restrictions than specified in this section, then those greater or lesser restrictions shall apply. In all other instances, the following standards shall apply:

1. Sign Area

The entire face of a sign (one side only) and any wall work incidental to its decoration shall be included in the determination of the surface area of a sign. Where both sides of a sign contain lettering or other allowable display, only one side shall be used to determine the allowable surface area. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

2. Sign Height

The height of a sign shall be the distance from grade to the top of the sign or sign structure, whichever is greater.

3. Street Frontage Required for Pole Signs

Pole signs shall be permitted only on lots having a minimum of 100 feet or more of street frontage.

4. Spacing of Pole Signs

No pole sign shall be erected within 200 feet of another pole sign.

5. Off-Premise Signs

Off-premise signs may display up to ten separate signs advertising up to a combined maximum of 10 separate business establishments, public parks, or public institutions. Individual signs shall not exceed eight square feet in sign area for each single establishment to be advertised.

Off-premise signs shall be erected no closer than 20 feet from a road right of way, shall not exceed 10 feet in height, shall not be located closer than 100 feet from any side lot line, and shall be no closer than 660 feet to any other off-premise sign.

6. Wall Signs

Wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 12 inches.

7. Illuminated Signs

Signs may be internally or externally illuminated by a direct or indirect source of light provided that

the light source is shielded or directed to prevent glare and to assure the light source is not visible from any road right-of-way, or abutting or adjoining property. This shall not preclude the use of electric lamp banks as part of a sign (e.g. time and temperature signs, scrolling**/transitional** messages, etc.). **Scrolling/transitional messages shall not exceed 75% of the sign area. Scrolling/transitional messages may be operated between 7:00 AM and 11:00 PM, or ½ hour past the closing of the identified business.** Flashing or intermittent illumination of any type is prohibited. **(Amended 2-12-2019)**

8. Signs Shall Not Constitute a Traffic Hazard

Freestanding signs shall not be erected in clear vision areas (see Ordinance Section 4.22). No sign shall be erected in such a manner or in a location so as to impede or obstruct the vision of vehicular traffic or pedestrians at roadway intersections, pedestrian crossings, driveways and parking areas.

9. Interference With Public Right-of-Way

No signs, except those erected and maintained by the township, county, state, or federal government, shall be located in or project into or overhang a public right-of-way.

10. Real Estate Signs

Signs advertising land or buildings for rent, sale or lease are permitted in all zoning districts, and shall be located only on the land or building being advertised for rent, sale or lease. Off-premise real estate signs are prohibited.

11. Construction Standards

All signs shall be constructed in compliance with the County Building Code.

12. Maintenance Standards

All signs and components shall be maintained in good repair and in a safe, clean, and attractive condition.

13. Abandoned Signs

Abandoned signs shall be removed from a premises within six months of the premises owners notification by the Zoning Administrator requesting such removal.

14. Prohibited Signs

a. Portable Signs

Portable park-and-plug changeable letterboard signs are prohibited in any zoning district.

b. Flashing Signs

Any sign that includes lights that flash, blink, or turn on an off intermittently, but not including time and temperature signs.

c. Glaring Signs

Signs with light source or reflectivity of such brightness that constitutes a hazard or nuisance to vehicle traffic or adjoining property owners.

d. Inflatable Signs and Objects

Including, but not limited to, balloons.

e. Posters & Handbills

Any signs affixed to trees or other natural vegetation, rocks, or utility poles.

f. Strings of Lights

Including lights that outline property lines, sales areas, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity.

g. Vehicular Signs

Any sign displayed on a parked vehicle where the primary purpose of the vehicle is to advertise a product or business, or to direct people to a business or activity.

h. Off-premise real estate signs.

15.6 Signs Permitted in Zoning Districts

The following tables specify the types of signs allowed in the Township's various zoning districts.

Table 15.6.1Signs Permitted in Residential & Resort Residential Zoning Districts

Type of Sign	*Number Permitted & Surface Area*	*Height*	*Setbacks/Location*
Home occupation (nameplate) sign indicating only the name of the business and/or business owner.	One per dwelling - 2 square feet	NA	On an exterior wall, window, or door of the dwelling.
Name & Address Sign	One per dwelling - 4 square feet	3'	Per district setback regulations.
Subdivision, Mobile Home Park, & Multi-Family Development Entrance Monument Signs	One per improved entrance - 20 square feet	5'	10' from any property line & outside of clear vision areas.
Temporary Real Estate Signs	One per lot - 4 square feet	6'	Within property lines & outside of clear vision areas.
Temporary Construction Signs	One per lot - 20 square feet	6'	10' from any property line & outside of clear vision areas.
Temporary Political Signs	Two per lot - 10 square feet	5'	Per district setback regulations.
Resort Entrance Monument Signs	One per improved entrance - 20 square feet	5'	10' from any property line & outside of clear vision areas.
Public & Private Park Identity Signs	One per park - 20 square feet	5'	10' from any property line & outside of clear vision areas.
Institutional or Governmental Signs (places of worship, govt. buildings, schools, etc.)	One monument sign - 24 square feet One wall sign - 32 square feet	5'	10' from any property line & outside of clear vision areas. Wall signs must be located below rooflines.

