WAYLAND TOWNSHIP ZONING ORDINANCE

Ordinance 01-2018
Effective January 24, 2018
Last Amended August 2020

TOWNSHIP OF WAYLAND

ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 01-2018

Adopted: January 8, 2018

Effective: January 24, 2018

An ordinance to amend and revise the *Wayland Township Zoning Ordinance* in a format designed for online use and to include new ordinances previously adopted.

This ordinance supersedes and replaces all Zoning Ordinances prior to the effective date.

On December 13, 2017, the Wayland Township Planning Commission held a public hearing and recommended that the Township Board officially re-adopt the Zoning Ordinance.

At a meeting of the Wayland Township Board on January 8, 2018, McInerney made a motion to adopt the re-formatted Zoning Ordinance as recommended by the Planning Commission on December 13, 2017. Supported by Kamyszek.

VanVolkinburg – Yes
McInerney – Ye
Kamyszek – Yes
Stein – Yes
Miner – Yes

All yes, motion carried.

Ann McInerney 1-8-18

Ann McInerney, Clerk
Wayland Township

Date of Adoption

Ordinance 012018 Zoning Ordinance readoption

STATE OF MICHIGAN)

) ss.

COUNTY OF ALLEGAN)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Wayland at a regular meeting held on January 8, 2018, and I further certify that public notice of such meeting was given as provided by law.

Ann McInerney

Ann McInerney, Township Clerk

TABLE OF CONTENTS

CHAPTER 1 PURPOSE, SCOPE, AND VALIDITY 1-1

SECTION 1.01 TITLE 1-1
SECTION 1.02 PURPOSE 1-1
SECTION 1.03 LEGAL BASIS 1-1
SECTION 1.04 SCOPE 1-1
SECTION 1.05 VALIDITY AND SEVERABILITY 1-1
SECTION 1.06 INTERPRETATION 1-1
SECTION 1.07 REPEAL OF PRIOR ORDINANCE 1-2

CHAPTER 2 DEFINITIONS 2-1

SECTION 2.00 RULES APPLYING TO TEXT 2-1
SECTION 2.01 DEFINITIONS “A” 2-1
SECTION 2.02 DEFINITIONS “B” 2-1
SECTION 2.03 DEFINITONS “ C” 2-1
SECTION 2.04 DEFINITONS “D” 2-1
SECTION 2.05 DEFINITIONS “E” 2-2
SECTION 2.06 DEFINITIONS “F” 2-2
SECTION 2.07 DEFINITIONS “G” 2-2
SECTION 2.08 DEFINITIONS “H” 2-2
SECTION 2.09 DEFINITONS “I” 2-3
SECTION 2.10 DEFINITIONS “J” 2-3
SECTION 2.11 DEFINITIONS “K” 2-3
SECTION 2.12 DEFINITIONS “L” 2-3
SECTION 2.13 DEFINITIONS “M” 2-3
SECTION 2.14 DEFINITIONS “N” 2-3
SECTION 2.15 DEFINITIONS “O” 2-3
SECTION 2.16 DEFINITIONS “P” 2-3
SECTION 2.17 DEFINITIONS “Q” 2-4
SECTION 2.18 DEFINITIONS “R” 2-4
SECTION 2.19 DEFINITIONS “S” 2-4
SECTION 2.20 DEFINITIONS “T” 2-4
SECTION 2.21 DEFINITIONS “U” 2-4
SECTION 2.22 DEFINITIONS “V” 2-4
SECTION 2.23 DEFINITIONS “W” 2-4
SECTION 2.24 DEFINITIONS “X” 2-4
SECTION 2.25 DEFINITIONS “Y” 2-4
SECTION 2.26 DEFINITIONS “Z” 2-4

CHAPTER 3 GENERAL PROVISION 3-1

SECTION 3.01 ZONING APPLICABILITY 3-3
SECTION 3.02 YARD, LOT AND AREA REQUIREMENTS 3-3
SECTION 3.03 TEMPORARY DWELLINGS 3-3
SECTION 3.04 MOVING OF BUILDINGS AND STRUCTURES 3-4
SECTION 3.05 RAZING OF BUILDINGS 3-4
SECTION 3.06 INTERSECTION VISIBILITY 3-4
SECTION 3.07 LOT ACCESS 3-5
SECTION 3.08 STRUCTURES EXEMPT FROM HEIGHT REGULATIONS 3-5

SECTION 3.09 OUTDOOR LIGHTING 3-5
SECTION 3.10 KENNELS 3-5
SECTION 3.11 KEEPING OF ANIMALS AND LIVESTOCK 3-5
SECTION 3.12 FENCES, WALLS AND SCREENS 3-6
SECTION 3.13 UNWHOLESOME SUBSTANCES 3-6
SECTION 3.14 SWIMMING POOLS 3-7
SECTION 3.15 FLEA MARKETS, GARAGE SALES, BAZAARS, PERSONAL PROPERTY SALES 3-7
SECTION 3.16 PRINCIPAL BUILDING ON A LOT OR PARCEL 3-7
SECTION 3.17 HOME BASED BUSINESSES 3-7
SECTION 3.18 HEALTH DEPARTMENT APPROVAL 3-9
SECTION 3.19 REPAIR AND CLEAN-UP OF DAMAGED OR DESTROYED BUILDINGS 3-9
SECTION 3.20 RECREATIONAL VEHICLES ON VACANT PARCELS 3-10
SECTION 3.21 RECREATIONAL VEHICLES ON OCCUPIED PARCELS 3-10
SECTION 3.22 ACCESSORY BUILDINGS 3-10
SECTION 3.23 THROUGH LOTS 3-11
SECTION 3.24 REQUIRED WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES 3-12
SECTION 3.25 GRADES 3-12
SECTION 3.26 ESSENTIAL PUBLIC SERVICE EQUIPMENT STRUCTURES & BUILDINGS 3-12
SECTION 3.27 CONTINUED CONFORMANCE 3-13
SECTION 3.28 CATEGORY OF BUSINESS NOT DESIGNATED 3-13
SECTION 3.29 YARD ENCROACHMENTS 3-13
SECTION 3.30 OUTDOOR STORAGE 3-13
SECTION 3.31 MINIMUM FLOOR AREA FOR DWELLINGS 3-13
SECTION 3.32 RESERVED FOR FUTURE USE 3-14
SECTION 3.33 GOVERNMENTAL IMPROVEMENTS 3-14
SECTION 3.34 SUPPLEMENTAL SETBACK REQUIREMENTS 3-14
SECTION 3.35 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODOR 3-14
SECTION 3.36 MINERAL MINING 3-14
SECTION 3.37 GROUNDWATER PROTECTION 3-22
SECTION 3.38 MINIMUM STANDARDS FOR DWELLINGS 3-22
SECTION 3.39 PRIVATE ROAD REQUIREMENTS 3-23
SECTION 3.40 OPEN SPACE PRESERVATION PROJECTS 3-29
SECTION 3.41 LAKE ACCESS REGULATIONS 3-34
SECTION 3.42 LOTS ABUTTING A NAVIGABLE BODY OF WATER (LAKE /RIVER/STREAM) 3-35
SECTION 3.43 ADULT BUSINESSES 3-36
SECTION 3.44 LANDSCAPING 3-39
SECTION 3.45 WIND ENERGY SYSTEM (WES) 3-42
SECTION 3.46 MET TOWERS 3-47
SECTION 3.47 OUTDOOR FURNACES 3-49
SECTION 3.48 WIRELESS COMMUNICATION TOWERS AND ANTENNAS 3-49
SECTION 3.49 SOLAR ENERGY SYSTEMS (SES) 3-57

CHAPTER 4 ZONING DISTRICTS 4-1

SECTION 4.01 ZONING DISTRICT DESIGNATIONS IN WAYLAND TOWNSHIP 4-1
SECTION 4.02 ZONING MAP 4-1
SECTION 4.03 ZONING MAP INTERPRETATION 4-1
SECTION 4.04 LANDS NOT INCLUDED WITHIN A ZONING DISTRICT 4-2

CHAPTER 5 A, AGRICULTURAL DISTRICT 5-1

SECTION 5.01 DESCRIPTION AND PURPOSE 5-1
SECTION 5.02 PERMITTED USES 5-1

SECTION 5.03 USES REQUIRING A SPECIAL USE PERMIT 5-2
SECTION 5.04 REGULATIONS FOR FARM MARKETS 5-3
SECTION 5.05 REGULATIONS FOR AGRI-TOURISM USES AND WINERIES, BREWERIES, AND DISTILLERIES 5-4
SECTION 5.06 DEVELOPMENTAL STANDARDS 5-6
SECTION 5.07 MINIMUM FLOOR AREA 5-6
SECTION 5.8 ADDITIONAL REQUIREMENTS 5-7

CHAPTER 6 R1 LOW DENSITY RESIDENTIAL DISTRICT 6-1

SECTION 6.01 DESCRIPTION AND PURPOSE 6-1
SECTION 6.02 PERMITTED USES 6-1
SECTION 6.03 USES REQUIRING A SPECIAL USE PERMIT 6-1
SECTION 6.04 DEVELOPMENT STANDARDS 6-2
SECTION 6.05 MINIMUM FLOOR AREA 6-2
SECTION 6.06 ADDITIONAL REQUIREMENTS 6-3

CHAPTER 7 R2 MEDIUM DENSITY RESIDENTIAL DISTRICT 7-1

SECTION 7.01 DESCRIPTION AND PURPOSE 7-1
SECTION 7.02 PERMITTED USES 7-1
SECTION 7.03 USES REQUIRING A SPECIAL USE PERMIT 7-1
SECTION 7.04 DEVELOPMENT STANDARDS 7-1
SECTION 7.05 MINIMUM FLOOR AREA 7-2
SECTION 7.06 ADDITIONAL REQUIREMENTS 7-2

CHAPTER 8 R3 MULTI-FAMILY RESIDENTIAL DISTRICT 8-1

SECTION 8.01 DESCRIPTION AND PURPOSE 8-1
SECTION 8.02 PERMITTED USES 8-1
SECTION 8.03 USES REQUIRING A SPECIAL USE PERMIT 8-1
SECTION 8.04 DEVELOPMENT STANDARDS 8-2
SECTION 8.05 MINIMUM FLOOR AREA 8-2
SECTION 8.06 ADDITIONAL REQUIREMENTS 8-2

CHAPTER 9 PUD PLANNED UNIT DEVELOPMENT DISTRICT 9-1

SECTION 9.01 PURPOSE & INTENT 9-1
SECTION 9.02 PUD AUTHORIZATION & PERMITTED USES 9-1
SECTION 9.03 QUALIFYING CONDITIONS 9-2
SECTION 9.04 DEVELOPMENT REQUIREMENTS FOR ALL USES 9-2
SECTION 9.05 REQUIREMENTS FOR RESIDENTIAL PUD'S 9-2
SECTION 9.06 PROCEDURES 9-5
SECTION 9.07 STANDARDS FOR APPROVAL 9-5

CHAPTER 10 R4 MOBILE – MODULAR HOME PARK DISTRICT 10-1

SECTION 10.1 DESCRIPTION AND PURPOSE 10-1

CHAPTER 11 C1 OFFICE, SERVICE COMMERCIAL DISTRICT 11-1

SECTION 11.01 DESCRIPTION AND PURPOSE 11-1
SECTION 11.02 PERMITTED USES 11-1

SECTION 11.03 DEVELOPMENT STANDARDS 11-1
SECTION 11.04 GREENBELT 11-2
SECTION 11.05 SPECIFIC REGULATIONS 11-2
SECTION 11.06 ADDITIONAL REQUIREMENTS 11-3

CHAPTER 12 C2 GENERAL COMMERCIAL DISTRICT 12-1

SECTION 12.01 DESCRIPTION AND PURPOSE 12-1
SECTION 12.02 PERMITTED USES 12-1
SECTION 12.03 USES REQUIRING A SPECIAL USE PERMIT 12-2
SECTION 12.04 DEVELOPMENT STANDARDS 12-3
SECTION 12.05 GREENBELT 12-3
SECTION 12.06 SPECIFIC REGULATIONS 12-4
SECTION 12.07 ADDITIONAL REQUIREMENTS 12-5

CHAPTER 13 I1 INDUSTRIAL DISTRICT 13-1

SECTION 13.01 INTENT 13-1
SECTION 13.02 PERMITTED USES 13-1
SECTION 13.03 USES REQUIRING A SPECIAL USE PERMIT 13-2
SECTION 13.04 DEVELOPMENT STANDARDS 13-3
SECTION 13.05 GREENBELT 13-4
SECTION 13.06 SPECIFIC REQUIREMENTS 13-4
SECTION 13.07 ADDITIONAL REQUIREMENTS 13-5

CHAPTER 14 (MPUD) MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT 14-1

SECTION 14.01 INTENT 14-1
SECTION 14.02 AUTHORIZATION AND PROCEDURE 14-1
SECTION 14.03 PERMITTED USES 14-1
SECTION 14.04 DEVELOPMENT STANDARDS 14-2
SECTION 14.05 GREENBELT 14-2
SECTION 14.06 PUBLIC ROADS 14-2
SECTION 14.07 APPLICATION OF DEVELOPMENT STANDARDS 14-3
SECTION 14.08 SPECIFIC REQUIREMENTS 14-3
SECTION 14.09 PROCEDURES 14-4
SECTION 14.10 AMENDMENTS TO APPROVED PUD 14-7
SECTION 14.11 PERFORMANCE GUARANTEES 14-7
SECTION 14.12 TIME LIMITATIONS ON DEVELOPMENT 14-8
SECTION 14.13 ADDITIONAL REQUIREMENTS 14-8

CHAPTER 15 RR RECREATIONAL RESORT RESIDENTIAL DISTRICT 15-1

SECTION 15.01 DESCRIPTION AND PURPOSE 15-1
SECTION 15.02 PERMITTED USES 15-1
SECTION 15.03 USES REQUIRING A SPECIAL USE PERMIT 15-1
SECTION 15.04 SPECIAL USE REQUIREMENTS 15-1
SECTION 15.05 DEVELOPMENTAL STANDARDS 15-2
SECTION 15.06 MINIMUM FLOOR AREA 15-3
SECTION 15.07 ADDITIONAL REQUIREMENTS 15-3

CHAPTER 16 RABBIT RIVER PROTECTION OVERLAY ZONE 16-1

SECTION 16.01 INTENT AND PURPOSE 16-1
SECTION 16.02 APPLICABILITY AND ADMINISTRATIVE ACTION 16-1
SECTION 16.03 OVERLAY AREAS: NATURAL VEGETATION ZONE: DEFINITION, INTENT AND DELINEATION 16-2
SECTION 16.04 DEVELOPMENT STANDARDS IN THE NATURAL VEGETATION ZONE 16-3
SECTION 16.05 PRINCIPAL STRUCTURE SETBACKS 16-4
SECTION 16.06 EXISTING USES AND STRUCTURES 16-4

CHAPTER 17 SITE PLAN REVIEW 17-1

SECTION 17.01 PURPOSE 17-1
SECTION 17.02 SITE PLAN REVIEW REQUIRED 17-1
SECTION 17.03 APPLICATION AND PROCEDURES 17-2
SECTION 17.04 PRELIMINARY SITE PLAN REVIEW 17-2
SECTION 17.05 FINAL SITE PLAN REVIEW 17-3
SECTION 17.06 FINAL SITE PLAN APPROVAL 17-4
SECTION 17.07 STANDARDS FOR APPROVAL 17-4
SECTION 17.08 CONDITIONS OF APPROVAL 17-5
SECTION 17.09 VALIDITY OF FINAL SITE PLANS 17-6
SECTION 17.10 PERFORMANCE GUARANTEE 17-6
SECTION 17.11 AMENDMENTS TO APPROVED SITE PLAN 17-6

CHAPTER 18 SPECIAL LAND USES 18-1

SECTION 18.01 PURPOSE OF SPECIAL LAND USES 18-1
SECTION 18.02 SPECIAL LAND USE PROCEDURE 18-1
SECTION 18.03 GENERAL STANDARDS 18-1
SECTION 18.04 DECISION 18-2
SECTION 18.05 CONDITIONS OF APPROVAL 18-2
SECTION 18.06 EXPIRATION OR PERMIT 18-2
SECTION 18.07 AMENDMENT TO AN APPROVED SPECIAL LAND USE 18-3
SECTION 18.08 REVOCATION OF PERMIT 18-3
SECTION 18.09 STANDARDS FOR SPECIFIC SPECIAL LAND USES 18-4

CHAPTER 19 SITE CONDOMINIUMS 19-1

SECTION 19.01 PURPOSE AND SCOPE 19-1
SECTION 19.02 DEFINITIONS 19-1
SECTION 19.03 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION 19-2
SECTION 19.04 PLANNING COMMISSION RECOMMENDATION 19-3
SECTION 19.05 REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD 19-3
SECTION 19.06 CONTENTS OF SITE CONDOMINIUM PROJECT PLANS 19-4
SECTION 19.07 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM DEVELOPMENT PLAN 19-4
SECTION 19.08 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS 19-4
SECTION 19.09 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS 19-4
SECTION 19.10 CHANGES TO APPROVED PLAN 19-5
SECTION 19.11 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED 19-6
SECTION 19.12 COMMENCEMENT OF CONSTRUCTION 19-6
SECTION 19.13 VARIANCES 19-6

CHAPTER 20 OFF STREET PARKING 20-1

SECTION 20.01 PURPOSE 20-1
SECTION 20.02 SCOPE 20-1
SECTION 20.03 LOCATION OF PARKING AREAS 20-1
SECTION 20.04 GENERAL REQUIREMENTS 20-1
SECTION 20.5 DESIGN, LOCATION, AND CONSTRUCTION REQUIREMENTS 20-3
SECTION 20.06 SIZE OF PARKING SPACE AND AISLE 20-4
SECTION 20.07 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS 20-5
SECTION 20.08 BARRIER FREE PARKING AND DESIGN REQUIREMENTS 20-10
SECTION 20.09 OFF-STREET LOADING REQUIREMENTS 20-10

CHAPTER 21 SIGNS 21-1

SECTION 21.01 PURPOSE & INTENT 21-1
SECTION 21.02 DEFINITIONS 21-1
SECTION 21.03 SIGNS PROHIBITED 21-4
SECTION 21.04 SIGNS EXEMPTED 21-4
SECTION 21.05 SIGNS NOT NEEDING A PERMIT 21-4
SECTION 21.06 PERMIT REQUIREMENTS 21-4
SECTION 21.07 GENERAL STANDARDS FOR ALL SIGNS 21-5
SECTION 21.08 REGULATIONS FOR SPECIFIC SIGNS ALLOWED IN ALL DISTRICTS 21-6
SECTION 21.09 MEASURMENT OF SIGNS 21-6
SECTION 21.10 NON-CONFORMING SIGNS 21-6
SECTION 21.11 TEMPORARY SIGNS 21-7
SECTION 21.12 BILLBOARDS 21-7
SECTION 21.13 READER BOARDS 21-9
SECTION 21.14 SIGNS IN THE A, ZONING DISTRICT 21-10
SECTION 21.15 SIGNS IN THE R-1, R-2, R-3, R-4 AND RR ZONING DISTRICTS 21-10
SECTION 21.16 SIGNS IN COMMERCIAL ZONING DISTRICTS 21-11
SECTION 21.17 SIGNS IN INDUSTRIAL ZONING DISTRICTS 21-12

CHAPTER 22 NON-CONFORMING 22-1

SECTION 22.01 PURPOSE 22-1
SECTION 22.02 GENERAL REGULATIONS 22-1
SECTION 22.03 NON-CONFORMING LOTS 22-1
SECTION 22.04 NON-CONFORMING BUILDINGS 22-2
SECTION 22.05 NON-CONFORMING USES 22-2

CHAPTER 23 ZONING BOARD OF APPEALS 23-1

SECTION 23.01 PURPOSE 23-1
SECTION 23.02 PROCEDURE 23-1
SECTION 23.03 APPEALS DEFINED 23-1
SECTION 23.04 VARIANCE DEFINED 23-1
SECTION 23.05 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS 23-1
SECTION 23.06 LIMITATIONS ON THE ZONING BOARD OF APPEALS 23-2
SECTION 23.07 MEMBERSHIP AND TERM OF OFFICE 23-2
SECTION 23.08 GENERAL PROVISIONS 23-3
SECTION 23.09 APPLICATION AND PROCEDURE 23-4

CHAPTER 24 ADMINISTRATION AND ENFORCEMENT 24-1

SECTION 24.01 ZONING ADMINISTRATION 24-1
SECTION 24.02 ELIGIBILITY 24-1
SECTION 24.03 DUTIES AND ENFORCEMENT POWERS 24-1
SECTION 24.04 ZONING COMPLIANCE PERMIT 24-1
SECTION 24.05 BUILDING PERMITS AND PLANS 24-2
SECTION 24.06 ISSUANCE OF PERMITS 24-2
SECTION 24.07 EXEMPTION FROM PERMIT REQUIREMENTS 24-3
SECTION 24.08 CERTIFICATE OF OCCUPANCY 24-3
SECTION 24.09 FEES 24-3
SECTION 24.10 APPEALS 24-3
SECTION 24.11 PUBLIC NOTIFICATION REQUIREMENTS 24-4
SECTION 24.12 AMENDMENT PROCEDURE 24-5
SECTION 24.13 PENALTIES 24-5

CHAPTER 25 REPEAL & EFFECTIVE DATE 25-1

SECTION 25.01 SEPARABILITY 25-1
SECTION 25.02 REPEAL OF CONFLICTING ORDINANCES 25-1
SECTION 25.03 EFFECTIVE DATE 25-1

CHAPTER 1
PURPOSE, SCOPE, AND VALIDITY

SECTION 1.01 TITLE

This Ordinance shall be known as, and may be cited as, "The Wayland Township Zoning Ordinance."

SECTION 1.02 PURPOSE

This Ordinance is based on the Wayland Township Master Plan and is designed and intended: to promote the public health, safety, morals, and general welfare; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location, size of, and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; to conserve life, property and natural resources, and the expenditure of funds for public services and improvements; and to encourage the most advantageous use of land, resources and properties.

SECTION 1.03 LEGAL BASIS

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

SECTION 1.04 SCOPE

The Ordinance shall not repeal, abrogate or annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by deed or other private agreement, or with restrictive covenants running with the land, to which the Township is a party where this Ordinance imposed greater restrictions, limitations or requirements upon pre-existing the provisions of this Ordinance shall control.

SECTION 1.05 VALIDITY AND SEVERABILITY

This Ordinance and the various parts, chapters, sections, subsections, paragraphs, sentences and clauses are hereby declared to be severable. If any part, chapter, section, subsection, paragraph, sentence or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 1.06 INTERPRETATION

The provisions of this Ordinance shall be considered to be the minimum requirements necessary for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of

any ordinance other than the above described zoning ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings, structures or land provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance, or by rules regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; they are hereby declared to be subject to subsequent amendment change or notification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 1.07 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by Wayland Township, and all amendments there to, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing or accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted.

CHAPTER 2
DEFINITIONS

SECTION 2.00 RULES APPLYING TO TEXT

SECTION 2.01 DEFINITIONS "A"
Accessory Building or Structure
Accessory Use
Adult Day Care Home
Adult Foster Care Congregate Facility
Adult Foster Care Facility
Adult Foster Care Family Home
Adult Foster Care Large Group Home
Adult Foster Care Small Group Home
Agriculture
Alley
Altered or Alteration
Apartment

SECTION 2.02 DEFINITIONS "B"
Basement
Bed and Breakfast
Bluff
Boarding House - Rooming House
Building
Building Height
Building Line
Building Permit

SECTION 2.03 DEFINITONS " C"
Cabin
Camp
Child Care Center
Cluster Housing
Condominium Act
Condominium / Site Condominium Project
Condominium Unit
Site Condominium Unit
County Primary Road
Convalescent or Nursing Home
Core Area

SECTION 2.04 DEFINITONS "D"
Deck
Development

Development Plan
Drive-In
Dwelling Unit
Dwelling, Efficiency
Dwelling, Multiple-Family
Dwelling, Single-Family
Dwelling, Two-Family
Dwelling Unit, Attached
Dwelling Unit, Detached
Dwelling Unit, Modular

SECTION 2.05 DEFINITIONS "E"
Earth Change
Essential Public Service Equipment
Essential Public Service Structures and Buildings

SECTION 2.06 DEFINITIONS "F"
Family
Family Child Care Home
Farm
Farm, Affiliate
Farm Building
Farm Market
Farm Operation
Farm Product
Flea Markets, Garage Sales, Bazaars and Similar Businesses
Floor Area
Frontage

SECTION 2.07 DEFINITIONS "G"
Garage, Private
Garage, Public or Commercial
Gasoline Service Station
Grade
Green Belt
Group Child Care Home

SECTION 2.08 DEFINITIONS "H"
Home-Based Business
Hotel, Motel
House Trailer
Household
House Keeping Unit
House Keeping Facilities

SECTION 2.09 DEFINITONS "I"
Inoperable Motor Vehicle

SECTION 2.10 DEFINITIONS "J"
Junk
Junk Yard/Salvage Yard

SECTION 2.11 DEFINITIONS "K"
Kennel, Commercial
Kennel, Private

SECTION 2.12 DEFINITIONS "L"
Livestock Production Facilities
Lot/Parcel/Tract
Lot, Corner
Lot Coverage
Lot, Interior
Lot, Through
Lot Line, Front
Lot Line, Rear
Lot Line, Side
Lot Width
Lot Depth
Lot Of Record

SECTION 2.13 DEFINITIONS "M"
Manufactured Home
Migratory Housing
Mobile Home
Mobile Home Park
Modular / Manufactured
Motel

SECTION 2.14 DEFINITIONS "N"
New Construction
Non-Conforming Building or Structure
Non-Conforming Lot of Record
Non-Conforming Use
Normal High-Watermark

SECTION 2.15 DEFINITIONS "O"
Ordinary High Water Mark

SECTION 2.16 DEFINITIONS "P"
Patio
Planned Unit Development (PUD)

Principal Use or Main Use
Public Parks

SECTION 2.17 DEFINITIONS "Q"

SECTION 2.18 DEFINITIONS "R"
Recreational Vehicle
Restaurant
Right-of-Way
Roadside Stand

SECTION 2.19 DEFINITIONS "S"
Setback
Special Use
Stream Bank
Street
Street Numbers
Swimming Pool

SECTION 2.20 DEFINITIONS "T"
Tavern

SECTION 2.21 DEFINITIONS "U"

SECTION 2.22 DEFINITIONS "V"
Vehicle
Variance

SECTION 2.23 DEFINITIONS "W"
Wetland

SECTION 2.24 DEFINITIONS "X"

SECTION 2.25 DEFINITIONS "Y"
Yard
Yard, Front
Yard, Rear
Yard, Required
Yard, Side

SECTION 2.26 DEFINITIONS "Z"
Zoning Administrator

SECTION 2.00 RULES APPLYING TO TEXT

The following listed rules of construction shall apply to the text of this ordinance.

The particular shall control the general:

a) Except with respect to the definitions which follow the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any constriction or interpretation of this ordinance or considered as enlarging or restricting the term and provisions of this ordinance in any respect.
b) The word "shall" is always mandatory and not discretionary. The word "may" is permissive. Unless the context clearly indicates to the contrary,
   1) Words used in the present tense shall include the future tense;
   2) Words used in the singular number shall include the plural number; and singular;
   3) Words used in the plural number shall include the singular number.
c) A building or structure includes any and all parts thereof.
d) The word "person" includes an association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them, as well as a natural person.
e) The word "used" or "occupied", as applied to any land, building or structure, shall be construed to include the words "intended", "arranged", or designed to be used".
f) The word "Township" means the Township of Wayland, Allegan County, State of Michigan.
g) The words "erect" or "erection", as applied to any building or structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon" or any physical operation or work on the land on which the building or structure is to be built, constructed, or moved upon, such as excavation, filling, drainage or similar activities.
h) The words "Township Board" shall mean the Wayland Township Board.
i) "Planning Commission" shall mean the Wayland Township Planning Commission.
j) "Board of Appeals" shall mean the Wayland Township Zoning Board of Appeals.
k) The words "Building Inspector" shall mean the building official and authorized inspector of Wayland Township.
l) The words "legal record" shall mean the circumstances where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Allegan County, Michigan.
m) For the purpose of their use in the ordinance, words or terms not defined herein shall be considered to be defined in accordance with their common or standard definition.

SECTION 2.01 DEFINITIONS "A"

Accessory Building or Structure: A structure or building on the same lot or parcel of land as the main structure or building, the use of which is, or is intended to be, subordinate or incidental to that of the main building or structure.

Accessory Use: A use which is incidental and subordinate to the main use of any land, lot, parcel, building or structure.

Adult Day Care Home: A dwelling unit in which less than seven persons 18 years or older are provided

supervision, personal care and protection for periods of less than 24 hours a day, operated by a person who permanently resides in the dwelling unit as a member of the household.

Adult Foster Care Congregate Facility **(**Ord. 01-2013: Eff.11-09-13**):** An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care.

Adult Foster Care Facility (Ord. 01-2013: Eff.11-09-13): A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Such facilities are licensed under Public Act 218 of 1979 as amended.

Adult Foster Care Family Home (Ord. 01-2013: Eff.11-09-13): A dwelling unit with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit.

Adult Foster Care Large Group Home (Ord. 01-2013: Eff.11-09-13): An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care.

Adult Foster Care Small Group Home **(**Ord. 01-2013: Eff.11-09-13**):** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care.

AGRICULTURE:

Any of the following:

1) Cultivation of the soil for the production of crops.
2) Horticulture
3) Nurseries
4) Hatcheries
5) Poultry farms
6) Dairy farms
7) Apiaries
8) Animal husbandry
9) Similar or related operations as defined in Michigan Public Act 116 of 1978 as amended. However, the term SHALL NOT include "Intensive Livestock Operation", which is defined elsewhere in the chapter.

Alley: A dedicated or publicly-controlled right-of-way, other than a street, providing a secondary means of vehicular access to abutting lots or parcels of land and which is not intended for general traffic circulation.

Altered or Alteration: Any change, addition or modification to a building or a structure, except for replacement of roofing and siding or modifications deemed to be re-decorating, which involves any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure; any architectural change of the interior or exterior of a building or structure which may affect its structural integrity, or any modification which alters the exterior dimensions of said building or structure.

Apartment: A room or suit of rooms, including bath, toilet or culinary accommodations, in a multiple dwelling, intended for use as a dwelling or residence, for any period of time.

SECTION 2.02 DEFINITONS "B"

Basement: That portion of a building which has its floor below grade which has a majority of its floor to ceiling height below grade level.

Bed And Breakfast: As used in this section "Bed and Breakfast" means a single family residential structure that has eight (8) or fewer sleeping rooms, including sleeping rooms occupied by the in-keeper, one (1) or more of which are available for rent and serves breakfast to its transient tenants.

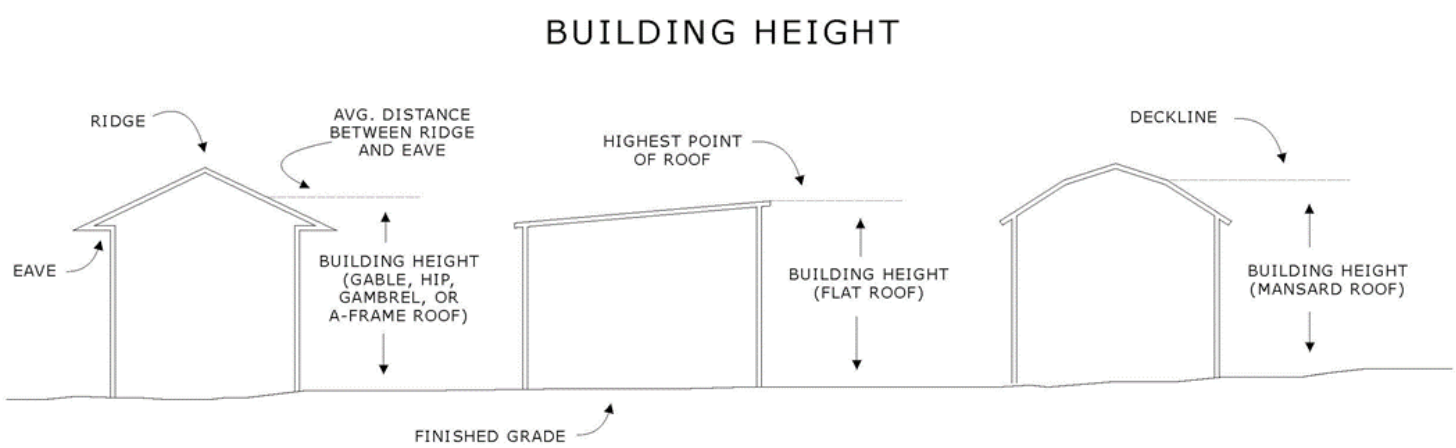
Bluff (Ord 02-2008: Eff 12-15-08): The top of a steep bank rising from the ordinary high water mark on a lot or parcel.

Boarding House - Rooming House: A dwelling having one or more kitchens and used to provide meals and/or lodging, where occupants are non-transient in nature, for payment or other compensation and which has four or less sleeping rooms in addition to those used by the immediate family occupying the dwelling.

Building: A structure, temporary or permanent, having a roof supported by columns or walls.

Building Height (Ord. 08-2016: Eff, 01-28-16): The vertical distance measured from the established grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height (between eaves and ridges) for gable, hip, gambrel, and A-frame roofs. See Figure 2-1.

Figure 2-1



Building Line (Ord. 08-2016: Eff, 01-28-16): The minimum horizontal distance set forth in the Wayland

Township Zoning Ordinance for each district as measured from the front, rear and side lot lines which

establishes the area within which buildings and structures must be erected or placed. Setback and Building Line are the same as Required Yard as defined herein. See Figure 2-2

Building Permit: A permit issued by the Building Inspector or Building Official as required by the Building Code regulations. A building permit is not a zoning permit.

SECTION 2.03 DEFINITIONS "C"

Cabin: A building, tent or similar structure for temporary or seasonal occupancy but excluding motels, hotels or boarding homes.

Camp: Temporary or permanent buildings, cabins, tents, trailers or other similar structures, together with accessories established or maintained as living quarters for recreation, education or vacation purposes, where for profit or not, for a period of five (5) days or more.

*Child Care Center***.** (Ord. 01-2013 Eff.11-09-13)**:** Any facility other than a dwelling unit in which one or more minor children are given care and supervision for periods of less than 24 hours per day on a regular basis. Child care centers do not include Family or Group Child Care Homes, or schools. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a child care center.

Cluster Housing: The grouping of housing for residential use in an area smaller than allowed by the Zoning Ordinance for a particular zoning district, provided the area deleted from the lot area required, be reserved in an undeveloped state adjacent to the residential development.

*Condominium Ac*t - Public Act 59 or 1978, as amended (Ord. 08-2016: Eff, 01-28-16)

a) *Condominium / Site Condominium Project* **(**Ord. 08-2016: Eff, 01-28-16) : A plan or project consisting of not less than two condominium units or two site condominium units established in conformance with the Condominium Act.
b) *Condominium Unit* **(**Ord. 08-2016: Eff, 01-28-16): That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project, within which a building or other improvements may be constructed by the condominium unit owner.
c) *Site Condominium Unit* **(**Ord. 08-2016: Eff, 01-28-16): A condominium unit established in compliance with the Condominium Act which is a volume of air space defined by an area of land and a specified distance above and below the land surface designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. A site condominium unit shall be considered a lot for purposes of this Ordinance.

County Primary Road: A designated and numbered County road as shown on the County Road Map.

Convalescent or Nursing Home: A building where seven (7) or more infirmed, aged or incapacitated persons

are furnished shelter, care, food, lodging and medical attention.

Core Area: That portion of a single family dwelling which constitutes the main living area and which includes the living room but excludes porches, decks, patios, attached garages, or any other accessory structure. The "core area" shall be measured within the perimeters of the foundation at grade level. As it pertains to mobile/modular homes, the term "core area" may include "multi-sectional" units but shall exclude "expando" units as these terms are commonly used in the mobile/modular home industry.

SECTION 2.04 DEFINITONS "D"

Deck: An uncovered platform which extends above grade. (Ord.03: Eff. 08-27-20)

*Development (*Ord 02-2008: Eff 12-15-08): Any manmade change to improved or unimproved real estate for any purpose, including but not limited to construction of buildings or other structures, mining, dredging, filling, paving or excavation.

Development Plan: Drawings and specifications of a proposed development or land use showing topography, location and dimensions of buildings and structures, all non-enclosed areas including streets, parking, loading and unloading, handling facilities, storm drainage, floor plans, a detailed statement of the proposed uses and other relevant information, data, and documentation as may be required by competent authority.

Drive–In: A business establishment designed or operated so that services are rendered or products are delivered to customers in or on vehicles as opposed to within a building or structure.

*Dwelling Unit (*Ord. 08-2016: Eff, 01-28-16): A building, or portion of a building, designed for use and occupancy by one family for living and sleeping purposes, with housekeeping facilities.

Dwelling, Efficiency (Ord. 08-2016: Eff, 01-28-16): A dwelling unit of not more than one room in addition to a kitchen and a bathroom.

Dwelling, Multiple-Family (Ord. 08-2016: Eff, 01-28-16): A building designed exclusively for and containing three or more dwelling units

Dwelling, Single-Family (Ord. 08-2016: Eff, 01-28-16): A detached building designed exclusively for and containing one dwelling unit only

Dwelling, Two-Family (Ord. 08-2016: Eff, 01-28-16): A detached building designed exclusively for and containing two dwelling units only. A two-family dwelling is also a duplex.

Dwelling Unit, Attached (Ord. 08-2016: Eff, 01-28-16): A dwelling unit attached to one or more dwelling units by common major structural elements

Dwelling Unit, Detached (Ord. 08-2016: Eff, 01-28-16): A dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling Unit, Modular (Ord. 08-2016: Eff, 01-28-16): A prefabricated transportable dwelling unit designed

to be incorporated at a building site into a structure on a permanent foundation to be used for residential purposes and which meets the requirements of the building code of the Wayland Township.

SECTION 2.05 DEFINITIONS "E"

Earth Change **(**Ord 02-2008: Eff 12-15-08)*:* An artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

Essential Public Service Equipment (Ord. 08-2016: Eff, 01-28-16): Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, post office boxes, streetlights, utility poles, telephone or television switching boxes, electrical transformer apparatus or similar equipment located either entirely underground, on poles not greater than 35 feet in height, or which are in the public right of way and are less than three feet above ground but not including essential public service structures or buildings. Telecommunication towers and antennas and similar wireless communications facilities operated or owned by private enterprise shall not be considered Essential Public Service Equipment.

Essential Public Service Structures And Buildings (Ord. 08-2016: Eff, 01-28-16): Buildings or structures owned and operated by public utilities or municipal departments or otherwise regulated by the Michigan Public Service Commission and used for gas, electrical, steam, fuel, water supply, water or wastewater treatment or disposal, electrical substations, telephone communications and sewage lift stations all of which are above ground and outside the public right of way, and including similar structures or buildings necessary to furnish adequate service to the public within Wayland Township, but not including essential public service equipment. Telecommunication towers and antennas and similar wireless communications facilities and wind energy systems operated or owned by private enterprise shall not be considered Essential Public Service Structures or Buildings.

SECTION 2.06 DEFINITIONS "F"

Family (Ord. 08-2016: Eff, 01-28-16)

a) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and legal wards of the principal occupants plus two other individuals unrelated to the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit.
b) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

Family Child Care Home **(**Ord. 0-2023: Eff.03-24-23)**:** A dwelling unit in which less than seven minor children (or such other increased capacity number of minor children permissible under State Law) are given care and supervision for periods less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household and who is registered with the State of Michigan to provide such care.

Farm (Ord. 08-2016: Eff, 01-28-16): Land, plants, animals, buildings, structures, including ponds used for agricultural or aqua-cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm, Affiliate (Ord. 08-2016: Eff, 01-28-16): A farm under the same ownership or control as a farm market.

Farm Building (Ord. 08-2016: Eff, 01-28-16): Any building other than a dwelling which is erected, moved upon or maintained on a farm which is essential and customarily exclusively used in a farm operation.

Farm Market (Ord. 08-2016: Eff, 01-28-16): A place, area, or buildings from which farm products produced on and by an affiliate farm are sold. A farm market must also meet one of the following requirements: the square footage devoted to the sale of such farm products must constitute at least 50 percent of the total square footage used to display all of the products offered for retail sale or at least 50 percent of the gross dollars of products sold must be from farm products produced on and by the affiliated farm.

Farm Operation (Ord. 08-2016: Eff, 01-28-16): The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

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

Farm Product (Ord. 08-2016: Eff, 01-28-16): Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

Flea Markets, Garage Sales, Bazaars And Similar Businesses: Sales of homemade items, second hand and

new merchandise being conducted by a person or privately owned property which is not a regular commercial business.

Floor Area: The sum of the horizontal areas of each story of the building or structure computed by measuring the outside wall surfaces. The floor area measurement is exclusive of basements unless approved as a special use for an underground or earth dwelling. Also excluded are porches, patios, terraces, breezeways , carports,verandas, garages, unfinished attics, and attic areas having less than five (5) feet of vertical wall from floor to ceiling.