TABLE 15.6.2 PERMITTED IN COMMERICAL DISTRICTS

Lots Occupied by One Business Establishment

Notes: Any lot or combination of lots occupied by a single business establishment is entitled to three signs. Not more than one freestanding sign is permitted. Monument signs shall not exceed a maximum surface area of thirty-two square, and nor a maximum height of six feet. Pole signs shall not exceed a maximum surface area of twenty-four square feet, nor a maximum height of 15 feet . Pole signs are subject to compliance with the 100 foot lot frontage and 200 foot sign spacing requirements specified by Sections 14.5.3 and 14.5.4.

Signs erected within one-hundred feet of an existing residential use or property zoned for residential use shall not be illuminated by any means, and shall not exceed sixteen square feet in surface area, nor more than five feet in height.

Type of Sign	***Number Permitted - Surface Area***	***Height***	***Setbacks/Location***
Monument	See note - 1 square foot per 5 lineal feet of lot frontage, to a maximum of 32 square feet.	6'	10' from any property line & outside of clear vision areas.
Pole	See note - 1 square foot per 5 lineal feet of lot frontage, to a maximum of 24 square feet.	15'	10' from any property line & outside of clear vision areas. Bottom of sign must be at least 8 feet above grade.
Wall & Marquee	One - 1 square foot per 2 lineal feet of building frontage, up to a maximum of 50 square feet.	NA	Below roofline. May not project more than 8 inches from face of wall.
Projecting	One - 12 square - 8' clearance above grade. May not project more than 4' from wall.	NA	Below roofline - Shall not project into or overhang public right-of-way.
Canopy	One – 1 square feet per 2 linear feet of canopy, to maximum of 16 square feet.	NA	Canopy surface only.
Temporary Real Estate Signs	1 per business or lot - 8 square feet	6'	10' from any property line & outside of clear vision areas.
Temporary Construction Signs	One per business or lot- 20 square feet	6'	10' from any property line & outside of clear vision areas.

Table - 15.6.3 Signs Permitted in Commercial District and Resort Commercial District

Lots Occupied by More than One Legally Established Business Establishment

Notes: Any lot or combination of lots occupied by more than one business establishment is entitled to one monument sign having a maximum surface area of thirty-two square, and not exceeding six feet in height, ***OR*** *one pole sign having a maximum surface area of twenty-four square feet, and not exceeding fifteen feet in height. Pole signs are subject to compliance with the 100 foot lot frontage and 200 foot sign spacing requirements specified by Sections 14.5.3 and 14.5.4.*

Each separate business establishment is entitled to one wall, marquee, canopy, or projecting sign in addition to the above referenced monument or pole sign. Additional signs are not permitted.

Signs erected within one-hundred feet of an existing residential use or property zoned for residential use shall not be illuminated by any means, and shall not exceed sixteen square feet in surface area, nor more than five feet in height.

Type of Sign	Number Permitted - Surface Area	Height	Location
Wall & Marquee	One - 1 square foot per 2 lineal feet of building frontage, up to a maximum of 50 square feet.	NA	Below roofline
Projecting	One - 12 square - 8' clearance above grade. May not project more than 4' from wall.	NA	Below roofline - Shall not project into or overhang public right-of-way.
Canopy	One 1 square feet per 2 linear feet of canopy, to maximum of 16 square feet.	NA	Canopy surface only.
Temporary Real Estate Signs	One per lot - 8 square feet. One additional sign for each establishment for sale or lease - 6 square feet.	6' NA	10' from any property line & outside of clear vision areas. NA
Temporary Construction Signs	One per lot - 20 square feet.	6'	10' from any property line & outside of clear vision areas.

Table 15.6.4Signs Permitted in the Agricultural/Residential Zoning District			
Type of Sign	**Number Permitted - Surface Area**	**Height**	**Setbacks**
Freestanding Farm Products Sales Signs	One at each approach to roadside stand or driveway - 6 square feet	6'	10 feet from property lines
All signs allowed in the residential districts are permitted in the AR district.			