Frontage (Ord. 08-2016: Eff, 01-28-16): The length of the front lot line.

SECTION 2.07 DEFINITIONS "G"

Garage, Private: A detached accessory building or a portion of the main building used for the parking of vehicles in conjunction with the permitted use of the main building.

Garage, Public or Commercial: A building or structure for the parking, storing, care of vehicles for payment or other compensation.

Gasoline Service Station: A building or structure and land area combined for servicing motor vehicles with the usual operating commodities such as gasoline, fuel oil, grease, water, batteries, tires and other similar minor accessories, or services such as washing, lubricating, minor repairs and adjustments. Major repairs, rebuilding or reconditioning of engines, collision service and body repair and similar activities are considered outside this definition of a gasoline service station.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Green Belt: A strip or piece of land on which trees, shrubs, grass and other foliage is planted to screen from sight the principal use of the parcel or lot.

Group Child Care Home **(**Ord. 02-2023: Eff.03-24-23): A dwelling unit in which more than six but not more than 12 minor children (or such other increased capacity number of minor children permissible under State Law) are given care and supervision for periods of less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household, and who is registered with the State of Michigan to provide such care.

SECTION 2.08 DEFINITIONS "H"

Home-Based Business (Ord.02-2010: Eff. 08-02-10): An occupation or business that is conducted in or on property containing a dwelling unit in a manner that is clearly secondary and accessory to the principal residential use of the property as defined and regulated by Section 3.21 herein.

Hotel, Motel: A building or structure, or group of buildings or structures, consisting of more than four (4) sleeping units, for rent on a temporary basis as lodging, with or without food service.

House Trailer: A vehicle designed or intended to be used as a temporary dwelling for recreation or vacation

use and which vehicle is designed to be pulled or drawn upon the streets or roads by another vehicle.

Household (Ord. 08-2016: Eff, 01-28-16): A family living together in a single dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

House Keeping Unit (Ord. 08-2016: Eff, 01-28-16): A Dwelling Unit organized as a single entity in which the members of the household share common housekeeping facilities

House Keeping Facilities (Ord. 08-2016: Eff, 01-28-16): Complete, independent living facilities, including areas for living, sleeping, eating, cooking, and sanitation, and the following permanent fixtures and appliances: stove, refrigerator, kitchen sink, tub or shower, lavatory and water closet.

SECTION 2.09 DEFINITIONS "I"

Inoperable Motor Vehicle: Any motor vehicle (automobile, truck or similar vehicle) which is unlicensed, inoperable, dis-mantled, wrecked or which cannot be operated under its own power, and is kept or stored outside of a building for more than fourteen (14) days.

SECTION 2.10 DEFINITIONS "J"

Junk: Any worn out, waste, used or discarded materials including, but not limited to, scrap metal, scrap lumber, paper, rags, tires, glass, building materials, inoperable motor vehicles and parts, and other similar materials.

Junk Yard/Salvage Yard: Any open area where junk, waste materials, second hand materials including motor vehicle parts, are bought, sold, exchanged, stored, baled, packed, disassembled or handled.

SECTION 2.11 DEFINITIONS "K"

Kennel, Commercial (Ord. 08-2016: Eff, 01-28-16): Any lot or premises on which more than four dogs six months of age or older, are kept either permanently or temporarily for the purpose of boarding or breeding for compensation, but not including a veterinary hospital if animals are boarded only during periods necessary for treatment or recuperation.

Kennel, Private (Ord. 08-2016: Eff, 01-28-16): Any lot or premises on which more than four dogs six months of age or older, are owned and kept by the occupant of the dwelling.

SECTION 2.12 DEFINITIONS "L"

Livestock Production Facilities (Ord. 08-2016: Eff, 01-28-16): Includes all facilities where farm animals as defined in the Right to Farm Act are confined with a capacity of 50 animal units or greater and/or the associated manure storage facilities. Sites such as loafing areas, confinement areas, or feedlots, which have livestock densities that preclude a predominance of desirable forage species are considered part of a livestock facility. Pasture lands are excluded.

Lot/Parcel/Tract: Contiguous land described in a recorded plot, or by metes and bounds, which is not divided by a street or alley, including any part thereof subject to any easement for any purpose including a street or alley.

Lot, Corner: A lot or parcel having frontage on two or more streets or roads where the corner interior angle formed by the intersection of the streets is one hundred thirty five (135) degrees or less; or a lot abutting upon a curved street if tangent to the curve form an interior angle of one hundred thirty five (135) degrees or less.

Lot Coverage: That portion of a lot or parcel, stated in terms of percentage, that is covered by all buildings and structures located thereon. Included are all buildings, porches, arbors, breezeways, patio roofs and the like whether open box type and/or lath roofs or fully roofed, but shall not include fences, hedges or walls used as fences for swimming pools.

Lot, Interior: A lot other than a corner lot.

Lot, Through: An interior lot having frontage on more than one street or road.

Lot Line, Front (Ord. 04-2022: Eff, 10-21-22): The lot line or lines separating the lot from a public or private street, road, or highway.

Lot Line, Rear: The lot line which is opposite to, and most distant from, the front lot line. In the case of an irregular, triangle or gore lot, the rear lot line shall be a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from, the front lot line.

Lot Line, Side: Any lot line not a front lot line or a rear lot line.

Lot Width (Ord. 08-2016: Eff, 01-28-16): The horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum required setback line. For purposes of this Ordinance the setback line is also the building line.

Lot Depth (Ord. 08-2016: Eff, 01-28-16): The distance between the front lot line and the rear lot line measured along the median between the side lot lines.

Lot Of Record: A lot or parcel of land which is a part of a sub-division, or which is described by metes and bounds, which sub-division or description has been recorded in the Office of the Register of Deeds by deed or land contract. In order for a lot or parcel to be a prior non-conforming lot of record it must have been so recorded prior to the date of this Ordinance.

SECTION 2.13 DEFINITIONS "M"

Manufactured Home: A building or structure, designed and intended as a dwelling, manufactured, constructed or assembled at a location other than its final use location.

*Migratory Housing (*Eff,: 11-7-94): Seasonal housing which has been approved and licensed by the Department of Agriculture for occupancy by temporary and migrant farm labor on a bonafide farming operation as defined in herein.

Mobile Home (Ord. 10-2016: Eff, 09-29-16): A structure that is transportable in 1 or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (PA 96 of 1987)

Mobile Home Park (Ord. 10-2016: Eff, 09-29-16): A parcel or tract of land under the control of a person upon which 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 therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home**.** (PA 96 of 1987)

Modular / Manufactured Housing **(**Ord. 10-2016: Eff, 09-29-16): A dwelling unit which consists of prefabricated units wholly or substantially constructed at an off-site location and transported to a lot or parcel on a removable undercarriage or flat-bed and assembled for permanent location on a lot or parcel.

Motel: See Hotel

SECTION 2.14 DEFINITIONS "N"

New Construction: Structures for which the start of construction commenced on or after the effective date of this Ordnance or for which a zoning permit was issued.

Non-Conforming Building or Structure: Any building or structure which does not comply with the applicable regulations required by this Ordinance for the district in which it is located, either on the effective date of this Ordinance or as the result of a subsequent amendment thereof.

Non-Conforming Lot of Record: A lot or parcel of land which does not comply with the requirements of the Ordinance as to area, lot dimensions, and other required criterion, for the district in which it is located either on the effective date of this Ordinance or as the result of a subsequent amendment thereto.

Non-Conforming Use: Any use of land, buildings or structures which does not conform to the applicable use regulations for the district in which it is located, either on the effective date of this Ordinance or as the subsequent amendment thereto.

Normal High-water Mark / Ordinary High-water Mark: The normal high-water mark of the lake as determined by the Department of Natural Resources, or if the Department has not made such a finding, the normal high-water mark location shall be determined by the Township Zoning Administrator. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like. (Ord.03: Eff. 08-27-20)

SECTION 2.15 DEFINITIONS "O"

*Ordinary High-water Mark/Normal High-water Mark***:** The line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Delineation of the ordinary high water mark entails the identification of indicators on the bank of a lake or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any stream where the ordinary high-water mark cannot be found, the top of the lowest stream bank on either side of stream shall substitute. In braided channels, the ordinary high-water mark or line of mean high water shall be measured so as to include the entire stream feature. On an inland lake that has a level established by law, it means the high established level. (Ord.03: Eff. 08-27-20)

SECTION 2.16 DEFINITIONS "P"

Patio: An area at grade level composed of wood, concrete, asphalt, stone, brick or similar material typically adjoining or attached to a house or other principal building. A patio with a roof but no walls is a building. (Ord.03: Eff. 08-27-20)

Planned Unit Development (PUD): A land development project, approved by the Wayland Township Board, following public hearing, which may permit flexibility in building sites, mixtures of housing types, land uses, usable open spaces, setbacks, lot sizes and the preservation of natural features.

Principal Use Or Main Use: The primary or predominant use of land, building or structure.

Public Parks: Any non-commercial, publicly-owned recreation facility.

SECTION 2.17 DEFINITIONS "Q"

SECTION 2.18 DEFINITIONS "R"

Recreational Vehicle (Ord. 04-2008: Eff. 12-15-08): A vehicle designed to be used primarily for recreational purposes which contains sleeping quarters and / or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes including self propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, tent trailers and folding camping trailers.

Restaurant: A building or structure for the sale or preparation of food for consumption on the premises. Also a building or structure for the sale of pre-prepared foods for consumption off the premises via drive-in or walk-up facilities. A restaurant serving alcoholic beverages is classified as a tavern in this Ordnance.

Right-Of-Way: A street, alley or other thoroughfare or easement established for the passage of vehicles or persons.

Roadside Stand: A building or structure, used solely by the owner or tenant of the farm on which it is located, for the sale of agricultural products produced on that farm.

SECTION 2.19 DEFINITIONS "S"

Set Back (Ord. 08-2016: Eff, 01-28-16): The minimum horizontal distance set forth in the Wayland Township Zoning Ordinance for each district as measured from the front, rear and side lot lines which establishes the

area within which buildings and structures must be erected or placed. Setback, Setback Line and Building Line are the same as Required Yard as defined herein. See Figure 2-2.

Special Use: A use permitted under certain conditions, and with special authorization, within a zoning district as specified in the Use Regulations of all zoning districts.

Stream Bank (Ord. 02-2008: Eff. 12-15-08): The portion of the stream channel cross section that restricts the lateral movement of water at normal bank-full levels often exhibiting a distinct break in slope from the stream bottom.

Street: A public or private thoroughfare which affords principal means of access to abutting properties including roads and highways but not including an alley.

Street Numbers: A set of numbers issued by a designated agency to a parcel containing a principal structure.

Structure: Anything constructed, erected or placed above, on or below ground but excluding sidewalks and paving on streets, driveways and parking areas.

Swimming Pool: A structure, above or below grade, designed to hold water to a depth greater than two (2) feet and used, or intended to be used, for swimming or bathing.

SECTION 2.20 DEFINITIONS "T"

Tavern (Eff. 11-7-94): A commercial facility that serves alcoholic beverages with or without food.

SECTION 2.21 DEFINITIONS "U"

SECTION 2.22 DEFINITIONS "V"

Vehicle: Every device in, upon, or by which any person or property, is or may be transported or drawn upon a street except devices propelled by human power or used exclusively upon stationary rails or tracks.

Variance: The relief granted, or the remedy authorized, by the Board of Appeals, as the result of an appeal.

SECTION 2.23 DEFINITIONS "W"

Wetland (Ord. 02-2008: Eff. 12-15-08): Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake, a river or stream.

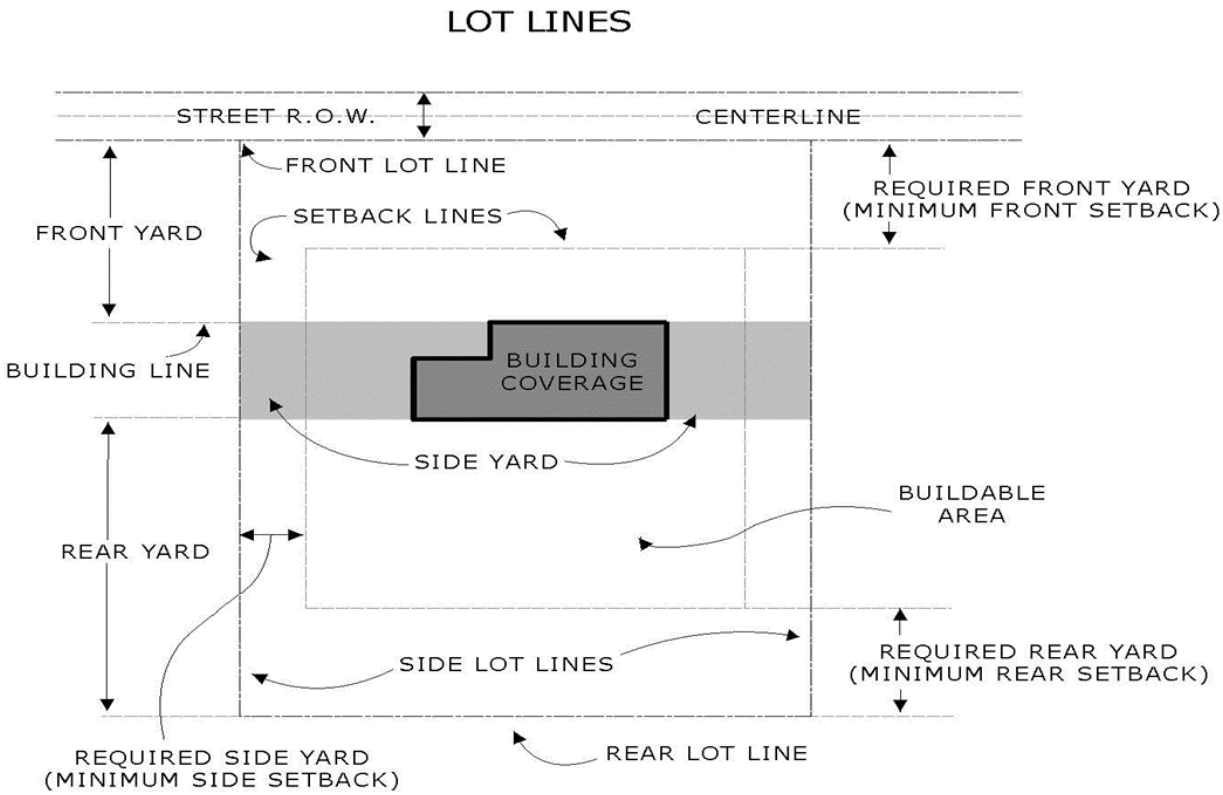
SECTION 2.24 DEFINITIONS "X"

SECTION 2.25 DEFINITIONS "Y"

Yard (Ord. 08-2016: Eff, 01-28-16): The open space on a lot between the lot line and the foundation or wall

of the principal building, whichever is closer. See Figure 2-2.

Figure 2-2



Yard, Front (Ord. 08-2016: Eff, 01-28-16): The space extending across the full width of the lot between the front lot line and the wall or foundation of the principal building whichever is closer. A corner lot has two front yards. See Figure 2-2. See Sections 3.32 and 3.42 for yards on lots abutting lakes, rivers and streams.

Yard, Rear (Ord. 08-2016: Eff, 01-28-16): The space extending across the full width of the lot between the rear lot line and the wall or foundation of the principal building, whichever is closer. See Figure 2-2. See Sections 3.32 and 3.42 for yards on lots abutting lakes, rivers and streams.

Yard, Required (Ord. 08-2016: Eff, 01-28-16): The space between a lot line and the setback line. The required yards establish the area within which buildings and structures must be erected or placed. A Required Yard is the same as Setback and Building Line as defined herein. See Figure 2-2.

Yard, Side (Ord. 08-2016: Eff, 01-28-16): The space between the side lot line and the wall or foundation of the principal building, whichever is closer, extending from the front yard to the rear yard. See Figure 2-2.

SECTION 2.26 DEFINITIONS "Z"

Zoning Administrator: That person designated by the Wayland Township Board to administer this Ordinance for such term, and at such compensation, and subject to such conditions as the Township Board shall determine.

CHAPTER 3
GENERAL PROVISION

Section 3.01 - Zoning Applicability
Section 3.02 - Yard, Lot And Area Requirements
Section 3.03 - Temporary Dwellings
Section 3.04 - Moving Of Buildings And Structures
Section 3.05 - Razing Of Buildings
Section 3.06 - Intersection Visibility
Section 3.07 - Lot Access
Section 3.08 - Structures Exempt From Height Regulations
Section 3.09 - Outdoor Lighting
Section 3.10 - Kennels
Section 3.11 - Keeping Of Animals And Livestock
Section 3.12 - Fences, Walls And Screens
Section 3.13 - Unwholesome Substances
Section 3.14 - Swimming Pools
Section 3.15 - Flea Markets, Garage Sales, Bazaars, Personal Property Sales
Section 3.16 - Principal Building On A Lot Or Parcel
Section 3.17 - Home Based Businesses
Section 3.18 - Health Department Approval
Section 3.19 - Repair And Clean-Up Of Damaged Or Destroyed Buildings
Section 3.20 - Recreational Vehicles On Vacant
Section 3.21 - Recreational Vehicles On Occupied Parcels
Section 3.22 - Accessory Buildings
Section 3.23 - Through Lots
Section 3.24 - Required Water Supply And Sewage Disposal Facilities
Section 3.25 - Grades
Section 3.26 - Essential Public Service Equipment Structures & Buildings
Section 3.27 - Continued Conformance
Section 3.28 - Category of Business Not Designated
Section 3.29 - Yard Encroachments
Section 3.30 - Outdoor Storage
Section 3.31 - Minimum Floor Area For Dwellings
Section 3.32 – Reserved for Future Use
Section 3.33 - Governmental Improvements
Section 3.34 - Supplemental Setback Requirements
Section 3.35 - Control Of Heat, Glare, Fumes, Dust, Noise, Vibration
Section 3.36 - Mineral Mining
Section 3.37 - Groundwater Protection
Section 3.38 - Minimum Standards For Dwellings

Section 3.39 - Private Road Requirements
Section 3.40 - Open Space Preservation Projects
Section 3.41 - Lake Access Regulations
Section 3.42 - Lots On Lakes, Rivers and Streams
Section 3.43 - Adult Business
Section 3.44 - Landscaping
Section 3.45 - Wind Energy System (Wes)
Section 3.46 - Met Towers
Section 3.47 - Outdoor Furnaces
Section 3.48 - Wireless Communication Towers and Antennas
Section 3.49 – Solar Energy Systems (SES)

SECTION 3.01 ZONING APPLICABILITY

Zoning applies to all lots and parcels of land, to every building, structure or use and extends vertically. No lot or parcel of land, no existing building, structure or part thereof shall hereafter be located, erected, altered, occupied or used except in conformity with this Ordinance. Where requirements of a general regulation differ from those of a district regulation, the more restrictive requirement shall apply.

SECTION 3.02 YARD, LOT AND AREA REQUIREMENTS

a) The yard, lot and area requirements contained within this section are in addition to any other requirement specified or contained in the requirements for a zoning district elsewhere in this Ordinance.
b) No more than one (1) main building, with accessory buildings and structures, shall occupy any lot or parcel of land unless such lot or parcel is to be used for multiple dwellings or structures as permitted in the zoning district in which it is located.
c) No lot or parcel of land shall be divided, altered or reduced so that the yards, parking area, or other open spaces, or the land area, is less than the minimum requirements of this Ordinance.
d) In determining lot, land, yard, parking area or other open space requirements, no area shall be ascribed to more than one (1) main building or use, and no area necessary for compliance with the space requirements for one (1) main building or shall be included in the calculation of the space requirements for any other building, structure or use.
e) Where a lot abuts an alley, one half (1/2) of the width of the alley may be considered a part of said lot for the purpose of calculating the area of said lot and the side and rear lot depths.
f) Pursuant to Township authority to regulate the division of lots or parcels in recorded plats, the division of any lot or parcel in a recorded plat is prohibited unless first approved by the Township Board.
g) The division of a lot or parcel resulting in a area smaller than required by this Ordinance may be permitted only for the purpose of adding to an existing building site or sites.
h) If a lot or parcel of land, in zoning districts permitting residential uses, which is a lot or parcel of record on the effective date of this Ordinance, does not comply with the area or width requirements for the zone in which it is located, such lot or parcel may be used for a single-family dwelling only,provided:
   1) Side yards shall be reduced by the same percentage the total lot area is less than the minimum requirements;
   2) No side yard shall be less than five (5) feet;
   3) All off-street parking requirements shall be met.

SECTION 3.03 TEMPORARY DWELLINGS (Ord 05-2022: Eff 10-21-22)

a) A mobile home which meets all requirements of the U.S. Department of Housing and Urban development (HUD) or a manufactured home meeting the requirements of the Township Building Code may be occupied as a temporary dwelling for not longer than two years while the occupants are building a permanent residence, provided:mobile home which meets all requirements of the U.S. Department of Housing and Urban development (HUD) or a manufactured home meeting the requirements of the Township Building Code may be occupied as a temporary dwelling for not longer than two years while the occupants are building a permanent residence, provided:
   1) The Building Inspector shall issue a temporary permit after the property owner applicant has obtained a building permit for the permanent residence and has completed construction of the basement or foundation for the permanent residence;

2) The temporary permit shall expire with the building permit at which time the mobile home or manufactured home must be removed from the site;
3) While located on the site, the mobile home or manufactured house shall be properly anchored per manufacturer's specifications and connected to water and sanitary facilities which meet the Michigan and Allegan County Health and Township Building Codes.
4) The Township Board may require that a performance bond or a letter of credit be provided by the applicant to ensure that the temporary dwelling is removed upon completion of the permanent dwelling.

b) Within the "A", "R1", "R2", or "RR" districts the Planning Commission may authorize as a Special Use,one (1) mobile home which meets all requirements of the U.S. Department of Housing and Urban Development (HUD) or manufactured home meeting the requirements of the Township Building Code as a temporary dwelling for an elderly, heath impaired or physically handicapped immediate member(s) of the family occupying the principal single-family dwelling located on the site, under the following conditions.
1) While located on the site, the mobile home or manufactured home shall be properly anchored per the manufacturer's specifications and connected to water and sanitary facilities which meet the Michigan and Allegan County Health and Township Building Codes
2) Time limits and conditions, if applied, shall be determined by the Planning Commission
3) The Special Use Permit shall be non-transferable
4) Special use permit is subject to annual renewal by the Zoning Administrator or Building Inspector at a fee commensurate with the Township's current fee for zoning permits.
5) A request for renewal of the Special Use permit shall include evidence that the terms of this ordinance are being met.
6) Renewal of the Special Use permit shall be accomplished within thirty (30) days of the expiration of the permit. Expiration shall occur when the time limit is met or when the circumstances of the occupants change so as to no longer require the temporary dwelling.
7) Upon expiration of the Special use permit, the mobile home or manufactured home must be removed from the site.

SECTION 3.04 MOVING OF BUILDINGS AND STRUCTURES

The moving of a building or structure, other than a temporary building or structure or a recreation vehicle, as defined in Chapter 2 of this Ordinance, into or within Wayland Township, shall be regulated the same as erection of a new building or structure.

SECTION 3.05 RAZING OF BUILDINGS

No building, other than a farm out-building, shall be razed, or torn down, until a permit has been issued by the Building Official. Such permit shall specify the date by which the raising shall be completed and shall be conditional to assure conformance with health and safety codes, filling of excavations, termination of utility connections and to protect against public or private nuisance. To guarantee compliance with the terms of the permit by the applicant the Building Official may require a performance bond cash deposit or irrevocable bank letter of credit not to exceed one dollar for each square foot of floor area of the building or structure to be raised.

SECTION 3.06 INTERSECTION VISIBILITY

No fence, hedge, planting or shrub, screen, sign or any structure shall be constructed, erected, placed or permitted which obstructs the vision of pedestrians or vehicles at the intersection of the right-of-way lines of two (2) streets.

SECTION 3.07 LOT ACCESS (Ord: 04-2022: Eff. 10-21-22)

No lot, parcel or tract shall hereafter be divided or created unless the resulting lots, parcels or tracts have their required minimum front lot line adjacent to a public or private street, road, or highway

All lots, parcels or tracts which are corner lots, and which abut both, public street, road or highway and a private road shall have its required frontage adjacent to the public street, road, or highway.

SECTION 3.08 STRUCTURES EXEMPT FROM HEIGHT REGULATIONS (Ord. 02-2015: Eff. 04-30-15)

The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

SECTION 3.09 OUTDOOR LIGHTING

All outdoor lighting shall be constructed and installed so as not to shine directly onto adjacent properties or to be a nuisance to adjacent property occupants and so as not to affect traffic on streets and alleys.

SECTION 3.10 KENNELS (Ordinance No.1: Eff. 2-26-07)

A kennel, as defined herein, shall only be permitted as a Special Use approved by the Planning Commission following a public hearing. Notice of the hearing shall be as required in Chapter 24 herein. In each case the applicant shall provide evidence of compliance with State and County regulations pertaining to kennels and shall provide a site plan for the entire kennel showing the proposed development.

In consideration of the application for a Special Use Permit for a kennel, the Planning Commission shall consider the following factors:

a) The size, nature and design of the kennel;
b) The proximity of the kennel to adjoining lands and other structures;
c) The potential for noise, odor, flies, insects, rodents, etc.;
d) The adequacy of ingress and egress and parking facilities
e) The probable effect of the kennel on nearby property values and the ability of nearby property owners to enjoy full freedom from distractions associated with the kennel.

SECTION 3.11 KEEPING OF ANIMALS AND LIVESTOCK (Ord.06-2016: Eff.01-28-16)

In any zoning district which permits single family dwellings the raising and keeping of farm animals and livestock including cattle, swine, horses, sheep, goats, or fowl or similar animals where such activity is not a farm as defined herein is permitted subject to the following requirements:

a) The area on which the animal(s) are kept shall be enclosed by a fence or similar barrier to prevent the animal(s) from trespassing onto adjoining property and the area shall be kept in a sanitary condition and

free from odor.

b) Buildings to house the animals shall comply with the setback requirements of their zoning district and shall be at least 100 feet from any dwelling unit located on another parcel.

c) The keeping of any animals or livestock or any domestic animals or fowl shall not result in any of the following:
   1) Unpleasant odors sufficiently strong to be readily discernible to the occupants of adjoining properties for any period in excess of 24 hours;
   2) Noise of such intensity as to be readily discernible to the occupants of adjoining properties for any continuous period in excess of three hours or during the night time hours.
   3) Flies, insects, or rodents being attracted to the area directly as the result of the keeping of the animals or fowl;
   4) Animals and fowl trespassing onto neighboring properties.

SECTION 3.12 FENCES, WALLS AND SCREENS

a) In any zone permitting residential uses except "A" no fence shall contain barbed wire or similar wire or electric wire except in the I1 zone where such wire may be used atop fences which are at least eight (8) feet above grade level.

b) Within the front yard area no fence, wall or screen shall exceed four (4) feet above grade level and no fence, wall or screen shall obstruct the vision of pedestrians or vehicles at any intersection.

c) Within the side and rear yards of any lot or parcel in any residential zone no fence, wall or screen, except living plants, shrubs or trees, shall exceed eight (8) feet above grade level.

d) All fences, walls or screens constructed in zoning districts permitting residential uses, which fences, walls or screens are within five (5) feet of the property line shall be constructed such that the good side, face side or finished side faces the adjoining property.

SECTION 3.13 UNWHOLESOME SUBSTANCES

a) For the purposes of this Section, unwholesome substances are inoperable motor vehicles, junk, trash, garbage, stone, offal, refuse, rubbish, food containers, bottles and cans, appliances, ashes, cinders, industrial byproducts, or flammable materials, debris, filth or any other material which constitutes a threat or menace to the health, safety or welfare of the public.

b) No unwholesome substance shall be deposited, dumped, or accumulated, by any person, on any land, private or public, in the Township, unless such place has been designated as an authorized dumping ground by the Township, unless such substance is completely contained within an enclosed building.

c) No unwholesome substance should be stored, contained or maintained within an enclosed building if such storage, containment or maintenance shall cause odor, stench, flies, rodents or other menace to public health, safety or welfare.

d) No sewage, waste water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek stream, lake, pond or any other body of water unless first approved by the Michigan Department of Health and the Allegan County Health Department.

e) The provisions of this chapter shall not be deemed to prohibit the storage or spreading of manure as part of a farm operation.

SECTION 3.14 SWIMMING POOLS

a) A public or private swimming pool shall be considered to be a structure and as such shall require building permits and shall conform to all applicable construction, plumbing and electrical codes.
b) No pool shall be located in the front yard. It shall conform to the side and rear yard requirements for accessory structures in the zone in which it is located.
c) All ground level pools shall be enclosed by a fence or wall at least four (4) feet in height above grade level on the outside of the fence. Any opening under the fence shall not be more than four (4) inches in height. Any fence or wall enclosure shall be of a type or construction that it shall impede climbing by children and shall be equipped with a self-closing and latching gate having the latch on the poolside of the gate. The gate shall lead to the shallow end of the pool.
d) An above grade pool which has its lowest top side rail at least four (4) feet above grade need not be fenced provided it has a deck or deck supports which cannot be readily climbed by children and the ladder, ramp or other access to the pool is secured by a gate as in Section C above or such ladder is removed from the pool when the pool is not attended by an adult.

SECTION 3.15 FLEA MARKETS, GARAGE SALES, BAZAARS, PERSONAL PROPERTY SALES

a) Personal property sales, including garage sales, basement sales, yard sales, flea markets, and similar activities shall be permitted provided the sale has duration of not more than three (3) consecutive days in any month.
b) All articles or property offered for sale and all tables, racks, stands and other display equipment, and all related signs shall be removed from the site or enclosed within a building following each such sale.

SECTION 3.16 PRINCIPAL BUILDING ON A LOT OR PARCEL

Each parcel shall contain only one (1) main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple-family dwellings contained within a single, integrated complex, sharing parking, signs access, and other similar features, which together form a unified function and appearance.

SECTION 3.17 HOME BASED BUSINESSES (Ord. No.02-2022: Eff. 09-23-22)

a) A Home Based Business is a permitted use the AG, R1, R2, R3, R4, PUD and RR Zoning Districts according to the requirements of this Section 3.17. This Section allows and regulates two levels of Home Based Businesses as follows:
b) *Level 1 Home Based Business Requirements:* A Level 1 Home based Business is one which is conducted entirely within the dwelling or in an attached or detached accessory building as allowed herein and is conducted in such a manner that under normal circumstances there is no external evidence of the home occupation operation except for occasional visits by customers or clients and is subject to the following requirements:

    1) A Level 1 Home Based Business shall have no employees except members of the family who reside on the premises and no outside storage of materials or vehicles related solely to the Home Based Business.

2) A Level 1 Home Based Business may have one sign which shall be attached to the wall of the dwelling. Such sign shall not be lighted and shall not be more than two square feet in size.
3) Products associated with the Home Based Business may be stored in an attached or detached accessory building.
4) A Level 1 Home Based Business may be conducted in an attached or detached accessory building provide the parcel is one acre or more in size and all other requirements for a Level 1 Home Based Businesses are met.
5) A permit from the Zoning Administrator is not required to conduct a Level 1 Home Based Business.

c) *Level 2 Home Based Business Requirements:* A Level 2 Home Based Business is one which has at least one of the following as part of its operation:
1) One employee in addition to members of the family who reside on the premises;
2) Outside storage of materials;
3) Vehicles related solely to the Home Based Business parked inside or outside as permitted by this Section

d) A Level 2 Home Based Business is subject to the following requirements:
1) A Level 2 Home Based Business shall only be permitted if a Special Use Permit is approved by the Planning Commission in accordance with the procedures and standards of Chapter 18 of this Zoning Ordinance.
2) An application for a Level 2 Home Based Business shall contain the following information:
   i. Name, address and contact information of the property owner and occupant of dwelling.
   ii. A description of the proposed Home Based Business including materials to be used, days and hours of operation, estimated customer and delivery vehicle trips per week, number, size and type of business vehicles and if an employee will be involved in the business.
   iii. A site plan as would normally be required by Chapter 17 herein shall not be required. Instead, an accurate drawing shall be submitted illustrating the property, buildings on the property, the area within the building to be devoted to the Home Based Business, parking for the business, screening of outside materials, sign and other information as may be required by the Zoning Administrator or Planning Commission to insure compliance with the requirements of this Section.
3) The Home Based Business shall be conducted only within the dwelling and / or an attached or detached accessory building.
4) The Home Based Business shall occupy no more than 25 percent of the total floor area of the dwelling unit in which it is conducted. In addition, the business may also occupy the entire floor area of either an attached or detached accessory building but not both nor shall the business be conducted in more than one detached or attached accessory building.
5) The residential appearance of the dwelling shall not be altered in order to conduct the Home Based Business.
6) The business shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Monday through Saturday and shall not operate on Sundays or holidays **unless otherwise approved by the Planning Commission.**
7) The Home Based Business shall be conducted so it does not constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises or the outdoor parking of multiple vehicles related to the business.
8) No motors other than electrically operated motors shall be used in conjunction with the Home Based

Business. The total horsepower of all such motors utilized shall not exceed five horsepower and no single motor used shall exceed one horsepower.

9) No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
10) A minimum of two off street parking spaces shall be provided in addition to the parking spaces required for the dwelling.
11) Outdoor storage of materials or equipment involved in the business is not allowed unless it is adequately screened to effectively block all view from adjoining roads and properties. Measures to screen such material or equipment shall consist of a solid fence no more than six feet in height, plantings which are at least five feet in height and which in the opinion of the Planning Commission will provide an adequate screen, or buildings or the topography of the site.
12) Only one non-resident employee of the Level 2 Home Based Business shall be working on the premises at any time.
13) In its approval of a Level 2 Home Based Business the Planning Commission may prescribe certain conditions to ensure that the Home Based Business can be compatible with its residential surroundings. Such conditions may include but are not limited to restricting the hours of operation, limiting the number and type of delivery vehicles and parking of business vehicles on the property and limiting the number of customer visits to the Home Occupation and the material to be stored outdoors.

e) *Signs for Level 2 Home Based Businesses:* (Ord. 0-03-2019: Eff: 02-22-19)
   1) For parcels zoned Agricultural or R1, signs shall be allowed per Section 21.14 herein.
   2) For parcels zoned R2, R3, R4, PUD or RR, signs shall be allowed per Section 21.15 herein.

f) *Re-establishment of a Home Based Business:* A Home Based Business which has received a Special Use Permit under this Section but which ceases to operate for a period of 12 consecutive months shall not be re-established unless a new Special Use Permit is approved in accordance with the procedures and requirements of this Section 3.17.

SECTION 3.18 HEALTH DEPARTMENT APPROVAL

The Township shall not issue any permit for the construction, erection or moving onto any lot or parcel, any building or structure unless the associated water supply and sewage disposal facilities have been approved by the Allegan County Environment Health Department.

SECTION 3.19 REPAIR AND CLEAN-UP OF DAMAGED OR DESTROYED BUILDINGS

The owner of any building or structure damaged or destroyed by fire, windstorm or other casualty shall repair such damage within one (1) year of the occurrence of such damage.

In the event such building or structure is damaged beyond repair, or repair is not permitted under the terms or provisions of this Ordinance, any part or portion left standing after such damage or destruction shall be razed pursuant to a permit required by Section 3.05.

SECTION 3.20 RECREATIONAL VEHICLES ON VACANT PARCELS (Ord. 04-2008 Eff. 12-15-08)

In all districts which allow residential uses a recreational vehicle may be placed on a vacant parcel and occupied for temporary living purposes subject to the following requirements. For purposes of this section vacant parcels which are contiguous and under the same ownership are considered to be one vacant parcel. A camp or campground as defined herein is exempt from this section.

a) The placement of the recreational vehicle on the vacant parcel shall be limited to a maximum of 90 days per calendar year if the parcel is over one acre in size. For parcels which contain one acre or less the placement of a recreational vehicle shall be limited to a maximum of 14 days in a calendar year.
b) The recreational vehicle is not rented or leased to the occupants.
c) The recreational vehicle is not connected to any public or private water or sanitary sewer system.
d) The recreational vehicle complies with applicable regulations of the Allegan County Health Department.
e) The recreational vehicle shall comply with the building setback requirements of the zoning district in which the vehicle is to be located.
f) A minimum of two off street parking spaces shall be provided on the same parcel as the recreational vehicle.
g) The recreational vehicle shall carry current state license plates.
h) A permit must be obtained from the Zoning Administrator if the vehicle is to be placed on a vacant parcel for more than 14 consecutive days to ensure that the regulations of this section can be met.

SECTION 3.21 RECREATIONAL VEHICLES ON OCCUPIED PARCELS (Ord 04-2008: Eff 12-15-08)

A recreational vehicle may be placed on a parcel containing a single family dwelling and occupied for residential purposes for no more than 14 days in a calendar year if the parcel is one acre or less and no more than 30 days in a calendar year if the parcel is more than one acre in size provided such vehicle is not parked in the required front yard.

SECTION 3.22 ACCESSORY BUILDINGS (Ord 06-2022:Eff 10-21-2022)

a) Accessory buildings shall be permitted use in all zoning districts.
b) Authorized accessory buildings may be attached to the principal building, or may be completely detached from the principal building (revised 090396) by a minimum distance of ten (10) feet.
c) An accessory building shall be considered an attached accessory building when the distance between such accessory building and the principal building is solidly covered by a breezeway, portico, covered colonnade or similar structure or when both the principal building and the accessory building share a common wall or portion thereof.
d) When an accessory building is erected or constructed as part of the principal building, or it is attached, as in sub-section (b) above, to the front or side portions of the principal building, such accessory building shall be considered part of the principal building for purposes of calculating yard dimensions and it shall comply in all respects with the requirements applicable to the principal building
e) A detached residential accessory building may be located on an otherwise vacant lot, or on a lot with only another existing residential accessory building(s)/structure(s), to be used for otherwise

permissible residential purposes.

f) No detached accessory building shall be closer to a side lot line than the permitted distance for the principal building on the same lot unless the accessory building shall be completely to the rear of all portions of the principal building, in which case it can be located not closer than six (6) feet to any side lot line, except in the case of a corner lot.

g) No detached accessory building shall be located closer than five (5) feet to the rear lot line. This sub-section shall not preclude the construction of an accessory structure, such as a deck, patio, or pump house, closer than five (5) to the normal high-water mark, provided such structure is not more than three (3) feet in height or a boat house which is not higher than six (6) feet above mean high water, and does not obstruct the view of neighboring properties.

h) No detached accessory building shall project into any required front yard, except

1) Accessory buildings on lots having water frontage shall be set back at least 35 feet from the street or road right-of-way line or at a non-conforming set back line established by other structures within three hundred (300) feet on the same street or road as determined by the Building Inspector.

2) Accessory or farm buildings constructed in the "A" District shall be set back at least 50 feet from a County Road right-of-way and 75 feet from a State highway right-of-way.

i) Detached accessory buildings shall not occupy more than 30% of any required rear yard area.

j) No accessory building or structure shall contain living or swelling quarters for a person(s).

k) The general character and design of any accessory building or structure shall be complementary to the principal building and the zoning district in general

l) No mobile home, truck, truck trailer, house trailer, van, or other form of recreational vehicle shall be used as an accessory building in any zoning district.

m) The height, width and depth of accessory buildings, and their numbers, shall be controlled by the requirements and restrictions of the zoning district in which they are located.

SECTION 3.23 THROUGH LOTS

In any zoning district, except R4, a through lot shall have a front yard on all frontages along each street lot line.

SECTION 3.24 REQUIRED WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES

Every building or structure hereafter erected, altered or moved upon any lot or parcel which is used in whole or in part for dwellings, year around or seasonal, recreational, business, commercial or industrial purposes, in which persons customarily congregate, shall be provided with a safe and sanitary water supply and with means of collecting and disposing of all human execute and all water-carried domestic commercial, industrial and other wastes. The written approval for such facilities by the Allegan County Environmental Health Department shall be obtained prior to issuance of a building permit.

SECTION 3.25 GRADES

No premises shall be filled or graded so as to discharge surface run-off water onto abutting premises in such a manner as to cause inconvenience or damage to adjacent properties. When developing property adjacent to previously developed properties existing grades shall have priority.

Leaching ponds or holding ponds may be required to handle maximum water run-off when large buildings or paved areas are constructed.

SECTION 3.26 ESSENTIAL PUBLIC SERVICE EQUIPMENT STRUCTURES & BUILDINGS
(Ord. 05-2016: Eff. 01-28-16)

a) Essential public service equipment as defined herein is a permitted use in all zoning districts and is not subject to the provisions of this Zoning Ordinance.
b) Essential public service structures and buildings as defined herein are allowed in all zoning districts as a Special Land Use subject to the requirements and standards of Chapter 17 of this Zoning Ordinance and the following regulations:
   1) An essential public service structure or building may be located on a parcel or an area leased for such use which does not have frontage on a public or private street and which does not meet the minimum lot area requirement of the zoning district in which such use is proposed.
   2) An essential public service structure or building shall be setback a minimum of 50 feet from any public or private street right of way line, 25 feet from all other lot lines and boundary lines of a leased area and 50 feet from a dwelling unit.
   3) Access to the building or structure shall be provided by a driveway. Such driveway shall be constructed and located to accommodate vehicles and equipment accessing the parcel or leased area, to avoid storm water runoff onto adjoining parcels, and to minimize negative impacts on adjacent residents and properties. Such driveway may be located within an easement which is at least 20 feet wide and which intersects the public street.
c) The Planning Commission in its review of such use and in order to minimize the impact of such use on nearby land uses shall have the discretion to increase the minimum yard requirements, to require screening such as fencing, landscaping or a berm or to require a certain building style, material or colors and to require paving of driveways and access roads. The Commission shall consider the following criteria and factors in its determination of such requirements:
   1) The size, height and appearance of the structure or building.
   2) Any noise, odor, glare, vibration or similar nuisance produced by the use.
   3) Potential hazards such as electrical shock.
   4) The types of existing or planned nearby land uses.

SECTION 3.27 CONTINUED CONFORMANCE

The maintenance of buildings, structures, yards, open spaces, lot areas, height and bulk limitations, fences, walks, clear vision areas, parking and loading spaces, green belts and visual screening, and all other requirements and regulations and limitations for a land or building use specified within this Ordinance shall be a continuing obligation of the owner of the building or property.

SECTION 3.28 CATEGORY OF BUSINESS NOT DESIGNATED

When the category into which a business belongs for zoning purposes is not herein designated, or is in dispute, the Zoning Board of Appeals shall make such determination and designation taking into consideration the nature of the business and the category of similar businesses designated.

SECTION 3.29 YARD ENCROACHMENTS

The yard requirements of all zones are subject to the following permitted encroachments:

a) Terraces, patios, walkways and similar structures, unroofed and without walks, may project into a required yard.
b) Roofed porches which are unenclosed may project into a required yard a distance not greater than eight (8) feet provided that such porch shall not exceed one (1) story in height and shall not be closer than six (6) feet to any lot line.
c) Enclosed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard and setback requirements.
d) Chimneys, flues, corners, eaves, gutters and similar feature may project into a required yard a maximum of two (2) feet.
e) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required yard a maximum of five (5) feet.

SECTION 3.30 OUTDOOR STORAGE

a) In all zoning districts permitting residential uses, outdoor storage of heating oil tanks, propane gas tanks and similar facilities which are directly connected to heating equipment or appliances within the dwelling, and which are located in the front or side yards, shall be screened from view from the street or adjacent properties.
b) In all zoning districts permitting residential uses, all boats, boat trailers, recreation units, truck campers, motor homes and similar equipment shall be stored behind the front building line or in an enclosed building or, in the case of a mobile home park or multi-family development, in an area specifically designated for such use. The outdoor storage of one operational vehicle which is seasonally licensed, insured and used, shall be allowed behind the front building line.

SECTION 3.31 MINIMUM FLOOR AREA FOR DWELLINGS

The minimum floor area for dwellings shall be controlled by the zoning district in which such dwelling is located. Floor area shall be calculated in accordance with Section 2.06 of this Ordinance.

SECTION 3.32 RESERVED FOR FUTURE USE (Deleted by Ord.03: Eff. 08-27-20)

Reserved for Future Use

SECTION 3.33 GOVERNMENTAL IMPROVEMENTS

The provisions of this Ordinance shall be applicable to, and enforceable against the Township and all other governmental agencies and units. The Township and other governmental agencies shall be exempt from the fees required by this Ordinance.

SECTION 3.34 SUPPLEMENTAL SETBACK REQUIREMENTS

Notwithstanding any other provision of this Ordinance, no building or structure shall hereafter be constructed, erected, altered or enlarged on a lot or parcel which abuts a Federal or State Highway or a County Primary Road unless the following minimum setbacks, measured from the road right-of-way, are maintained:

a) Federal or State Highways-seventy five (75) feet.
b) County Primary Roads-fifty (50) feet.

SECTION 3.35 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODOR

Every use of land shall be so conducted and operated that it has no obnoxious or dangerous odors by reason of the above named conditions beyond the lot or parcel of land on which it is located.

All land shall be stabilized in such manner as is necessary to prevent erosion, sand blows or other soil conditions which case dust, sand, soil or similar to be blown, washed, or otherwise transported to adjoining lots or parcels of land except that land in the "A" zone which is actively under cultivation shall be exempt during the period of to the extent that prevention is not possible.

SECTION 3.36 MINERAL MINING (Ord 2 Eff.02-09-04)

a) *Special Land Use Required in Certain Zoning Districts*. The excavation for and removal of sand, gravel, soil, and other mineral resources may be authorized by the Wayland Township Board upon the granting of a special land use by for such purpose, in accordance with the provisions of this section and the requirements of Chapter 18 of this Ordinance. Such Special Land Use may be permitted in all zoning districts except the R2, R3, R4, RR and the PUD zoning districts.
b) *Purpose.* The purpose of the mineral mining special land use is to regulate the appropriate excavation and removal of mineral resources, but, to authorize such activity only if it can be accomplished without serious adverse consequences to other land uses in the vicinity and elsewhere in the Township. While the excavation and removal of mineral resources is a legitimate land use, it may involve activities which are incompatible with residential uses or which have other adverse impacts. The objective of these special land use provisions is to enable the Township to permit such mineral extraction and removal, where such activity can reasonably be permitted, but only upon such terms and conditions as will adequately protect residential and other land uses from serious adverse

consequences and also assure that, once mineral material has been removed, the land shall be reclaimed and restored so as to be available for residential uses or other uses permitted by this Ordinance.

c) *Removal Of One Thousand Cubic Yards or Less Exempt*
   1) The provisions of this section shall not apply to the extraction or removal of mineral material of 1,000 cubic yards or less; provided, however, that such mineral removal activity involving 1,000 cubic yards or less shall not result in hazardous or unsafe conditions nor have serious adverse consequences to adjacent or nearby lands.
   2) In order for an extraction or removal of mineral material of 1,000 cubic yards or less to be exempt from the provisions of this section, such excavation and removal must be complete in and of itself; it may not, constitute only a part, portion of phase of some other larger, different, or recurring mineral removal operation, plan or activity. An applicant shall not repeat or combine successive removal operations of 1,000 cubic yards or less from the same parcel for the purpose of removing a larger total quantity of mineral material.

d) *Special Land Use Required for Excavation and Removal of More than 1,000 Cubic Yards of Mineral Material.* The excavation and removal of sand, gravel, soil and other mineral resources of more than 1,000 cubic yards shall take place only upon the granting of a special land use by the Wayland Township Board after receiving a recommendation from the Planning Commission in accordance with the provisions of this Section.

AN APPLICATION FOR A SPECIAL LAND USE FOR MINERAL REMOVAL SHALL INCLUDE THE FOLLOWING:

e) *Application:* A written legal description of all of the lands proposed for the use.

f) *Site Plan:* Ten copies of a site plan for mineral removal, drawn at a scale not exceeding 1" = 100' **if the site is less than 50 acres and 1"= 200' if the site is 50 acres or more** and sealed by a registered civil engineer, and including the following:
   1) A north arrow, scale and date.
   2) Property lines and dimensions of the parcel proposed for mineral removal including any buildings on the site and shading indicating the area on which mineral removal operations and activities will take place;
   3) The location and width of all easements or rights-of-way on or abutting the lands;
   4) Natural features of the site including wooded areas, wetlands, bodies of water and the location and direction of all water courses which may be affected by the mineral removal operations;
   5) Existing elevations of the lands at intervals of not more than 5 feet; Such elevations shall be based on USGS datum.
   6) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
   7) Mineral processing and storage areas and stockpiling areas;
   8) Proposed fencing, gates, parking areas, temporary or permanent structures, drives, signs and other features of the proposed use; an illustration of the type of fencing and gate proposed shall also be provided;
   9) Roads for ingress to and egress from the lands, including on-site roads, acceleration and deceleration lanes, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;

10) A map showing routes to be used for the hauling of minerals from the site and for trucks returning to the site.
11) Areas, if any, to be used for ponding.
12) A current aerial photograph, or other accurate drawing or plan, showing the lands covered in the application, and all other lands within 1000 feet thereof, and also showing the location of dwellings and other current land uses; types and extent of existing natural features; topography; soils; vegetation; and other significant land features
13) The plan shall illustrate the phasing of site reclamation. Phasing shall comply with the requirements of Section 3.36 (k)(18) herein

g) *Narrative to be Submitted.* The applicant shall submit a narrative description and explanation of the proposed mineral removal operations and activities, which shall include the following:
1) The date of commencement of operations and estimated duration of mineral mining activities.
2) The proposed hours and days of operations.
3) An estimate of the type and quantity of mineral material to be removed and estimated number of truck trips per day.
4) A description of the extraction and removal methods, including proposed excavation, crushing, screening and removal equipment and vehicles.
5) A description of the potential serious adverse consequences that may result from the proposed mineral mining operations and activities and the measures proposed, if any, for the avoidance or moderating of such adverse consequences.
6) A description of all adverse effects, whether anticipated or reasonably possible, on the ground water table and other underground sources of water supply, together with copies or reports of studies analyzing the effect, if any, of the mineral mining operation on the underground water supply of the subject land and adjacent and nearby lands.

h) *Site Rehabilitation Plan to be Submitted.* The applicant shall submit a site rehabilitation plan and narrative which shall include, at a minimum, the following.
1) A description of the planned site rehabilitation, including methods of accomplishment, phasing and timing.
2) A site plan drawn at a scale not exceeding 1”=100’ if the site is less than 50 acres and 1”= 200’ if the site is 50 acres or more showing the final grades of the lands as rehabilitated, at contour intervals not 5 feet; and also including water courses, ponds or lakes, and landscaping and plantings.

i) *Environmental Impact Statement.* The Planning Commission shall require the applicant to provide studies or information concerning the need for and consequences of the proposed mineral extraction and removal. Such studies may include but need not be limited to the following: an environmental impact study, hydro geological study, engineering data, traffic impact study, and economic analysis in particular the impact on the property values of nearby properties. The environmental impact study shall include a site inspection to determine whether or not the land contains threatened or endangered species or habitat. Such study shall also consult the Michigan Natural Features Inventory.

If a mineral removal operation is proposed within 1000 feet of a lake, river, stream or a wetland regulated by the State of Michigan a hydro geological study shall be conducted to determine the impact of the mining operation on such natural features.

j) *Review by Planning Commission.* Upon submission of a complete application and following the public hearing required by Chapter 18 the Planning Commission shall review the application and determine whether to recommend to the Township Board approval, disapproval or approval with

conditions. In its review of the application, the Planning Commission shall consider, among other matters, the intent and purposes of this section and the Wayland Township Zoning Ordinance.

k) *Operating and Site Reclamation Conditions.* All mineral mining activities which are approved for a special land use shall comply with all of the following conditions:

1) Mineral removal operations shall be approved for a total duration as determined by the Township Board, but the special land use authorizing the mineral mining activity shall be renewed annually as required under Section 3.36 (n) of this section. For purposes of this subsection the date of renewal shall be one year from the date of approval of the special land use by the Township Board.
2) Driveway access to a mineral removal site shall be only at the locations approved for such purpose in the special land use.
3) Routes for truck movements to and from the removal site may be restricted by the Township Board.
4) The entry road or roads to and from a removal area shall be hard surfaced for such distance as may be required by the terms of the special land use.
5) No machinery shall be located or used within 100 feet of any property or street line. No cut or excavation shall be made closer than 100 feet to any street right-of-way line or property line. The Township Board may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation.
6) No cut or excavation, storage or stockpile area, structure, access drive or loading area shall be closer than 1000 feet to a principal building or dwelling on adjoining or nearby lands existing at the time of the approval of the special land use. The Township Board may approve a lesser distance based upon evidence that such lesser distance will not result in adverse effect upon nearby buildings or dwellings.
7) All areas of excavation and removal, including areas in which excavation or earth moving activities are taking place in order to prepare the land for removal of mineral material, shall be fenced and gated at all times, so as to avoid hazards to persons who may enter the removal area. Such fencing shall be installed before any activity pertaining to the mining operation begins.

   The fence shall be installed around the entire parcel proposed for mining at the required setbacks set forth in (5) and (6) above. Fencing shall be at least four feet high and constructed of woven wire, chain link or similar wire material with a minimum of 10 gauge wire. Gates shall be at least four feet in height and locked when operations are not occurring.
8) The entrance to the site shall have a gate which shall be located so there is room on the site to accommodate mining vehicles waiting outside the gate.
9) Mineral removal, crushing, screening and transport operations and activities and vehicle or equipment repair shall occur during such daily hours and on such days of the week as shall be determined by the Township Board in its approval of the special land use.
10) Equipment for the excavation, crushing, screening and removal of mineral material, and other mineral excavation and removal activities, shall not emit noise louder than 70 decibels when measured at the nearest dwelling or occupied building.
11) All roads, trails or other areas used by vehicles in connection with mineral removal operations or activities shall have gates at specified locations, and any dust arising therefrom shall be controlled by such measures as may be required by the Township Board as a part of the special land use. Required dust control measures may include the application of dust inhibiting solvents or similar

surface treatments that produce no potential pollution hazard to surface or ground waters, and other special road surfacing intended to control dust.

The Township Board may require that trucks removing minerals from the site be washed before leaving the site in order to reduce the likelihood of clay or other materials from the mine being deposited on public roads. If required the washing facilities shall be designed to properly manage the wash water and material run-off so it remains on site.

12) Drainage on the mineral mining site shall be maintained in a manner which most closely approximates the natural drainage patterns. The mineral mining site shall be contoured and graded to avoid the unintentional impoundment of water, except where the impoundment of water in one or more locations is included as a part of the approved site reclamation plan. Measures shall be taken to avoid or mitigate the run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion or other effects.
13) The type, nature and quantity of equipment to be used at the removal site, and the type and nature of vehicles used to remove mineral material from the site, shall be specified in the special land use.
14) Temporary stockpiling of excavated material shall be permitted within the removal site, at such locations and upon such terms as may be specified in the special land use.
15) No sand, gravel or other mineral material excavated or obtained from lands other than those covered by the special land use shall be brought to the mineral removal site.
16) No cement, concrete, asphalt or other artificial mineral material, nor any other artificial material or debris shall be brought to or stored on a mineral removal site.
17) The Township Board may require compliance with such other conditions as may be necessary to insure compliance with the terms of this Ordinance. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and storage requirements.
18) Topsoil shall be replaced on the site to a depth of not less than four inches unless it is demonstrated that there was less than four inches of topsoil on the site prior to any excavation in which case topsoil shall be replaced to the extent that it existed on the site prior to any excavation**.** Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
19) If the mining operation is to occur in phases, topsoil shall be replaced and slopes shall be graded and stabilized in one phase before mineral removal operations or activities are commenced in another phase or area. Within each phase no more than 20 acres, at any time shall be cleared and actively mined at any time without reclamation occurring consistent with the approved reclamation plan. The area used for stockpiling excavated material shall not be included in the 20 acres. It is the intent of this section that site restoration and reclamation occur in unison with the mining process.
20) Final slopes shall have a ratio of not greater than one foot of elevation to each four feet of horizontal distance. However, the Township Board, following a recommendation by the Planning Commission, may approve a ratio of one foot of elevation to each three feet of horizontal distance for portions of the site if it is demonstrated that such slopes will still allow the land to be used in accordance with the recommendation of the Wayland Township Master Plan.
21) Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to constitute the least possible deviation from

the original surface water drainage patterns and surface water retention areas.

22) Plantings of grasses, shrubs, trees and other vegetation shall be located on the site so as to maximize erosion protection, screen mining activities and capture windblown dust and enhance the natural beauty of the site as reclamation occurs.
23) The creation or enlargement of a lake, in connection with reclamation of the site, shall be permitted only where the applicant demonstrates from engineering and hydro geological studies that the waters of the lake will not become polluted or stagnant and will not adversely affect groundwater supplies for nearby uses. Any such lake shall be approved by those state and county agencies having jurisdiction. Construction of the lake shall not begin until written approvals from these agencies have been provided to the Township.
24) The end-use or uses provided for in the site reclamation plan shall conform to the uses designated for the lands by the Township Master Plan.
25) The mineral mining activity shall be subject to periodic inspections by the Township Engineer to determine that the mining activity is proceeding in accordance with the conditions of the approved site plan and special land use.
26) The Township Board may reasonably limit the total duration of all mineral mining activities.
    i. In establishing such time limitation, the Township Board may include in the special land use a statement of its intent that the specified duration shall not be exceeded or renewed, irrespective of the quantity of mineral material that may have been removed at the conclusion of the specified period of time for such removal.
    ii. If a special land use has been specifically limited in its duration, an applicant shall nevertheless have the right to apply for a renewal of the special land use, for a period of time beyond the stated duration, and the Township Board shall consider such application for renewal, in the same manner and to the same extent as it would consider an original application. In reviewing such requested renewal, the Township Board shall consider whether the originally- estimated amount of mineral material has been removed.
    iii. If in originally limiting the total duration of all mineral excavation and removal activities, the Township Board has stated its intent that such duration shall not be exceeded, any subsequent application for renewal of the special land use shall be approved only if there are extraordinary circumstances justifying such renewal. Among the circumstances to be considered in such cases shall be whether a substantial amount of mineral material has not yet been removed and whether there is a general or public need for the removal and use of such material.

l) *Review by Township Board* (Ord. 1 Eff. 2-26-07). In its consideration of the special land use the Township Board shall hold a public hearing. Notice shall be given as required by Chapter 24 of this Ordinance.
1) The Township Board shall approve the use, disapprove the use or approve the use with conditions. In its discretion, the Board may consider changes or additions to or departures from, the special land use as recommended by the Planning Commission and in such case, the decision of the Township Board shall be final. In its discretion, however, the Township Board may refer any such proposed changes or additions to or departures from the special land use, to the Planning Commission, for the Commission's comment or report within a specified time.
2) The Township Board shall not approve any special land use for mineral mining unless the application sufficiently demonstrates that the proposed mineral mining operations and activities will not create any serious adverse consequences or serious environmental impact upon adjacent or nearby lands or other lands in the Township or the area.

m) *Letter of Credit or Performance Bond.* An applicant for a mineral removal special land use shall submit a letter of credit or performance bond, in the amount specified in the special land use, before commencing any operations. The letter of credit or performance bond shall name the Township as the benefited party and shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use. If a performance bond, it shall be executed by a surety acceptable to the Township. Such bond or letter of credit shall apply to any damage done to public roads near the site by the mining activities. The terms of the bond or letter of credit pertaining to the public roads, however, must be acceptable to the Allegan County Road Commission. The letter of credit or performance bond shall have such other terms and shall be in such form as may be required by the Township Board, consistent with this section.

1) The letter of credit or performance bond shall not be refunded, reduced or transferred until all mineral removal operations, site rehabilitation or restoration and all other required or permitted activities have received final inspection and approval by the Zoning Administrator and until the Township Board has determined that the applicant has fully complied with all of the terms and conditions of the special land use, including all required site rehabilitation.
2) The timely and faithful compliance with all of the provisions of the letter of credit or performance bond shall be a condition of the special land use.

n) *Renewal of Special Land Use.* The special land use authorized by this section may be renewed in the discretion of the Township Board for a period of one year. Such renewal shall be subject to the terms of this subsection.

1) The applicant or operator shall file an application for renewal of the special land use, prior to the expiration of the use, or prior to the expiration of any annual or other increment in which excavation and removal operations are permitted under the terms of the special land use.
2) Prior to consideration of an application for renewal, the Township Engineer or other designated Township official shall inspect the land, shall review the mineral mining activities to date, all payments to the Township of any required mineral removal surveillance or administration fee, and shall submit a report thereon to the Township Board. To assist the Zoning Administrator or other designated official in preparing the report, the applicant shall, if requested, furnish load tickets or other proof of the quantity of mineral material removed. The report of the Township Engineer or other designated official shall be a part of the application for renewal.
3) Upon receiving the completed application for renewal, including the report of the Township Engineer, the Township Board shall approve, disapprove or approve with conditions the requested renewal. In the case of mineral removal operations under subsection I, such action shall be subject to the approval of the Township Board as well.
4) In determining whether to approve a renewal, the Township Board may consider whether, as stated in the report of the Township Engineer or otherwise, the applicant or other operator has complied with the terms and conditions of the special land use. If there have been violations thereof, the report of the Township Engineer shall describe the same. If the Township Engineer determines that operations do not comply with the special land use, the Township Engineer shall notify the applicant of the measures necessary to cure any deficiencies. The report of the Township Engineer shall not, however, bind the Township Board to any particular decision with regard to renewal of the use.
5) In determining whether to approve a renewal of the special land use, the Township Board shall apply the standards and conditions for approval that are applicable to original special land uses under this section, taking into consideration current land use conditions in the vicinity, the operational history under the special land use and any complaints, comments or other information

that have been received concerning the uses and operations there under.

6) The consideration of any such renewal shall take place at a public hearing with public notice given in the same manner and to the same extent as that required for an original granting of a special land use.
7) In approving a renewal of the special land use, the Township Board may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.

o) *Enforcement.*
   a) The enforcement of the terms of the special land use may be directed against the applicant, the property owner and all operators acting or purporting to act under the special land use, or any of them. Full and timely compliance with all of the terms of this section and of the special land use is a condition for the continued effectiveness of the special land use or any renewal thereof.
   b) In the enforcement of the provisions of this section and the terms of the special land use, the Township may avail itself of all procedures and remedies permitted by this Ordinance or otherwise by law.
   c) Enforcement measures may include but need not be limited to the revocation of the special land use by the Township Supervisor, where operations under the use do not comply with this section or the special land use.
   d) For purposes of determining compliance with this section and the special land use, the Zoning Administrator or other designated Township official shall be entitled to access to the lands subject to the special land use during reasonable business hours. The Zoning Administrator is authorized to demand compliance with the terms of this section and the special land use, and if such compliance is not obtained, the Zoning Administrator may issue an order directing the applicant and any operator to cease immediately all mineral excavation and removal activities on or from the lands and all other operations relating thereto, either permanently or for such period of time as the Zoning Administrator may require.

      Zoning Administrator may also issue a civil infraction in accordance with the Wayland Township Civil Infractions Ordinance except that the fine for each offense shall not be less than $1000.00 in the first instance and $5000.00 for each subsequent violation.
   e) Upon the issuance of a stop work order, an order of revocation or any other order or directive of the Zoning Administrator, the applicant and any operator shall have no further right or privilege to continue or initiate any mineral excavation or removal operations or related activities on or with respect to the lands covered by the special land use, except emergency work which may be required to protect the public safety and except any limited or transitional operations which may be authorized under the terms of any such order or other directive. In enforcing any such stop work order, the Township may avail itself of all remedies and procedures provided in this Ordinance or otherwise by law.

p) *Reapplication.* No application for a special land use for a mineral mining project which has been denied by the Township Board shall be resubmitted within one year from the date of the denial except that the applicant may present new evidence or proof of changed conditions relating to the reasons for denial of the original application. If the Board finds this information to be valid it may allow a resubmittal of a new application before the one year period is over.

q) *Existing Special Land Uses.* Upon the adoption of this section, special land uses for mineral excavation and removal that have previously been granted shall, if lawful, continue in effect according to their terms, as follows:

1) Where an existing special land use expires, by reason of the expiration of the entire term for which it was permitted, then the special land use, if renewed or otherwise approved, shall thereafter comply with all of the terms and conditions of this section.
2) Upon an annual renewal of an existing special land use, or upon other renewal thereof, where the total permitted duration of the use has not yet expired, the special land use shall thereafter comply with all of the operating conditions stated in subsection G hereof, except as to those operating conditions that the Township Board determines would not be reasonably necessary in the circumstances or for the protection of other lands or the public interest.
3) In any approved renewal of the special land use, the Township Board may include other or additional requirements, consistent with the terms of this section, if such other or additional requirements may be necessary because of changed circumstances or for the further protection of other lands or the public interest.

r) *Fee for Administration of Special Land Use*. As a condition of any such special land use, the applicant shall pay to the Township such fee as determined by the Township Board, for the purpose of defraying the Township's cost of administration, surveillance and enforcement of the special land use, including but not limited to, consideration of applications and renewals, testing, monitoring, sampling, surveying, engineering fees, legal fees, studies, and other consultant fees and other related costs and expenses. Such fee shall be calculated and paid as required by resolution of the Township Board. In its discretion, the Board may provide for the advance payment into escrow, by the applicant, of all of the Township's costs and expenses with respect to the consideration of the special land use, in accordance with the Township Board resolution concerning such escrowed fees. In addition, the applicant shall pay such application fee or renewal fee as may be established by the Board.

s) *Reapplication.* No application for a special land use for a mineral mining project which has been denied by the Township Board shall be resubmitted within one year from the date of the denial except that the applicant may present new evidence or proof of changed conditions relating to the reasons for denial of the original application. If the Board finds this information to be valid it may allow a resubmittal of a new application before the one year period is over.

SECTION 3.37 GROUNDWATER PROTECTION

No land use activity shall be located, or conducted, and no material or substance shall be stored, placed or used, upon any land which might run-off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or cause harm or damage to such waters.

SECTION 3.38 MINIMUM STANDARDS FOR DWELLINGS

All dwellings in Wayland Township located outside of a designated mobile home park shall comply with the following standards, in addition to those contained elsewhere in this Zoning Ordinance.

a) The minimum usable square footage for all dwellings, including mobile homes, shall be uniform in each zoning district, although such standards may vary from zoning district to zoning district.
b) All dwellings shall have a minimum width across any front, side or rear elevation of 24 feet, and shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P.A. 230, as amended. Where a dwelling is required by law to comply with any Federal or State standards or regulations for

construction, and where the standards or regulation for construction are different than those imposed by the Michigan State Construction Code, then and in that event such Federal or State standard or regulation shall apply.

c) All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed with such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's set up instructions, and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

d) No dwelling shall have any exposed towing mechanism, under-carriage of chassis. In the event that a dwelling is a mobile home, as defined herein, each mobile shall be installed with the wheels removed.

e) All dwellings must have a storage area within a basement, closet area, an attic, or in a separate fully enclosed structure constructed of equal or better quality than the principle dwelling not less than fifteen percent of the interior living area of the dwelling exclusive of storage space for automobiles.

f) All dwellings must be aesthetically compatible in design and appearance with other residences in the vicinity, including where appropriate, roof overhang, a front and rear or front and side exterior door, and permanently attached steps or porch areas where an elevation differential requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon a review of the plans submitted for a particular dwelling subject to appeal by an aggravated party to the Zoning Board of Appeals within a period of fifteen days from the receipt of notice of the Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this section, as well as the character, design and appearance of one or more residential dwellings located outside a mobile home park within 2000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside a mobile home park throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy, view, unique land contour, or relief from the common or standard design home

g) All room or other area additions to a dwelling must be of equivalent quality in workmanship and materials as the principle structure, including a foundation as for the principle structure and permanent attachment to said foundation.

h) All dwellings shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said home shall be of a type and quality conforming to the" mobile home construction and standards" as promulgated by the United States Department of Housing and Urban Development, being CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable snow load and roof requirements.

i) All dwellings must be properly maintained against deterioration and/or damage from the elements, or otherwise, by prompt and appropriate repairs, surface coating and other appropriate protective measures. The foregoing standards shall not apply to a mobile home located within a licensed mobile home park, except to the extent required by law.

SECTION 3.39 PRIVATE ROAD REQUIREMENTS (Ord. 0-04-2022;Eff. 10-21-2022)

a) *Definition:* Private roads shall include all roads and streets for ingress and

egress and utility purposes which are non-public and have not been adopted for construction or maintenance by the Allegan County Road Commission.

b) *Applicability:* Private roads are permitted in all zoning districts as a Special Land Use subject to approval by the Wayland Township Board following a recommendation from the Wayland Township Planning Commission. If the applicant is also seeking approval for a private road as part of a PUD, plat, or site condominium, the requirements of Section 3.39 herein shall apply except that a separate Special Use Permit application and public hearing shall not be required and the private road may be reviewed as part of the PUD, plat or site condominium application.

c) *Existing Private Roads*:
   1) After the effective date of this amendment, an existing private road shall not be extended to provide access to a lot, dwelling or building which was not provided access by the private road as of the effective date of this amendment, unless the existing private road is brought into compliance with the minimum standards for private roads as required by this Section.
   2) Existing private roads may be improved, upgraded and maintained but not extended without being subject to these regulations.
   3) Vacant lots existing as of the effective date of this amendment (02-22-19) which are provided access by an existing private road may be issued a building permit subject to compliance with all other applicable Township regulations.

d) *Application Requirements:* An application to establish, construct or extend a private road shall be filed with the Township Zoning Administrator along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:
   1) The name or names of the owners of the property containing the proposed private road.
   2) Permanent parcel number and legal description of the parent parcel/tract.
   3) A description of the proposed development.
   4) Ten copies of a site plan sealed by the architect, landscape architect, engineer or professional surveyor who prepared the plan which shall illustrate at a minimum the following information:
      i) The proposed location of the property containing the private road within the Township; adjacent properties; the proposed lots, including property line dimensions, acreage and any building and improvements which may be existing at the time of application along with their set-backs from proposed property lines; existing buildings within 100 feet of the property.
      ii) Any un-buildable or un-developable areas on the property (wetlands, slopes over 20 percent, creeks, rivers, ponds,) and any related utility and drainage easements.
      iii) Existing and proposed contour elevations of the property and to a distance 50 feet outside the boundary lines of the property at two feet intervals.
      iv) The precise location, elevations, grades, dimensions, specifications and design of the private road and any proposed extensions of the street, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect. A "Standard Cross Section and Layout" drawing shall be provided to illustrate this information.
   5) A Maintenance Agreement containing the information required by Section 3.39(i) herein.
   6) A permit or written approval from the Allegan County Road Commission **or** Michigan Department of Transportation approving the connection of the private road to the public street.
   7) A written waiver of liability and "Indemnification Agreement" releasing Wayland Township and Allegan County from any liability for damages resulting from or related to the construction, use, maintenance, or lack of maintenance of the private road.

e) *Procedure for Permitting of a Private Road:*
   1) Public Hearing. Private roads shall be reviewed by the Planning Commission following a public

hearing. A notice of the hearing shall be as required by Section 24.11 herein. If a private road is part of a request for a site condominium, platted subdivision, Planned Unit Development, or Open Space Preservation Project, the private road shall be included in the public hearing for such requests.

The Planning Commission shall review the application material to determine compliance with the standards and requirements for private roads as contained herein and may consult with the Township Fire Chief, Township Attorney, Engineer or Planner who shall provide written reports as requested by the Commission.

2) Review Standards. In reviewing the Special Land Use Permit application for a private road, the Planning Commission, and the Township Board which shall make the final decision, shall consider the following factors as well as other factors they may deem appropriate:
   i) The impact of the proposed private road and associated development on nearby properties;
   ii) The impact of the proposed private road and resulting developments on the long-range planning goals of the Township;
   iii) The potential for conflicts between the proposed land uses and existing land uses, i.e.: residential development in an agricultural area.
   iv) Whether the health, safety, and general welfare of persons or property using, or affected by the private road will be adequately protected.
   v) The impact on public roads created by the potential for traffic congestion, potential intersection interference or other similar or related problems.
3) Following the public hearing the Planning Commission shall forward its recommendation to the Township Board. Revisions to the plans required by the Commission shall be made and verified by the Zoning Administrator or their agent before the plans are provided to the Township Board for final review.
4) The Township Board shall approve, approve with conditions or deny the application based on compliance with the standards of Section 3.39 (e)(2) and the applicable requirements of this Ordinance. If the Board denies the application, the written reasons for denial shall be provided to the applicant within 15 working days of the date of denial.
5) If the Board approves the application two copies of the approved private road plans shall be signed and dated for approval by the Zoning Administrator**,** one copy shall be kept by the applicant, and one by the Township.
6) Construction Permit Issuance. Upon payment by the applicant of any required escrow fees, the Zoning Administrator shall issue a Construction Permit letter for the construction of the private road. This Construction Permit is not a Final Private Road Permit and does not authorize the construction of any buildings on lots to be served by the private road. However, a building permit may be issued per the requirements of Section 3.39 (f)(b) herein before the private road is constructed.

   The Construction Permit is valid for a period of one year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. The Township Board, however, may grant an extension of the time period for not more than one year if the applicant files a request for an extension with the Zoning Administrator before the permit expires and the Board finds that an extension is warranted. If a permit expires a new Construction Permit shall be required before construction can begin.
7) Final Private Road Permit Requirements**.** Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:

i) A letter from a registered professional engineer or surveyor that the road has been constructed in compliance with the approved private road plans;
ii) Documentation that the road maintenance agreement, access easement and any deed restrictions have been recorded with the Allegan County Register of Deeds office;
iii) A copy of the approved private road plans in an electronic format as approved by the Township.

8) Final Private Road Permit Issuance. Upon approval of items required in Section 3.39(e)(7) and payment of all required fees and escrow amounts, the Zoning Administrator shall issue a letter constituting the Final Private Road Permit to the applicant.

f) *Permits for Buildings on Private Roads.* A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private road unless:
1) The Zoning Administrator has issued a Final Private Road Permit, or
2) The applicant for the building permit or the owner(s) of the private road right-of-way have provided the Township with an irrevocable letter of credit in an amount determined by the Township to ensure construction of the private road in accordance with the approved private road construction permit. The letter of credit shall be valid for a period of one year from the date of the issuance of the building permit. The Township shall have the right to draw on the funds if the private road is not completed to the satisfaction of the Township prior to the expiration of the letter of credit. No more than two building permits shall be issued under this sub section and no occupancy permits shall be issued until the private road is constructed and a Final Private Road Permit is issued.

g) *Construction Standards for Private Roads.*
1) For private streets which provide access to no more than two lots zoned for residential use the following standards shall apply:
i) The standards set forth in Section 3.39 (h), Minimum Standards for All Private Streets, except that a turnaround driving surface and cul-de-sac easement are not required at the end of the private road.
ii) The private road need not be paved.
iii) The width of the road driving surface shall be a minimum of 16 feet.
iv) The road shall be constructed with a minimum sand sub-base of 12 inches topped with a minimum of six inches of 22A road gravel.
2) For a private road serving at least three but no more than 20 lots zoned for residential use the following standards shall apply:
i) The standards set forth in Section 3.39 (h), Minimum Standards for All Private Streets.
ii) The construction standards of the Allegan County Road Commission for a Local Road Section.
3) For a private road serving more than 20 lots zoned for residential use the following standards shall apply:
i) The standards set forth in Section 3.39 (h), Minimum Standards for All Private Streets.
ii) The construction standards of the Allegan County Road Commission Standard 1A.
4) For a private road serving lots in the C-1, C-2, and Industrial zoning districts the following standards shall apply:
i) The standards set forth in Section 3.39 (h), Minimum Standards for All Private Streets.
ii) The construction standards of the Allegan County Road Commission for commercial and industrial uses.

h) *Minimum Standards for All Private Roads.*

1) All private roads shall be designed and constructed to accommodate a minimum vehicle speed of 35 miles per hour.
2) All private roads shall be constructed within an easement or right-of-way at least 66 feet wide. The driving portion of the roadway shall be parallel to and centered within the easement as much as possible. The radius for a cul-de-sac easement shall be a minimum of 80 feet.
3) A lot shall have frontage on the private road which is at least equal to the minimum lot width required for the zoning district in which the lot is located
4) A private road shall be at least 250 feet offset center to center from or located directly in line with other public or private road.
5) All private roads shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name of the private road meeting Allegan County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public street. Private road segments which do not intersect a public street shall also be marked with a street sign but such signs do not need to conform to Road Commission standards.
6) The area in which the private road is to be located shall be cleared and kept clear of vegetation for a minimum width of 28 feet. All overhead branches extending over the travel surface of the private road shall be trimmed and maintained to a height of 14 feet above the private road. Exceptions may be granted for mature trees and features which add scenic beauty and or historical value to the site and which are not determined to be health, safety and welfare hazards, if presented and discussed during site plan review and are specifically exempted.
7) A stop sign shall be installed at the intersection of the private road with the public street. The sign shall comply with the requirements of the Allegan County Road Commission.
8) All private roads shall widen at any dead end so there is at least a 60 feet radius turnaround driving surface. In the event of severe topography, mature trees or other similar natural feature which prevents the reasonable installation of the turnaround a different turnaround design may be approved.
9) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three inches in height.
10) The edge of the private road driving surface shall be no closer than 100 feet from any existing dwelling unit located on a parcel adjacent to the private road.
11) Private roads shall have a bituminous paved approach where the private road intersects a public road in accordance with Allegan County Road Commission standards.
12) Maximum street grades shall be ten percent.
13) All private roads shall be constructed with sufficient slopes and grades as to provide adequate storm water and road drainage and shall provide adequate culverts and drainage courses and waterways**.**
14) Under no circumstances shall drainage from a private road, snow from plowing or sand and gravel from road construction or maintenance be allowed to encroach onto a neighboring parcel.
15) If any excavation to construct a private road is within 500 feet of a lake, river, stream or county drain, or is over one acre in size, the applicant shall obtain an Earth Exchange Permit from Allegan County.
16) All private roads serving 30 or more parcels shall have two means of ingress and egress to a public road.
17) Parcels with frontage on both a public road and a private road shall utilize only the private road

for ingress and egress to the parcel.

18) If a private road is part of a Planned Unit Development the standards for private roads contained herein may be modified by the Township Board following a recommendation from the Planning Commission if the modifications are necessary to achieve the intent and purposes of the PUD zoning district relative to the project under consideration.

i) *Private Road Maintenance Agreement*. The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township Zoning Administrator a recordable or recorded street maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (non-public) maintenance of such streets and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall include provisions for the following:

1) A method of financing the maintenance of the private road and/or easements in order to keep the street in a safe and usable condition.
2) A method of apportioning the costs of maintenance and improvements and an enforcement mechanism to ensure that such maintenance and improvements are carried out.
3) A notification that no public funds of the Wayland Township will be used to build, repair, or maintain the private road.
4) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary and easements for public and private utilities.
5) Each of the owners of property utilizing the street shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners and ensuring that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by family, guests, invites, tradesmen, and others bound to or returning from any of the properties having a right to use the street.

   After this document has been approved by the Township Zoning Administrator, it shall be recorded at the Allegan County Register of Deeds Office and a copy furnished to the Zoning Administrator before the Final Private Road approval is given.

j) *Extension of Private Road to Adjacent Property*. In the case of a Planned Unit Development, plat or site condominium, a private road may be required to be extended to the adjacent property line by the Township Board following a recommendation from the Planning Commission according to the following criteria:

1) The adjacent property shall have its own street access to the public street system;
2) The street extension is necessary to provide a secondary means of access for emergency vehicles;
3) The street extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between residential areas and to reduce the amount of vehicle trips which would otherwise need to utilize the public street system to access adjoining residential areas;
4) The street extension would not result in future traffic from off-site creating unsafe situations for the residents of the project proposed by the applicant.

If such a connection is required the applicant shall construct the street to the adjacent property line at the time that the private road is built <u>OR</u> the applicant shall record an agreement to construct the street connection when the adjacent property develops and the Township Board determines the necessity of the street connection. Upon completion of the connection the applicant shall record a statement that the connection shall remain open at all times for the uninterrupted movement of people and vehicles.

SECTION 3.40 OPEN SPACE PRESERVATION PROJECTS (Ord. 2:Eff.06-02-03)

a) *Purpose:* Act No. 177 of the Public Acts of Michigan of 2001 ("Act 177") requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit "open space preservation" developments.

Under these regulations, a landowner has the option to retain at least 50% of the property as open space and placing dwellings on the remaining portion. The number of dwellings cannot be less than the number which would be permitted on the land without the open space preservation regulations.

The purpose of this Article is to adopt open space preservation provisions consistent with the requirements of Act 177.

b) *Definitions:* Words and phrases used in this Section, if defined in Act 177, shall have the same meaning as provided in the Act.

c) *Review Procedure* (Ord. 1: Eff. 2-26-07): An Open Space Preservation Project shall be reviewed by the Planning Commission according to the requirements and standards contained in this section. The Planning Commission shall hold a public hearing on an Open Space Preservation Project. Notice of the hearing shall be as required in Chapter 24 herein.

d) *Items Submitted for Review:*
   1) The applicant shall submit an application and fee for an open space preservation project as required by Wayland Township.
   2) *Open Space Preservation Plan:* The applicant shall submit 10 sets of the Open Space Preservation Plan to the Township Clerk. The Plans shall be professionally prepared and shall include information required by Section 2.02 of the Wayland Township Subdivision Ordinance and the following information:
      i. The areas devoted to preserved open space.
      ii. The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission.
      iii. The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
      iv. The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
      v. If the open space development will not be served by public sanitary sewer, the applicant shall submit documentation from the Allegan County Health Department that the soils are suitable for on site septic systems.

e) If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Wayland Township Land Division Ordinance or the Wayland Township Site Condominium Chapter of this Ordinance, as applicable.

f) *Existing Zoning Plan:* In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan.