Chapter XVI
Parking & Loading Areas

16.1 Purpose

In all zoning districts, off-street parking facilities for the use of occupants, employees and patrons of all land uses regulated by this Ordinance shall be provided as prescribed in this Chapter.

16.2 Size and Measurement

All off-street parking areas shall be of adequate size and design to provide safe ingress and egress to all parking spaces. Parking areas shall provide an average of 300 square feet (consisting of a parking space and adjoining access aisle) for each vehicle.

The minimum measurement standards for parking spaces and aisles are provided in the following table:

Parking Space and Maneuvering Lane Standards

Parking Pattern	Maneuvering Lane Width	Parking Space Width[1]	Parking Space Length[2]	Total Width - 2 tiers of Parking plus Lane
75 - 90 Degrees	1 - way = 15' 2 - Way = 26'	9'	20'	55' 66'
51 - 74 Degrees	1 - Way = 13' 2 - Way = 24'	9'	21'	55' 66'
30 - 50 Degrees	1 - Way = 12' 2 - Way = 20'	9'	21'	55' 62'
Parallel	1 - Way = 11' 2 - Way = 18'	9'	25'	29' 36'

[1] Measured perpendicular to the parking space centerline.
[2] Measured along the parking space centerline.

16.3 Construction Standards

Except for single-family and agricultural uses, all parking and loading areas shall be paved with compacted gravel, asphalt, or concrete. All parking surfaces shall be maintained in good condition, free from dust, trash, and debris.

Driveways providing access to parking areas shall be in accordance with standards set forth by the Oceana County Road Commission for commercial driveways. Parking lots and driveways shall be completely constructed prior to the issuance of an occupancy permit, weather permitting.

16.4 Entrances and Exists

Access to parking areas from adjoining public and private roads shall be designed and constructed to assure the safety of vehicles and pedestrians. Clear vision areas shall be provided at adjoining public roads, and at public and private road rights-of-way to assure the safety of vehicles and pedestrians traveling on adjoining public roads and sidewalks. All entrances and exits to and from parking areas shall be located in the zoning district in which the principal use served by the parking area is located.

16.5 Drainage

Storm water runoff from parking areas shall be managed to prevent off-site impacts. Parking areas shall be designed and constructed with storm drainage systems that maintain storm water runoff at a pre-development rate. No surface water shall be permitted to drain onto adjoining property unless there is a common engineered drainage system shared with the adjoining property.

The Planning Commission may require the submission of storm drainage plans designed for a 25 year rainfall event, and prepared by an engineer or other professional to assure compliance with this Section.

16.6 Setbacks

Parking areas shall comply with applicable zoning district setback requirements. A greenbelt at least six feet in height shall be provided in the setback area.

16.7 Lighting

Lighting shall be designed and arranged to prevent illumination of adjoining properties, streets, and highways. The source of illumination for parking areas located within 200 feet of a residential use or residential or agricultural zoning district shall be shrouded to prevent glare.

16.8 Public Street Parking

Public road right-of-ways shall not be used as a basis for complying with off-street parking requirements.

16.9 Conversion of Parking Areas

A required parking area shall not be converted to any other use or reduced in size without review and approval by the Planning Commission.

16.10 Loading Areas

All uses shall provide areas for the loading and unloading of goods, merchandise and other materials. Such areas shall be located so as not to impeded the orderly circulation of traffic on adjoining public or private roads, or within parking areas. Loading areas shall be at least ten feet in width, and twenty-five feet in length, and fourteen feet in height. The Planning Commission may require that loading areas be screened from view from adjoining property.

16.11 Americans With Disabilities Act/Michigan Barrier Free Requirements

All parking areas shall provide barrier free and/or van accessible parking spaces as required for compliance with state and federal guidelines. The following table illustrates general barrier free parking space requirements:

Number of Spaces in Parking Area	Required Barrier Free Spaces	Number of Spaces in Parking Area	Required Barrier Free Spaces
1 - 25	1	151 - 200	6
26 - 50	2	201 - 300	7
51 - 75	3	301 - 400	8
76 - 100	4	401 - 500	9
101 - 150	5	501 - 1,000	2% of total
		Over 1,000	20, plus 1 for each 100 spaces over 1000

16.12 Stacking Space Requirements for Drive-Through Businesses

Drive-through business establishments shall, in addition to providing off-street parking for patrons and employees, provide stacking spaces for drive-through patrons in compliance with the provisions of this Subsection. Stacking spaces shall be twenty five feet in length and nine feet wide.

Stacking spaces for drive-through patrons shall be provided as follows:

1. Restaurant - Ten spaces per drive-through window.

2. Self-service Car Wash - Three spaces per wash bay

3. Quick oil change facilities - Two spaces per bay

4. Banks - Three spaces per drive-through window

16.13 Miscellaneous Off-Street Parking Provisions

1. Existing Off-Street Parking at the Effective Date of this Ordinance

   Off-Street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

2. Fractional Requirements
   When a determination of the number of parking spaces for a particular use results in the requirement of a fractional space, the fraction shall be considered one full parking space.

3. Requirements for a use not listed shall be the same for that use which is most similar to the use not listed as determined by the Planning Commission.

4. The joint use of parking areas for uses on one or more lots may be allowed by the Planning Commission. In such cases, the number of parking spaces provided shall not be less than the sum required for the individual uses computed separately.

5. Parking or loading areas developed under the provisions of this Chapter shall not be used for any purpose other than parking of licensed vehicles, or the loading or unloading of service vehicles, unless otherwise provided.

16.14 Required Number of Parking Spaces

The amount of required off-street parking area and space by type of use shall be provided as outlined below. In cases were the number of spaces required for a use is not specified, the Planning Commission is authorized to determine the number of spaces required:

Type of Use	Number of Spaces Required
Residential	
1 & 2 Family	Two spaces per dwelling unit.
Multi-Family Units	Two spaces per unit.
Mobile Home parks	Two spaces per unit, plus one for each on-site facility manager or staff.
Retirement Communities	
Senior independent units.	1.5 spaces per unit.
Senior interim care facilities	1 space for each two beds, plus one per employee based on the maximum number of persons on the premises at one time.
Nursing & long term care facilities,	1 space for each 3 beds or each two rooms, which ever is greater.
Institutional/Public Assembly	
Places of worship.	1 space for each three seats, or 6 feet of pews
Hospitals	2.5 Spaces per bed.
Immediate care and outpatient care facilities.	2 spaces per exam room, plus 1 space per laboratory room.
Child care/day care centers.	1 space for every 8 children of licensed capacity, plus 1 space for each employee. A minimum of 3 employee spaces shall be required.
Elementary, junior & middle schools	2 spaces per classroom, plus 1 space for each 3 seats of maximum seating capacity for the indoor place of assembly having the greatest seating capacity, whichever is greater.
High schools	8 spaces per classroom, or 1 space per each 4 seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.
Private clubs and lodges	1 space for each 2.5 persons allowed within the maximum occupancy load as

	established by the appropriate fire, health, or building code.
Non-school auditoriums, sports areas, and theaters	1 space for each 3 seats or each 6 feet or bleacher seating.
Offices	
Medical/dental clinics or offices	A minimum of 6 spaces, plus 4 spaces for each 1,000 square feet of gross floor area.
General office buildings	A minimum of 3 spaces, plus 4 spaces for each 1,000 square feet of gross floor area.
Banks, credit unions & savings and loans	6 spaces per 1,000 feet of gross floor area, plus stacking spaces for drive-through service described by Section 15.12.
Government office buildings	4 spaces per 1,000 square feet of gross floor area.
Retail & Service	
Laundromats	1 space for each 3 washing machines.
Mini-storage warehouses	6 spaces.
Motels & hotels	1.5 spaces per room, plus 1 space for each 1,000 square feet of restaurant, banquet, or conference floor area.
Resorts	1.5 spaces per lodging unit, plus 1 space for each 1,000 square feet of restaurant, banquet, or conference floor area.
Camps	1 space per employee on the largest shift, plus 1 space per service vehicle, plus 6 visitor spaces.

Campgrounds	1 space per campsite, 1 per service vehicle, plus 1 per employee.
Full-service restaurants	12 spaces per 1,000 square feet of floor area, plus one space per employee.
Fast-food carry-out restaurants without indoor seating	6 spaces plus 1 space per employee.
Fast-food carry-out restaurants with indoor seating	6 spaces per 1,000 square feet of floor area, plus six spaces, plus 1 space per employee.
Fast-food carry-out restaurants with indoor seating and drive-through service.	6 spaces per 1,000 square feet of floor area, plus six spaces, plus 1 space per employee, plus stacking spaces for drive-through patrons described by Section 15.12.
Convenience stores	A minimum of 6 spaces, plus 1 space for each 1,000 square feet of floor area.
Hardware and home improvement stores	A minimum of 6 spaces, plus 1 space for each 1,000 square feet of floor area.
Recreational vehicle & boat dealerships.	1 space per each 800 square feet of gross floor area, plus 2 spaces per service bay.
Motor vehicle dealerships	1 space per each 5,000 square feet of outdoor sales area, plus 1 space per sales office, plus 3 spaces per service bay.
Gasoline stations (self serve)	1 for each employee, plus 1.5 for each fuel nozzle. When combined with a convenience store, the requirements for such stores shall apply in addition to the 1.5 spaces per nozzle requirement.
Recreation/Entertainment	

Arcades	A minimum of 6 spaces, plus 1 space for each 1,000 square feet of floor area.
Batting cages	3 spaces per cage.
Golf driving ranges	1.5 spaces per tee.
Miniature golf courses	1.5 spaces per hole.
Par-three golf courses	3 spaces per hole.
Golf courses	5 spaces per hole.