This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan shall be professionally prepared and shall include at least the following information:

1) Date, north arrow and scale, which shall not be more than 1" = 200 '.
2) Location of streets adjacent to and within the site.
3) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
4) Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
5) If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit written documentation from the Allegan County Health Department that at least 50 percent of the lots test positive for on site disposal systems. The test sites shall be spread evenly over the entire property.
6) The Existing Zoning Plan shall illustrate all unbuildable land, which shall include slopes of 20% or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads.

g) *Determination of Number of Lots:* The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this Section were not exercised.

The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the Existing Zoning Plan in this Section.

h) *Open Space Requirements:*
   1) *Required Open Space:* Not less than 50 percent or more than 60 percent of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "open space") by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Attorney.
   2) *Areas Not Counted as Open Space:*
      i. The area within all public or private road rights-of-way.
      ii. Golf course.
      iii. The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
      iv. Community drain fields if such areas are not completely underground.
      v. 50% of the area of wetlands, creeks, streams, existing ponds or lakes or other bodies of water.
      vi. 50% of the area of floodplains and 50% of areas of slopes of more than 20%.

i) *Standards for Open Space:* The following standards shall apply to the preserved open space required by this Section:
   1) The open space may include a recreational trail, picnic area, children's play area, or other use which, as determined by the Planning Commission, is substantially similar to these uses.
   2) The open space shall be available and useable for all residents of the development, subject to reasonable rules and regulations.
   3) If the land contains a lake, stream or other body of water, the Planning Commission may require

that a portion of the open space about the body of water.

4) Open space areas, when part of an Open Space Preservation Project in an Agriculture, R1 or R2 may be used for farming activities which include but are not limited to the growing of crops, fruits and vegetables and the raising and keeping of farm animals including farm buildings.
5) Detention and retention ponds.

j) *Methods to Preserve Open Space:* The applicant shall submit before final approval of the project a copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this Section in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this Section. The legal instrument shall:

1) Indicate the proposed permitted use(s) of the open space.
2) State the parties who have an ownership interest in the open space.
3) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, walking trails, picnic areas, park or playground equipment, or similar improvements that are approved by the Planning Commission.
4) Require that the open space be maintained by parties who have an ownership interest in the open space.
5) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.

k) *Development Requirements:*

1) *Water and Sanitary Sewer:* Open Space Preservation projects shall be served by either public or community water and sanitary sewer OR by private wells and septic systems subject to the approval of the Allegan County Health Department.
2) *Minimum Lot Sizes and Setbacks:* In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning Plan the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located.
   i. For Open Space Preservation projects the minimum lot sizes shall not be less than the following:

	Minimum Lot Size	Minimum Lot Width
AG Zone	1.5 acres	200 feet
R1 Zone	30,000 square feet	132 feet
R2 Zone & RR Zone	15,000 square feet	70 feet

   ii. The minimum setback for buildings may be reduced by not more than 20% of the minimum required setbacks for the zoning district in which the Open Space Preservation project is located.
   iii. The Planning Commission may allow a decrease in the above minimum lot sizes however, for the purpose of achieving the number of lots allowed by the Existing Zoning Plan.

3) *Compliance with Zoning District:* The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except for the lot size and setback requirements.
4) *Maximum Number of Lots:* The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission.
5) *Perimeter Lots:* Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing). The Planning Commission may however, allow a decrease in the minimum lot sizes specified in Section (k)(2)(i) for non-perimeter lots for the purpose of achieving the number of lots allowed by the Existing Zoning Plan.
6) *Sidewalks: (Ord.7-2022: Eff. 10-21-2022)* The Planning Commission may require sidewalks in accordance with the Township's Site Condominium Ordinance and Subdivision Ordinance.
7) *Private* Roads*:* A private road which is part of an Open Space Preservation project shall comply with the requirements for private roads as contained in Section 3.39 of this Ordinance.
8) *Grading:* Grading shall comply with the following requirements:
   i. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
   ii. All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.

l) *Standards for Approval:* Prior to approving a site plan for an Open Space Preservation project, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this section or in other Township ordinances are met, the site plan shall be approved.
1) The site plan complies with all open space requirements of this Chapter.
2) The houses are arranged to respect the natural features of the site and so residents can benefit from viewing or utilizing the required open space.
3) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
4) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
5) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
6) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public stormwater drainage system. Provisions shall be made to accommodate stormwater, prevent erosion particularly during construction, and prevent the formation of dust. The use of detention/retention ponds may be required. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
7) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal

permits before final site plan approval or an occupancy permit is granted.

m) *Conditions of Approval:* As part of an approval to an Open Space Preservation Plan, the Planning Commission may impose additional conditions that may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of Section 3.40(h) are met.

n) *Validity of Approved Site Plans:*
   1) An approved Open Space Preservation Plan which is also approved under the Township's Site Condominium Chapter of this Ordinance or the Township Subdivision Ordinance shall remain valid as prescribed in these Ordinances.
   2) For all other approved Open Space Preservation Plans, the approval shall be valid for one year from the date of approval. If construction has not commenced and progress has not been made toward completion of the project before the end of the one year period, the approval shall be voided.

      Upon written application, filed prior to the termination for the one year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year.

o) *Performance Guarantee:* The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the improvements therein.

   In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official. Furthermore, the Planning Commission may recommend to the Township Board the rebate or refund of a proportionate share of a cash bond or funds in escrow.

p) *Amendments to Approved Site Plan:*
   1) Any person who has been granted site plan approval for an Open Space Preservation Project shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
   2) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

      The following items shall be considered as minor changes:
      i. Reduction in the number of dwellings.
      ii. An alteration of the required open space which does not materially affect the approved intended use of the open space.
      iii. Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
      iv. Changes required or requested by the Township for safety reasons or to better accommodate stormwater management or other utilities.
      v. Changes which will preserve the natural features of the site without changing the basic

site layout.

vi. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

3) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor; re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

SECTION 3.41 LAKE ACCESS REGULATIONS (Ord. 6: Eff.12-01-03)

a) Except for publicly owned boat launch facilities, lots which are contiguous to a lake, stream, or other navigable body of water shall only be utilized by the owner or lessee of the lot for boat access. An owner or lessee of a boat dock, slip, mooring, or boat ramp shall not sell or lease or sub-lease to or allow the use of such facilities by any other person.

b) In all zoning districts there shall be at least one hundred (100) feet of frontage on the lake, as measured along the normal high water mark of the lake for each dwelling unit, single-family dwelling, condominium unit, site condominium unit, apartment unit or family utilizing the frontage for boat access to the lake, for swimming, sunbathing or for other activities or uses associated with the lake.

This restriction shall apply to all lots on or abutting any lake or body of water in any zoning district, regardless of whether use of the lake frontage for access to the lake or body of water shall be by easement, private park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease except that lots which are owned or controlled by the State of Michigan shall be exempt from this requirement.

c) *Definitions:* For purposes of this section the following definitions shall apply.

Boat: Shall mean a watercraft having a motor, engine or other machinery of more than five horse power or the equivalent, boat shall also mean a “personal watercraft” as defined in the Marine Safety Act, Act. 303 of the Public Acts of 1967, as amended.

Boat access: Shall mean and include boat launching, mooring, and docking, and over night anchoring within 50 feet of the shore from or incidental to a single private riparian property or public or private road end abutting a lake.

Docked or docking: Shall mean the anchoring or mooring of a boat directly to a pier, structure, platform, pole, anchor, or dock in a lake, which is a platform or structure extending from the shore or

bottomlands, and is directly accessible to a lot fronting on a lake; and shall also mean the placement of a boat in a boat cradle or shore station offshore or the regular or overnight anchoring, mooring, or storage of a boat adjacent to a lot.

Mooring or slip: Shall mean a space for a single boat at or adjacent to a dock or in an offshore boat cradle or shore station.

Boat cradle or shore station: Shall mean a devise or devices placed on, at or near the shore of a lot on a lake for the purpose of mooring, anchoring or holding a boat or other watercraft, in, on or above the water in the lake.

Lake: Shall also include other water bodies, including rivers and streams.

Person: Shall mean a human being, partnership, corporation, association, including a condominium association, and any other entity to which the law provides or imposes rights or responsibilities.

SECTION 3.42 LOTS ABUTTING A NAVIGABLE BODY OF WATER (Lake /River/Stream)
(Ord.03: Eff. 08-27-20)

Lots which abut or contain a lake, river, or stream, also referred to as a navigable body of water, shall comply with the following regulations. For lots within the Rabbit River Protection Overlay Zone the regulations of Chapter 16 shall also apply if the regulations are more restrictive.

a) The width of the lot on the street side shall be the minimum width required for the zoning district in which the lot is located.
b) All lots abutting a navigable body of water shall be a minimum of 100 feet wide measured at the normal high-water mark between side lot lines.
c) The front yard shall be that area between the street right-of-way line and the nearest wall of the principal or accessory building. The minimum required front yard setback distance shall be the same as that required for the front yard setback for the zoning district in which the lot is located.
d) The rear yard shall be that area between the normal high-water mark and the nearest wall of the principal building.
e) Rear Yard Setback for Existing Lots.
   1) For lots existing as of the date of adoption of this Section 3.42 which abut a navigable body of water, the minimum rear yard setback from the normal high-water mark of the navigable body of water for a new principal building or an expansion of an existing principal building shall be the lesser of:
      i. The required rear yard setback of the zoning district in which the lot is located OR;
      ii. The average of the existing setbacks of principal buildings on the adjacent lots if the average setback is less than the required rear yard setback of the zoning district in which the lot is located but not less than 20 feet. If only one principal building exists on the adjacent lots the setback for a principal building shall be the same as the existing principal building on the adjacent lot but in no case shall the setback be less than 20 feet.
f) Rear Yard Setback for New Lots. For lots abutting a navigable body of water created after the adoption of this Section, the minimum setback from the normal high-water mark of the navigable body of water for principal buildings shall be 50 feet.

g) The side yard setback requirements shall be as required for the zoning district in which the lot is located.

SECTION 3.43 ADULT BUSINESSES (Ord. 7:Eff.09-02-03)

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these adult uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These adult business regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

a) Adult businesses subject to these controls are as follows:
   1) Adult book and video stores
   2) Adult cabarets
   3) Adult motion picture theaters
   4) Adult entertainment
   5) Adult live entertainment
   6) Adult merchandise store
   7) Massage establishments
   8) Nude modeling and photography studios.
b) *Definitions*: As used in this section, the following terms shall have the indicated meanings:

Adult Motion Picture Theaters: Any establishment, or part thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.

Adult Book and Video Store: Any establishment, or part thereof, having as a substantial or significant portion of its stock in trade, videos, compact discs, books, magazines, or other periodicals which are distinguished or 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.

Adult Cabaret: A nightclub, bar, or restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features one or more of the following:

a) Persons who appear nude or in a state of semi-nudity;
b) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description specified anatomical areas or specified sexual activities;
d) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult entertainment: Any exhibition, display or dance which involves exposure to view of specified anatomical areas or specified sexual activities.

Adult live entertainment theater: An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed so as to permit the view of "specified anatomical areas," or individuals engaged in "specified sexual activities."

Adult merchandise store: Any establishment, or part thereof, having as a substantial or significant portion of its stock in trade merchandise or novelties which are predominantly distinguished or 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 merchandise.

Peep Booth: A viewing room, other than a private room not authorized for admittance by patrons, of less than 150 square feet of floor space upon the premises of an adult business regulated herein where there is exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, other visual representations or which depict or describe specified anatomical areas or specified sexual activities.

Specified Sexual Activities: Specified sexual activities are defined as:
a) Human genitals in a state of sexual stimulation or arousal.
b) Acts of human masturbation, sexual intercourse, sodomy or excretory function.
c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Specified Anatomical Areas: Specified anatomical areas are defined as:
a) Less than completely and opaquely covered:
    1) Human genitals, pubic region, buttock, and Female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Massage Establishment: Any establishment, or part thereof, having a fixed place of business where massages are administered solely or in combination with any other service or activity for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, feet or the shoulder.

This definition shall not be construed to include establishments where massage is provided only by persons who have successfully completed not less than 500 hours of training from a recognized school or State accredited college or university or has been approved by the National Certification Board for

Therapeutic Massage and Bodywork or is certified as a massage therapist by the American Massage Therapy Association.

This definition shall also not be construed to include a non-profit organization operating a community

center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. This definition shall not be construed to include exercise clubs exclusively for members without massages in any form.

Massage: A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.

Nude Modeling and Photography Studios: Any building, structure, premises, or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein, for artists and photographers for a fee or charge.

Novelty: Any instrument, device, or paraphernalia which depicts or describes any "specified sexual activities, "or "specified anatomical areas" or which is designed for use, or commonly used, in connection with "specified sexual activities," excluding condoms and other birth control disease prevention products.

Substantial or Significant Portion: An Adult Business will be deemed to have a "substantial or significant portion" of its stock in trade or services if it meets at least one of the following criteria: (a) five percent or more of the stock, materials, merchandise or services are distinguished or characterized by an emphasis on matter depicting, or relating to "specified anatomical areas" or "specified sexual activities," as defined herein; or (b) twenty five percent or more of the usable floor area of the building is used for the sale, display or provision of materials, merchandise or services distinguished or characterized by an emphasis on matter depicting, or relating to" specified anatomical areas" or "specified sexual activities," as defined herein.

Authorization: The Planning Commission may, by the issuance of a Special Use Permit in accordance with Chapter 18 of this Ordinance authorize the uses specified within this section only in the C-2 zoning district as noted in Chapter 12 herein and after finding that the following conditions exist:

a) The parcel upon which the use is intended is located outside a two hundred (200) foot radius of any parcel upon which is located any residential use, church, public play ground, athletic field, library or public or private school, child care center, family day care home, or group day care home.
b) The use is not located within a two hundred (200) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
    1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this section will be observed.
    2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
    3) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
    4) That all applicable state laws and local ordinances will be observed.

For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult business is conducted, to the nearest property line of the premises of a residential use, church, public playground, athletic field, library or public or private school, child care center, family day

care home, or group day care home or another adult business.

Exterior Structural Requirements: All adult businesses must comply with the following exterior structural requirements:

a) The merchandise or activities of the adult business shall not be visible from any point outside the business.
b) The exterior of the adult business shall not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.
c) The exterior of the building containing the adult business shall not be painted any color other than a single neutral color.

Signs: Signs for an adult business shall comply with the following requirements:

a) One free standing sign and one wall sign is permitted per parcel.
b) A sign shall not exceed 50 square feet in area.
c) A sign shall not contain any photographs, silhouettes, drawings, or pictorial representations of any
d) manner, and may contain only the name of the enterprise.
e) A sign shall not contain any flashing lights and shall only be internally illuminated.
f) Signs for an adult business shall also comply with the requirements of Chapter 18 of this Ordinance except that the above requirements shall supersede the requirements of Chapter 18 where applicable.

Conditions and Limitations: The Planning Commission may impose any such conditions or limitations upon the establishment's location, construction, maintenance, or operation of the adult business as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will immediately terminate the special use permit.

Limit in Reapplication: No application for an adult business which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

SECTION 3.44 LANDSCAPING (Ord. 05-2008 Eff 12-15-08)

a) *Purpose*: The purpose of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts between uses and along roadways. Landscaping is considered by the Township to be an important element of land development and is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township. Landscaping also serves to buffer incompatible land use, moderate harsh or unpleasant sounds, remove air pollutants, reduce the glare from vehicle headlights and separate vehicular and pedestrian circulation.

   The landscape standards of this article are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage

   flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

b) *Applicability:*
   1) The standards contained in this article shall be applicable to any site plan, special land use request, or PUD submitted for review and approval under this article.
   2) The regulations of this article shall not apply to individual single-family and two-family dwelling units.
   3) Modification of Required Landscaping. For existing and proposed uses that require site plan approval to either expand or be built, landscaping should be installed insofar as practical. The Planning Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this article. In doing so, the Commission shall consider the following criteria:
      i. The amount of space on the site available for landscaping.
      ii. Existing landscaping on the site and on adjacent properties.
      iii. The type of use on the site and size of the development.
      iv. Existing and proposed adjacent land uses.
      v. The effect the required landscaping would have on the operation of the existing or proposed land use.
      vi. Whether additional landscaping is necessary to mitigate the adverse effects of adjoining land uses, to reduce headlight glare, reduce noise and to otherwise achieve the objectives of this Section.

c) *General regulations:*
   1) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
   2) All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
   3) For the purpose of this article, a corner lot is considered as having a front yard along each street, and the appropriate landscaping shall be provided for both yards.

d) *Landscaping Requirements:*
   1) *Green belt*: A greenbelt or landscape area as required herein shall be provided as follows:
      i. Wherever a Commercial or Industrial zone abuts an R-1, R-2, R-3, R4, RR or PUD zone.
      ii. Wherever a Commercial or Industrial zone abuts a non-conforming residential use such as a house in a Commercial or Industrial zone.
      iii. Wherever a non-residential use such as a church, school, hospital, or library which may be allowed in a residential zone abuts a residential use or an R-1, R-2, R-3, R4 or RR-zone as noted above, a greenbelt shall be required.
      iv. Wherever multifamily buildings in an R-3 zone abuts an R-1, R-2, R4, RR or PUD zone.
      v. Wherever a Commercial or Industrial zone abuts an Agricultural zone, a greenbelt shall be provided if existing dwelling(s)are located within 300 feet of the abutting Commercial or Industrial zones.
      vi. The greenbelt shall be installed along the abutting lot line separating the different zoning districts

e) Landscaping requirements shall not apply where adjacent zoning districts are separated by a public street. In such case, the front yard landscaping requirements of this article shall apply.

f) *Width and Planting Requirements for Green Belts:*

   1) A greenbelt shall be a minimum of 15 feet wide.

2) For each 50 linear feet abutting the adjacent property, three trees shall be planted within the greenbelt. Such trees shall be a mixture of evergreen, canopy and ornamental trees.

g) *Plant Spacing and Size Requirements:*
1) Plant materials shall not be placed closer than four feet from the fence line or property line.
2) Evergreen trees shall be planted not more than 25 feet on centers, and shall be not less than five feet in height.
3) Ornamental trees or tree-like shrubs shall be planted not more than ten feet on centers, and shall not be less than four feet in height.
4) Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than three feet in height.
5) Large deciduous trees shall be planted not more than 25 feet on centers, and shall be not less than three inch caliper.

h) *Front Yard Landscaping:* Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped according to the following minimum requirements.
1) For each 25 feet in length of road frontage one tree shall be planted within the front yard. Such trees shall be a mixture of evergreen, canopy and ornamental trees.
2) Shrubs provided at a rate of three for each tree required.
3) Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25 percent may be received against providing the required plantings through the use of berms three feet in height or greater.
4) Plantings and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.

i) *Off-Street Parking Area Landscaping Requirements:* All parking areas having 20 or more parking spaces shall be landscaped according to the following minimum requirements:
1) One canopy tree for every 20 parking spaces, with a minimum of two trees, shall be planted adjacent to and within the parking area.
2) Trees shall be located to prevent damage by motor vehicles.
3) Landscaping islands shall be dispersed through the parking lot in order to break up large expanses of paved surfaces and improve traffic flow and line of sight for drivers. Each landscape island shall be a minimum of six feet wide and shall contain at least one canopy tree.
4) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
5) All landscape areas shall be protected by raised curbs, parking blocks or other similar methods.
6) Where any parking area, excepting areas serving one-family or two-family dwellings, abuts or faces a public right-of-way, a three-foot-high continuous obscuring screen at least three but no more than four feet high may be required between the parking area and the public road right-of-way line. The screen may be comprised of natural or manmade material or any combination of these elements. Such screening may be required for parking lots across the street from residential uses where vehicle lights, noise or appearance may create a nuisance or safety hazard for residents.
7) Landscaping required for greenbelts and front yard landscaping that abuts off-street parking areas may substitute for up to 50 percent of the required parking lot landscaping.

j) *Berms, Walls and Fences:*
1) If a berm is used for all or part of the greenbelt, required plant material quantities may be reduced by 25 percent. The berm shall comply with minimum standards contained in this article. All plant materials shall be placed along the top and exterior side slope of the berm. The greenbelt width

shall be increased as needed to accommodate maximum berm side slopes of one foot vertical rise to three feet horizontal.

2) A screen wall or solid fence may be used for all or part of the greenbelt. If a solid fence or screen wall is used, the following regulations shall apply.
3) Required quantities of plant materials may be reduced by 50 percent for that area abutting the fence or wall.
4) The fence or wall shall comply with the applicable regulations of this Ordinance.
5) Stormwater detention/retention areas shall be permitted within greenbelts provided they do not reduce the screening effect.
6) Solid waste dumpsters may be located in greenbelts, provided they are screened on three sides by a continuous opaque wall or fence six feet in height.

k) *Minimum Standards for Berms:*
1) Wherever a berm is used to meet the minimum requirements of this article, it shall have a maximum height of five feet above grade.
2) Berms shall be constructed so as to maintain side slopes not to exceed a one-foot vertical rise to three feet horizontal ratio.
3) Berm areas shall be covered with grass or other living ground cover.
4) Berms shall be constructed so as not to negatively affect drainage patterns on adjacent properties.

SECTION 3.45 WIND ENERGY SYSTEM (WES) (Ord. 01-2009 Eff 02-16-09)

a) *Purpose:* The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.
b) *Definitions:*

*Wind Energy System (WES)**:*** Shall mean any combination of the following
1) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
2) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
4) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
5) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted;

(Note: For purposes of this section a windmill traditionally used to pump water shall not be considered a Wind Energy System.)

*On Site Use Wind Energy System***:** A WES the purpose and use of which is to provide energy to only the property where the WES structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.

Single WES for Commercial Purposes: A single WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

Wind Farm: Clusters of two or more WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

Utility Grid Wind Energy Systems: A WES designed and constructed to provide electricity to the electric utility grid.

Building Mounted WES: A WES mounted or attached to a building.

Tower Mounted WES: A WES mounted or attached to a tower, pole, or similar structure which is not a building.

Interconnected WES: A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.

WES Height: The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.

WES Setback: The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.
Nacelle: In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.

Applicant: The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the land owner and the owner(s) of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.

c) ***Wind Energy Systems Allowed As A Permitted Use****:* Any On Site Use Wind Energy System which is 65 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:
   1) The height of the WES with the blade in vertical position shall not exceed 65 feet.
   2) A tower mounted WES shall be set back from all lot lines a distance which is at least equal to 1.25 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.
   3) A building mounted WES shall have a distance from the nearest property line which is at least equal to 1.25 times the height of the WES as measured from the point of attachment to the

building to the top of the WES with the blade in the vertical position.

The blade arcs created by a WES mounted on an existing structure shall have a minimum clearance of eight feet or be designed so the blade or other moving parts do not present a safety hazard.

Shared WES Usage: An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.

i. A permit shall be required to be obtained from Wayland Township to construct and operate any WES, 65 feet or less in total height. A permit shall be issued after an inspection of the WES by Wayland Township or an authorized agent of the Township, and where the inspection finds that the WES complies with the requirements of this Section, all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions.

ii. The WES shall not operate nor remain on the property unless a permit has been issued**.** A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

d) ***Wind Energy Systems Which Require A Special Use Permit****:* Any WES including a structure mounted WES which is greater than 65 feet in height, may be allowed as a Special Use in all zoning districts except the R-2, R-3, R-4 and RR Zoning Districts subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter 18 of this Zoning Ordinance:

Site Plan Requirements: For those WES for which a Special Use is required the following items shall be included with or on the site plan:

1) All requirements for a site plan contained Chapter 18 herein.
2) Dimensions of the area purchased or leased which is to contain the WES.
3) Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
4) Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
5) Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
6) Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WES is proposed to be located.
7) Contour elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WES is proposed to be located.
8) Land uses within 300 feet of the parcel.
9) Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
10) All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.

11) Security measures proposed to prevent unauthorized trespass and access. Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
12) Additional information as required by Chapter 18 Special Land Uses of this Ordinance, or as may be required by the Planning Commission.
13) The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.

Height: The height of a WES for which a Special Use is required shall be determined by compliance with the requirements of this Section 3.45(d).

Setbacks: The setback for a WES shall be at least equal to 1.25 times the height of the WES. No part of a WES including guy wire anchors shall be located within or above any required front, side, or rear yard setback.

Rotor or Blade Clearance: Blade arcs created by a tower mounted WES shall have a minimum of 30 feet of clearance over and from any structure, adjoining property or tree.

Lighting: A WES shall provide lighting as may be required by the FAA.

Maintenance Program Required: The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.

Decommissioning Plan Required: The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.

Siting Standards and Visual Impact
1) A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
2) A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.

Insurance: The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval.

Performance Guarantee: If a Special Use is approved pursuant to this section, The Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.

e) *Standards For All Wind Energy Systems*: All WES shall comply with the following:
Sound Pressure Level:
1) On Site Wind Energy systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
2) Utility Grid Systems and Wind Farms shall be subject to the requirements of Section 3.45(e)(1) but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.

Shadow Flicker: The Planning Commission or Zoning Administrator may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

Construction Codes and Interconnection Standards:
1) All applicable state construction and electrical codes and local building permit requirements;
2) Federal Aviation Administration requirements.
3) The Michigan Airport Zoning Act, Pubic Act 23 of 1950, as amended;
4) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
5) Private landing strips in or adjacent to Wayland Township
6) The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.

Safety:
1) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
2) To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission
   i. Tower climbing apparatus shall not be located within 12 feet of the ground.
   ii. A locked anti-climb device shall be installed and maintained.
   iii. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.
   iv. All WES shall have lightning protection.
   v. If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors

Signs:
1) Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:
   i. The words "Warning: High Voltage
   ii. Emergency phone numbers.

2) A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.

Electromagnetic Interference: WES shall be designed, constructed and operated so as not to cause radio and television interference.

Maintenance: WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

All distribution lines from the WES shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

A WES, except for building mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road.

SECTION 3.46 MET TOWERS (Ord. 02-2009 Eff. 02-16-09)

a) A MET Tower may be permitted as a Special Use in all zoning districts except the R-2, R-3, R-4 and RR Zoning Districts, subject to the regulations and requirements of this section and also the special use review procedures and standards of Chapter 18 of this Zoning Ordinance.
b) For purposes of this Section a MET Tower is a meteorological tower used for the measurement of wind speed.
c) *Application Requirements:* An applicant for a MET Tower shall submit an application in accordance with the requirements of Chapter 18 of this Ordinance and shall also submit the following materials
   1) A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.
   2) A description of the height of the MET tower A description of the height of the MET Tower as well as standard drawings of the structural components of the MET Tower including structures, towers, bases, and footings. A registered engineer shall certify the drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
   3) An explanation of the purpose of the tower, the type, height and number of wind energy systems anticipated to be proposed for installation on the site or nearby.
   4) A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.
   5) A description of the tower maintenance program.
   6) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used for a use permitted in that Zoning District.
   7) Security measures including emergency contact personnel.
   8) Ten copies of a site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the Planning Commission depending upon the size of the parcel.

The site plan shall contain at a minimum the following information unless specifically waived by the Planning Commission.

i. The date on which the site plan was prepared.
ii. A north arrow and legal description of the property
iii. Property lines and dimensions of the parcel containing the tower, as well as the area leased for the tower if applicable, the height of the MET tower and its distance to all property lines
iv. Any buildings or structures existing on the site and the use of the parcel
v. The distance to the closest building on adjacent property
vi. The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower
vii. Guy wires, guy wire anchors and any other tower supporting structure or device.
viii. Type and height of fencing to be installed around the tower or an equipment building.
ix. Elevation drawings of any buildings designed to serve the tower.
x. Access road; width and construction standards.
xi. Any lighting proposed to be located on the tower.

d) *General Requirements:* A MET tower shall comply with all of the following:
1) The tower shall be setback from all property lines a distance of not less than 1.25 times the height of the tower as measured from the base of the tower
2) All applicable state construction and electrical codes and local building permit requirements;
3) Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
4) The Michigan Airport Zoning Act (Pubic Act 23 of 1950);
5) The Michigan Tall Structures Act (Public Act 259 of 1959);
6) A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period.
7) In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.

e) *Planning Commission Review*: The Planning Commission shall review the proposed MET tower according to the standards for Special Uses contained in Chapter 18 herein. The Commission may approve a MET tower for a specified period of time subject to renewal by the Planning Commission.

The Commission may impose reasonable conditions in its approval of a MET tower in accordance with Chapter 18 herein including but not limited to a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.

In approving a MET Tower the Commission shall require that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site.

SECTION 3.47 OUTDOOR FURNACES (Ord. 01-2009 Eff. 05-03-09)

a) *Definition:* An outdoor furnace is defined as a furnace, stove or boiler that is not located in a building intended for habitation by humans or domestic animals but which provides heat or hot water for such building or structure.
b) *Applicability:* An outdoor furnace is permitted in all zoning districts subject to the requirements of this Section 3.47 and the issuance of a building permit by the Township Building Inspector. Outdoor furnaces shall be installed according to the manufacturer's instructions.
c) *Requirements:* The outdoor furnace shall only be used to burn wood without additives, wood pellets without additives and agricultural seeds in their natural state. The following materials are specifically prohibited as items or materials to be burned in wood furnaces:
   1) Rubbish or garbage including but not limited to food waste, food, wraps, packaging, animal carcasses, paint, or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
   2) Waste oil or other oily wastes.
   3) Treated or painted wood.
   4) Any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam and synthetics fabrics, plastic films and plastic containers.
   5) Rubber, including tires and synthetic like products
   6) Newspapers, corrugated cardboard, container board or office paper.
   7) The outdoor furnace shall be located at least 100 feet from the nearest dwelling unit which is not on the same lot as the outdoor furnace.
   8) The outdoor furnace shall be a minimum of 50 feet from all property lines and shall not be located between the principal building on the lot and the public or private street.
   9) The outdoor furnace shall have a chimney that extends at least 10 feet above the ground surface. In addition, if any dwellings or other principal buildings which are intended to be occupied by humans and which are not on the same parcel as the outdoor furnace but which are located within 300 feet of the outdoor furnace, the chimney shall be no lower than the roof peak of such dwellings or principal buildings.

      The Building Inspector or other person so designated by the Township Board may approve a lesser chimney height if necessary to comply with the manufacturers recommendations and if it can be demonstrated that smoke from the lower chimney height will not create a nuisance for residents of nearby dwellings. Items which shall be considered by the Building Inspector or Board designee in making a determination to permit a lower chimney height shall include but are not limited to topography, height of nearby dwellings, prevailing wind direction, type of furnace and proposed chimney height.
   10) The outdoor furnace shall be no closer than 10 feet to a propane tank or similar flammable container.
   11) Outdoor furnaces shall be operated in accordance with the manufacturers operating instructions and specifications.

SECTION 3.48 WIRELESS COMMUNICATION TOWERS AND ANTENNAS (Ord. 02-2015: Eff. 04-30-15)

a) *Purpose:* It is the intent of this section to regulate those wireless communication towers and antennas

in accordance with the Federal Telecommunications Act of 1996, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 0f 2006, as amended. Within the general parameters of these laws, this Ordinance also intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Section intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures**.**

Newly installed wireless communications support structures and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of Section 3.48 (g) herein. However, if such requirements would preclude or prevent the operation of the antenna, then such requirements shall only apply to that extent which allows the antenna to reasonably operate.

b) Wireless communication towers are permitted in all zoning districts subject to approval, except that wireless communication towers are not permitted in the Rabbit River Protection Overlay Zone.

c) Exemptions for antennas only. The following antennas which are installed on an existing wireless communications support structure are exempt from the requirements of this Section but are subject to the applicable building code requirements of Wayland Township: Amateur radio antennas operating under a license issued by the Federal Communications Commission; Television reception antennas; Antennas used primarily for a farm operation; Citizen band radio antennas; Short wave antennas; Satellite dishes; Government wireless communications equipment and support structures which are subject to state and federal law or regulations that preempt municipal regulatory authority.

d) *Definitions:* As used in this section:

Collocate: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

Equipment compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Wireless communications equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless communications support structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Height is measured from the top of the antenna to the average grade within 25 feet of the base of the support structure.

e) *Co-location of New Wireless Communications Equipment and Modification of Existing Wireless Communications Support Structures Permitted By Right:* The co-location of new or the replacement of existing wireless communications equipment as defined herein and the modification of existing wireless communications support structures shall be permitted by the Zoning Administrator subject to

compliance with all of the following requirements and the issuance of the applicable Township building and electrical permits.

1) *Application and Submittal Information*: The applicant shall file with the Township an application for wireless communications equipment and wireless communications support structures under subsection (c) that shall include the following information.
   i. A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
   ii. A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
   iii. A description of the tower maintenance program.
   iv. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.
   v. Security measures including emergency contact personnel.
   vi. The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
   vii. All required fees shall be paid to the Township at the time of application.
2) *Site Plan Requirements:* The applicant shall also file with the Township three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the following information unless specifically waived by the Zoning Administrator.
   i. The date on which the site plan was prepared as well as the name of the prepare.
   ii. A north arrow and legal description of the property.
   iii. The area and dimensions of the parcel containing the tower and antenna including any area leased for the tower.
   iv. A location map sufficient to show the character of the area surrounding the proposed antenna and the zoning and land use on adjacent properties.
   v. The height of the tower and antenna and its distance to all property lines.
   vi. Any buildings or structures existing on the parcel.
   vii. The distance to the closest building on adjacent property.
   viii. The location of any overhead transmission lines on the site or on adjacent property which might be affected by the tower.
   ix. Any tower supporting structures or devices.
   x. Type and height of fencing to be installed around the tower or an equipment building.
   xi. Elevation drawings of any buildings designed to serve the tower.
   xii. Access road, width and construction standards along with access easement.
   xiii. Any lighting proposed to be located on the tower.

xiv. *Visual impact*: The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.

3) *Procedures:*
   i. The application materials shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 3.48 (e)(1) and (e)(2).
   ii. Upon approval of the application, the applicant may proceed to obtain the applicable building and electrical permits.

4) *Review Standards:* In order to approve the application, the Zoning Administrator must find that the proposed project meets all of the following requirements:
   i. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
   ii. The existing wireless communications support structure or existing equipment compound is in compliance with the Wayland Township Zoning Ordinance and applicable building and electrical codes.
   iii. The proposed collocation and any subsequent collocations will not do any of the following:
      - Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater. The height shall be measured from the top of the antenna to the average ground grade within 25 feet of the base of the wireless communications support structure.
      - Increase the width of the original wireless communications support structure by more than the minimum necessary to permit collocation; or
      - Increase the area of the existing equipment compound to greater than 2,500 square feet.
   iv. The proposed collocation complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless communications equipment as previously approved by the Wayland Township Planning Commission or Zoning Administrator;
   v. And any wireless communications equipment which meets the requirements of subsection (e)(4)(i) and (ii) but does not meet the requirements of subsection (e)(4)(iii) or (e)(4)(iv) shall only be approved if the co-location complies with the requirements of Section 3.48.(f).

f) *Wireless Communications Equipment and Support Structure Allowed By Special Use Permit:* Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure may be allowed in all zoning districts if a Special Use Permit is approved by the Planning Commission subject to the regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter 18 of this Zoning Ordinance. Newly installed wireless communications support structure and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of Section 3.48 (g).

1) *Procedures:*
   i. An application for a Special Use Permit for wireless communications equipment and support structures shall be reviewed for completeness by the Zoning Administrator or

their agent. An application shall be considered complete if it contains all of the information contained in Sections 3.48 (f) (2) and (3). Within 14 days of receiving the application the Zoning Administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the Special Use Permit application is considered complete (but not approved).

ii. Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of Chapter 24 of this Ordinance.

iii. The Planning Commission shall render a decision on a completed application within 90 days of its receipt or 60 days if the request is subject to 3.48 (e) (4) v. Failure to do so shall result in the approval of the application as submitted.

iv. Any conditions imposed upon the approval of the Special Use Permit must relate directly to the requirements of this Zoning Ordinance and any applicable Township ordinances as well as applicable State of Michigan and federal laws.

2) *Application Requirements:* In addition to normal application requirements, an application for wireless communications equipment and wireless communications support structures which require a Special Use Permit shall include all of the following information. The fee paid by the applicant shall not exceed the actual cost to process the application or $1000.00, whichever is less.

i. *Proposed Use*: A graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.

ii. *Location Justification*: Written materials which document the need for the proposed location.

iii. *Ownership Interest*: The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.

iv. *Other Tower Locations*: A map depicting other locations of wireless communications support structures within three miles of the proposed site.

v. *Co-Locations*: Documentation that the applicant has investigated the potential of co-location with other wireless communication service providers or owners of wireless communications support structures located in Wayland Township or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of such other wireless communications support structures.

Any proposed commercial wireless communication tower and antenna shall be designed to accommodate both the applicant's equipment and that of at least two other users. Any developer of a tower site must have a firm commitment in the form of a lease agreement from the property owner and from at least one carrier to locate on the tower at the time of application.

vi. *Engineering Certification and Plans*: A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable Township

codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.

vii. A description of the tower maintenance program.

viii. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.

ix. Security measures including emergency contact personnel.

x. *Liability*: The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.

3) *Site Plan Requirements:* Eight copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet. However, a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The plan shall be prepared and sealed by a professional engineer. The site plan shall contain at a minimum the information required by Section 3.48 (e) (2) and any information required by Chapter 18, Special Land Uses, of this Ordinance, or as may be required by the Planning Commission unless specifically waived by the Planning Commission.

4) *Performance Standards:* Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements:

i. A new wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the 125% of the height of the tower from any property line or road right of way as measured from the tower base**.** The Planning Commission may modify the required setback if the Township Engineer determines that the structural integrity of the structure will withstand high winds and impacts and that the likelihood of a structure failure is minimal and the Commission determines that a lesser setback will not threaten the safety of adjoining properties or roadways. The applicant shall incur all costs associated with the Township engineering review.

ii. The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements;

iii. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded;

iv. The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959);

v. The maximum height of a wireless communications support structure and any attached wireless communications equipment shall be 300 feet. A structure greater than 300 feet may be approved, if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that the proposed structure and attached equipment in excess of 300 feet will be safe and also reduce the total number of potential similar structures within Wayland Township and the surrounding areas;

vi. A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within twelve months of the cessation of operations at the site unless a time extension is approved by the Wayland Township Zoning Board of Appeals. A copy of relevant documents (including a signed lease, deed, or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application.

In the event that the tower is not removed within twelve months of the cessation of operations at a site, the tower and associated facilities shall be removed by the township. A bond shall be posted to cover the removal cost of any abandoned towers, the amount as determined by the Wayland Township Board. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on that tower.

vii. In removing the tower, the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission;

viii. The antenna or tower shall be permanently secured to a stable foundation;

ix. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;

x. All antennas and towers must be grounded to protect against damage from lightning;

xi. All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference;

xii. Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.

xiii. The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence with three strands of barb wire or an eight foot tall chain link fence. All towers shall be equipped with anti-climbing device.

xiv. A six foot tall landscaped screen is required around the exterior perimeter of the fenced area. In addition, the Planning Commission may require that a greenbelt be provided along perimeter lot lines if the landscaping would mitigate the visual impact of the tower for adjoining properties. Such landscaping shall comply with the requirements of Section 3.44 herein.

5) *Approval Standards:* In order to approve the application, the Planning Commission shall find that:

i. The proposed use and structure meet the Special Land Use approval standards of Chapter 18;

ii. The proposed use and structure meet requirements of this Section 3.48;

iii. Approval of the project will fill a significant gap in the service coverage of the applicant; and

iv. That alternate sites or facilities for the wireless communications equipment and wireless communications support structure are not available or feasible.

6) *Conditions of Approval:* Any conditions imposed on an approval must relate directly to this Ordinance, other applicable Township ordinances and codes and applicable State and federal

laws.

7) *Noncompliance with Section 3.48(f). Requirements:* If the Planning Commission determines to deny an application for Special Use Permit approval because the proposed project does not meet one or more of the requirements contained in Section 3.48(f). or any of the special use or site plan standards found elsewhere in this Ordinance the Planning Commission shall nevertheless approve the proposed project if no other alternative tower sites or facilities are available or feasible and at least one of the following applies
   i. A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless services to the area in question;
   ii. There is not substantial evidence on the record justifying a denial; or
   iii. A significant gap in the existing service coverage exists in the area and the proposed project would close that gap.

   Pursuant to any such approval by the Planning Commission, the wireless communication support structure and equipment shall still comply with all of the requirements of Section 3.48(f). and other applicable provisions of this Ordinance except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would (a) prohibit or have the effect of prohibiting the providing of personal wireless services to the area, or (b) prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

g) *Amateur Radio Wireless Communications Equipment and Support Structures:* In order to reasonably accommodate licensed amateur radio operators while ensuring that the public health, safety and general welfare is adequately protected as prescribed by the Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communications Commission of September 1985 the following requirements shall apply to newly installed amateur radio wireless communications equipment and support structures.