Indoor and outdoor amusement facilities	1 space per 200 square feet on indoor floor area, plus 1 space for each 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
Recreational vehicle rental facilities.	1 space for each rental vehicle.
Industrial	
1.5 spaces per 1,000 square feet of gross floor area, or 1 space per employee, based on the maximum number of employees to be on the premises at one time, whichever is greater.	

Chapter XVII
Nonconforming Uses

17.1 Intent

Except as provided below, no person may cause an increase in the extent of a nonconforming use or nonconforming building structure except as provided below. The terms "nonconforming use" and "nonconforming building or structure" are defined as follows:

1. Nonconforming Building or Structure

A lawfully established building, structure, or portion thereof that lawfully existed before the effective date of this Ordinance, and that does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which it is located.

2. Nonconforming Use

A use of land, or use of land and buildings, which lawfully existed before the effective date of this Ordinance that does not conform to the use regulations of the zoning district in which such land is located.

17.2 Extension or Enlargement of Uses, Buildings, or Structures

1. The physical alteration or expansion of existing structures, or the construction or placement of new structures is not permitted if such alteration, construction or placement results in either of the following:

    a. An increase in the total amount of building or land area occupied by or devoted to a nonconforming use, or;

    b. Greater nonconformity with setback, height, parking area, or other zoning district area, setback, or dimensional requirements.

2. A nonconforming use may be extended throughout any portion of a completed building that was designed or arranged to accommodate the nonconforming use before the effective date of this ordinance.

3. A nonconforming use may not be extended or enlarged to occupy additional buildings or land outside the original building.

4. A nonconforming use of open land may not be extended to cover more land than was occupied by that use before the effective date of this ordinance.

17.3 Maintenance & Repair

Maintenance and repair work may be done on any building occupied by a nonconforming use provided such work does not increase the exterior dimensions of such building in existence before the effective date of this ordinance.

17.4 Reconstruction

1. Any building occupied by a nonconforming use which has been damaged or destroyed by a fire, explosion or act of God may be restored or reconstructed within the preexisting exterior dimensions of such building.

2. Nonconforming buildings or structures damaged or destroyed by a fire, explosion, or act of God may be restored or reconstructed within the preexisting exterior of such buildings.

17.5 Changes of Use

A change in use of property from a nonconforming use to another use may be made only in accordance with the provisions of this section.

1. Changing a nonconforming use to a permitted or special use allowed in a zoning district is permitted provided appropriate approvals such as site plan review or special use approval are obtained prior to such change of use. Following approval, the use of the property may not revert to its nonconforming use status.

2. Changing a nonconforming use to another nonconforming use may be authorized only by the Zoning Board of Appeals provided that the Zoning Board of Appeals finds:

    a. All requirements of this Ordinance can be reasonably complied with.

    b. The proposed nonconforming use will have less of an adverse impact on those persons and properties most affected by it.

    c. The proposed nonconforming use will be more compatible with the surrounding area or neighborhood in which it is located than is the existing nonconforming use.

17.6 Abandonment & Discontinuance

If a nonconforming use of any building or land is abandoned or discontinued through vacancy, lack of operation or otherwise for a continuous period of 12 months, and the owners shows an intent to abandon. This intent may be indicated by action or inaction by the owner. Indicators include but are not limited to:

1. disconnection of utilities
2. removal of building fixtures necessary to reasonably carry on the then current use
3. property falling into disrepair or being unsafe
4. discontinuance of newspaper or mail service
5. removal of signs”

Any future use of such building or land shall conform in its entirety to the provision of this Ordinance; provided, however, the Township Zoning Board of Appeals may, upon application within six (6) months of the termination of said period, permit the resumption of such non-conforming use.

Chapter XVIII
Zoning Board of Appeals

18.1 Membership

The Zoning Board of Appeals (ZBA) shall consist of five regular members and two alternate members. (September 12th, 2006)

1. The first member shall be a member of the Township Planning Commission.

2. The remaining four members must be selected from electors of the Township residing outside of incorporated cities and villages. One member may be a member of the Township Board provided that an elected officer cannot serve as chairman of the ZBA.

3. The two alternate members shall be selected and appointed in the same manner and for the same term of office as regular members. An alternate member may be called to serve in the absence of a regular member if the regular member is absent from or will be unable attend a meeting of the ZBA.

   An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member has the same voting rights as a regular member of the ZBA.

4. An employee or contractor of the Township cannot serve as a member or employee of the ZBA.

5. Members of the ZBA shall be removable by the Township Board for non-performance of duty or for misconduct in office upon written charges and after public hearing by the Township Board.

18.2 Meetings

The ZBA shall not conduct business unless a majority of its members are present. All meetings shall be open to the public and shall be held at the call of the Chairman at such times as ZBA's rules of procedure may specify. The ZBA shall adopt rules of procedure and shall maintain a written record of its proceedings including all findings and other official actions, all of which shall be filed in the office of the Township Clerk and shall be made available to the public in accordance with Section 9 of the Open Meetings Act (PA 267 of 1976, as amended).

18.3 Majority Vote of Membership Required

A decision on any matter before the ZBA can by made only by a majority of its members.

18.4 Appeals

Appeals shall be filed within sixty days of the decision of the Zoning Administrator from which the appellant seeks relief.

The ZBA may hear appeals made by and grant variances to any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.

In rendering a decision, the ZBA may, by a concurring vote of a majority of its members, reverse or affirm in whole or in part a decision or determination made by the Zoning Administrator or may grant a variance from the Ordinance provision(s) from which the appeal was sought.

Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

18.5 Limitations on Authority

The ZBA has no authority to overrule a Planning Commission decision on applications for Site Plan Review, Special Uses, or Planned Unit Developments. The ZBA has no authority to grant variances that allow the establishment of a use in any zoning district in which that use is prohibited or when that use is permitted in another district as a matter of right or as a special use.

18.6 Notice of Hearing

Notice of hearings of appeals shall be given to the parties concerned, persons to whom real property is assessed and all occupants of structures within 300' feet of the property in question and in a newspaper of general circulation in the Township at least fifteen (15) days prior to the hearing. Such notice shall contain the address, if available, and location of the property for which a variance or other ruling is sought, as well as a brief description of the nature of the appeal. (September 12th, 2006)

18.7 Variances

The ZBA may grant variances when the literal enforcement of the provisions of this Ordinance would result in practical difficulties or cause unnecessary hardships created by the lay of the land or the location of buildings and structures existing before the effective date of this ordinance. Prior to granting a variance, the ZBA must find that the following conditions and circumstances exist:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the surrounding neighborhood or area;

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

3. That the granting of a variance will not be detrimental to the public welfare nor injurious to the property or improvements in the neighborhood or area in which the property is located;

4. That the granting of such variance will not adversely affect the purposes or objectives of this Ordinance, and Amended June 8th 2004.

5. That the need for a variance is not the result of an action by the appellant.

18.8 Zoning Board of Appeals Approval

The ZBA may require an appellant to submit surveys, plans, or other information deemed reasonably necessary to making an informed decision on his or her appeal. The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to comply with the spirit and purpose of this Ordinance.

CHAPTER XIX
ZONING ORDINANCE & MAP AMENDMENTS

19.1 Purpose

Proposals for amending, adding to or supplementing this Ordinance, or for amending zoning district boundaries (zone changes or rezoning) may be made by the Township Board, the Planning Commission, or by one or more owners of property in the Township.

19.2 Scheduling and Notification of Public Hearing

1. Application for a text amendment or rezoning is submitted to the Township Clerk.

2. The Township Clerk confers with the Chairman of the Planning Commission to set a date on which the Planning Commission will conduct a public hearing to receive public comment on the application.

3. A notice stating the time, place, date, and purpose of the public hearing shall be published once in a newspaper of general circulation in the township. The notice shall be published not less than 15 days before the date of the hearing. The notices shall include the places and times at which the tentative text and/or map illustrating the extent and location of the zoning amendment may be examined. (September 12th, 2006)

   If an amendment involves rezoning an individual property or several adjacent properties, notice of the public hearing must be delivered in person or by mail not less than eight days before the day of the public hearing to:

   a. The owner of the property in question;

   b. All persons who own property within 300 feet of the property subject to the application, and;

   c. All occupants of one and two-family dwellings within 300 feet of the property subject to the application.

   If notices are sent by mail, an affidavit of mailing must be filed with the Planning Commission before the public hearing.

4. Not less than twenty (20) days notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company, and to each railroad operating within the district or zone affected, that registers its name and mailing address with the Planning Commission for the purpose of receiving the notice. An affidavit of mailing shall be maintained. The notices shall include the places and times at which the tentative text and maps of the Zoning Ordinance may be examined.