1) Newly installed amateur radio wireless communications equipment and support structures which exceed a height of 35 feet but not more than 65 feet shall be subject to the approval of the Zoning Administrator according to the following requirements.
   i. *Application and Submittal Information:* The applicant shall file with the Township an application that shall include the following information.
      a) A copy of their FCC licenses
      b) An illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
      c) A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and support structure.
      d) A copy of the applicant's indemnity and insurance coverage for the wireless communications equipment and support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.

   ii. *Site Plan Requirements:* The applicant shall also file with the Township three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing

the following information listed in Section 3.48(e)(2). unless specifically waived by the Zoning Administrator.

iii. *Performance Standards:*

a) A wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the height of the structure as measured from the base of the structure to the top of the antenna**;**

b) The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements;

c) The antenna or tower shall be permanently secured to a stable foundation;

d) No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;

e) All antennas and towers must be grounded to protect against damage from lightning;

f) All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the owner of the tower shall take all steps necessary to correct and eliminate such interference;

g) Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact;

h) A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Zoning Administrator as the case may be upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period;

iv. *Approval Procedure:*

a) The application materials shall be reviewed for completeness by the Zoning Administrator or their agent and for compliance with the requirements of this Section 3.48(g).

b) Upon approval of the application, the Zoning Administrator shall sign the approved site plans with one copy for the applicant, one for the building inspector and one for the Township files. The applicant may then proceed to obtain the applicable building and electrical permits.

v. Newly installed amateur radio wireless communications equipment and support structures which exceed a height of 65 feet shall be subject to the procedures and requirements of Section 3.48(f) in addition to providing a copy of the FCC license and justification for the requested tower height.

SECTION 3.49 SOLAR ENERGY SYSTEMS (SES) (Ord. 0-04-2019; Eff. 9-17-2019)

a) *Purpose.* Wayland Township desires to promote the effective and efficient use of solar energy systems (SES) subject to reasonable regulations. It is the intent of the Township to permit these systems under certain circumstances by regulating the siting, design and installation of such systems

to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy systems.

b) *Definitions*

1) Array: Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.
2) Building Integrated Photovoltaic (BIPV) Systems: A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade, and which does not alter the relief of the roof.
3) Ground-Mounted Solar Energy System: A solar energy system that is installed directly in the ground and is not attached or affixed to an existing structure.
4) Onsite Solar System: A solar energy system mounted on a building or on the ground and located on a parcel containing a principal use. An onsite solar system is considered an accessory use of the parcel.
5) Photovoltaic (PV) Systems: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever sunlight strikes them.
6) Rooftop Solar System: A solar energy system in which solar panels are mounted on top of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted.
7) Solar access: The right of a property owner to have sunlight shine onto the property owner's land.
8) Solar Collector: A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.
9) Solar Energy System: Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar. This definition does not include small devices or equipment such as solar powered lawn or building lights which house both the solar energy generation system and the system which uses that energy to operate.
10) Solar Farm: A solar energy system which is the principal use of a parcel and which is designed and constructed to produce electrical energy for sale back into an electrical energy grid system and not consumed on site
11) Solar Panel: A device for the direct conversion of solar energy into electricity.
12) Solar-Thermal Systems: A system, which through the use of sunlight, heats water or other liquids for such purposes as space heating and cooling, domestic hot water, and heating pool water.
13) Wall-mounted Solar Energy System: A solar energy system that is installed flush to the surface of the wall of a permanent building

c) General Requirements for Solar Energy Systems

1) This section applies to solar energy systems to be installed and constructed after the effective date of the ordinance [adopting this section].
2) Solar energy systems constructed prior to the effective date of this section shall not be required to meet the requirements of this section; provided that any structural change, upgrade or modification to an existing solar energy system that materially alters the size or placement of such system shall comply with the provisions of this section.
3) The granting of any permit for a solar energy system does not constitute solar access rights.
4) A solar energy system shall be constructed and placed so it does not create a glare for persons off

site.

5) A solar energy system shall be properly maintained at all times**.** Such maintenance shall include measures to maintain the original appearance of structure, ensuring that the solar panels do not leak and that the ground cover beneath the panels does not become a visual nuisance.
6) Solar energy systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township prior to installation.
7) Solar energy systems, and the installation and use thereof, shall comply with the Township building code and obtain applicable State of Michigan and federal permits.
8) Any SES that is not operated for a continuous period of six months as determined by the Township shall be considered abandoned or non-functional and subject for removal. Upon a determination by the Township that a SES should be decommissioned and within 90 days of receipt of written notification from the Township, the owner/operator shall begin to remove the SES from the site and proceed promptly toward completion in accordance with the approved decommissioning plan.

d) *Requirements for Rooftop and Wall Mounted SES*

1) Roof and wall mounted SES are a permitted use in all zoning districts and are subject to review and approval by the Building Official. Applicants shall submit an accurate sketch plan to the Building Official providing the location of the building, location of the SES, the height of the SES including a data sheet and installation instructions from the equipment manufacturer and other information as requested by the Building Official. The applicant shall provide information on the type of solar panel to be used and any hazard chemicals contained in the solar panels and measures to prevent leakage
2) Roof mounted SES shall not project more than five feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
3) Roof and wall mounted SES shall be securely and safely attached to a building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation. Such proof shall be subject to the Township Building Official's approval.
4) Wall-mounted SES shall not exceed the height of the building wall to which they are attached.
5) Wall-mounted SES may be mounted on a building wall that is parallel to or visible from an adjacent public right-of-way

e) *Level 1 Onsite Ground Mounted SES*

1) A Level 1 Onsite Ground Mounted Solar Energy System is allowed in all zoning districts as a permitted accessory use subject to review and approval by the Building Official according to the following requirements.
2) The parcel proposed for the SES shall contain an existing principal building.
3) Applicants shall submit an accurate sketch plan to the Zoning Administrator and Building Official illustrating property lines of the parcel, buildings on the parcel, the proposed setbacks and height of the SES including a data sheet from the equipment manufacturer and other information as requested by the Zoning Administrator or Building Official. The applicant shall also provide information on the type of solar panel to be used and any hazard chemicals contained in the solar panels and measures to prevent leakage
4) A ground mounted SES may occupy an area up to 50 percent of the footprint of the principal building on the parcel or 30 percent of the area of the rear yard whichever is less.

5) Setbacks. A ground mounted solar energy system shall only be located in the side and rear yards and shall comply with the setback requirements for accessory buildings for the zoning district in which the SES is located.
6) Height. A ground mounted SES shall not exceed a height of 14 feet when oriented at maximum tilt.

f) *Level 2 Onsite Ground Mounted SES*
1) A Level 2 Onsite Ground Mounted Solar Energy System occupies an area greater than a Level 1 onsite solar energy system and is allowed in all zoning districts as a permitted accessory use subject to review and approval of a Special Use Permit by the Planning Commission in accordance with the requirements and procedures of Chapter 18 herein and the following requirements.
2) The parcel proposed for the SES shall contain an existing principal building.
3) A Level 2 Ground Mounted SES occupies an area greater than a Level 1 SES.
4) Setbacks. A ground mounted solar energy system shall only be located in the side and rear yards and shall comply with the setback requirements for accessory buildings for the zoning district in which the SES is located.
5) Height. A ground mounted SES shall not exceed a height of 14 feet when oriented at maximum tilt.
6) The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or any other surface material that is impervious to rainwater
7) The applicant shall provide information on the type of solar panel to be used and any hazard chemicals contained in the solar panels and measures to prevent leakage.
8) All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
9) A decommissioning plan shall be provided as required by Section 3.49.(g) (5) herein.

g) *Solar Farms*
1) A Solar Farm provides energy for offsite uses and constitutes the principal use of a parcel. A Solar Farm is only permitted in the Agricultural Zoning District subject to review and approval of a Special Use Permit by the Planning Commission in accordance with the requirements and procedures of Chapter 18 herein and the following requirements
2) A Solar Farm shall only be permitted on parcels which do not contain another principal use such as a dwelling unit**.**
3) Application Requirements. In addition to the site plan required by Article 17, the applicant shall provide the following information:
   i. Proof of lease or purchase agreement for the parcel proposed solar farm.
   ii. Type of solar panel to be used and any hazard chemicals contained in the solar panels and measures to prevent leakage.
   iii. Identify the type, size, rated power output, performance, safety and noise characteristics of the system;
   iv. Name and address of the manufacturer, and model of the SES;
   v. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions:
   vi. Information on the visual impact of the proposed SES using photos or renditions of the project or similar projects.
   vii. Maintenance and construction schedule. The applicant shall provide a written description of

the maintenance program to be used to maintain the SES, and the anticipated construction schedule;

viii. Digital versions of all planning and construction documents required pursuant to Chapter 17 Site Plan Review. Digital submittals are in addition to paper plans and do not replace any current submission requirements. Digital versions shall be submitted in PDF (Adobe Acrobat/Portable Document File) format;

ix. A decommissioning plan as required by Section 3.49.(g) (5) herein;

x. Distance from the proposed SES to the nearest occupied dwelling unit.

xi. A security plan detailing on-site security provisions which could include fencing, full-time security guards, video surveillance, and similar methods.

xii. A construction waste management plan detailing the methods of waste disposal of the cardboard, wood, scrap metal, and scrap wire resulting from construction of the SES.

xiii. A landscaping plan illustrating the number, size, type and spacing of trees proposed to screen the SES from nearby roadways.

xiv. A signed lease or purchase agreement from landowners where the SES will be constructed and any access or easement agreements needed to implement the project.

xv. Additional information as required by Chapter 18 of this Ordinance, or as may be required by the Planning Commission.

xvi. The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.

4) Requirements for Solar Farms

i. Setbacks. The SES shall be setback a minimum of 50 feet from all lot lines unless a greater setback is required by the Planning Commission to mitigate the impact on adjoining land uses.

ii. Height. A ground mounted SES shall not exceed a height of 14 feet when oriented at maximum tilt.

iii. The minimum lot size for a Solar Farm shall be 20 acres. A parcel containing a Solar Farm need not have any frontage on a public street.

iv. Safety/Access: A security fence shall be placed around the perimeter of the SES with a locked gate. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. The height and material of the fence shall be determined by the Planning Commission depending upon the location of the facility.

v. The facility shall be designed for interconnection to a public utility electrical power grid, and shall be operated with such interconnection. The applicant shall provide evidence to the Township of approval from the applicable utility company. Use of above ground transmission lines shall be prohibited within the site.

vi. The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or any other surface material that is impervious to rainwater.

vii. Plantings shall be installed around the perimeter of the parcel or parcels containing the SES. One deciduous or conifer tree for every 25 feet of property line length. The Planning Commission may alter the landscaping requirement depending upon the location of existing plant material on the site or if additional plantings are needed to buffer existing land uses. Trees shall be a minimum of four feet tall when planted and remain in good condition for the life of the project.

5) Decommissioning: The applicant shall submit a decommissioning plan which shall address the

following:

i. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for six months, obsolete equipment and similar circumstances.)
ii. A description as to how the useful life of the system will be determined and who will make this determination.
iii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and building foundations to a depth of three feet below grade.
iv. Restoration of property to the condition prior to development of the SES.
v. The timeframe for completion of decommissioning activities.
vi. An engineer's cost estimate for all aspects of the decommissioning plan.
vii. Description of any agreement with the landowner regarding decommissioning.
viii. Provisions for updating the decommissioning plan.
ix. A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the decommissioning plan and the Special Land Use Permit upon cessation of use.
x. For a solar farm the owner or operator shall provide a financial guarantee to cover the costs of decommissioning the site in accordance with Section 3.49.(g) (7) herein.

6) Administration Costs Initial Application and Ongoing: For each solar energy system application, the applicant/owner/operator shall deposit into an escrow account the amount of $5,000. The purpose of this joint escrow account is

i. To reimburse Wayland Township for its costs incurred to hire consultants and experts as the Township, at its sole discretion, deems desirable to examine, evaluate and verify the data and statements presented by the applicant/owner/operator;
ii. For the life of each solar energy system, to cover the administrative and legal costs incurred by Wayland Township in monitoring and enforcing the owner/operator's ongoing compliance with the Ordinance. The account shall be managed as follows:
    a. Funds can be withdrawn from this account only by the signature of a Township designee.
    b. If at any time the balance of this account shall fall below $1,000, the applicant/owner/operator shall deposit additional 5,000 into the account.
    c. If at any time the balance of this fund shall fall below $1,000 for a continuous period of thirty days, the application shall be considered to have been withdrawn, or the Permit for the solar energy system may be terminated.
    d. The Wayland Township designee shall be charged with monitoring the escrow account and giving quarterly reports to the Planning Commission. After the solar energy system has been removed and site restoration has been completed, as defined in this Ordinance, any balance remaining in this account shall be returned to the applicant/owner/operator.

7) Removal Cost Guarantee. The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the solar energy system and to restore the site, the following steps shall be followed:

i. For each solar energy system, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount.
ii. This money shall be deposited in an escrow account specified by Wayland Township, which

may be an interest-bearing account. A surety bond, letter of credit, or other financial promise shall not be accepted.

iii. Withdrawals will be made from this account, solely by Wayland Township or its designee, only to pay for removal and site restoration of the solar energy system as provided for in this Ordinance.

iv. Any money left in the account for each solar energy system after removal and site restoration shall be returned by Wayland Township to the owner/operator.

CHAPTER 4
ZONING DISTRICTS

SECTION 4.01 ZONING DISTRICT DESIGNATIONS IN WAYLAND TOWNSHIP

"A" AGRICULTURAL DISTRICT

"R1" LOW DENSITY RESIDENTIAL DISTRICT

"R2" MEDIUM DENSITY RESIDENTIAL DISTRICT

"R3" MULTI-FAMILY RESIDENTIAL DISTRICT

"PUD" PLANNED UNIT DEVELOPMENT DISTRICT

"R4" MOBILE-MODULAR HOME PARK DISTRICT

"C1" OFFICE SERVICES COMMERCIAL DISTRICT

"C2" GENERAL COMMERCIAL DISTRICT

"I1" LIGHT INDUSTRIAL DISTRICT

"MPUD" MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT

"RR" RECREATIONAL RESORT RESIDENTIAL DISTRICT

RABBIT RIVER PROTECTION OVERLAY ZONE

SECTION 4.02 ZONING MAP

The location and boundaries of the zoning districts named and listed in Chapter 4 of this Ordinance are hereby established as shown on a map entitled "Zoning Map of Wayland Township", dated March 2, 1992, as amended from time to time. The map and all amendments there to are made a part of this Ordinance. The zoning map shall be available for public inspection at the Township hall during reasonable hours and on business days.

SECTION 4.03 ZONING MAP INTERPRETATION

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

a) Boundaries indicated as approximately following the center lines of roads, streets or alleys shall be

construed to follow such center lines;

b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

c) Boundaries described as following the shoreline of lakes, rivers, creeks, or lake, creek or river beds, shall be construed as following such shoreline or bed. In the event of natural change of a shoreline, such boundaries shall be construed as moving with such shoreline.

d) Lines parallel to streets without indication of depth from the street line shall be construed as having a depth of two hundred and seventy (270) feet from the street right-of-way line.

e) Boundaries indicated as approximately following property lines, section lines, or other lines of the Government survey, shall be construed as following such property lines as of the effective date of this Ordinance or amendment thereto.

f) In any case where boundary lines cannot be determined by application of these rules, such boundaries

g) shall be determined by the Zoning Board of Appeals whose decision shall be final except that such decision may be appealed to the Circuit Court.

SECTION 4.04 LANDS NOT INCLUDED WITHIN A ZONING DISTRICT

If, by error, omission, annexation or other reason, any land has not been specifically included within a zoning district, such land shall be included in the "A"- Agricultural Zone.

CHAPTER 5

A, AGRICULTURAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE

It is the purpose and intent of this zoning district to preserve and to protect lands within Wayland Township which, by virtue of topography, soil conditions, tract size, building, structures and other factors, are conducive to agriculture including the production of food and fiber and animal husbandry. It is further the purpose of this District to avoid conflicts between farm and non-farm uses; to maintain stable land values; and to avoid the pressures of speculative or non-farm land development.

Persons contemplating residing in the "A" Agricultural Zoning District should be aware of the unusual and specific conditions normally associated with land use in agricultural areas such as, but not limited to odors, noise, dust and sprays.

SECTION 5.02 PERMITTED USES (Ord. 07-2016: Eff. 01-28-16)

Land and buildings in this district may be used for the following uses only:

a) Single family detached dwellings.
b) Farms, farm operations and farm buildings as defined herein.
c) Livestock production facilities and off site manure storage facilities as defined by the Michigan Department of Agriculture Generally Accepted Agricultural Management Practices. (GAAMP's) prepared under the authority of the Michigan Right to Farm Act, PA 93 of 1981 as amended
d) Open space preservation projects per Section 3.40 herein.
e) Nurseries or greenhouses. Such uses may or may not be operated in conjunction with a landscaping business which grows the plants on site for installation elsewhere. Such a business may also store other landscaping items such as mulch, sand, gravel on site also for installation elsewhere.
f) Churches, mosques, synagogues and similar places of religious worship.
g) Private kennels.
h) Farm Markets/Roadside Stands as regulated by Section 5.04 herein.
i) Level 1 home based businesses per Section 3.17 herein.
j) Wind Energy Systems 65 ft. or less in height per Section 3.45(c) herein.
k) Adult Foster Care Family Home (1-6 adults) (Ord.01-2013.)(Eff.11-09-13)
l) Family Child Care Home (Ord.02-2023)(Eff.03-24-23)
m) Commercial storage of recreational vehicles, boats, and equipment within a building.
n) A biofuel production facility accessory to and conducted in conjunction with an active farm operation provided the following requirements are met:

    1) The facility produces not more than 100,000 gallons annually;
    2) The facility is located a minimum of 100 feet from the lot line of any contiguous property under different ownership than the property on which the facility is located and meets all other applicable setback requirements;

3) On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm property where the biofuel production facility is located or on property which is under control of the person conducting the farm operation, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm or on property which is under control of the person conducting the farm operation.

o) Essential public services equipment per Section 3.26 herein.
p) Public schools and colleges.
q) Keeping of farm animals and livestock on non-farm parcels per Section 3.11 herein.

SECTION 5.03 USES REQUIRING A SPECIAL USE PERMIT (Ord. 07-2016: Eff. 01-28-16)

The following uses may be permitted in the Agricultural District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 18 herein.

a) Housing for seasonal farm labor if associated with, and necessary to, the agricultural activities of the farm operation. Each such housing unit shall meet all requirements of the Michigan State Department of Agriculture and the Allegan County Department of Environmental Health.
b) Agricultural service establishments which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
   1) Centralized bulk collection, refinement, storage and distribution of farm product to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower and agricultural produce milling and processing);
   2) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
   3) Crop dusting facilities;
   4) Fruit packing
   5) Farm equipment sales, service, and repair;
   6) General repair and welding of farm implements and farm machinery.
c) Veterinary clinics including those with kennel facilities.
d) Facilities used in the research and testing of farm products and techniques.
e) Commercial kennels.
f) Public and private parks, play grounds, fair grounds, community centers, private and public camp grounds and similar recreation facilities and uses.
g) Golf courses and country clubs. Dining and restaurant facilities, retail sales of golf equipment and similar related accessory uses may be allowed if specifically approved by the Planning Commission.
h) Municipal fire stations and service buildings.
i) Private landing fields.
j) Hunting preserves.
k) Horse boarding and riding stables.
l) Wildlife or Forest Conservation Preserves
m) Mineral mining per Section 3.40 herein.
n) Group Child Care Home per Section 18.09 (Ord.02-2023 Eff. 03-24-23)
o) Adult Day Care Home (1-6 adults)(Ord. 01-2013 Eff. 11-09-13)
p) Adult Foster Care Large Group Home (13-20 adults), Adult Foster Care Small Group Home (up to 12 adults), and Adult Foster Care Congregate Facility (more than 20 adults) provided that such uses comply with the District Requirements for a single family dwelling when located in the AG Zone. Such use shall also not be closer than 1500 feet to: a licensed group child care home; an adult foster

care small or large group home licensed under the adult foster care licensing act, PA 218 of 1979 as amended; an adult foster care congregate facility as defined herein; a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, PA 368 of 1978 as amended; a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections. (Ord. 01-2013 Eff. 11-09-13)

q) Farm markets which sell ready to eat food items produced on the premises from farm products grown on the premises or on an affiliate farm including baked goods, non-alcoholic beverages, light meals or snacks such as soups, sandwiches and desserts for consumption on the premises. Such farm markets shall comply with the requirements of Section 5.04 herein.

r) Uses which utilize farm land, farm buildings, or farm equipment for agri-tourism /rural recreation/amusement commercial enterprises in conjunction with an active farm operation and in accordance with Section 5.05 herein. Such uses include, but are not limited to: crop mazes, hay rides, horse rides, petting farms, bicycle and foot trails and similar uses but excluding the use of non-farm motorized vehicles such as motorcycles and all-terrain vehicles. A farm market may be operated in conjunction with such uses.

s) Wineries, breweries, and distilleries provided the farm products or product used to produce the beverages are grown primarily on the premises or on an affiliated farm. The sale of such beverages shall only be by bottle as approved by the applicable State of Michigan agencies. The Commission may approve the temporary use of farm products not under the control of the person selling or producing such products if the winery, brewery, or distillery is a startup business.

t) Wind Energy Systems which are greater than 65 ft. in height per Section 3.45 herein.

u) Private schools.

v) Biofuel production facility accessory to and conducted in conjunction with an active farm operation which produces not more than 100,000 gallons annually and which complies with Sections 5.02 (n) (1) and (2) but which does not comply with Section 5.02 (n)(3) herein. Such facility shall also comply with the requirements of Section 18.09 (b) herein.

w) A biofuel production facility accessory to and conducted in conjunction with an active farm operation which produces more than 100,000 gallons but less than 500,000 gallons annually as regulated by Section 18.09(b) herein.

x) Commercial outside storage of recreational vehicles, boats, and equipment.

y) Essential public services structures and buildings per Section 18.09 (b) herein.

SECTION 5.04 REGULATIONS FOR FARM MARKETS (Ord. 07-2016: Eff. 01-28-16)

Farm markets as defined herein may be conducted as a principal use or on a parcel containing a principal use in accordance with the following requirements:

a) In addition to the following regulations a farm market is subject to the Generally Accepted Agricultural and Management Practices (GAAMPs) for Farm Markets as adopted by the Michigan Department of Agriculture.

b) *Temporary farm markets***.** For farm markets which operate during the growing and harvesting season only and which utilize stands, tables, shelves, canopies, tents, wagons, vehicles or similar display stands and items which are portable and used for the display and sale of farm products the following regulations shall apply:

1) Such items shall not be located within the road right of way.
2) Such farm markets shall provide off street parking which does not require the vehicle to back into the abutting public road to exit the site.

c) *Farm Markets in a building***.** The following regulations shall apply only to farm markets which operate within a building either on a temporary or full time basis.

1) Prior to establishing a farm market in a building the operator or land owner shall obtain a written permit from the Wayland Township Zoning Administrator. In order to obtain this permit the operator or land owner shall submit an accurate drawing illustrating the location of the lot lines, building location and setbacks, parking area, access drives and other relevant features of the site to the Zoning Administrator who shall review the drawing to ensure that the project is designed: to be compatible with adjacent land uses; to provide safe and efficient vehicle traffic flow and safety for pedestrians; to provide adequate utilities, storm water management provisions and public services and; to ensure the orderly development of land uses in accordance with the intent and purposes of this Ordinance.

   The Zoning Administrator is authorized to require those measures as are necessary and practical to ensure that the farm market use is designed to meet the above standards.
2) One parking space for every 300 square feet of useable floor area shall be provided. Such spaces need not be paved but shall be located so vehicles do not need to back into the public road. A minimum of three off street parking spaces shall be provided.
3) Buildings which are constructed for farm market use shall be setback a minimum of 50 feet from the front lot line.
4) A building which is to be used as a farm market shall be subject to review and approval by the Wayland Township Building Official prior to using the building in order to ensure the safety of the public.
5) Approval by the Allegan County Health Department may be required.
6) As part of the submittal requirements the applicant shall provide the following
   i. A floor plan of the building showing the area to be devoted to the sale of the farm and non-farm products in order to verify compliance with the definition of farm market **<u>or</u>:**
   ii. As an alternative to the floor area requirement the applicant may provide information on the gross dollar sales of farm products in order to verify compliance with the definition of farm market.

d) *Sale of Non-Farm Products*. Farm markets, whether temporary or in a building, may sell non- farm products provided that the sale of all non-farm product items is clearly accessory to the principal farm market use and that the area devoted to the sale of such non-farm products does not occupy more than 50% of the total square footage used to display all of the products offered for retail sale on the property **or** that such non-farm products do not comprise more than 50% of the total gross dollars of all products sold.

SECTION 5.05 REGULATIONS FOR AGRI-TOURISM USES AND WINERIES, BREWERIES, AND DISTILLERIES (Ord. 07-2016: Eff. 01-28-16)

a) For agri-tourism /rural recreation/amusement commercial enterprises the following regulations shall apply:

1) Sufficient off street parking spaces shall be provided to avoid parking of patron vehicles on

adjacent streets. Such parking need not be paved.

2) Such uses shall not be subject to the site plan review submittal requirements of Chapter 17 of this Ordinance. The applicant, however shall submit an accurate drawing illustrating the location of the parcel, lot lines, setbacks of existing and proposed buildings, location and dimensions of the parking area, the width and location of access drives, location of exterior lights, floor plan of processing and retail area and event area and other relevant features of the site and the use shall be submitted to the Planning Commission for review in conjunction with the Special Use Permit application.
3) The Planning Commission may consult with public safety officials and the Township Building Official as necessary before approval of the activity.
4) Those portions of buildings or similar enclosures where patrons are allowed to enter shall be subject to review and approval by the Wayland Township Building Official in order to ensure the safety of the public.
5) Compliance with the sign regulations of Wayland Township.

b) For wineries, breweries, and distilleries the following regulations shall apply:
1) The parcel containing the use shall be a minimum of 10 acres with 500 feet of lot width.
2) Farm markets shall also be allowed in conjunction with such uses.
3) Alcoholic beverages produced on site shall not be sold or served by the glass except as allowed by 5.05(b)(4) below.
4) The sale and sampling of alcoholic beverages produced on site by the glass is only allowed in a tasting room in accordance with the requirements of the State of Michigan Liquor Control Commission. Limited food items such as cheeses, pretzels, crackers, fruit and similar finger foods may be served in the tasting room.
5) Tours of the facility shall be permitted.
6) The building containing the equipment used to produce the alcoholic beverage and other buildings open to the public shall be setback a minimum of 100 feet from any lot line that abuts a parcel zoned residential or a parcel containing a residential use. Other set back requirements shall be as set forth for the applicable principal and accessory uses in the AG Zone.
7) Any buildings on site which are open to the public shall be subject to the requirements of the Wayland Township Building Code in order to ensure the safety of the public.
8) All parking shall be on site. One parking space for every 300 square feet of useable floor area open to the public shall be provided. The required parking areas need not be paved. A minimum of three off street parking spaces shall be provided.
9) One ground mounted sign is permitted not to exceed 32 sq. ft. in size and 6 ft. in height above grade and shall be setback a minimum of 25 feet from all lot lines. The sign may be lighted but an electronic reader board sign is not permitted. All other regulations of Chapter 21, Signs, shall be applicable.
10) Such uses shall not be subject to the site plan review submittal requirements of Chapter 17 of this Ordinance. The applicant, however shall submit an accurate drawing illustrating the location of the parcel, lot lines, setbacks of existing and proposed buildings, location and dimensions of the parking area, the width and location of access drives, location of exterior lights, floor plan of processing and retail area and event area and other relevant features of the site and the use shall be submitted to the Planning Commission for review in conjunction with the Special Use Permit application.
11) The applicant shall also provide evidence of compliance with all State of Michigan and Allegan County Health Department requirements to the Township before the use is open to the public.

SECTION 5.06 DEVELOPMENTAL STANDARDS

Minimum Lot Area	160,000 sq. ft. (approx. 3.67 acres)
Minimum Frontage	500 ft.
Minimum Front Yard (1)	50 ft.
Minimum Rear Yard	50 ft.
Minimum Side Yard	20 ft.
Corner Lot Setback From Each Street Abutting the Lot (1)	50 ft.
Maximum Building Height (2)	35 ft. or 2.5 stories
Minimum Floor Area	See Sec. 5.07

Foot Notes

(1) Notwithstanding any other provision of this Ordinance, no building or structure shall hereafter be constructed, erected, altered, or enlarged on a lot or parcel which abuts a Federal or State Highway or a County Primary Road unless the following minimum setback, measured from the road right-of-way, are maintained.
   a) Federal or State Highways-seventy five (75) feet.
   b) County Primary Roads-fifty (50) feet.

(2) The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

SECTION 5.07 MINIMUM FLOOR AREA

Each dwelling unit, except migratory housing for temporary occupancy not more than one hundred eighty (180) days per year, shall have the following minimum floor areas:

a) One (1) story dwellings with two (2) bedrooms or less shall have not less than one thousand and forty (1040) square feet of floor area;
b) One (1) story dwellings with more than two (2) bedrooms shall have an additional one hundred and fifty (150) square feet for each additional bedroom.
c) One and one half (1 1/2) story dwellings having two (2) bedrooms shall have a minimum total floor area of twelve hundred and sixty (1260) square feet with at least eight hundred and forty (840) square feet on the first floor;
d) One and one half story dwellings with more than two (2) bedrooms shall have an additional one hundred and fifty (150) square feet for each additional bedroom.
e) Dwellings in excess of one and one half (1 1/2) stories shall have a minimum total floor area of fourteen hundred (1400) square feet with at least seven hundred (700) square feet on the first floor.
f) All other dwellings with more than two (2) bedrooms shall have a minimum of one hundred and fifty (150) square feet for each additional bedroom.
g) All residential dwelling structures shall have a core area width of twenty four (24) feet at the time of manufacture or construction.

SECTION 5.8 ADDITIONAL REQUIREMENTS

a) **General Requirements**
   1) Keeping of Animals. Section 3.11
   2) Home Based Businesses. Section 3.17
   3) Accessory Buildings. Section 3.22
   4) Private Roads. Section 3.39
   5) Landscaping for Non-Residential Uses. Section 3.44
   6) Parking of Recreational Vehicles. Sections 3.20 and 3.21
   7) Signs. Chapter 21
   8) Off-Street Parking. Chapter 20

b) **Development Procedures**
   1) Site Plan. Chapter 17
   2) Special Land Uses. Chapter 18
   3) Site Condominiums. Chapter 19

c) **Appeals and Administration**
   1) Non-Conforming Lot and Uses. Chapter 22
   2) Board of Zoning Appeals. Chapter 23
   3) Administration. Chapter 25

CHAPTER 6

R1
LOW DENSITY RESIDENTIAL DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSE

It is intended that this zoning district shall provide and preserve a quiet and stable environment for single family detached dwellings only, along with permitted accessory structures and uses together with recreational, religious and educational facilities which are compatible with and convenient to, the residents of the district.

It is further intended that this district be located in areas of Wayland Township which will not conflict with farm or agricultural uses and on lot sizes sufficient to support the safe operation of private water and sewage systems or which anticipate the availability of public utilities in the foreseeable future.

SECTION 6.02 PERMITTED USES (Ord. 04-2016: Eff. 01-28-16)

a) Single family detached dwellings.
b) Farms, farm operations and farm buildings as defined herein provided the lot meets the minimum lot size and width required for the Agricultural Zoning District.
c) Livestock production facilities and off site manure storage facilities as defined by the Michigan Department of Agriculture Generally Accepted Agricultural Management Practices. (GAAMP's) prepared under the authority of the Michigan Right to Farm Act, PA 93 of 1981 as amended
d) Open space preservation projects per Section 3.46 herein.
e) Adult Foster Care Family Home (1-6 adults) (Ord.01-2013 Eff.11-09-13)
f) Family Child Care Home (Ord. 02-2023 Eff. 03-24-23)
g) Level 1 home based businesses per Section 3.17 herein.
h) Private kennels.
i) Farm Markets/Roadside Stands as regulated by Section 5.04 herein.
j) Wind Energy Systems 65 ft. or less in height per Section 3.45 herein.
k) A biofuel production facility accessory to and conducted in conjunction with an active farm operation per Section 5.02 (n) herein.
l) Essential public services equipment per Section 3.26 herein.
m) Keeping of farm animals and livestock on non-farm parcels per Section 3.11 herein.

SECTION 6.03 USES REQUIRING A SPECIAL USE PERMIT (Ord. 04-2016: Eff. 01-28-16)

The following uses may be permitted in the R1, Low Density Residential district upon issuance of a Special Use Permit approved by the Planning Commission in accordance with Chapter 18 herein.

a) Churches, mosques, synagogues and similar places of religious provided:
   1) There shall be a front yard of not less than 75 feet, measured from the street right-of-way

provided adjacent to any residential or anticipated use.
2) Seventy five feet of side and rear yards are provided.
3) No more than 50% of the total land area of the lot or parcel is covered by buildings or structures.

b) Parks, play grounds, community centers, libraries, museums, hospitals and similar public and institutional uses owned and operated by a governmental agency.
c) Golf courses and country clubs. Dining and restaurant facilities, retail sales of golf equipment and similar related accessory uses may be allowed if specifically approved by the Planning Commission.
d) Group Child Care Homes per Section 18.09 (Ord. 02-2023 Eff. 03-24-23)
e) Adult Day Care Homes per Section 18.09 (1-6 adults) (01-2013 Eff. 11-09-13)
f) Housing for the elderly, including retirement housing, assisted living facilities and nursing care facilities.
g) Municipal fire stations and service buildings.

SECTION 6.04 DEVELOPMENT STANDARDS

Minimum Lot Area	67,500 sq. ft. (approx. 1.54 acres)
Minimum Frontage	250 ft.
Minimum Front Yard (1)	50 ft.
Minimum Rear Yard	25 ft.
Minimum Side Yard Each Side	20 ft.
Corner Lot Setback From Each Street Abutting the Lot (1)	50 ft.
Maximum Building Height (2)	35 ft.
Minimum Floor Area	See Sec. 6.05

Foot Notes

(1) Notwithstanding any other provision of this Ordinance, no building or structure shall hereafter be constructed, erected, altered or enlarged on a lot or parcel which abuts a Federal or State Highway or a County Primary Road unless the following minimum setbacks, measured from the road right-of-way, are maintained:
a) Federal or State Highways-seventy five (75) feet.
b) County Primary Roads-fifty (50) feet.

(2) The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

SECTION 6.05 MINIMUM FLOOR AREA

Each dwelling unit shall have the following minimum floor areas:

a) One (1) story dwellings with two (2) bedrooms or less shall have not less than one-thousand forty (1040) square feet of floor area.
b) One (1) story dwellings with more than two (2) bedrooms shall have an additional one hundred and fifty (150) square feet for each additional bedroom.

c) One and one half (1 1/2) story dwellings having two (2) bedrooms shall have a minimum total floor area of twelve hundred and sixty (1260) square feet with at least eight hundred and forty (840) square feet on the first floor;
d) One and one half story dwellings with more than two (2) bedrooms shall have an additional one hundred and fifty (150) square feet for each additional bedroom.
e) Dwellings in excess of one and one half (1 1/2) stories shall have a minimum total floor area of fourteen hundred (1400) square feet with at least seven hundred (700) square feet on the first floor.
f) All other dwellings with more than two (2) bedrooms shall have a minimum of one hundred and fifty (150) square feet for each additional bedroom.
g) All residential dwelling structures shall have a core area width of twenty four (24) feet at the time of manufacture or construction.

SECTION 6.06 ADDITIONAL REQUIREMENTS

a) **General Requirements**
   1) Keeping of Animals. Section 3.11
   2) Home Based Businesses. Section 3.17
   3) Accessory Buildings. Section 3.22
   4) Private Roads. Section 3.39
   5) Landscaping for Non-Residential Uses. Section 3.44
   6) Parking of Recreational Vehicles. Sections 3.20 and 3.21
   7) Signs. Chapter 21
   8) Off-Street Parking. Chapter 20
b) **Development Procedures**
   1) Site Plan. Chapter 17
   2) Special Land Uses. Chapter 18
   3) Site Condominiums. Chapter 19
c) **Appeals and Administration**
   1) Non-Conforming Lot and Uses. Chapter 22
   2) Board of Zoning Appeals. Chapter 23
   3) Administration. Chapter 25

CHAPTER 7

R2
MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 7.01 DESCRIPTION AND PURPOSE

This district is intended to provide a quiet and stable environment for single family and two (2) family residential dwellings only along with permitted accessory uses and educational, recreational and religious facilities which are compatible with, and convenient to, the residents of the district.

It is further intended to provide a quality of life equal to the R1 district but of higher population density. The R2 district is intended to be located in areas, and on lot sizes sufficient to support the safe operation of private water and are expected to be provided in the near future.

SECTION 7.02 PERMITTED USES (Ord. 03-2016: Eff. 01-28-16)

a) Any use permitted in the R1 zoning district.
b) Two family dwelling units

SECTION 7.03 USES REQUIRING A SPECIAL USE PERMIT (Ord. 03-2016: Eff. 01-28-16)

The following uses may be permitted in the R-2 District upon issuance of a Special Use Permit approved by the Planning Commission in accordance with the requirements of Chapter 18.

All Special Uses allowed in the R-1 Zone by Section 6.03.

SECTION 7.04 DEVELOPMENT STANDARDS

Minimum Lot Area Single Family dwelling	27,00 sq. ft.
Minimum Lot Area Two Family Dwelling	33,000 sq. ft.
Minimum Frontage	100 ft.
Minimum Front Yard (1)	35 ft.
Minimum Rear Yard	25 ft.
Minimum Side Yard Each Side	10 ft.
Corner Lot Setback From Each Street Abutting the Lot (1)	35 ft.
Maximum Building Height (2)	35 ft.
Minimum Floor Area	See Sec.7.05

Foot Notes

(1) Notwithstanding any other provision of this Ordinance, no building or structure shall hereafter be

constructed, erected, altered or enlarged on a lot or parcel which abuts a Federal or State Highway or a County Primary Road unless the following minimum setbacks, measured from the road right-of-way, are maintained:

a) Federal or State Highways-seventy five (75) feet.
b) County Primary Roads-fifty (50) feet.

(2) The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

SECTION 7.05 MINIMUM FLOOR AREA

Each dwelling unit shall have the following minimum floor areas:

a) Single Family Structures –
   1) One (1) story dwellings with two (2) bedrooms or less shall have not less than eight hundred and forty (840) square feet of floor area.
   2) One (1) story dwellings with more than two (2) bedrooms shall have an additional one hundred and fifty (150) square feet of floor area for each additional bedroom.
   3) Dwellings of more than one (1) story shall have a minimum total floor area of eleven hundred (1100) square feet of floor area with at least seven hundred and fifty (750) square feet on the first floor.
b) Two Family Structures –
   1) Single Story and two story Structures: each two (2) family, single story structure shall have not less than five hundred (500) square feet of living area per dwelling unit, exclusive of bedrooms, plus one hundred and fifty (150) square feet of additional floor area for each bedroom.
   2) Two Story Structures (side by side)- Each two (2) family, two story structure shall have not less than five hundred (500) square feet of living area per dwelling unit on the first floor, exclusive of bedrooms, plus one hundred and fifty (150) square feet of additional floor area for each bedroom.
c) All residential dwelling structures shall have a core area width of twenty four (24) feet at the time of manufacture or construction.

SECTION 7.06 ADDITIONAL REQUIREMENTS

a) **General Requirements**
   1) Keeping of Animals. Section 3.11
   2) Home Based Businesses. Section 3.17
   3) Accessory Buildings. Section 3.22
   4) Private Roads. Section 3.39
   5) Landscaping for Non-Residential Uses. Section 3.44
   6) Parking of Recreational Vehicles. Sections 3.20 and 3.21
   7) Signs. Chapter 21
   8) Off-Street Parking. Chapter 20
b) **Development Procedures**
   1) Site Plan. Chapter 17
   2) Special Land Uses. Chapter 18

3) Site Condominiums. Chapter 19

c) **Appeals and Administration**

1) Non-Conforming Lot and Uses. Chapter 22
2) Board of Zoning Appeals. Chapter 23
3) Administration. Chapter 25

CHAPTER 8

R3
MULTI-FAMILY RESIDENTIAL DISTRICT

(Ord. 13-2016: Eff. 11-24-16)

SECTION 8.01 DESCRIPTION AND PURPOSE

This District is intended to provide for two, three and four family dwelling units as well as other non-residential uses appropriate for a residential district.

SECTION 8.02 PERMITTED USES

a) Two, three and four family dwelling units.
b) Adult Foster Care Family Home (1-6 adults)
c) Family Child Care Home (Ord. 02-2023: Eff. 03-24-23)
d) Level 1 home based businesses per Section 3.17 herein.
e) Wind Energy Systems 65 ft. or less in height per Section 3.45 herein.
f) Essential public services equipment per Section 3.26 herein.
g) Housing for the elderly, including retirement housing, assisted living facilities and nursing care facilities.

SECTION 8.03 USES REQUIRING A SPECIAL USE PERMIT

The following uses may be permitted in the R3 Multi-Family Residential district upon issuance of a Special Use Permit approved by the Planning Commission in accordance with Chapter 18 herein.

a) Churches, mosques, synagogues and similar places of religious worship provided:
   1) There shall be a front yard setback of not less than 75 feet measured from each the street right of way line abutting the parcel.
   2) A setback of seventy-five feet from any side and rear lot line is provided for principal buildings.
   3) No more than 50% of the total land area of the lot or parcel is covered by buildings or structures.
b) Parks, play grounds, community centers, libraries, museums, hospitals and similar public and institutional uses owned and operated by a governmental agency.
c) Municipal fire stations and service buildings.
d) Public and private schools and colleges

SECTION 8.04 DEVELOPMENT STANDARDS

Minimum Lot Area Two Family Dwellings and Permitted Uses	33,000 sq. ft.
Minimum Lot Area per Unit for 3 & 4 Family Dwellings	12,000 sq. ft.
Minimum Frontage	100 ft.
Minimum Front Yard (1)	35 ft.
Minimum Rear Yard (3)	25 ft.
Minimum Side Yard Each Side for Two Family Dwellings	10 ft.
Minimum Side Yard Each Side for 3 & 4 Family Dwellings (3)	25 ft.
Corner Lot Setback From Each Street Abutting the Lot (1)	35 ft.
Maximum Building Height (2)	35 ft.
Minimum Floor Area	See Sec. 8.05

Foot Notes

(1) Notwithstanding any other provision of this Ordinance, no building or structure shall hereafter be constructed, erected, altered or enlarged on a lot or parcel which abuts a Federal or State Highway or a County Primary Road unless the following minimum setbacks, measured from the road right-of-way, are maintained:
   a) Federal or State Highways-seventy five (75) feet.
   b) County Primary Roads-fifty (50) feet.

(2) The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

(3) If abutting properties are zoned R-1 or R-2 or the abutting property is recommended for such use in the Wayland Township Master Plan the setback shall be a minimum of 50 feet for three and four family dwelling units

SECTION 8.05 MINIMUM FLOOR AREA

a) Two family dwellings: Not less than 500 square feet of living area per dwelling unit, exclusive of bedrooms, plus 150 square feet of additional floor area for each bedroom.
b) All three and four family dwelling units shall consist of not less than 600 square feet of floor space per dwelling unit.

SECTION 8.06 ADDITIONAL REQUIREMENTS

a) **General Requirements**
   1) Keeping of Animals. Section 3.11
   2) Home Based Businesses. Section 3.17
   3) Accessory Buildings. Section 3.22
   4) Private Roads. Section 3.39
   5) Landscaping for Non-Residential Uses. Section 3.44
   6) Parking of Recreational Vehicles. Sections 3.20 and 3.21
   7) Signs. Chapter 21

8) Off-Street Parking. Chapter 20

b) **Development Procedures**
1) Site Plan. Chapter 17
2) Special Land Uses. Chapter 18
3) Site Condominiums. Chapter 19

c) Appeals and Administration
1) Non-Conforming Lot and Uses. Chapter 22
2) Board of Zoning Appeals. Chapter 23
3) Administration. Chapter 25

CHAPTER 9

PUD
PLANNED UNIT DEVELOPMENT DISTRICT

(Originally adopted as Ord.7: Eff. 10-11-04
Amended by Ord. 14-2016. Eff. 11-24-16)

SECTION 9.01 PURPOSE & INTENT

The purpose of Planned Unit Development regulations is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a proposal. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls.

a) Through proper planning and design, each Planned Unit Development should include features which further, and are in compliance with, the following objectives:
b) To allow a mix of uses, structures, facilities, housing types and open space in a manner compatible with existing and planned uses on nearby properties.
c) To allow for the design of developments that achieves better utilization of land than is possible through strict application of standard zoning and subdivision controls.
d) To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and does not adversely affect wetlands, flood plains, the natural drainage pattern drainage, and other natural site features.
e) To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
f) To promote further creativity in design and construction techniques.
g) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance
h) To provide for single or mixed use developments which respect the goals and objectives of the Wayland Township Master Plan.

SECTION 9.02 PUD AUTHORIZATION & PERMITTED USES

A Planned Unit Development zoning district may be approved by the Township Board in any location within Wayland Township. Any legal land use may be permitted by the Township Board within a PUD as a principal or accessory use subject to adequate public health, safety, and welfare mechanisms being designed into the PUD and the following provisions of this Chapter. However, in areas recommended in the Township Master Plan for the Agricultural and Recreation Resort zoning districts only those uses allowed by the Zoning Ordinance for such districts shall be permitted in a PUD.

SECTION 9.03 QUALIFYING CONDITIONS

a) Minimum Parcel Size: In order to be eligible for PUD rezoning, the area proposed for rezoning to PUD shall consist of a minimum of two acres except in areas recommended in the Township Master Plan for Agricultural and Recreation Resort zoning districts the minimum parcel size shall be 10 acres.
b) Unified Control: The proposed development shall be under unified ownership or control, so that one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.

SECTION 9.04 DEVELOPMENT REQUIREMENTS FOR ALL USES

The lot area, lot width, building height, setback, and yard requirements, general provisions, signs and parking regulations which would otherwise be applicable to the type of land use being requested shall be determined by the Township Board following a recommendation from the Planning Commission in order to achieve the objectives of this Chapter based on the application of site planning criteria to achieve integration of the project with the characteristics of the project area. Other criteria which shall be used in making these determinations shall include the following:

a) Number and type of dwelling units.
b) Type and amount of non-residential uses propose.
c) Proximity and impact of the PUD on adjacent existing and future land uses.
d) Preservation of existing vegetation or other natural features on site.
e) Topography of the site.
f) Provision of public and or community water, sanitary sewer and storm sewer or approval of the Allegan County Health Department for on-site well and septic systems.
g) Access for emergency vehicles to all buildings.

SECTION 9.05 REQUIREMENTS FOR RESIDENTIAL PUD'S

For Planned Unit Developments which will devote all or a portion of the site to residential use the following requirements shall apply in addition to the requirements of Section 9.05.

a) *Determination of Number of Dwellings:*
   1) An area which is requested for rezoning to PUD shall only be developed in accordance with the density recommended by the Township Master Plan. The permitted number of dwellings for the proposed PUD area shall be based on the density recommendations of the Master Plan designation of the property as set forth in the following Density Table.

      The Township Board, following a recommendation from the Planning Commission, may choose to allow fewer dwellings than permitted by the Density Table if, in the opinion of the Board, a reduction in the number of dwellings proposed would better achieve the intent and objectives of the PUD district.

Master Plan Category	Zoning District	Maximum Average Density
Agricultural	A	.27 units/acre (1 dwelling unit/3.67 acres)
LDR, Low Density Residential	R1	.64 units/acre (1 dwelling unit/67,500 sq.)
MDR, Medium Density Residential	R2	1.61 units/acre (1dwelling unit/27,000 sq.)
RR, Recreational Resort	RR	1.61/du/acre (1dwelling unit/27,000 sq.)
MF, Multi-Family	R3	8 du/acre for multi-family but only when public or community sanitary sewer is provided.

2) Formula to Determine Number of Dwellings: The number of dwellings which may be constructed within a PUD shall be determined as follows:
   i. Determine gross site area. The gross site area may include road right of way if included in legal description.
   ii. Subtract all existing public and private road rights of way included in the legal description.
   iii. Subtract one-half of the area of all wetlands, floodplains, lakes, creeks, ponds and any other similar bodies of water and slopes with a grade of over 20% percent.
   iv. Subtract any property devoted to any existing non-residential use(s) to be included in the PUD. Such property to be subtracted shall include the sum of the area occupied by the building, the off street parking area, driveways serving the use, required building setbacks and other property area or accessory uses associated with the existing use. The minimum area to be subtracted shall be the minimum lot size required for the zoning district in which the existing use is located.
   v. Do not subtract the area of any existing utility easements and proposed non-residential uses such as commercial, institutional, recreational or similar uses.
   vi. The resulting acreage is the Net Development Acreage (also referred to as Net Site Area) which is then multiplied by the Maximum Average Density from the Density Table to determine the number of dwelling units.

   The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.

3) Additional dwellings above what is allowed by Section 9.5 (a) (1) & (2) above may be permitted at the discretion of the Township Board following a recommendation by the Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the PUD. Items which could be added to a PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

i. Provision of recreational facilities such as playground areas with play equipment, ball fields, golf course, bike path, man-made lake, community building or similar recreation facility.
ii. Additional landscaping to preserve or enhance the rural view along the roadway.
iii. Enhancement of existing wetlands, subject to applicable regulations.
iv. Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents.
v. Provision of a public or private community water and/or sanitary sewer system.

4) If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the Maximum Average Density permitted in the Density Table by the gross acreage of the site excluding only the acreage devoted to any non–residential uses. In no case shall the number of dwelling units exceed what is permitted by this subsection.

b) *Minimum Dedicated Open Space Requirements*:

1) A PUD shall provide and maintain the following minimum amount of Dedicated Open Space in accordance with the standards of this Chapter.
2) For land master planned for Agricultural or Low Density Residential, 40 percent of the gross site area devoted to residential use shall be preserved as Dedicated Open Space.
3) For land master planned for Medium Density Residential, Multi-family or Recreational Resort, 15 percent of the gross site area devoted too residential shall be preserved as Dedicated Open Space.
4) Areas Not Considered Dedicated Open Space: The following land areas shall not be classified as Dedicated Open Space for the purposes of this Section:
   i. The area within any public street right-of-way.
   ii. The area within private road access easements.
   iii. Any easement for overhead utility lines unless adjacent to qualified open space.
   iv. Only fifty percent of the area of any existing floodplain, lakes, streams, or other surface water bodies or wetlands and slopes which are 30% or greater shall be counted as Dedicated Open Space.
   v. The area within a platted lot or site condominium lot.
   vi. Detention and retention ponds.
   vii. Community drain fields if such areas are not completely underground
   viii. Any area devoted to a golf course.
5) Standards for Dedicated Open Space: The following standards shall apply to the Dedicated Open Space provided in the development:
   i. If the site contains a lake, stream or other body of water, the Township Board following a recommendation from the Planning Commission may require a portion of the Dedicated Open Space to abut the body of water.
   ii. A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to preserve the rural view.
   iii. Open space areas shall be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths where practical.
   iv. Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practical.
   v. Dedicated Open Space may consist of ball fields, tennis courts, and children's play area, swimming pools and related buildings, community buildings, and similar recreational

vi. facilities. These uses however shall not utilize more than 50 percent of the Dedicated Open Space.

vii. The Dedicated Open Space shall be available and useable for all residents of the PUD, subject to reasonable rules.

6) Guarantee of Dedicated Open Space: The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all Dedicated Open Space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the Open Space PUD plan, unless an amendment is approved by the Township Board.

c) The agreement must be acceptable to the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The agreement shall:

1) Indicate the proposed allowable use(s) of the Dedicated Open Space.
2) Require that the Dedicated Open Space be maintained by parties who have an ownership interest in the Dedicated Open Space.
3) Provide standards for scheduled maintenance of the Dedicated Open Space including necessary pruning, harvesting of trees and new plantings.
4) Provide for maintenance to be undertaken by Wayland Township in the event that the Dedicated Open Space is inadequately maintained, or is determined by the Township to be a public nuisance. Any costs incurred by the Township shall be assessed to the owners of the property within the PUD.

SECTION 9.06 PROCEDURES

An application for a Planned Unit a Development rezoning shall comply with the submittal and procedural requirements of Section 14.6 (a)-(h), (j) and (k) and Sections 14.7- 14.9 herein.

SECTION 9.07 STANDARDS FOR APPROVAL

In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the following standards:

a) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
b) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
c) The PUD will be generally compatible with the Master Plan of the Township and consistent with the intent and purpose of the PUD chapter.
d) The PUD will not result in significant adverse effects upon nearby or adjacent lands.

e) Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.

CHAPTER 10

R4
MOBILE – MODULAR HOME PARK DISTRICT

(Ord. 10-2016 / Eff. 9-29-16)

SECTION 10.1 DESCRIPTION AND PURPOSE

The purpose of this district is to allow for the establishment of mobile home parks and related accessory uses. A mobile home park within this zoning district shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, being Act 96 of 1987, as amended, and the Michigan Administrative Code. A mobile home park established within this district shall be subject to the site plan review procedures of Chapter 17 herein and the applicable regulations of Chapter 3.

Public sewer and communal water facilities shall be provided for each mobile home park. The Township Board, however, may permit the use of a treatment system meeting all State and County regulations if public sewer facilities are not available.

CHAPTER 11

C1
OFFICE, SERVICE COMMERCIAL DISTRICT

SECTION 11.01 DESCRIPTION AND PURPOSE

This zoning district is intended to provide land and structures, outside of the General Commercial District, for the establishment of office and personal service businesses which directly serve the neighborhoods in which they are located and have buildings and landscaping which are harmonious and compatible with their surroundings.

It is further the purpose of this district to preclude the development of a general commercial district by limiting parking signs, outdoor lighting, traffic and by requiring design and landscaping which is compatible with, and promotes improvement in, other land and building uses in the same area.

SECTION 11.02 PERMITTED USES

Land or structures in the C1 district may be used for the following purposes only:

a) Medical, chiropractic and dental clinics;
b) Office facilities for executive, administrative, accounting, drafting, insurance and similar uses which contribute substantially to the convenience of the residents of the neighborhood in which they are located;
c) Personal service establishments which perform services on premises including barber/beauty shops, decorating studios, photographic studios.
d) Child care center provided it is authorized as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 18 herein. (Ord. 01-2013: Eff. 11-09-13)

SECTION 11.03 DEVELOPMENT STANDARDS

Minimum Lot Area	30,000 sq. ft.
Minimum Frontage	125 ft.
Minimum Front Yard (1)	50 ft.
Minimum Rear Yard (3)	25 ft.
Minimum Side Yard (4)	Zero/15 ft.
Corner Lot Setback, From Each Street Abutting the Lot	50 ft.
Maximum Building Height (2)	35 ft.

Development Standards Foot Notes

(1) Notwithstanding any other provision of this Ordinance, no building or structure shall hereafter be constructed, erected, altered or enlarged on a lot or parcel which abuts a Federal or State Highway or

a County Primary Road unless the following minimum setbacks, measured from the road right-of-way, are maintained:
a) Federal or State Highways-seventy-five (75) feet.
b) County Primary Roads-fifty (50) feet.

(2) The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

(3) There shall be a rear yard of at least 25 feet except where a C-1 Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 50 feet.

(4) (a) There shall be no side yard requirement when a lot in the C-1 District abuts a commercial or industrial zoning district except in cases when it is not desired to build to the side lot line, in which case a minimum side yard of 15 feet shall be required.
(b) Wherever a lot in the C-1 Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 50 feet.

SECTION 11.04 GREENBELT

A greenbelt, as determined by the Wayland Township landscape regulations in Section 3.44 shall be erected and maintained on the side and rear of any C-1 zoned premises where the same abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan. Such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses. The Planning Commission may require a solid fence instead of a greenbelt if in the opinion of the Commission a fence would provide a more effective screen for the adjacent property.

SECTION 11.05 SPECIFIC REGULATIONS

a) All dumpsters and trash containers shall be located behind the front line of the main building and shall be screened from view by landscaping, fencing or placement of the building.

b) Site plan review is required for all permitted uses and Special Land Uses.

c) Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining the facade requirements of this section, the following criteria shall be considered:

1) The location of the addition or renovation relative to the existing building.

2) The size relative to the existing building.
3) The location of the existing building.
4) Whether compliance with this Section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
5) The practicality of requiring compliance with this Section based on the design and structural integrity of the existing building.
6) Whether modifications of the building will have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

d) Any material which is stored or kept outside shall be screened by a solid fence or wall or comparable landscaping or berm at least six feet in height and no material shall be stacked higher than the screen.

e) Outdoor lights, whether on a pole or mounted on a building shall not be higher than 35 feet above grade and shall have a cut off fixture with a maximum light source of 400 watts.

SECTION 11.06 ADDITIONAL REQUIREMENTS

a) **General Requirements**
1) Fences. Section 3.12
2) Principal Buildings Per Parcel. Section 3.16
3) Accessory Buildings. Section 3.22
4) Landscaping for Non-Residential Uses. Section 3.44
5) Signs. Chapter 21
6) Off-Street Parking. Chapter 20

b) **Development Procedures**
1) Site Plan. Chapter 17
2) Special Land Uses. Chapter 18
3) Site Condominiums. Chapter 19

c) **Appeals and Administration**
1) Non-Conforming Lot and Uses. Chapter 22
2) Board of Zoning Appeals. Chapter 23
3) Administration. Chapter 25

CHAPTER 12

C2
GENERAL COMMERCIAL DISTRICT

SECTION 12.01 DESCRIPTION AND PURPOSE

This district is intended to provide for, and to promote, the establishment of businesses, service and commercial operations to serve the residential and agricultural communities within the Township. Business, service and commercial operations permitted within the Commercial District are characterized as wholesale and retail sales, business offices, personal services which provide or perform their primary function at the business location.

SECTION 12.02 PERMITTED USES (Ord.12-2016 / Eff. 9-29-16)

Land, buildings and structures within the General Commercial District may be used for the following uses only:

a) Any use permitted in the C1 Office, Service Commercial District.
b) Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building including any business with a drive up or drive through window
c) Personal service establishments conducting services on the premises, such as barber and beauty shops, shoe repair, tailoring and dry cleaning, health and fitness establishments, and other similar uses.
d) Medical, optical, dental, chiropractic, physical therapy and similar clinics and services.
e) Banks, credit unions, and similar financial businesses, including those with drive-through facilities.
f) Restaurants, delicatessens, coffee houses including sit-down and carry out establishments including those with drive in or with drive through facilities. Outdoor dining is permitted where such dining does not obstruct the sidewalk.
g) Coin operated laundries.
h) Dancing, art, and music studios.
i) Libraries, museums, public parks and similar public uses.
j) Pharmacies including those with a drive–up window.
k) Catering establishments.
l) Retail building supply and equipment stores including outdoor storage or display of merchandise.
m) Retail nurseries and garden centers including outdoor storage or display of merchandise.
n) Pet shop including grooming services
o) Establishments serving alcoholic beverages including establishments which make and sell their own alcoholic beverages on site.
p) Veterinary clinics.
q) Mini warehouses and self-storage facilities. Outside storage of any materials including vehicles, boats, and trailers may be allowed by the Planning Commission if such items are adequately screened as viewed from the roadway.

r) Building contractor including plumbing, electrical, heating & structural but excluding excavating.
s) Shops or stores for carrying on the trade of electricians, decorators, painters, upholsterers, photographers, similar artisans except metal workers.
t) Ambulance service establishments.
u) Funeral home/Mortuary.
v) The repair or assembly of products sold by a permitted use in this district provided the repair or assembly does not constitute the principal use and all such work is performed inside.
w) Indoor recreation establishments and facilities such as bowling alleys, skating rinks, indoor rock climbing, theaters, racquet clubs, video amusement establishments, pool and billiard establishments, swimming pools, auditoriums and other similar indoor recreation uses excepting those indoor recreation uses which are specifically listed elsewhere in this Ordinance.
x) Utility and public service buildings including fire and police stations without storage yards.
y) Vehicle repair shop or garage which performs minor and major such services as tire sales and installation; oil changes; brake, shocks and exhaust work; engine analysis and tune-ups; front end alignments; heating and air conditioning repair, collision and painting work and similar vehicle repair services.
z) Gas stations with or without restaurants or convenience stores.
aa) Hotels and motels.
bb) Business or trade schools
cc) Dwelling units may be permitted as an accessory use within a building of two stories or greater subject to the following conditions:
    1) A dwelling unit shall not be located on the ground floor or in a basement.
    2) The dwelling unit shall contain a minimum of 600 square feet of floor area.
    3) Access to a dwelling unit shall be separate from the access used by the business located in the same building.
    4) One off-street parking space per bedroom in addition to the requirements for the principal use shall be provided on site in accordance with the applicable requirements of Chapter 20 herein.
    5) A building permit shall be obtained to establish a dwelling unit in order to ensure compliance with the requirements of this section and also with the Township building and fire code and the requirements of the Allegan County Health Department. The entire building containing the dwelling unit shall also comply with or shall be brought into compliance with the Township building and fire code before an occupancy permit is issued for the dwelling.

SECTION 12.03 USES REQUIRING A SPECIAL USE PERMIT (Ord.12-2016: Eff. 9-29-16)

The following uses may be permitted upon issuance of a special use permit approved by the Planning Commission in accordance with the requirements of Chapter 18 of this Ordinance.

a) Kennels when operated as an ancillary service to a Veterinary Hospital.
b) Open air businesses including but not limited to: the sale and service of motor vehicles, boats and watercraft, farm implements, lawn and garden equipment, motor homes, mobile or modular homes, yard decorations, plants, farm products and similar items displayed primarily out of doors.
c) Outdoor commercial recreation facilities such as golf courses, golf driving ranges, miniature golf, batting cages, go cart racing, drive in movie theaters, athletic and recreational facilities.
d) Vehicle wash establishments both drive through and self-serve.
e) Housing for the elderly, including retirement housing and assisted living and nursing care facilities.

f) Adult businesses as regulated by Section 3.43 herein. (Ord. 07-2003: Eff.09-02-03)
g) Child care center (Ord. 01-2013 Eff. 11-09-13)
h) Churches, synagogues, mosques and similar places of religious worship.
i) Public or private clubs, lodges, and banquet halls or similar places of assembly.
j) Establishments for the repair of small engines, appliances and similar equipment. All such items shall be kept indoors or outdoors in an area screened from view.
k) Indoor and outdoor gun and archery ranges.
l) Wholesale Establishments, where goods are exclusively or principally sold for resale and/or where goods are sold for consumption and/or use in another business. (Ord. 01-2023, Eff. 03-24-23)

SECTION 12.04 DEVELOPMENT STANDARDS

Minimum Lot Area	30,000 sq. ft.
Minimum Frontage	125 ft.
Minimum Front Yard (1)	50 ft.
Minimum Rear Yard (3)	25 ft.
Minimum Side Yard (4)	Zero/15 ft.
Corner Lot Setback, From Each Street Abutting the Lot	50 ft.
Maximum Building Height (2)	35 ft.

Development Standards Foot Notes

(1) Not withstanding any other provision of this Ordinance, no building or structure shall hereafter be constructed, erected, altered or enlarged on a lot or parcel which abuts a Federal or State Highway or a County Primary Road unless the following minimum setbacks, measured from the road right-of-way, are maintained:
   a) Federal or State Highways-seventy-five (75) feet.
   b) County Primary Roads-fifty (50) feet.

(2) The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

(3) There shall be a rear yard of at least 25 feet except where a C-2 Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 50 feet.

(4) There shall be no side yard requirement when a lot in the C-2 District abuts a commercial or industrial zoning district except in cases when it is not desired to build to the side lot line, in which case a minimum side yard of 15 feet shall be required.
   a) Wherever a lot in the C-2 Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 50 feet.

SECTION 12.05 GREENBELT

A greenbelt, as determined by the Wayland Township landscape regulations, in Section 3.44 shall be

erected and maintained on the side and rear of any C-2 zoned premises where the same abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan. Such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses. The Planning Commission may require a solid fence instead of a greenbelt if in the opinion of the Commission a fence would provide a more effective screen for the adjacent property.

SECTION 12.06 SPECIFIC REGULATIONS

a) All dumpsters and trash containers shall be located behind the front line of the main building and shall be screened from view by landscaping or solid fencing which is at least six feet in height or by placement of the building. Such waste containment areas shall be at least five feet from a side and rear lot line. (Ord.12-2016: Eff. 9-29-16)
b) Site plan review is required for all permitted uses and Special Land Uses.
c) *Structure Facade* - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material.

   In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

   Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building. In determining the facade requirements of this section, the following criteria shall be considered:
   1) The location of the addition or renovation relative to the existing building.
   2) The size relative to the existing building.
   3) The location of the existing building.
   4) Whether compliance with this Section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
   5) The practicality of requiring compliance with this Section based on the design and structural integrity of the existing building.
   6) Whether modifications of the building will have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.
d) Outdoor Storage (Ord.12-2016: Eff. 9-29-16)
   1) Material and equipment may be stored or kept outside but only in the side or rear yards.
   2) All storage of materials and equipment used in the business except licensed vehicles shall be visually screened by a vertical screen consisting of structural or plant materials not less than six feet in height unless in the opinion of the Planning Commission or other approving authority the material is stored in a manner that it is not readily visible from off site or that the materials are located such a substantial distance form adjacent properties and roadways that it is not a visual nuisance as seen from off site.
e) Outdoor lights, whether on a pole or mounted on a building shall not be higher than 35 feet above grade and shall have a cut off fixture with a maximum light source of 400 watts.

SECTION 12.07 ADDITIONAL REQUIREMENTS

a) **General Requirements**
   1) Fences. Section 3.12
   2) Principal Buildings Per Parcel. Section 3.16
   3) Accessory Buildings. Section 3.22
   4) Landscaping for Non-Residential Uses. Section 3.44
   5) Signs. Chapter 21
   6) Off-Street Parking. Chapter 20

b) **Development Procedures**
   1) Site Plan. Chapter 17
   2) Special Land Uses. Chapter 18
   3) Site Condominiums. Chapter 19

c) **Appeals and Administration**
   1) Non-Conforming Lot and Uses. Chapter 22
   2) Board of Zoning Appeals. Chapter 23
   3) Administration. Chapter 25

CHAPTER 13

I1
INDUSTRIAL DISTRICT

SECTION 13.01 DESCRIPTION AND PURPOSE (Ord. 1-2023, Eff. 03-24-23)

It is the intent of this Chapter to provide for the development of a variety of industrial and manufacturing uses that can be characterized by low land coverage and the absence of objectionable external effects. Regulations contained in this district are designed to encourage the development of industrial areas which will be compatible with one another and with adjacent or surrounding districts.

SECTION 13.02 PERMITTED USES (I-l DISTRICT) (Ord.01-2023 / Eff. 03-24-23)

Land and/or buildings in the Industrial Zone may be utilized for the following uses only:

a) Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
   1) Food products, including meat, (but excluding slaughter houses), dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.
   2) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other textile goods.
   3) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
   4) Lumber and wood products, including millwork, prefabricated structural wood products and containers, not including logging camps products or processes involving the use, manufactures, or production of wood pulp unless it is used in dry form and in a manner that does not produce objectionable odors;
   5) Furniture and fixtures.
   6) Paperboard containers, building paper, building board, and bookbinding.
   7) Printing and publishing.
   8) Manufacturing of engineering, measuring, optic, medical, lenses, photographic, and similar instruments.
   9) Jewelry, silverware, toys, athletic, office, and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
   10) Biological products, drugs, medicinal chemicals and pharmaceutical preparations.
   11) Glass products.
   12) Pottery, figurines, and other ceramic products using only previously pulverized clay.
   13) Fabricated metal products, except heavy machinery and transportation equipment

b) Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling the following:
   1) Agricultural products, including, but not limited to, the production of alcoholic beverages and the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products.
   2) Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery,

beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats and oils).

3) Electrical machinery, equipment and supplies, electronic components, including computer, communication and musical equipment and devices and accessories.
4) Cut stone and stone products related to monuments.
5) Wind energy, solar energy and similar systems.

c) General manufacturing, fabrication and assembly operation.
d) Research and development testing and experimental laboratories and manufacturing.
e) Essential public services.
f) Trade and industrial schools.
g) Tool and die manufacturing establishments
h) Warehousing, storage, or transfer buildings.
i) Truck terminals, including maintenance and service facilities.
j) Wholesale establishments, where goods are exclusively or principally sold for resale and/or where goods are sold for consumption and/or use in another business. (Ord. 1-2023, Eff. 3-24-23)
k) Mini warehouses and self-storage facilities. Outside storage of any materials including vehicles, boats, and trailers may be allowed by the Planning Commission if such items are adequately screened as viewed from the roadway
l) New building materials sales and storage, including contractor's showrooms and related storage yards.
m) Utility and public service buildings, including storage yards
n) Machine shops.
o) Indoor recreation establishments.
p) Crating and packing services.
q) Park and ride lots operated by a public agency.
r) The retail sales of products produced on the premises of the above permitted uses provided the area devoted to retail sales does not exceed 15 percent of the total floor area of the building and is clearly incidental to the principal industrial use.
s) Buildings, structures, and uses accessory to the permitted and special land uses.

SECTION 13.03 USES REQUIRING A SPECIAL USE PERMIT (Ord.11-2016: Eff. 9-29-16)

The following uses may be permitted upon issuance of a special use permit approved by the Planning Commission in accordance with the requirements of Chapter 18 or this Ordinance.

a) Asphalt, concrete or similar refining and manufacturing.
b) Salvage yards and recycling facilities
c) Refuse and garbage incinerators.
d) Scrap tire collection sites and scrap tire processors.
e) Manufacture of gas, coke, or coal tar products.
f) Manufacture of ammunition, fireworks, or other explosives.
g) Stockyards and slaughterhouses.
h) Blast furnaces, drop forges, petroleum refining, metal stamping, and similar uses.
i) Solid waste processing facility, including composting as an incidental use.
j) Essential public service structures and buildings.
k) Central dry-cleaning plants.

l) The manufacture, assembly, treating or packaging of previously prepared chemical products such as plastics, perfumes, synthetic fibers.
m) Lumberyards and other building equipment supply establishments.
n) Commercial fuel depot.
o) Vehicle repair or body shops including shops with wrecker service provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.
p) Contractor equipment yards and operations including but not limited to businesses engaged in excavating, oil and water well drilling, utility installation and servicing, landscaping, plumbing, electrical supply and installation, road construction, building materials supply and other similar uses engaged in the construction trades.
q) Warehousing, bulk storage, and transport of propane, liquid petroleum, fuel oil, and similar fuels.
r) Uses, which sell equipment, vehicles or machinery normally used for industrial purposes or in the construction trades except for vehicles used primarily for on-road travel. Such uses may display these items outdoors.
s) Outdoor display and sale of items which are manufactured repaired or serviced as part of a use permitted by Chapter 14.
t) Crematoriums.
u) Facilities engaged in the production of energy.
v) Sale/rental and display of the following: temporary mobile storage units (pods) and temporary refuse collection units; farm and garden products including fencing and equipment; pre-cast concrete products; utility trailers, animal trailers, and similar trailers; and granite or marble or similar products or raw materials.
w) Wholesale distribution and display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
x) On-line auction warehouse facilities.
y) Establishments which produce alcoholic beverages primarily for distribution off site and which also engage in one or more of the following as a small percentage of the overall sales of the business and which devote a small portion of the square footage of the building to the following:
   1) The retail sale of alcoholic beverages produced on site to the general public for consumption on the site and/or on a retail take-out basis including the limited sale of snacks, pre-packaged foods, and non-alcoholic beverages;
   2) Conducting tours for the general public of the facility;
   3) The retail sale of items related to the company and its products such as glasses, posters, and clothing.

SECTION 13.04 DEVELOPMENT STANDARDS

Minimum Lot Area	40,000 sq. ft.
Minimum Frontage	150 ft.
Minimum Front Yard (1)	50 ft.
Minimum Rear Yard (3)	25 ft.
Minimum Side Yard (4)	75 ft.
Corner Lot Setback, From Each Street Abutting the Lot	50 ft.
Maximum Building Height (2)	35 ft.

Development Standards Foot Notes

(1) Not withstanding any other provision of this Ordinance, no building or structure shall hereafter be constructed, erected, altered or enlarged on a lot or parcel which abuts a Federal or State Highway or a County Primary Road unless the following minimum setbacks, measured from the road right-of-way, are maintained:
   a) Federal or State Highways-seventy-five (75) feet.
   b) County Primary Roads-fifty (50) feet.

(2) The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

(3) There shall be a rear yard of at least 50 feet except where a Industrial Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 75 feet.

(4) Wherever a lot in the Industrial Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the side setback shall be at least 50 feet.

SECTION 13.05 GREENBELT

A greenbelt, as determined by the Wayland Township landscape regulations in Section 3.44, shall be erected and maintained on the side and rear of any industrial premises where the same abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan. Such greenbelts shall also be required where industrial premises and uses abut existing nonconforming residential uses. The Planning Commission may require a solid fence instead of a greenbelt if in the opinion of the Commission a fence would provide a more effective screen for the adjacent property.

SECTION 13.06 SPECIFIC REQUIREMENTS

The following development standards are designed to mitigate negative impacts on nearby properties and shall apply to all uses in the Industrial District.

a) Outside Storage (Ord.11-2016: Eff. 9-29-16):
   1) Material and equipment may be stored or kept outside but only in the side or rear yards.
   2) All outdoor storage of materials and equipment used in the business except licensed vehicles shall be visually screened by a vertical screen consisting of structural or plant materials not less than six feet in height unless in the opinion of the Planning Commission or other approving authority the material is stored in a manner that it is not readily visible from off site or that the materials are located such a substantial distance form adjacent properties and roadways that it is not a visual nuisance as seen from off site.
   3) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit.
   4) Operations which involve the repair or storage of damaged vehicles shall immediately remove all

fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating ground water and surface water.

5) Any use permitted in the Industrial Zone shall not create a vibration which is discernible to off-site residents or occupants.
6) All dumpsters and trash containers shall be located behind the front line of the main building and shall be screened from view by landscaping or solid fencing which is at least six feet in height or by placement of the building. Such waste containment areas shall be at least five feet from a side and rear lot line. (Ord.12-2016: Eff. 9-29-16)
7) All business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
8) Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.
9) Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining the facade requirements of this section, the following criteria shall be considered:

i. The location of the addition or renovation relative to the existing building.
ii. The size relative to the existing building.
iii. The location of the existing building.
iv. Whether compliance with this Section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
v. The practicality of requiring compliance with this Section based on the design and structural integrity of the existing building.
vi. Whether modifications of the building will have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

SECTION 13.07 ADDITIONAL REQUIREMENTS

a) **General Requirements**
   1) Fences. Section 3.12
   2) Principal Buildings Per Parcel. Section 3.16
   3) Accessory Buildings. Section 3.22
   4) Landscaping for Non-Residential Uses. Section 3.44
   5) Signs. Chapter 21
   6) Off-Street Parking. Chapter 20
b) **Development Procedures**
   1) Site Plan. Chapter 17
   2) Special Land Uses. Chapter 18

3) Site Condominiums. Chapter 19

c) **Appeals and Administration**

1) Non-Conforming Lot and Uses. Chapter 22
2) Board of Zoning Appeals. Chapter 23
3) Administration. Chapter 25

CHAPTER 14

(MPUD)
MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 14.01 INTENT

The Mixed Use Planned Unit Development District is established to provide an area where both light industrial uses and retail/service /office uses would be appropriate due to the location of the US 131 highway. This district is recommended by the Wayland Township Master Plan for the area parallel to U.S. 131 between 129th Avenue and 133rd Avenue. This area would provide desirable exposure to highway traffic for retail/service and office uses while providing easy access for industrial uses via the interchange at 129th Avenue.

A north- south public roadway recommended by the Master Plan would serve to connect the uses in this district with east- west roads 129th, 130th, 132nd and 133rd Avenues. It is the intent of this district that this road be constructed by individual developments as they occur.

The intent of this district is to allow within each MPUD project a variety of uses, as may be desired by the marketplace, to function within a defined area with regulations designed to achieve a unified appearance and function. The regulations contained in this district are intended to ensure that uses are situated and designed so they are attractive and orderly in appearance as viewed from US 131 and are compatible in appearance and function with other uses allowed in this district.

SECTION 14.02 AUTHORIZATION AND PROCEDURE

A Mixed Use Planned Unit Development zoning district may be approved by the Township Board in any location which is recommended for Mixed Use Planned Unit Development by the Wayland Township Master Plan in accordance with the regulations of this Chapter.

SECTION 14.03 PERMITTED USES

Land and/or buildings in the Mixed Use PUD District, may be utilized for the following uses only:

a) Any use allowed by Section 12.02 herein, Permitted Uses in the C2, General Commercial Zoning District except for open air businesses.
b) Restaurants with and without drive-through facilities.
c) Banks and other financial institutions with or without drive-through facilities.
d) The following uses are permitted only when specifically authorized by the Township Board following a recommendation by the Planning Commission:
   1. Any use allowed by Section 13.02 herein, Permitted Uses in the I, Industrial Zoning District.
   2. Open air businesses including but not limited to the sale and display of new and used motor vehicles, modular and mobile homes, recreational vehicles, camper trailers, boats and other water

craft, farm implements and equipment and similar items.

SECTION 14.04 DEVELOPMENT STANDARDS

Minimum Lot Area (1)	10 acres
Minimum Frontage	150 ft.
Minimum Front Yard (2)(3)	50 ft.
Minimum Rear Yard (4)	50 ft.
Minimum Side Yard (5)	25 ft.
Corner Lot Setback, From Each Street Abutting the Lot	50 ft.
Maximum Building Height (6)	35 ft.

Development Standards Foot Notes

(1) This requirement may be modified by the Planning Commission when the site under consideration can be shown to meet the intent and objectives of this Chapter
(2) Required setback shall also be taken from the U.S. 131 right of way if abutting the parcel.
(3) Notwithstanding any other provision of this Ordinance, no building or structure shall hereafter be constructed, erected, altered or enlarged on a lot or parcel which abuts a Federal or State Highway or a County Primary Road unless the following minimum setbacks, measured from the road right-of-way, are maintained:
   a) Federal or State Highways-seventy-five (75) feet.
   b) County Primary Roads-fifty (50) feet.
(4) There shall be a rear yard of at least 50 feet except where a Mixed-Use Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 75 feet.
(5) There shall be a side yard of at least 25 feet except where a Mixed-Use Zone abuts a parcel containing a dwelling which is within 100 feet of the proposed building then the side setback shall be a minimum of 50 feet.
(6) The following structures shall be exempt from height regulations in the zoning districts in which they are permitted: chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, windmills, and other similar appendages and structures as are exempt by the Planning Commission.

SECTION 14.05 GREENBELT

A greenbelt, as required by the Wayland Township landscape regulations, in Section 3.44 shall be erected and maintained where an industrial use permitted by Section 14.03(d)(1) abuts a non- industrial use permitted by Sections 14.03(a)(b) and (c) or where any use permitted in the Mixed Use District abuts a residential use or a zone which permits residential use or an area recommended for residential use in the Township Master Plan. The Planning Commission may require a solid fence instead of a greenbelt if in the opinion of the Commission a fence would provide a more effective screen for the adjacent property.

SECTION 14.06 PUBLIC ROADS

A MPUD project shall provide a public road through the property as recommended by the Wayland Township Master Plan and as may be required by the Wayland Township Board following a

recommendation by the Planning Commission.

SECTION 14.07 APPLICATION OF DEVELOPMENT STANDARDS

The above Development Standards in Section 14.4 apply to all MPUD projects unless justification satisfactory to the Planning Commission for not applying a particular standard is submitted by the applicant. In determining the appropriate regulations, the Planning Commission shall take into account:

a) The nature of existing and future land uses adjacent to and near the site.
b) Whether or not the modification of the regulation requested will result in a project which better satisfies the purposes of the MPUD Zone.
c) Whether or not the modification of the regulation requested will have an adverse impact on nearby properties and uses.
d) Whether or not the modification of the regulation requested will result in the preservation of a significant natural feature on the site such as trees, wetlands, swales, or steep slopes.
e) Whether or not the modification of the regulation requested is necessary due to the topography of the site.
f) Whether or not the modification of the regulation requested will impede or improve access for fire, police, and emergency vehicles.

SECTION 14.08 SPECIFIC REQUIREMENTS

The following development standards are designed to mitigate negative impacts on nearby properties and shall apply to all uses in the Mixed Use District.

a) Any material which is stored or kept outside and which faces or abuts a non-industrial as permitted by Section 14.3(d)(1) shall be screened by a solid fence or wall or comparable landscaping or berm at least six feet in height and no material shall be stacked higher than the screen.

   Outdoor storage areas shall not be located in any front yard including the area between the building and the U.S. 131 right of way.
b) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit.
c) Any use permitted in the Industrial Zone shall not create a vibration which is discernible to off-site residents or occupants.
d) Dumpsters shall not be located within the front yard including the yard between the US 131 right of way and shall be screened by a six feet high wall or fence.
e) All business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
f) Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public or private street, including US131, shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

g) Overhead doors shall not be located on that portion of the building which faces US 131.
h) Landscaping shall be required to be planted along the highway right of way for any use on a parcel which abuts the US 131 right of way. The landscaping shall be designed and installed with the intent of enhancing the appearance of the proposed use as seen from the highway and to screen any portion of the use which may detract from the appearance of the site.

The Planning Commission shall determine the appropriate amount of landscaping including the need for berms taking into consideration the elevation of the use relative to the highway, any existing vegetation along the highway, the type of use and its distance from the highway. In making this determination the Commission may require the applicant to provide drawings, photographs or other illustrative material to visually demonstrate compliance with this section.

i) For open air businesses which desire to display their items for sale in the area between the building and the highway right of way the Planning Commission may limit the amount or number of items displayed so that the display does not detract from the appearance of the area as viewed from the highway.
j) Outdoor lights, whether on a pole or mounted on a building shall not be higher than 35 feet above grade and shall have a cut off fixture with a maximum light source of 400 watts.