19.4 Public Hearing

The Planning Commission conducts the public hearing to consider and evaluate public input pertaining to the application.

19.5 Action Following Public Hearing

1. Planning Commission Action

Following the public hearing, the Planning Commission makes a recommendation that the Township Board approve, reject, or approve with change the proposed text amendment or rezoning. The Planning Commission refers its recommendation to the County Planning Commission for review and comment. The County has 30 days within which to respond. If the County does not respond within 30 days, then its right for review and comment is waived.

The Township Planning Commission reviews the County Planning Commission comments, if any, and forwards its recommendation to the Township Board.

2. Township Board Action

Following receipt of Township Planning Commission's recommendation the Township Board may:

a. Adopt the amendment;

b. Reject the amendment;

c. Hold additional public hearings on the proposed amendment at its own initiative or if requested by property owner or resident who requests a hearing by certified mail addressed to the Township Clerk. Notice of such hearings must be published in a newspaper not less than five nor more than fifteen days prior to the hearing date, or;

d. If changes to the proposed amendment are desirable, the Township Board may refer the proposed amendment back to the Planning Commission for further recommendation within a specified time.

19.6 Publication of Amendments

When approved, the nature and extent of Ordinance amendments must be published in a newspaper within 15 days of the date of adoption by the Township Board.

19.7 Guidelines for Decisions on Text Amendments and Rezoning Requests

In order for the Planning Commission and Township Board to objectively determine whether a proposed amendment is appropriate, the following guidelines should be considered:

1. For proposed text amendments that will add land uses to a zoning district, it is appropriate to consider the following questions:

   a. Is the proposed land use already provided for elsewhere in the Ordinance?
   b. Is the proposed land use compatible with permitted and special uses already allowed in that district?
   c. Does the proposed land use relate well to the Township Master Plan?

d. Does the proposed use meet the spirit and intent of the Ordinance and the objectives of the zoning district?
e. Would the proposed use be appropriate in all locations in the district?
f. Is the proposed use more appropriate in the district if permitted as a special use?
g. Is there a need to add the proposed use at all?

2. For text amendments that would change or add regulations or standards, it is appropriate to consider the following questions:
   a. Does the proposed rule, change, or addition help reinforce the Township Master Plan?
   b. Is it consistent with the intent and purpose of the Zoning Ordinance?
   c. What is the problem or issue the amendment is intended to address? Can the problem or issue be addressed in another, more appropriate manner? Is the problem or issue not addressed by other Ordinance provisions?
   d. Is the proposed text change enforceable?

3. For proposed rezoning that will change or create a mapped zoning district, it is appropriate to consider the following questions:

   a. Are there substantial reasons why the property cannot be reasonably used as currently zoned?
   b. Is the use desired to be established in the new district more appropriately handled as a special land use in the existing district or another district?
   c. Is the rezoning supported by the Township Master Plan?
   d. Would a change of district boundaries be compatible with existing land uses in the area? Will it adversely affect neighboring nearby property values?
   e. Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?
   f. Would the rezoning constitute a spot zone granting a special privilege to one landowner not available to others?
   g. Was there a mistake in the original zoning classification?
   h. Has there been a change of conditions in the area of the land subject to the proposed rezoning?
   i. Would the change severely impact traffic, public facilities, and the natural characteristics of the area or significantly change population density? Is the change consistent with the purposes for which the zoning Ordinance was adopted?
   j. Is the proposed change out of scale with the needs of the community?
   k. Will the rezoning stimulate other similar rezoning requests? If so, would rezoning the property have a negative impact on community plans and public services?
   l. Is the proposed change precedent setting?
   m. Is the proposed boundary appropriate?

Chapter XX
Administration & Enforcement

20.1 Zoning Administrator

The provisions of this Ordinance shall be administered by the Township Zoning Administrator. The Zoning Administrator shall be appointed by the Township Board subject to conditions of employment the Board shall determine.

In the event the Zoning Administrator has a conflict of interest associated with the administration of this Ordinance, the Township Board shall designate some other person to be temporarily responsible for issuing zoning approvals, permits, and certificates of occupancy.

In cases where lot lines are not clearly indicated by corner markers or other means, the Zoning Administrator may require such lines to be located by a registered surveyor at the owner's expense. In cases of properties located along the shoreline of Lake Michigan or Silver Lake, or if there is any question of location of the fifty-year high water mark, the Zoning Administrator may also require this level to be set and marked by a registered surveyor, at the owner's expense.