SECTION 14.09 PROCEDURES

a) *Pre-application Conference:* Before submitting an application for an MPUD, an applicant may meet with the Planning Commission or Township Zoning Administrator, Planner or Engineer to submit information regarding a proposed MPUD and to confer with the Planning Commission, or staff, about the proposed application and the MPUD.
b) *Application for MPUD Approval:* An application for a MPUD rezoning shall be in accordance with the application procedures as required by Chapter 24 of this Ordinance.
c) *Preliminary Development Plan*: An applicant for PUD rezoning shall submit a site plan in accordance with the requirements for Preliminary Site Plan review as set forth in Chapter 17 of this Ordinance.
d) *Environmental Impact Assessment*: The Planning Commission may require an environmental impact assessment as part of the Preliminary or Final Site Plan. This assessment shall describe the effect and impact that the proposed PUD will or may have upon or with respect to the following matters.
   1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
   2) Population in the immediate area and the Township; local school systems; traffic congestion.
   3) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
   4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare;
   5) General appearance and character of the area; historic structures and places; archeological sites and artifacts.
   6) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department; County Road Commission; County Drain Commissioner; Michigan Department of

Environmental Quality; the Wayland School District; County Sheriff's Department; Township Fire Department and other appropriate agencies.

7) Traffic impact study.
8) A community impact analysis.
9) An economic feasibility study for the principal uses of the proposed PUD.
10) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.

e) *Review of Preliminary Development Plan:* The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the MPUD, together with any recommended changes or modifications thereof.

f) *Final Development Plan:*
   1) After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant for MPUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Final Site Plan Review as contained in Chapter 17 of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.
   2) The final development plan shall contain all of the information required for Final Site Plan review unless the same is waived by the Planning Commission as no being reasonably necessary for the consideration of the MPUD plus the following:
      i. All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the final development plan shall indicate such fact and shall state the basis or ground upon which such recommendations have not been included.
      ii. Projected time for completion of the entire MPUD; proposed phasing, if any, of the MPUD and the projected time for completion of each phase.
      iii. Any other information reasonably required by the Planning Commission in connection with its review of the MPUD and consideration of the rezoning of the lands in accordance with the MPUD plan.

g) *Public Hearing on Final Development Plan* (Ordinance No. 1: Eff. 2-26-07)*:* The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning in accordance with the plan. Notice of the hearing shall be as required in Chapter 24 herein.

h) *Consideration of Final Development Plan by Planning Commission:* After the public hearing, the Planning Commission shall make recommendations concerning the final development plan and the modifications in the final development plan, to the Township Board. The recommendations of the Planning Commission shall then be transmitted to the Township Board.

i) *Standards for Approval:* In making a recommendation to approve a MPUD, the Planning Commission must find that the proposed PUD meets the following standards:
   1) Granting the MPUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
   2) The MPUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the MPUD as approved.

3) The MPUD will be compatible with the Master Plan of the Township and consistent with the intent and purpose of this chapter.
4) The MPUD will not result in significant adverse effects upon nearby or adjacent lands.
5) Protects all floodplains and wetlands and minimizes alteration of steep slopes except as approved for essential services or recreation amenities.
6) Arranges and designs buildings and structures so differing uses within the MPUD are compatible in appearance and function.
7) Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
8) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.

j) *Final Consideration of MPUD by Township Board:* The Township Board shall review the final development plan and the recommendations submitted by the Planning Commission. The Township Board shall determine whether the final development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township. Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the final development plan and grant the rezoning request.

k) *Conditions of Approval:* The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.
   1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project, and the community as a whole.
   2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
   3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed MPUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a MPUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the property owner. The Township Board shall maintain a record of conditions which are changed

If the Township Board approves the final development plan and the proposed application for rezoning, it may rezone the property in accordance with the Township Zoning Act as amended. The Zoning Ordinance amendment shall be forwarded to the Township Clerk for inclusion in the Township Ordinance Book. Publication of the rezoning ordinance or publication of a summary of the provisions thereof shall

be accomplished in the manner provided by law. Following approval of the MPUD rezoning the Official Zoning Map of Wayland Township shall be changed to reflect the MPUD zoning for the parcel.

SECTION 14.10 AMENDMENTS TO APPROVED PUD

a) An approved Final MPUD Development Plan and any conditions imposed upon Final MPUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.
b) Minor Amendments: A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

   The following items shall be considered as minor changes:

   1) Reduction of the size of any building and/or sign.
   2) Movement of buildings by no more than 10 feet
   3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
   4) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
   5) Changes required or requested by the Township for safety reasons.
   6) Changes which will preserve the natural features of the site without changes the basic site layout.
   7) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

   The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor; re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

SECTION 14.11 PERFORMANCE GUARANTEES

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the MPUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount

specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

SECTION 14.12 TIME LIMITATIONS ON DEVELOPMENT

Each MPUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the MPUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the MPUD. If the MPUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the MPUD or any part thereof shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning districts.

SECTION 14.13 ADDITIONAL REQUIREMENTS

a) General Requirements
1) Fences. Section 3.12
2) Principal Buildings Per Parcel. Section 3.16
3) Accessory Buildings. Section 3.22
4) Landscaping for Non-Residential Uses. Section 3.44
5) Signs. Chapter 21
6) Off-Street Parking. Chapter 20

b) Development Procedures
1) Site Plan. Chapter 17
2) Special Land Uses. Chapter 18
3) Site Condominiums. Chapter 19

c) Appeals and Administration
1) Non-Conforming Lot and Uses. Chapter 22
2) Board of Zoning Appeals. Chapter 23
3) Administration. Chapter 25

CHAPTER 15

RR
RECREATIONAL RESORT RESIDENTIAL DISTRICT

SECTION 15.01 DESCRIPTION AND PURPOSE

The RR zoning district is intended to provide for recreational and residential uses of lands in close proximity to Township lakes. These regulations are designed to control new development in an orderly manner to avoid densities which could lead to unnecessary degradation of the surface water quality and associated natural lake environment.

SECTION 15.02 PERMITTED USES

Except as otherwise expressly regulated by this Ordinance, all lots or parcels of land hereafter created, and non-conforming lots of record existing on the date of enactment of this Ordinance, shall be used only for those principal uses described below:

a) Single family dwellings for seasonal or year around occupancy along with permitted accessory buildings or structures;
b) Family Child Care Home (Ord. 02-2023: EFF. 03-24-23)
c) Adult foster care family homes with no more than six adults.
d) Docks, shore-stations, and boat cradles as regulated by Section 3.41 of this ordinance.
e) Single family dwellings designed as Open Space Preservation Projects as regulated by Section 3.40 herein.
f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section 3.22 herein.

SECTION 15.03 USES REQUIRING A SPECIAL USE PERMIT

The following uses may be permitted in the RR Recreational Resort District upon issuance of a Special Use Permit approved by the Planning Commission in accordance with the requirements of Chapter 18 of this Ordinance.

a) Public and private campgrounds as defined herein;
b) Publicly owned parks, playgrounds, swimming and boat launch facilities;
c) Rental cottages, cabins or similar resort structures intended for temporary or seasonal occupancy and which do not meet the minimum area requirements for a single family dwelling and/or which may have more than one such dwelling per lot or parcel.

SECTION 15.04 SPECIAL USE REQUIREMENTS

In considering any application for a Special Use Permit, the Planning Commission shall consider the

following factors; in addition to the Special Use Permit standards of Chapter 18 of this Ordinance.

a) The potential impact of the proposed use on the surrounding neighborhood including property values, population density, traffic patterns, and other similar factors which the Planning Commission may deem to be appropriate;
b) The anticipated longevity of the proposed use;
c) Any potential negative impact on the lake, stream or river adjacent to the proposed uses;
d) The impact of the proposed use on the future need for public services;
e) In addition to the above considerations, rental cabins or cottages as permitted above shall meet the following minimum standards:
   1) Each cabin, cottage or temporary dwelling unit shall consist of not less than four hundred eighty (480) square feet of floor area measured at the foundation at grade level;
   2) A minimum of two parking spaces shall be provided for each cabin, cottage or temporary dwelling;
   3) In the case of water front property there shall be not less than twenty five (25) feet of water frontage for each dwelling unit on such lot or parcel;
   4) A separate parking/storage area for utility trailers, boat trailers, etc. shall be provided

SECTION 15.05 DEVELOPMENTAL STANDARDS

Minimum Lot Area	27,000 sq. ft.
Minimum Frontage (1)	150 ft.
Minimum Front Yard (2)	35 ft.
Minimum Rear Yard/ Lake Side	(3)
Minimum Side Yard (4)	10 ft.
Corner Lot Setback from Each Street Abutting the Lot	35 ft.
Maximum Building Height Fence Regulations (5)	35 ft.
Minimum Floor Area	See Sec. 15.06

Foot Notes

(1) The minimum lot width on the lake side of a lot shall be a minimum of 100 feet as measured at the normal high-water mark between side lot lines.
(2) The required front yard setback may be reduced by the Zoning Administrator to comply with the average setback for existing similar structures within 300 feet on either side of the proposed structure provided such reduced set back will be consistent with the general development of the neighborhood.
(3) Lake Setback:
   1) For lots with lake frontage existing as of the effective date of this Section-15.05, the minimum set back from the normal high-water mark of the lake for a new principal building or an expansion of an existing principal building shall be the average of the existing setbacks of principal buildings on the adjacent lots but not less than 20 feet. If only one principal building exists on the adjacent lots the setback for a principal building shall be the same as the existing principal building on the adjacent lot but in no case shall the setback be less than 20 feet. (Ord.03: Eff. 08-27-20)
   2) For lots with Lake Frontage created after the adoption of this Section, the minimum setback from the normal high-water mark of the lake for new principal buildings shall be 50 feet. (Ord.03: Eff. 08-27-20)

(4) Non-conforming lots of record which have less than the required road or right-of-way frontage may have the minimum required side yards reduced by a percentage equal to the percentage of non-conformance of the lot with the lot width requirements of this Section except that no side yard shall be less than five feet.

(5) Fence Regulations:
   i) Fences shall be set back at least 20 feet from the normal high-water mark.
   ii) Fences which are placed between the principal building and the 20 feet minimum setback for fences shall not exceed three (3) feet in height.

SECTION 15.06 MINIMUM FLOOR AREA

Each dwelling unit shall have the following minimum floor areas:

a) One story dwellings with two (2) bedrooms or less shall have not less than seven hundred and twenty (720) square feet of floor area.
b) One story dwellings with more than two (2) bedrooms shall have not less than one hundred and fifty (150) square feet for each additional bedroom.
c) One and one half (1 1/2) story dwellings shall have a minimum total floor area of one thousand and forty (1040) square feet with at least six hundred and twenty (620) square feet on the first floor.
d) Dwellings in excess of one and one half (1 1/2) stories shall have a minimum a total floor area of eleven hundred and eight (1180) square feet with at least six hundred and twenty (620) square feet on the first floor.

SECTION 15.07 ADDITIONAL REQUIREMENTS

a) **General Requirements**
   1) Keeping of Animals. Section 3.11
   2) Home Based Businesses. Section 3.17
   3) Accessory Buildings. Section 3.22
   4) Private Roads. Section 3.39
   5) Landscaping for Non-Residential Uses. Section 3.44
   6) Parking of Recreational Vehicles. Sections 3.20 and 3.21
   7) Signs. Chapter 21
   8) Off-Street Parking. Chapter 20
b) **Development Procedures**
   1) Site Plan. Chapter 17
   2) Special Land Uses. Chapter 18
   3) Site Condominiums. Chapter 19
c) **Appeals and Administration**
   1) Non-Conforming Lot and Uses. Chapter 22
   2) Board of Zoning Appeals. Chapter 23
   3) Administration. Chapter 25

CHAPTER 16

RABBIT RIVER PROTECTION OVERLAY ZONE

SECTION 16.01 INTENT AND PURPOSE

The standards contained in this Chapter govern the use and alteration of land within a specified distance of, rivers, creeks and contiguous wetlands and other riparian features in Wayland Township, in order to accomplish the following objectives:

a) Implement the water quality protection, environmental protection and rural character protection goals and policies of the Township's Master Plan.
b) Achieve the Township's resource protection and community character goals in a manner that is reasonable and sensitive to local conditions and concerns of property owners.
c) Protect water quality and habitat quality in the, rivers, creeks, and their contiguous wetlands and other riparian features in Wayland Township, and thereby protect the public health, safety and general welfare, by encouraging filtering of storm water runoff through natural vegetative buffers along stream corridors, and by encouraging and protecting vegetative cover along stream banks to shade the stream, thereby maintaining lower water temperatures and high-quality stream habitat.
d) Maintain the integrity and stability of stream banks and protect stream banks against erosion, by providing for effective vegetative buffers adjacent to stream corridors, and by prohibiting excavation and building activities within a specified distance from stream banks and the contiguous to streams wetlands.
e) Protect the natural character and appearance of streams, stream corridors and their contiguous wetlands, which contribute to the valued natural character of the community, its quality of life and its property values.

SECTION 16.02 APPLICABILITY AND ADMINISTRATIVE ACTION

a) *Applicability:* The standards contained in this section shall be applicable to all land within specified distances adjacent to the Rabbit River and its tributaries located within the "RRP"- Rabbit River Protection Overlay Zone" identified on the Wayland Township Zoning Map as amended and the wetlands contiguous to the Rabbit River and its tributaries.
b) *Exemptions:* The standards contained in this Chapter shall not apply to:
   1) A lot or parcel, of one acre or less in size which was a "lot of record" on or before the effective date of this Chapter which is December 15, 2008.
   2) Agricultural operations that are conducted in conformance with best management practices (BMPs) as defined and prescribed by the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
   3) The cleaning out, straightening, widening, deepening, or extending, consolidation, relocation, tiling, and connection of Drains established under the provisions of the Michigan Drain Code, Public Act 40 of 1956, as amended.
   4) All activities that are authorized in a permit issued by the Michigan DEQ pursuant to Parts 31,301,303 or 315 of the Natural Resources and Environmental Protection Act, PA 451 of 1994,

as amended.

5) Forestry operations that are conducted within the natural vegetation zone when done in conformance with generally accepted forestry management practices (GAFMPs) as defined and prescribed under the auspices of the Right to Forest Act Public Act 676 of 2002. However, the following practices shall not be considered exempt by this ordinance and shall be prohibited within the Rabbit River Protection zone unless specifically approved by the State of Michigan.
   i. Cutting stream bank trees.
   ii. Removal of ground cover or understory vegetation.
   iii. Felling trees into the stream bed or leaving logging debris in the stream.
   iv. Servicing or refueling equipment.
   v. Mechanical site preparation and site preparation burning.
   vi. Mechanical tree planting.
   vii. Broadcast application of pesticides or fertilizers.
   viii. Handling, mixing, or storing toxic or hazardous materials (fuels, lubricants, solvents, pesticides, or fertilizers).

c) *Administrative Action:* The decision on any application for a zoning approval or a permit for an activity on property subject to the riparian area protection standards of this Chapter shall be made by the Zoning Administrator.

SECTION 16.03 OVERLAY AREAS: NATURAL VEGETATION ZONE: DEFINITION, INTENT AND DELINEATION

a) *Definition and Intent:* The land area subject to the riparian area overlay protection standards of this section shall be called the Natural Vegetation Zone. The definition and intended purpose of this area is as follows:

Natural Vegetation Zone: The natural vegetation zone includes all lands located within 35 feet of the ordinary high water mark of the Rabbit River and those tributaries contained within the Riparian Area Protection Overlay Zone, and all contiguous wetlands as defined in this Ordinance. The natural vegetation zone is intended to provide a functional vegetative corridor along the edge of a stream. Its functions shall be to protect water quality, animal habitat and aesthetic values of the riparian feature by minimizing erosion, stabilizing the bank, minimizing nutrient flows into the water, shading the water to maintain low water temperatures, and screening man-made structures.

b) *Delineation of Natural Vegetation Zone:* The limits of the "natural vegetation zone" as used and defined in this Chapter is required to be accurately shown on all site plans, land division plans, subdivision plans (plats), site condominium plans, site plans for planned unit developments, and all applications for building permits submitted for review by Wayland Township.

Any such plans for sites on which is located any protected riparian area subject to these regulations shall include the following statement: "There shall be no clearing, grading, earth change, placement of fill, construction or disturbance of vegetation within the area labeled as being subject to the riparian area protection standards of the Wayland Township zoning regulations, except as permitted by Chapter 16 of the Wayland Township Zoning Regulations."

SECTION 16.04 DEVELOPMENT STANDARDS IN THE NATURAL VEGETATION ZONE

Land located within the natural vegetation zone shall be subject to the following development standards:

a) A dwelling unit or other principal building and any accessory buildings shall not be constructed within the natural vegetation zone except that the following structures may be permitted:
   1. Flood control or bank protection structures permitted or constructed by authorized state or federal agencies.
   2. Pedestrian or vehicular bridges when designed and constructed in a manner that minimizes impact on the riparian feature.
   3. Boardwalk access to or through wetlands when constructed in accordance with a permit issued by the Michigan Department of Environmental Quality.
   4. One pump house per lot housing a pump used for irrigation when setback at least 15 feet from the high water mark, and having maximum ground coverage of nine square feet.

b) On-site sanitary waste treatment systems are prohibited within the natural vegetation zone.

c) The area within the natural vegetation zone shall be kept in a predominantly natural condition. Clearing or removal of existing trees shrubs and groundcover shall be limited to the following:
   1. Removal of isolated diseased or dead trees and damaged trees that are in an unstable condition and that pose a safety hazard. The stumps and root structures of removed trees shall be left in place.
   2. Removal of noxious plants and shrubs, including poison ivy, poison sumac and poison oak and other plants regarded as common nuisance in Section 2, Public Act 359 of 1941 as amended and species that are recognized as highly invasive, as contained on a "List of Invasive Species" maintained on file in the office of the Township Clerk.
   3. Planting of native species that are contained on a "List of Native Species" maintained on file in the office of the Township Clerk is permitted.
   4. Limited removal of vegetation which complies with the following standards:
      i. Sufficient live root system and vegetation must be retained to provide for bank stabilization and erosion control, to encourage infiltration of runoff, and to provide shading of the water surface.
      ii. Existing vegetation between a height of three feet above the ground and the ground surface shall remain undisturbed and in a natural condition except as otherwise provided for herein.
      iii. Select pruning and removal of vegetation above a height of three feet shall be permitted.
      iv. Existing vegetation including an existing turf lawn may be removed, retained and/or managed, along, one or both sides of the riparian feature. Within this corridor a paved or unpaved trail or path with a maximum width of nine feet is permitted.
      v. Clearing which is required to construct the exempt structures permitted in Section 16.02, is permitted along with clearing necessary to construct public utilities or community sewer or water utilities provided the natural vegetation zone is allowed to return to its natural state.

d) *Prohibited activities:* The following activities are prohibited in the natural vegetation zone:
   1. Storage of motorized vehicles or petroleum products
   2. Storage or use of toxic or hazardous materials
   3. Storage of herbicides or pesticides
   4. Storage of fertilizer
   5. Placement of fill or dumping of any refuse
   6. Concentrated drainage flow by ditches, under drains or other similar systems.

7. Topsoil, sand and gravel extraction.

SECTION 16.05 PRINCIPAL STRUCTURE SETBACKS

a) *Minimum Principal Structure Setback:* A principal structure shall not be erected closer than 100 feet from the high water mark of the stream or contiguous wetland except as follows:
   1) Where a lot contains a steep bank as allowed by Section 16.05(b).
   2) Manufactured housing units which are to be placed on a parcel which is zoned R4, Mobile-Modular Park District as of the date of adoption of this Chapter 16 are exempt from the 100 feet setback requirement.
   3) A principal building to be erected on a vacant lot may be closer than 100 feet to the ordinary high water mark if it is demonstrated to the Zoning Administrator that compliance with this setback requirement would prohibit the construction of the principal structure. The reduction in the setback shall be the minimum necessary to construct the principal structure. The Zoning Administrator may refer such decision to the Planning Commission.

b) *Principal Structure exception for steep banks:* Where there is a steep stream bank, a principal structure (but not a septic system) may be constructed closer to the riparian feature according to the following schedule:

   Where the bank height, at the bluff, is (a) feet as measured in vertical feet from the high water mark, the principal structure may locate no closer than (b) horizontal feet from the bluff or the high water mark, whichever is greater:

Bank height (a)	**Setback from Bluff or high water mark (b)**
10	90
15	80
20	70
25	60

SECTION 16.06 EXISTING USES AND STRUCTURES

Those land uses, buildings and structures which existed before the effective date of this Chapter and which do not conform to the requirements of this Chapter shall be non-conforming and subject to the applicable non-conforming use provisions of this Ordinance. If a natural vegetation strip as regulated herein exists on a lot as of the effective date of this Chapter 16, it shall be subject to the regulations of this Chapter, but any regulations which are more restrictive than these shall prevail over this Chapter.

CHAPTER 17
SITE PLAN REVIEW

SECTION 17.01 PURPOSE

The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Township, to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance and achieve the purposes of the Wayland Township Master Plan.

SECTION 17.02 SITE PLAN REVIEW REQUIRED

A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

a) Planning Commission Review:
   1) Any new principal commercial, office, industrial, business, or institutional use or a residential use having more than a two family dwelling unit. Farm buildings as defined herein, in the Agricultural and Rural Preserve zoning districts, shall not require site plan review.
   2) An alteration of the building or property or change in the use of a building or property which results in the increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
   3) Special land uses and planned unit developments.
   4) All other uses requiring site plan approval as required by this Ordinance.

b) Staff Review: The following uses shall be reviewed by the Zoning Administrator, or the Township Planner and Township Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements. The Zoning Administrator may also refer such uses to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance.
   1) Expansion of an existing use or building which comprises less than 50 percent of the area of the existing building or use.
   2) Construction of a building which is accessory to the principal use or building.

      Review of site plans by the Zoning Administrator shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

      The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

SECTION 17.03 APPLICATION AND PROCEDURES

a) An application for site plan review along with 10 sets of the site plan shall be submitted to the Zoning Administrator in accordance with the submittal schedule established by the Planning Commission along with the fee as set by the Township Board. The application shall at a minimum contain the following information:
   1) The applicant's name, address and phone number.
   2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
   3) The name, address and phone number of the owner(s) of record if different than the applicant.
   4) The address of the property.
   5) Legal description of the property.
   6) Current zoning.
   7) Project description.
   8) Size of the parcel in acres.
   9) Signature of the applicant and owner of the property.

SECTION 17.04 PRELIMINARY SITE PLAN REVIEW

a) If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which might be necessary for final site plan approval.
b) Applications for preliminary site plan review shall be made in accordance with the application procedures of this section.
c) Upon receipt of the preliminary site plan and application, the Zoning Administrator may forward copies to the Township Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission. The Zoning Administrator shall send the application and site plan to members of the Planning Commission prior to the meeting at which it will be considered.
d) The preliminary site plan shall be drawn at a scale of not more than one inch equals 100 feet and shall contain the following information unless specifically waived by the Planning Commission.

   1) Existing adjacent streets and proposed streets, public or private, as well as development within 100 feet of the site.
   2) Parking lots and access points.
   3) Proposed buffer strips or screening.
   4) Significant natural features and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural features.
   5) Existing and proposed buildings.
   6) General topographical features including existing contour intervals not greater than ten feet.
   7) Proposed method of providing public or private utilities including stormwater drainage.
   8) Small scale sketch of properties, streets, and zoned uses of land within one-half mile of the site.
e) The Planning Commission shall review the preliminary site plan and may make recommendations to assist the applicant in preparing a final site plan which will conform to the standards of this Ordinance.

SECTION 17.05 FINAL SITE PLAN REVIEW

a) If desired by the applicant, a final site plan may be submitted for review without first receiving preliminary site plan approval. Application for final site plan review shall be made in accordance with the application procedures of this section and shall be reviewed in accordance with the same procedures for preliminary site plans.

b) Final site plans shall be drawn at a scale of not more than one inch to 100 feet and shall contain the following information 3 unless specifically waived by the Planning Commission:

1) The date on which the site plan was prepared.
2) The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.
3) A north arrow and legal description based upon the most current survey.
4) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
5) Existing and proposed topographic elevations at two-feet intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
6) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
7) Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage and finished floor elevation of each building.
8) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
9) Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drainfields, and utility easements.
10) Location and type of all sidewalks, bike paths, and other walkways.
11) Location, type and size of any walls, fences or other screening devices.
12) Location of all proposed landscape materials, including size and type of plantings.
13) Location, size and height of all proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, and methods of screening, and existing and proposed utility poles. Roof top or outdoor equipment shall also be indicated, including proposed methods of screening where appropriate.
14) Proposed parking areas and access drives showing the number and dimensions of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.
15) Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways.
16) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site must be illustrated.
17) Location of existing and proposed slopes which are 20 percent or greater.
18) Zoning and land use on adjacent properties.
19) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or by state or federal agencies.

20) The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of the site.
21) Small-scale sketch of properties, streets and zoned uses of land within one-half mile of the site.
22) (Ord 02-2008 Eff 12-15-08) Identification of the limits of any required "natural vegetation zone" adjacent to a riparian feature, as established by the riparian area protection standards contained in Chapter 16.

c) The final site plan for developments which have been proposed in phases shall generally conform to the approved preliminary plan.

d) The Planning Commission may require written statements relative to the effects of the proposed use on the traffic capacity and safety of existing streets, and the proposed development's impact on schools, existing utilities, the environment and natural features.

In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

e) (Ord 03-2008 Eff 12-15-08) As part of its review the Planning Commission may require that an analysis of the site be performed to determine if any environmental contamination exists on the site from farm activities or any other previous use of the land which may pose a health or safety risk to potential users of the site. The site analysis shall be performed by a professional firm or individual experienced in such analysis as selected by the Planning Commission. The cost for the analysis shall be borne by the applicant through the Township escrow account established by Township Board resolution for land development review.

SECTION 17.06 FINAL SITE PLAN APPROVAL

a) The Planning Commission shall review the final site plan according to the general standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny, or approve with conditions the final site plan.

If approved, the applicant shall revise the site plan as necessary and submit the final site plan to the Zoning Administrator, Planner, Engineer, Fire Chief or others as necessary to ensure that all revisions as required by the Planning Commission have been made.

b) Upon approval of the final site plan, three copies of this plan shall be approved, dated, and signed by the Chair of the Planning Commission. One copy of the approved plan shall be retained by the applicant, one shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Clerk.

SECTION 17.07 STANDARDS FOR APPROVAL

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this section or in other Township ordinances are met, the site plan shall be approved.

a) The site shall be designed to minimize or avoid conflicting and unsafe vehicle turning movements on the site and at driveways serving the site; avoid driver sight obstructions and provide for vehicle access between adjoining parcels where practicable.

b) Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the Township's landscape provisions.
c) All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
d) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
e) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
f) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
g) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
h) A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.
i) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a condition appropriate to the traffic volume and type of traffic they will carry.
j) Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Provisions shall be made to accommodate storm water, prevent erosion particularly during construction, and prevent the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
k) Exterior lighting shall be arranged so that illumination is deflected downward and away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Flashing or intermittent lights shall not be permitted. Excessive lighting of buildings or structures shall be minimized to reduce light pollution.
l) All loading and unloading areas and outside storage areas including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height. The finished side of any wall, fence or other screen shall face adjacent properties.
m) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or any occupancy permit is granted.

SECTION 17.08 CONDITIONS OF APPROVAL

a) As part of an approval to any site plan, the Planning Commission, as applicable, may impose any

b) additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of Section 17.07 are met.
c) The Planning Commission shall have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.
d) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership.
e) A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as part of the minutes of the Planning Commission.
f) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

SECTION 17.09 VALIDITY OF FINAL SITE PLANS

a) Approval of the final site plan is valid for a period of not longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be voided.
b) Upon written application, filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

SECTION 17.10 PERFORMANCE GUARANTEE

The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein. In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official. Furthermore, the Planning Commission may recommend to the Township Board the rebate or refund of a proportionate share of a cash bond.

SECTION 17.11 AMENDMENTS TO APPROVED SITE PLAN

a) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
b) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the

Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

1) Reduction of the size of any building and/or sign.
2) Movement of buildings and/or signs by no more than 10 feet.
3) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
4) Changes in floor plans which do not alter the character of the use.
5) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
6) Changes required or requested by the Township for safety reasons.
7) Changes which will preserve the natural features of the site without changing the basic site layout.
8) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health.

   The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

CHAPTER 18
SPECIAL LAND USES

SECTION 18.01 PURPOSE OF SPECIAL LAND USES

Uses allowed only by special land use permit have been identified as those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests for special land uses, and for placing conditions upon such permits.

SECTION 18.02 SPECIAL LAND USE PROCEDURE

Application for a special land use permit shall be submitted and processed under the following procedures:

a) An application shall be submitted to the Township offices on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by resolution of the Township Board.
b) Site Plan Requirement: Applications for a special land use permit shall also be accompanied by ten copies of a site plan which shall contain the information for final site plans required by Chapter 17 herein. The application materials shall then be forwarded to the Planning Commission.
c) Additional Information: The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include, but shall not be limited to, utility systems plan, traffic impact analysis, environmental impact statement, an economic analysis justifying the need for a proposed commercial use or uses, impact on public utilities and services and affect on the public school system (Ord No. 1: Eff 2-26-07).
d) As part of its review the Planning Commission may require that an analysis of the site be performed to determine if any environmental contamination exists on the site from farm activities or any other previous use of the land which may pose a health or safety risk to potential users of the site. The site analysis shall be performed by a professional firm or individual experienced in such analysis as selected by the Planning Commission. The cost for the analysis shall be borne by the applicant through the Township escrow account established by Township Board resolution for land development review.
e) Public Hearing. Prior to making a decision on a special land use request, the Planning Commission shall hold a public hearing. Notice of the hearing shall be as required in Section 24.11 herein.

SECTION 18.03 GENERAL STANDARDS

To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this ordinance for specific special land uses:

a) The special land use shall be established, laid out and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof.

b) The special land use must not have a substantial adverse effect on water and sewer services, stormwater drainage, road capacity and volume of traffic and traffic safety and circulation.
c) The special land use must not have an adverse effect on police and fire services and other public safety and emergency services.
d) The special land use must not have an adverse effect on the need and demand for other public services.
e) The special land use must not have a significant adverse effect on the natural environment of the site and nearby properties.
f) The special land use must be consistent with the intent and purposes of this ordinance and the Wayland Township Master Plan.

SECTION 18.04 DECISION

The Planning Commission shall deny, approve or approve with conditions a request for a special land use. The decision shall be incorporated in the minutes or in a separate statement containing the conclusions relative to the special land use under consideration specifying the basis for the decision and any conditions imposed.

SECTION 18.05 CONDITIONS OF APPROVAL

The Planning Commission may impose reasonable conditions on the approval of a special land use. Said conditions shall meet the following requirements:

a) Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.
b) Be designed to insure that said use is compatible with adjacent land uses and activities.
c) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
d) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
e) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
f) The conditions imposed with respect to the approval of a special land use shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

SECTION 18.06 EXPIRATION OR PERMIT (Ord.01-2016 Eff. 01-28-16)

A special land use permit shall expire one year after it is granted, unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request by the applicant, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.

If a use authorized by a Special Land Use permit ceases for a period of two consecutive years the Special

Land Use permit shall be considered to be voided and the use shall not be re-established except in accordance with the procedures of Section 18.02 herein. The cessation of the Special Land Use activity shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to: the establishment of a different use on the property; removal of any signs pertaining to the Special Land Use; removal, replacement or demolition of the building containing the Special Land Use; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the Special Land Use.

SECTION 18.07 AMENDMENT TO AN APPROVED SPECIAL LAND USE (Ord.01-2016 Eff. 01-28-16)

Any person or agency owning or operating land for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved use and site plan. Any proposed change to the conditions that were attached to the approval of the Special Land Use or any proposed change to the Special Land Use itself shall be reviewed by the Planning Commission, which shall determine if the proposed changes constitute a major or minor change.

A major change is defined as a change in the conditions of approval or the Special Land Use which would substantially alter the intensity of the use of the property so as to call into question compliance with the Special Land Use approval standards of Section 18.3 herein.

Examples of a major change may include but are not limited to: a significant increase in the hours of operation, a significant expansion of the land area devoted to outdoor activity, a significant increase in the number of items displayed or stored outdoors, an increase in the intensity of the use which would significantly increase traffic volumes, a significant change in the number of parking spaces or major alteration of the on–site traffic circulation pattern, the addition of one or more driveways or a change in the conditions of approval which may result in a significant adverse impact on nearby residents or property.

In addition, a major change would also include expanding the land area that was approved for the existing Special Land Use or expanding the building containing the use if such expansion would increase the intensity of the use.

Any major change shall be considered in the same manner as set forth in Section 18.2 of this Ordinance. A minor change requested for a Special Land Use may be approved by the Planning Commission without a public hearing.

SECTION 18.08 REVOCATION OF PERMIT

If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit will be revoked within 15 days of such notification. If said violation is not corrected with 15 days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared to be a violation of the zoning

ordinance, subject to all of the remedies and penalties provided for in this ordinance.

SECTION 18.09 STANDARDS FOR SPECIFIC SPECIAL LAND USES

The following requirements shall apply to the specific Special Land Uses listed below in addition to the General Standards of this Chapter.

a) Design and Operational Standards for Group Child Care Homes and Adult Day Care Home (Ord. 01-2013 Eff. 11-09-13)
   1) A group child care home and an adult day care home shall not be closer than 1500 feet to: another licensed group child care home; another adult day care home, an adult foster care small or large group home licensed under the adult foster care licensing act, PA 218 of 1979 as amended; a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, PA 368 of 1978 as amended; a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
   2) Any outdoor play or recreation areas shall not be located within the required front yard setback area and shall be the minimum area required by state law.
   3) All outdoor play and recreation areas shall be enclosed by a fence that is at least 48 inches high and complies with the applicable regulations for fences as required by this Zoning Ordinance.
   4) One off-street parking space shall be provided for each non-family employee of the group child care home or adult day care home in addition to parking normally required for the residence. A driveway may be used to fulfill this requirement.
   5) Hours of operation shall not exceed 16 hours in a 24-hour period. Outdoor activities pertaining to the day care operation shall not take place between the hours of 10:00 pm and 6:00 am.
   6) Group child care homes and adult day care homes shall only be permitted in a safe environment. Such environment, both on the premises and adjacent to such property, shall be free from nuisance or hazardous conditions that would place the children's or adult's health or safety at risk. Such conditions might include but are not limited to bodies of water, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or similar conditions and activities.
   7) As a condition of approval, the Planning Commission may require conditions or site improvements as necessary to ensure the health and safety of children and adults and to ensure compatibility with neighboring uses and properties.
   8) Group child care homes and adult day care homes shall not result in a detrimental change to the essential residential character of the neighborhood in which it is to be located, nor shall it result in an unreasonable nuisance condition to residents of the neighborhood in which it is to be located. In determining whether potential for an unreasonable nuisance situation exists, the Planning Commission shall evaluate the following factors:
      i. Traffic volumes to be generated into the neighborhood once the group child care home or adult day care home is in operation;
      ii. Adequacy of parking or drop-off sites; and
      iii. Presence of other group child day care homes, adult day care homes or similar uses in the immediate area, and any complaints on record regarding the same uses.

b) Biofuel Production Facility Standards: In addition to the requirements for a Special Land Use as set forth in Chapter 18 herein a biofuel production facility is subject to the following:

1) The application materials shall include a description of the process to be used to produce biofuel and the number of gallons of biofuel anticipated to be produced annually.
2) An emergency access and fire protection plan shall be prepared by the applicant for approval by the City of Wayland Fire Department and the Allegan County Sheriff Department.
3) For an ethanol production facility that will produce more than 10,000 proof gallons, annually completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.

c) A Special Land Use approval of a biofuel production facility shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
1) Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable laws of Wayland Township, the State of Michigan and the federal government;
2) The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
   i. Air pollution emissions.
   ii. Transportation of biofuel or additional products resulting from biofuel production.
   iii. Use or reuse of additional products resulting from biofuel production.
   iv. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
   v. The biofuel production facility includes sufficient storage for both raw materials and fuel.

CHAPTER 19
SITE CONDOMINIUMS

(REVISED AS ORDINANCE 1: 07-01-02)

SECTION 19.01 PURPOSE AND SCOPE

Site condominiums are developments by a land division in which each condominium unit consists of an area of land and a volume of air space within which a building or other improvements may be constructed. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself,, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominiums may also include general common elements consisting of common open space, recreational areas, streets, and other areas and amenities available for use by all owners of condominium units within the development.

This chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium plans to ensure that site condominiums comply with this Ordinance and other applicable Township ordinances.

SECTION 19.02 DEFINITIONS

For purposes of this chapter, the following words and phrases are defined as follows:

a) *"Building envelope"* means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the areas of each condominium unit within which the dwelling and any accessory structures may be built.

b) *"Building site"* means either:
   1) The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope; or
   2) The area within the condominium unit, taken together with any contiguous and appurtenant limited common element.

   For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitations, height, area, yard, and density requirements) or with other applicable laws, ordinance or regulations, a "building site" shall be considered to be the equivalent of a "lot."

c) *"Condominium Act"* means Public Act 59 of 1978, as amended.

d) *"Limited common element"* means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the exclusive use of the owner or co-owners of a specific unit or units.

e) *"Site condominium development"* means a plan or development consisting of not less than two site condominium units established in compliance with the Condominium Act.
f) *"Site condominium development plan"* means the plans, drawings and information prepared for a site condominium development as required by Section 66 of the Condominium Act and as required by this chapter for review of the development by the Planning Commission and the Township Board.
g) *"Site condominium unit"* means a condominium unit established in compliance with the Condominium Act which consists of that portion of the condominium project designed and intended for separate ownership and use.

Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meaning given to them in the Condominium Act: "common elements"; "condominium documents"; "condominium unit"; "contractible condominium"; "convertible area"; "expandable condominium"; "general common elements"; and "master deed."

SECTION 19.03 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION
(Amended as Ordinance No.1: Eff. 2-26-07)

a) Prior to final review and approval of a site condominium development plan by the Township Board, a preliminary site condominium development plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this chapter. Such review shall take place following a public hearing by the Planning Commission on the preliminary plan**.** Notice of the hearing shall be as required in Section 24.11 herein.
b) Application for review and approval of a site condominium development plan shall be initiated by submitting to the Township Clerk:
   1) A minimum of 10 copies of a preliminary site condominium development plan which complies with the requirements of Section 2.02 of the Township Subdivision Ordinance; and
   2) An application fee in accordance with the fee schedule established by resolution of the Township Board.
c) The Planning Commission shall review the preliminary site condominium development plan in accordance with the standards and requirements contained in Article IV of the Township Subdivision Ordinance. All of the requirements for plats, as set forth in said Article IV, shall be requirements for site condominium developments. In addition, the following standards and requirements shall apply:
   1) In its review of a site condominium development plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development layout and design, or other aspects of the proposed development.
   2) The building site for each site condominium unit shall comply with all applicable provisions of this ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height.
   3) All private streets in a site condominium development shall be developed as required by the Township Private Road Ordinance.
   4) If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within

the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Allegan County Department of Health and the Township in accordance with applicable standards.

5) The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Allegan County Health Department, Allegan County Road Commission, Allegan County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies where approval is required by law over any aspect of the proposed site condominium development.
6) (Ord 03-2008 Eff 12-15-08) As part of its review the Planning Commission may require that an analysis of the site be performed to determine if any environmental contamination exists on the site from farm activities or any other previous use of the land which may pose a health or safety risk to potential users of the site. The site analysis shall be performed by a professional firm or individual experienced in such analysis as selected by the Planning Commission. The cost for the analysis shall be borne by the applicant through the Township escrow account established by Township Board resolution for land development review.

SECTION 19.04 PLANNING COMMISSION RECOMMENDATION

After reviewing the preliminary site condominium development plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium development, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

SECTION 19.05 REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD

a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of 10 copies of a final site condominium development plan which complies with the requirements of this section and of Section 2.02 of the Township Subdivision Ordinance. All of the requirements for plats, as set forth in said Article IV, shall be requirements for site condominium developments. The Township Clerk shall forward the copies of the final plan to the Township Board.
b) The final site condominium plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission prior to approval of the plan by the Township Board.
c) After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements provided by Article IV of the Township Subdivision Ordinance and other applicable

procedures, standards and requirements provided by this chapter.

d) As a condition of approval of a final site condominium development plan the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium development for which approval is sought to be deposited with the Township.

SECTION 19.06 CONTENTS OF SITE CONDOMINIUM PROJECT PLANS

A condominium development plan shall include the documents and information required by Section 66 of the Condominium Act and by Section 2.02 of the Township Subdivision Ordinance and shall also include the following:

a) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
b) A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
c) A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
d) A street construction, paving and maintenance plan for all private streets within the proposed condominium development and maintenance plans for stormwater detention or retention areas and all other general common elements.

SECTION 19.07 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM DEVELOPMENT PLAN

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium development except in compliance with a final site condominium development plan as approved by the Township Board, including any conditions of approval.

SECTION 19.08 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS

No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium development may be occupied or used until all required improvements have been completed and all necessary utilities installed.

SECTION 19.09 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS

Approval of a final site condominium development plan shall not constitute approval of expandable or convertible portions of a site condominium development unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

SECTION 19.10 CHANGES TO APPROVED PLAN

Any change proposed in connection with a development for which a final site condominium plan has previously been approved shall be regulated by this section.