20.2 Zoning Permits

1. Except as otherwise provided, no dwelling or building or recreational vehicle, including signs and accessory structures, subject to the provisions of this Ordinance shall be erected, altered, enlarged or moved upon any land, lot or premises until a permit therefore has been issued by the Zoning Administrator in conformity with the provisions of this Ordinance. Such a permit shall be nontransferable and shall be good for one (1) year, with right of renewal in the discretion of the Zoning Administrator upon proper application and must be granted before any excavation, construction, alteration, enlargement or movement is begun. (amended 5/8/2001)

2. Applications for zoning permits shall be submitted to the Zoning Administrator not less than ten (10) days prior to the time when erection, alteration, enlargement or movement of a dwelling or building is intended to begin. Such application shall be accompanied by a duplicate drawing to scale or accurately dimensioned, showing the location and actual dimensions of the land to which the permit is to apply; the kind of building to be erected; the width of all abutting streets, highways, easements, and public open spaces; the area, size, and location of all dwellings or buildings erected or to be erected, altered or moved upon the premises; and the front yard dimensions for the nearest buildings on both sides of the proposed dwelling or building.

3. The application shall also show the location, dimensions and description of the water supply and the sewage disposal facilities to be constructed, such as: septic tanks and disposal fields; the location of existing wells, and; the location of existing sewage disposal facilities on such adjoining premises.

4. Within ten (10) days of the receipt of a completed application, the Zoning Administrator shall issue a zoning permit to the applicant or the applicant's duly authorized agent, provided the dwelling or building and the land uses thereof as set forth in the application are in conformity with the provisions of this Ordinance. In the event an application is

denied, the reasons for denial shall be provided to the applicant in writing. The Zoning Administrator shall file one copy of each application filed, whether approved or denied. The second copy of the application shall be returned to the applicant with similar notations.

5. Nothing in this section shall be construed as to prohibit the owner or his agent from preparinghis own plans and specifications, provided the same are clear and legible. For each such zoning permit issued, a fee, which will be set annually by the Township Board, shall be paid to the Township Clerk. This fee shall be placed in a separate fund to be known as the Township Zoning Ordinance Fund. This fund shall be used only for the administration of this Ordinance as directed by the Township Board. No permit is valid until the fee is paid. Where construction is started without a zoning permit, twice the normal fee will be assessed as penalty.

6. Accessory buildings when erected at the same time as the principal building on a lot andshown on the application therefore shall not require a separate zoning permit.

7. The Zoning Administrator shall have the power to revoke or cancel by way of written notice any zoning permit of any kind in cases of failure and/or neglect to comply with any of the provisions of the Ordinance or in case of any false statement or misrepresentation made on the application. The Zoning Administrators written notice shall contain a statement, and it so shall be, that the permit holder shall have seven (7) days from the date of the notice to file with the Zoning Administrator a written petition for a hearing for review of the Zoning Administrators decision by the Zoning Board of appeals. The Zoning Administrators written notice shall also inform the permit holder that he/she may be represented by counsel and the Zoning Board of appeals will consider documentary and testimonial evidence at such hearing. Upon review of such evidence the recommendation for the disposition of the petition for review, the hearing on the petition for review shall occur at a time, place and date set by the Zoning Board of Appeals chairman. If the Zoning Administrator certifies to the Township Board that above-mentioned violations do not present an immediate and substantial danger to the health, safety and/or welfare of the public, the Zoning Administrators written notice shall not take effect until the earliest of the following occur:

    1. The permit holder fails to timely file a petition for review:
    2. The permit holder fails to appear at a properly scheduled hearing or:
    3. The Township Board upholds the Zoning Administrators decision in its final determination.

If the Zoning Administrator does certify the above-mentioned certification of danger to the Township Board then the revocation or cancellation shall take immediate effect, and remain in effect until overturned by the Township Board after a hearing for review.(amended 3/12/2001)

Chapter XIX
Violations & Penalties

21.1 Violations are a Nuisance Per Se

Any building or structure which is erected, constructed, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance is hereby declared to be a nuisance per se.

21.2 Penalties

Any person, firm, corporation, or agent in charge of such building or land who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement thereof, shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and a fine of fifty ($50.00) dollars, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense.

Increased civil fines may be imposed for repeated violations of the Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

A. The fine for any offense which is a first repeat offense shall be $250.00, plus costs and other sanctions.

B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be $500.00, plus costs and other sanctions.

The Township Zoning Administrator, members of the Oceana County Sheriff's Department assigned to the Township, members of the Oceana County Sheriff's Department whose services are contracted by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board, are hereby designated as the authorized Township Officials to issue municipal infraction notices (directing alleged violators to appear at the Golden Township Municipal Ordinance Violations Bureau) or municipal civil infraction citations (directing alleged violators to appear in Court) as provided by the Municipal Civil Infraction Ordinance Adopted by the Township.