The following definitions shall apply:

a) *"Exempt change"* means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:
   1) a change in the name of the development; in the name of a street within the development; or in the name of the developer;
   2) a change in the voting rights of co-owners or mortgagees; or
   3) any other change in the site condominium development which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a development which is subject to regulation under the Zoning Ordinance.

b) *"Major change"* means a major change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that could result in:
   1) an increase in the number of site condominium units;
   2) any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.

c) *"Minor change"* means a minor change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that will result in:
   1) a decrease in the number of site condominium units;
   2) a reduction in the area of the building site for any site condominium unit;
   3) a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
   4) a reduction in the total combined area of all limited common elements of the site condominium;
   5) a change in the name of a street within the development;
   6) any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.

   Any change which constitutes a major change shall be reviewed by the Planning Commission, at a public hearing and with the notice required for an original approval of a site condominium development, and shall also be reviewed and approved by the Township Board, as provided in this chapter for the original review and approval of preliminary and final plans.

Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, in conjunction with the chairperson of the Planning Commission. In the discretion of the Administrator and chairperson, any such minor change may be reviewed and approved by the planning commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise

provided in this chapter for an original approval.

Any change which constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the exempt changes shall be filed with the township clerk.

SECTION 19.11 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED

All provisions of a final site condominium development plan which are approved by the Township Board as provided by this chapter shall be incorporated by reference in the master deed for the site condominium project. Further, all major changes to a development shall be incorporated by reference in the master deed. A copy of the master deed as recorded with the Allegan County Register of Deeds shall be provided to the Township within 10 days after recording.

For properties affected by the Riparian Area Protection Overlay Zone as delineated on the Official Zoning Map of Wayland Township, master deed provisions and restrictive covenants shall include the following statement: "There shall be no clearing, grading, placement of fill, construction or disturbance of vegetation within any lot (unit), out-lot, park or common area labeled "natural vegetation zone" as it appears on the exhibit drawings of this development except as permitted by Chapter 16 of the Wayland Township Zoning Ordinance." (Ord 02-2008 Eff 12-15-08)

SECTION 19.12 COMMENCEMENT OF CONSTRUCTION

Construction of an approved site condominium development shall commence within two years after such approval and be diligently pursued to completion in accordance with the terms and conditions of the approval. Such two-year period may be extended by the Township Board in its discretion, for additional periods of time as determined appropriate by the Board. Any such extension shall be applied for by the applicant within such two-year period.

SECTION 19.13 VARIANCES

A variance from the provisions of this chapter may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this chapter is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the Township Board, after recommendation by the Planning Commission, may permit a variance or variances which are reasonable and within the general policies and purposes of this chapter. The Planning Commission and Township Board may attach conditions to the variance.

CHAPTER 20
OFF STREET PARKING

(Ord. No. 01-2-10: Eff. 5-03-10)

SECTION 20.01 PURPOSE

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and nonresidential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

SECTION 20.02 SCOPE

a) At the time any building or structure is erected, enlarged, or increased in capacity, or when any use is established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Chapter.
b) No parking or loading area or space which exists at the time of the adoption of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Chapter.

SECTION 20.03 LOCATION OF PARKING AREAS

a) For all residential uses, and non-residential uses in residential districts, the number of parking spaces required by this Chapter shall be located on the same lot or parcel as the dwelling units served. For purposes of this Section adjoining lots or lots separated by a public or private street if such lots are under the same ownership then they shall be considered as one lot.
b) For all other uses, the number of parking spaces required by this Chapter shall be located on the same lot, or lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.
c) Parking areas must be located in the same zoning district as the property it serves.

SECTION 20.04 GENERAL REQUIREMENTS

a) *Definitions*: For purposes of determining off street parking requirements the following definitions shall apply:
b) Gross Floor Area - The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes such as the outdoor sale of merchandise or seating for a restaurant.
c) Usable Floor Area - That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable area for a building shall include the sum of the

usable floor area for all floors.

d) Parking Area - For purpose of this chapter, parking area shall include the space where vehicles are parked, as well as access aisles, driveways, and loading and unloading areas.

e) *Units of Measurement*
   1) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
   2) When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.

f) *Shared Parking and Mixed Occupancy*
   1) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
   2) Joint or collective provision of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission may approve a lesser parking requirement for such uses if evidence of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission.

g) *Parking Requirements for Uses Not Listed*: The minimum parking space requirements for all uses shall be as listed in Section 20.7. For uses not specifically listed in Section 20.7, the Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use which is listed in Section 20.7. The Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

h) *Maximum Amount of Parking:* In order to minimize excess areas of pavement which result in adverse aesthetic impacts and contribute to high rates of storm-water runoff, off-street parking lots exceeding the minimum parking space requirements by greater than 20 percent shall be prohibited, unless the applicant can demonstrate that additional parking is necessary to the operation of the proposed use.

   Factors to be considered in such demonstration shall include but need not be limited to the type of use proposed, examples of similar uses requiring such additional parking and whether such additional parking is for seasonal or peak periods only.

i) *Conformance to Parking Plan:* Once a parking area has been approved as part of an approved site plan the owners, operators, or tenants shall conform at all times to the requirements of the approved plan including maintaining the parking lot in good working order and appearance.

j) *Existing Parking Lots:* Parking areas which are in existence as of the date of adoption of this chapter shall be considered legal non-conforming uses if lawfully approved under the previous regulations. Any expansion of such existing parking areas shall conform to the requirements of this Chapter.

k) *Permit Required:* A zoning permit must be obtained from the Zoning Administrator before an off street parking area is enlarged or re-constructed. The applicant shall provide a site plan to the Zoning Administrator who shall review it for compliance with the site plan requirements of this Ordinance. The Zoning Administrator may refer the site plan to the Planning Commission for review and approval. Parking lots which are only being repaved or which were part of a site plan already approved by the Planning Commission are exempt from this requirement.

l) *Landscaping*: Landscaping for off street parking lots shall be provided as required by Section 3.44

herein.

SECTION 20.5 DESIGN, LOCATION, AND CONSTRUCTION REQUIREMENTS

The following regulations shall apply to all uses except one and two family dwellings and farm operations.

a) *Parking Lot Surface and Drainage*
   1) For required parking lots in all zoning districts, except those in the C1, C2, Industrial and Mixed Use Zones, which provide more than 10 parking spaces and which are located on a parcel with frontage on a paved road and with driveway access to a paved road the parking lot and all drives and driveways serving the parking lot shall be surfaced with asphalt or concrete pavement. For such parking lots which provide 10 or fewer spaces the parking lot shall, at a minimum, be surfaced with crushed stone, gravel or similar durable dustless material.
   2) For required parking lots in the C1, C2, Industrial and Mixed Use Zone the parking lot and all drives and driveways serving the parking lot shall be surfaced with asphalt or concrete pavement.
   3) For required parking lots in the Agricultural Zone which are located on a parcel which fronts on a gravel road the parking lot need not be paved but if not paved shall be surfaced with crushed stone, gravel or similar durable dustless material.
   4) All parking lots shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.
   5) The Planning Commission may approve alternate parking lot surfaces which are dustless and which allow for stormwater drainage directly through the parking surface or other similar surface.
   6) In order to reduce the amount of impervious surface and the corresponding storm water runoff and reduce heat given off by paved surfaces, the Planning Commission may approve alternate parking lot surfaces for overflow parking, or employee parking, or parking or maneuvering areas devoted to loading activities or parking for trucks or similar heavy equipment. Such surface may include but shall not be limited to gravel, crushed stone, or products which are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces or similar dustless material.

b) *Lighting*: Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining residential properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within 150 feet of any residential area shall not exceed 20 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff.

c) *Parking Lot Setback*: All off-street parking areas, except those serving residential dwellings with less than five dwelling units, shall be set back a minimum of 5 feet from the rear and side lot lines, and a minimum of 10 feet from the front lot line.

   The Planning Commission may approve a setback of less than 10 feet if the minimum number of parking spaces required by the Zoning Ordinance for the proposed use is no more than 10 or if the applicant can demonstrate that there is insufficient space on site to provide the 10 feet setback and still allow for the efficient operation of the proposed use. In approving a lesser setback, the Commission may require additional landscaping.

   The Planning Commission may also permit parking aisles or vehicle maneuvering areas to encroach

within the required parking setback and may require additional screening or landscaping.

d) *Traffic Islands*: Parking areas shall be designed to delineate access aisles or drives and to provide drivers proper sight distance at the end of parking rows where such rows intersect access aisles or drive. The Planning Commission may require traffic islands, striped pavement or other methods to achieve this.

e) *Pedestrian Protection*: Parking lots shall be designed to limit the number of points where pedestrians must cross in front of vehicles. In particular, vehicle access in front of building entrances and exits should be minimized. Landscaped pedestrian walkways to and from parking areas may be required to enhance pedestrian safety.

f) *Screening of Parking Area:* Where off-street parking areas for non-residential uses abut residentially zoned property, a greenbelt not less than 15 feet wide shall be provided between the parking area and the residentially zoned property. The greenbelt shall be landscaped according to the landscape requirements of Section 3.44 of this Ordinance.

g) *Driveways:* Driveways serving off-street non-residential parking areas shall be at least 20 feet from any residentially zoned property or a residential use such as a single family dwelling. Such driveways shall be a minimum of 24 feet wide for two way traffic and a minimum of 13 feet wide for one way traffic.

h) *Snow Storage:* Snow shall not be stored in areas with plantings or where it may create visibility problems for drivers or pedestrians.

i) *Uses Not Permitted:* Off-street parking areas shall not be used for repair, dismantling or servicing of motor vehicles.

j) All off street parking areas that make it necessary for vehicles to back out directly into a public street shall be prohibited except that this prohibition shall not apply to one and two family dwellings.

SECTION 20.06 SIZE OF PARKING SPACE AND AISLE

Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 1 below.

TABLE 1
MINIMUM STANDARDS FOR SIZE OR PARKING AISLES AND DRIVEWAYS

Parking Angle	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	9 feet	22 feet	30 feet	40 feet
Up to 74°	13 feet	22 feet	9 feet	18 feet	49 feet	58 feet
75° to 90°	16 feet	24 feet	9 feet	18 feet	52 feet	60 feet

SECTION 20.07 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Each use shall provide spaces in conformance with the following schedule of requirements:

Use	Number of Motor Vehicle Parking Spaces Required per Unit of Measure
a) *RESIDENTIAL*	
1) Single family, two family, or multiple family with three or more bedrooms.	Two for each dwelling unit.
2) Multiple family and attached dwellings with one or two bedrooms.	Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit.
3) Efficiencies	One for each dwelling unit.
4) Mobile Home Parks	Two for each mobile home or mobile home site.
5) Senior housing or retirement communities.	One for each dwelling unit plus one per employee
6) Assisted living and congregate care facilities.	One for each three dwelling units plus one per employee
7) Bed and breakfast, boarding houses.	One for each guest room plus two for the dwelling unit.
b) *INSTITUTIONAL/PUBLIC ASSEMBLY*	
1) Churches, temples, mosques, synagogues, or similar types of facilities.	One space per each four seats in the worship room.
2) Hospitals.	One for each four beds plus one for each staff doctor, plus one for each two employees other than doctors.
3) Outpatient care stations.	Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.
4) Child Care Centers.	One space for every four children of licensed capacity, plus one space for each employee.
5) Elementary, junior high, middle schools.	Two spaces per classroom, plus one space for each three seats of maximum seating capacity for

	that indoor place of assembly having the greatest seating capacity or .12 spaces per student whichever is greater
6) High schools, trade schools	0.25 spaces per student
7) Private club and lodges.	One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.
8) Auditoriums (non-school), stadiums, and sports arenas.	One space per each three seats.
9) Conference rooms, exhibit halls, halls, ballrooms, civic clubs, or similar places of assembly without fixed seats whether public or private.	One space per each four persons allowed within the banquet maximum occupancy load as determined by the Township building or fire codes.
10) Libraries, museums, and non-commercial art galleries.	One parking space per 400 square feet of gross floor area.
c) *OFFICES*	
1) Medical/dental clinics or offices.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
2) General office buildings.	Three spaces per 1000 square feet of gross floor area. A minimum of four spaces shall be required.
3) Banks, credit unions, or savings and loans.	Four spaces per 1,000 square feet of gross floor area, plus four on-site waiting spaces for each drive up window or drive through automatic teller.
d) *RETAIL AND SERVICES USE*	
1) Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet.	Four spaces per 1,000 square feet of usable floor area.
2) Retail centers containing between 400,000 and 600,000 square feet.	Four and one-half spaces per 1,000 square feet of usable floor area.
3) Retail centers containing greater than 600,000 square feet.	Five spaces per 1,000 square feet of usable floor area.

4) Other retail uses not otherwise specified herein.	One space per 200 square feet of usable floor area plus one per employee.
5) Supermarkets and grocery stores.	One space per 200 square feet of usable floor area.
6) Personal service establishments not otherwise provided herein.	One space per each 300 square feet of usable floor area plus one per employee.
7) Appliance stores.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
8) Automobile service stations.	Two parking spaces per each service bay, plus one per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space.
9) Vehicle wash establishments (automatic).	One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit.
10) Vehicle wash establishments (self-service or "touchless" facilities).	One parking space per each employee, plus two on-site waiting spaces at each wash-bay entrance.
11) Barber shops, beauty salons.	Two for each barber or beauty operator chair/station plus one for every two employees.
12) Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area.	Two spaces per 1000 square feet of gross floor area plus one for each employee.
13) Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area.	Three spaces per 1,000 square feet of gross floor area plus one for each employee.
14) Convenience stores.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
15) Dry cleaners.	Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
16) Funeral homes and mortuaries.	One space per 50 square feet of parlor and chapel areas.

17) Furniture, carpet, and home furnishing stores.	One space per 800 square feet of usable floor area.
18) Hotel, motel, or other commercial lodging establishment.	One space for each guest room, plus one for each two employees.
19) Laundromats.	One space per each three washing machines.
20) Mini-storage houses/warehouses.	Six spaces.
21) Motor vehicle dealerships.	One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required.
22) Quick oil change establishments.	Two spaces per bay plus one per each employee.
23) Recreational vehicle and boat dealerships.	One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.
24) Restaurants that serve non-fast food and have no drive-through window.	Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.
25) Restaurants that serve mostly take out, with six or less booths or tables.	Six spaces plus one for each employee.
26) Restaurants that serve fast food and have no drive through window.	Eight spaces per 1,000 square feet of gross floor area.
27) Restaurants that serve fast food and have a drive through window and indoor seating.	Ten spaces per 1,000 square feet of gross floor area, plus three designated drive through waiting spaces.
28) Pharmacies with or without a drive-up window	Two and one half spaces per 1000 square feet of gross floor area.
29) Video rental stores.	Three spaces per each 100 square feet of gross floor area plus one per each employee.
30) Service companies doing repair.	Two spaces per 1,000 square feet of work gross floor area. A minimum of five spaces shall be required.

e) ***RECREATIONAL ENTERTAINMENT***

1) Arcades.	One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.
2) Batting cage facilities.	Three spaces per cage.
3) Bowling centers.	Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc.
4) Golf driving ranges.	One and one-half spaces per tee.
5) Golf courses, miniature.	One and one-half spaces per each hole.
6) Golf courses, par-three.	Three spaces per hole.
7) Golf courses.	Five spaces per hole.
8) Health fitness centers.	Five spaces per 1,000 square feet of gross floor area.
9) Movie theaters.	One space per each four seats.
10) Racquetball and tennis centers.	Five spaces per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.
11) Public recreation centers.	Five spaces per 1,000 square feet of gross floor area.
12) Roller/ice skating rink.	Six spaces per 1,000 square feet of gross floor area.

f) ***INDUSTRIAL USES***

1) Manufacturing, light industrial, and research establishments and other industrial uses not otherwise specified herein.	One and one-half parking space per 1,000 square feet of gross floor area.
2) Wholesale, warehouses, or distribution facilities, and trucking terminals.	One half parking space per each 1,000 square feet of gross floor area or one per employee whichever is greater.

g) *Required Parking Variation:* In order to avoid excessive amounts of impervious surface and to allow for an opportunity to provide parking which meets the demonstrated needs of a proposed use, the

Planning Commission may approve a development which provides less than the minimum number of parking spaces required herein according to the following requirements:

1) The applicant must provide written evidence to the Planning Commission that the parking proposed on the site for the use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift.

   Such evidence may consist of: arrangements for nearby shared parking; evidence that the proposed use will also be patronized by pedestrians or by those using bus service or; evidence from the parking history of the proposed use or a use similar to the proposed use at other locations or; that there is sufficient space on the site for the required parking to be provided if it becomes necessary at a later time.
2) If a plan is approved to allow fewer parking spaces than required by Section 20.07 (g)(1) above such parking plan shall only apply to the stated use. Any other use shall comply with the requirements of Section 20.07 before an occupancy permit is issued or such use shall first obtain approval from the Planning Commission in accordance with Section 20.07 (g)(1) above before an occupancy permit is issued.

SECTION 20.08 BARRIER FREE PARKING AND DESIGN REQUIREMENTS

1) Barrier free parking shall be provided as follows:

Total Parking in Lot	Minimum Number of Accessible Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
401 to 700	14
701 to 1,000	1 per 50 spaces provided or fraction thereof
Over 1,000	20 plus 1 per 100 over 1,000 or fraction thereof

2) Requirements for barrier free parking spaces, curb, ramps, and signs shall be as required by the Township Building Code and the Michigan Barrier Free Rules.

SECTION 20.09 OFF-STREET LOADING REQUIREMENTS

a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
b) Required loading spaces shall not be included in the count of off-street parking spaces.
c) Loading spaces shall not use any portion of any public right-of-way.
d) Maneuvering space for trucks using the loading spaces shall be provided on-premise, and shall not necessitate the use of public right-of-way.

e) Loading spaces shall be a minimum of 200 feet from the front lot line as measured to the loading dock. This shall apply to both front yards on each street side of a corner lot.
f) The design, location, and screening of off-street loading areas shall be reviewed at the time of Site-Plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.
g) Off-street loading spaces shall be no closer than 50 feet to any Residential Zone unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.

CHAPTER 21
SIGNS

(Ord.No.01-2012 Eff. 9-22-12;Ord. 15-2016. Eff. 11-24-16)

SECTION 21.01 PURPOSE & INTENT

This chapter is intended to regulate the size, number, location and manner of display of signs in Wayland Township in a manner consistent with the following purposes.

a) To protect and further the health, safety and welfare of residents, property owners and visitors.
b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
c) To conserve and enhance community character.
d) To promote uniformity in the size, number or placement of signs within districts.
e) To promote the economic viability of commercial areas by minimizing visual clutter, and allowing for proper placement of signs to safely direct motorists to their destination.
f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communication.
g) It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
h) The purpose of this ordinance does not include the regulation of the content or any information included on the sign.

SECTION 21.02 DEFINITIONS

Abandoned sign: A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found

Balloon Sign: (See inflatable sign)

Banner Sign: A portable sign of fabric, nylon, plastic, or other non-rigid material without an enclosing structural framework attached to or hung from a pole or rope or to a building or structure. Banner signs also mean include flag signs, feather flags, and flutter flag signs.
(Ord. 15-2016. Eff. 11-24-16)

Billboard/Off-Premise Sign: A sign regulated by Section 21.12 herein which is permitted to be placed only within 500 feet of the U.S. 131 expressway. (Ord. 15-2016. Eff. 11-24-16).
Commercial Establishment: A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a

business holding itself out to the public as a single entity, independent of other businesses or persons**.**

Directional Sign: A sign used primarily to give information about the location of either the driver of motorized vehicles or possible destinations. (Ord. 15-2016. Eff. 11-24-16)

Farm Product: Those plants and animals useful to humans produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock (including breeding and grazing), equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture.

Festoons: A string of ribbons, tinsel, flags, pennants or pinwheels**.**

Flag Sign: See Banner Sign. (Ord. 15-2016. Eff. 11-24-16)

Freestanding Sign: A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.

Government Sign: A sign erected or required to be erected by Wayland Township, Allegan County, or the State or Federal government.

Ground Sign: A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

Identification sign: A sign intended to communicate information about services and facilities. (Ord. 15-2016. Eff. 11-24-16)

Inflatable sign. (Balloon sign): Any three dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a container, figure, product or product trademark, whether or not such object contains a message or lettering.

Mansard: A sloped roof or roof-like façade architecturally comparable to a building wall.

Mansard Sign: A sign that is mounted, painted on, or attached to a mansard

Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

Painted Wall Sign: A sign which is applied with paint or similar substance on the face of a wall or the roof of a building.

Pennant: A flag or cloth that tapers to a point. (Ord. 15-2016. Eff. 11-24-16)

Permanent sign: A sign installed on a support structure, not intended to be moved or removed, but to

remain for an indefinite period of time. (Ord. 15-2016. Eff. 11-24-16)

Pole Sign: A free standing sign which is supported by a structure, or poles, or braces. The width of the supporting structures must be less than 50 percent of the width of the sign.

Projecting Sign: A display sign which is attached directly to the building wall, extends more than 15 inches from the face of the wall and projects in such a way that the message is not parallel to the wall to which it is attached.

Reader Board: means one of the following:

a) *Manual*: A sign on which the letters or pictorials are changed manually or;
b) *Electronic Reader Board/ Digital Display Sign:* A sign or portion thereof that displays electronic, pictorial or text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Such signs include computer programmable, microprocessor controlled electronic displays and video display signs.
c) *Multi- vision sign:* Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images**.**

Roof Line: The top or peak of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Roof Sign: A sign which is attached to or is placed on the roof of a building.

Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changeable copy.

Sidewalk Sign: An A-frame sign which is portable and designed to be placed on the sidewalk in front of the use it advertises. Also called a sandwich board sign.

Sign: A device, structure, fixture, figure or placard which may or may not use graphics, symbols, emblems, numbers, lights and/or written copy designed specifically for the purpose of advertising, identifying, or directing attention to an establishment, product, service, person, place, organization, institution**,** activity, or idea. (Ord. 15-2016. Eff. 11-24-16)

Temporary sign: A sign installed for a limited period of time, intended to be removed within a time period as specified herein. (Ord. 15-2016. Eff. 11-24-16)

Traffic warning sign: A sign that indicates a hazard ahead on a road that may not be readily apparent to a driver. (Ord. 15-2016. Eff. 11-24-16)

Video Sign: A sign which displays moving images as on a television.

Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending

no greater than twelve (12) inches from the exterior face of a wall to which it is attached.

Window Sign: A sign installed inside a window and intended to be viewed from the outside.

SECTION 21.03 SIGNS PROHIBITED

A sign not expressly permitted by this Ordinance is prohibited. The following types of signs are expressly prohibited:

a) Any sign, including window signs, which have flashing, moving, oscillating or blinking lights. Barber pole signs however are permitted.
b) Roof signs except such signs shall be permitted in Commercial and Industrial zones.

SECTION 21.04 SIGNS EXEMPTED (Ord. 15-2016. Eff. 11-24-16)

The following signs shall be exempted from the provisions of this Ordinance except for the regulations of Section 21.07, General Standards for All Signs.

a) Signs which are two sq. ft. or less in area.
b) Directional, identification, traffic warning, or government signs, provided the size of each sign does not exceed four square feet and three feet in height and each sign is located at least five feet from any lot line.
c) Window signs.
d) Flags of any nation, state, city, township, government, government authorized agency, or educational institution as well as POW flags.

SECTION 21.05 SIGNS NOT NEEDING A PERMIT (Ord. 15-2016. Eff. 11-24-16)

The following signs shall not require a permit but shall be subject to all other applicable regulations of this Ordinance.

a) Government signs.
b) Ordinary maintenance of signs such as painting and cleaning.
c) Changing of sign message.

SECTION 21.06 PERMIT REQUIREMENTS

a) A sign permit shall be required for the erection, and construction for all permanent signs except those exempted by Section 21.04 and Section 21.05.
b) Sign permits are also required for all temporary signs exceeding 20 sq. ft. unless specifically exempted. Permits for temporary signs shall specifically state a date or a time frame by which the sign must be removed.
c) Application: An application for a sign permit shall be made to the Township Zoning Administrator along with a fee as may be required by Township Board resolution. The application, at a minimum, shall include the following:
   1) Name, address, and telephone number of applicant and the person, firm or corporation erecting

the sign.

2) Address or permanent parcel number of the property where the sign will be located.
3) A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with setback from lot lines.
4) Two accurate drawings of the plans and specifications, method of construction and attachment to structures or ground. If required by the Zoning Administrator the applicant shall provide engineered stress sheets (sealed plans) and calculations showing that the structure is designed according the requirements of the Township Building Code for wind load restrictions.
5) Any required electrical permit shall be attached to the application.
6) The zoning district in which the sign is to be located.
7) Any other information which the Zoning Administrator may require in order to demonstrate compliance with this Ordinance.
8) Signature of applicant or person, firm or corporation erecting the sign.
9) Issuance of Sign Permit: The Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Township ordinances are met. A sign authorized by a permit shall be installed or under construction within six months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee.

SECTION 21.07 GENERAL STANDARDS FOR ALL SIGNS

a) Any sign permitted by this Chapter 21 may contain a commercial or non-commercial message. (Ord. 15-2016. Eff. 11-24-16)
b) All signs including signs which do not require a permit are subject to the requirements of Sections 21.07 and 21.09 and all other applicable requirements of this Ordinance. (Ord. 15-2016. Eff. 11-24-16)
c) All signs including sign supports and structural members shall be properly maintained as originally approved and shall not be allowed to become unsightly or a safety hazard through disrepair or as a result of the weather.
d) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. For externally lit signs, the lighting fixture shall be mounted on the top only and the light fixture shielded so that light is directed downward so that no direct rays interfere with the vision of persons on adjacent streets or properties.
e) Signs shall not be placed in, upon or over any public right-of-way, or alley, except as may be otherwise permitted by the Allegan County Road Commission, Michigan Department of Transportation or the Township Board.
f) A light pole, or other support structure not specifically designed as sign support structure, shall not be used for the placement of any sign unless specifically approved for such use by the Zoning Administrator.
g) A sign shall not, in the opinion of the Township Zoning Administrator, interfere with or obstruct the view of drivers or those on foot or bicycle, or create any type of safety hazard or distraction to vehicle drivers. (Ord. 15-2016. Eff. 11-24-16)
h) A sign shall not by reason of its position, shape, color, or other characteristic, interfere with, obstruct or be confused with an official traffic sign, signal, or device, or constitute a nuisance per se. (Ord. 15-

2016. Eff. 11-24-16)

i) A sign shall not contain flashing lights or moving parts. (Ord. 15-2016. Eff. 11-24-16)

j) A wall sign shall not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.

k) A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.

l) A window sign may consist of illuminated letters including neon lights. Any flashing or strobe type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.

SECTION 21.08 REGULATIONS FOR SPECIFIC SIGNS ALLOWED IN ALL DISTRICTS (Ord. 15-2016. Eff. 11-24-16)

a) Directional signs are permitted in any district. Such sign shall not exceed four square feet in area and three feet in height, and shall be setback at least five feet from any lot line.

b) Pedestrian and vehicle safety signs are permitted for each parcel provided the size of each device does not exceed four sq. ft. and three feet in height and each device is located at least five feet from any lot line.

SECTION 21.09 MEASURMENT OF SIGNS

a) Unless otherwise specified within this ordinance for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less except for billboards as specified herein.

SECTION 21.10 NON-CONFORMING SIGNS

a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.

b) Non-conforming signs may be maintained and repaired so as to continue the useful life of the sign but may not be altered, expanded, enlarged, or extended.

c) A non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.

d) A sign accessory to a non-conforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.
e) Non-conforming signs shall not:

1) Be replaced or changed to another non-conforming sign;
2) Be restored to a sound or good condition after decay or neglect except if such repair brings the sign into conformance with this ordinance or
3) Be repaired if such repair involves any of the following:
   i. Necessitates the replacement of both the sign frame and sign panels;
   ii. Replacement of the signs primary support pole(s) or other support structure;
4) Be enhanced with any new feature including the addition of illumination.

SECTION 21.11 TEMPORARY SIGNS (Ord. 15-2016. Eff. 11-24-16)

Temporary signs are allowed in all zoning districts according to the following regulations:

a) Signs shall be anchored in a safe and secure manner. The anchoring of temporary signs by tying or attaching weighted objects (such as cinder blocks or tires) is prohibited.
b) The sign shall be located a minimum of five feet from the edge of any road or street right-of- way or public or private sidewalk except for sandwich board signs as regulated herein.
c) A sign shall not be displayed if it is torn, bent, faded, not upright, unreadable or otherwise unsightly.
d) Temporary signs held by a person, shall be located outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site.
e) A temporary sign may be installed concurrent with the event and removed upon the end of the event except for pennants and streamers as regulated herein. The Zoning Administrator shall have the discretion to determine the beginning and end of the event
f) Except for inflatable signs as defined herein a temporary sign shall not exceed 32 square feet in area and shall be back lit only and not have any flashing, colored or glaring lights.
g) Inflatable signs shall only be permitted in the C-1 and C-2 and MX Districts. The anchoring system shall be subject to review and approval of the Zoning Administrator prior to installation or display. Inflatable signs are permitted to be placed on the roof of a building but only on buildings with a flat roof.
h) Inflatable signs shall have no rapidly moving, waving or flapping parts.
i) Pennants and streamers are allowed in the C-1 and C-2 and MX Districts provided they are properly maintained but shall be removed if they become torn, faded, unreadable, or otherwise unsightly. These may be displayed in conjunction with other portable signs. A permit shall be required for the display of these items.

SECTION 21.12 BILLBOARDS

Billboards are permitted in all zoning districts but only if they are located within 500 feet of the right of way of U.S. 131 subject to the following:

a) Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.

Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard.

Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "B" below.

b) No billboard shall be located within 1,320 feet of another billboard which is within Wayland Township on the same side of U.S. 131.
c) No billboard shall be located within 250 feet of a residential zone.
d) No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.
e) Billboards may be constructed to a maximum size of 672 square feet per face provided they are located within 100 feet of a freeway right-of-way. Any billboard placed farther than 100 feet but no more than 500 feet from the freeway right-of-way shall not exceed 64 square feet per face.
f) The height of a billboard shall not exceed 35 feet above; (1) the grade of the ground on which the billboard sits or, (2) the grade of the abutting roadway, whichever is higher.
g) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
h) A billboard which is an electronic reader board shall also comply with the following requirements:
   1) The entire sign may consist of a reader board.
   2) For an electronic reader board the dwell time, defined as the interval of change between each individual message, shall be at least six seconds and a change of message must be accomplished within one second or less.
   3) An electronic reader board sign shall not exceed a maximum illumination of three tenths (.3) foot candles over ambient light levels measured at a distance of 150 feet from the face of the sign. However, even if such signs comply with the illumination requirements above such signs shall not be of such intensity or brilliance as to impair the vision of or be a distraction to a motor vehicle driver with average eye sight or to otherwise interfere with the driver's operation of a motor vehicle or; be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
   4) Prior to the issuance of a sign permit for an electronic message billboard the applicant shall provide to the Zoning Administrator certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of this Section 21.12(h)(3).
   5) An electronic reader board shall be equipped with a brightness control sensor that allows for the brightness to automatically adjust to the surrounding light conditions.
   6) An electronic reader board sign shall not have any flashing, blinking, scrolling, alternating, sequentially lighted, animated, rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/ fade-out, oscillating, moving text or moving images or simulated movement of text or images.
   7) An electronic reader board sign shall not have a white background in order to reduce glare.
i) The adjacent area to U.S. 131 is the area measured from the nearest edge of the right-of-way of said

freeway and extending 500 feet perpendicularly and then along the line parallel to the right-of-way line, on both sides of the freeway.

j) The non-conforming use provisions of Chapter 22 of this Ordinance shall apply to pre-existing outdoor signs and billboards.

k) The provisions of this subsection shall not apply to the following types of signs:
   1) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with rules promulgated by the State Department of Transportation relative to the lighting, size, number and spacing thereof.
   2) Signs advertising the sale or lease of real property upon which they are located.

l) Signs advertising the person's own business, products or profession by means of sign located on his/its own premises.

SECTION 21.13 READER BOARDS

All wall and freestanding signs in all zoning districts may include reader boards subject to the following regulations:

a) A reader board shall not consist of more than 75 percent of the allowable sign area except for signs which are 32 sq. ft. or less in area.

b) The dwell time, defined as the interval of change between each individual message, shall be at least 6 seconds and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less to change the message.

c) An electronic reader board sign shall not exceed a maximum illumination of three - tenths foot candles over ambient light levels measured at a distance of 150 feet from the face of the sign. However, even if such signs comply with the illumination requirements above such signs shall not be of such intensity or brilliance as to impair the vision of or be a distraction to a motor vehicle driver with average eye sight or to otherwise interfere with the driver's operation of a motor vehicle or; be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

d) Prior to the issuance of a sign permit for an electronic message board the applicant shall provide to the Zoning Administrator certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of this Section.

e) An electronic message board shall be equipped with a brightness control sensor that allows for the brightness to be adjusted either manually or automatically.

f) An electronic reader board sign shall not have any flashing, blinking, scrolling, alternating, sequentially lighted, animated, rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/ fade-out, oscillating, moving text or moving images or simulated movement of text or images.

g) An electronic reader board sign shall not have a white background in order to reduce glare.

h) An electronic reader board is allowed as a window sign and may utilize continuous scrolling letters but a window sign shall otherwise comply with the requirements for electronic reader boards as set forth in herein. Any flashing or strobe type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.

i) Electronic message board signs legally in existence upon the effective date of this Section 21.13 shall be required to comply with the illumination requirements of this Section and the requirements of Section 21.07 regarding flashing, movement, scrolling and other methods of message display within 60 days from the effective date of this Section.

j) Electronic reader board signs which do not face a public street or land zoned or used for residential purposes and when such signs are used for drive through restaurants, gas stations and similar establishments serving motorists then such signs are exempt from the requirements of this Section.

SECTION 21.14 SIGNS IN THE A, ZONING DISTRICT (Ord. 15-2016. Eff. 11-24-16)

The following signs are permitted in the Agricultural Zoning District:

a) Signs as permitted and regulated by Section 21.04, 21.05, 21.07, 21.08, 21.12 and 21.13.
b) One ground sign per road frontage per parcel not to exceed 32 square feet in area. The height of a ground sign shall not exceed six feet above grade. Ground signs shall be placed behind the front lot line and a minimum of 25 feet from all other lot lines.
c) One wall sign per street frontage to be placed on that side of the building which directly faces the street. A wall sign shall not exceed 100 square feet.
d) Additional Signs. One permanent ground sign may be provided at each entrance to a subdivision, condominium or mobile home park. The area of the sign shall not exceed 32 square feet. The sign must be setback at least 25 feet from the right-of-way line of any arterial or collector street. No sign shall exceed six feet in height.
e) Temporary signs are permitted as follows:
   1) More than one temporary sign is permitted per parcel.
   2) The square footage of a single sign or the total square footage of all temporary signs shall not exceed 32 square feet.
   3) Temporary signs shall comply with the requirements of Section 21.11.

SECTION 21.15 SIGNS IN THE R-1, R-2, R-3, R-4 AND RR ZONING DISTRICTS (Ord. 15-2016. Eff. 11-24-16)

The following signs are permitted in the R-1, R-2, R-3, R-4 and RR Zoning Districts:

a) Signs as permitted and regulated by Section 21.04, 21.05, 21.07, 21.08, 21.12 and 21.13.
b) The following signs are permitted per parcel as part of an application for and approval of a Special Land Use permit according to the following requirements:
   1) One ground sign per parcel not to exceed 32 square feet in area. The height of a ground sign shall not exceed six feet above grade Ground signs shall be placed behind the front lot line and a minimum of 25 feet from all other lot lines.
   2) One wall sign per street frontage to be placed on that side of the building which directly faces the street. A wall sign shall not exceed 100 square feet.
c) Additional Signs. One permanent ground sign may be provided at each entrance to a subdivision, condominium or mobile home park. The area of the sign shall not exceed 32 square feet and six feet in height. The sign must be setback at least 10 feet from the right-of-way line.
d) Temporary signs are permitted as follows:
   1) More than one temporary sign is permitted per parcel.
   2) The square footage of a single sign or the total square footage of all temporary signs shall not exceed 32 square feet.
   3) Temporary signs shall comply with the requirements of Section 21.11.

SECTION 21.16 SIGNS IN COMMERCIAL ZONING DISTRICTS

The following signs are permitted in the C1, C2 AND MX Zoning Districts.

a) Signs as permitted and regulated by Section 21.04, 21.05, 21.07, 21.08, 21.12 and 21.13.
b) WALL SIGNS: Each commercial establishment shall be permitted to have more than one wall sign per public or private street frontage. The total area of all wall signs shall not exceed 100 square feet in area.
c) FREE STANDING SIGN: One ground sign or pole sign per lot subject to the following regulations:
   1) Pole Sign - A sign of at least 64 square feet shall be permitted for each lot and shall also be subject to the following:
      i. The size of a sign may be increased by two square feet for every five feet of lineal lot frontage over 100 feet up to a maximum sign area of 100 square feet. (See Schedule A at end of chapter).
      ii. In addition to the above, for each foot that a sign is setback from the minimum sign setback requirement of this section, the size of a sign may be increased by one additional foot. In no case shall a sign exceed 120 square feet.
      iii. For those lots with more than one commercial establishment, the size of the pole sign may be increased by 50 percent of the size allowed by Section (C)(1)(i)and(ii) above up to a maximum size of 160 square feet.
      iv. Pole signs shall not exceed 20 feet in height and shall have a minimum height between the bottom of the sign and the ground of eight feet. The support structure(s) for a pole sign shall not be more than two feet wide on any one side.
      v. All pole signs shall be setback at least five feet from all lot lines as measured to the base of the sign.
   2) Ground Sign: One ground sign of no more than 64 square feet shall be permitted for each lot and shall also be subject to the following:
      i. The height of a ground sign shall not exceed six feet above ground.
      ii. Ground signs shall be setback a minimum of five feet from the front and side lot lines.
d) ROOF SIGNS
   1) A roof sign shall not project above the roof line.
   2) Only one roof sign is permitted per building.
   3) The size of a roof sign shall not exceed 10 percent of the area of that portion of the roof to which it is attached.
   4) A roof sign shall not be lighted.
e) Temporary signs are permitted as follows: (Ord. 15-2016. Eff. 11-24-16)
   1) More than one temporary sign is permitted per parcel.
   2) The total square footage of all temporary signs shall not exceed 64 square feet and eight feet in height with no single sign being larger than 32 sq. ft.
   3) Temporary signs shall comply with the requirements of Section 21.11.
f) Canopy Signs may be displayed on the face of the canopy but such signs shall not exceed 10 percent of the face of the canopy to which the sign is attached. (Ord. 15-2016. Eff. 11-24-16).
g) Sidewalk signs subject to the following regulations: (Ord. 15-2016. Eff. 11-24-16)
   1) Signs shall be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. The maximum size shall not be more than eight square feet.
   2) One sign is permitted per business or commercial establishment.

3) The sign shall be placed in front of the business using the sign.
4) A minimum of seven feet of unobstructed sidewalk must remain between the sign and the building.
5) The sign shall not be placed in a way which obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles or snow removal operations.
6) Sidewalk signs shall not be illuminated by any means or have any moving parts.
7) Such signs shall be properly maintained and not be allowed to become unsightly.
8) Such signs shall only be in place during business hours.

h) Signs Over 20 Feet (Ord. 15-2016. Eff. 11-24-16) The Planning Commission may approve as a Special Land Use a sign exceeding 20 feet in height for signs which are located on parcels which are within 500 feet of the U.S. 131/129th Avenue intersection and the U.S. 131/124th Avenue intersection as measured from the edge of the right-of-way of the access ramps to U.S. 131. Such a request shall comply with all procedures and standards for Special Land Uses as required herein.

The applicant shall demonstrate to the Commission that such sign is necessary in order to safely and properly inform highway travelers. In making a determination whether or not to approve such higher sign, the Commission shall consider the following criteria:

1) The ability of highway travelers to safely navigate to off highway locations locate the use without the proposed sign.
2) The topography of the highway or adjacent lands, or existence of trees or other natural or manmade features which may obscure a sign of lesser height.
3) Whether or not such sign is necessary for the safety or convenience of highway travelers.
4) The impact of such sign on the occupants or owners of nearby lands.
5) the height and size of the proposed sign is the minimum height necessary to serve its intended purpose. The Planning Commission in approving such a sign shall stipulate the sign height, size, lighting and other conditions necessary to satisfy the criteria of this section and the Special Land Use standards of this Ordinance.

SECTION 21.17 SIGNS IN INDUSTRIAL ZONING DISTRICTS (Ord. 15-2016. Eff. 11-24-16)

a) Signs as permitted and regulated by Section 21.04, 21.05, 21.07, 21.08, 21.12 and 21.13.
b) Signs as permitted by Section 21.17 except that roof signs and signs over 20 feet are not permitted
c) One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs. Such signs may be ground signs or attached to a wall and shall be constructed primarily with carved wood, brick, stone, wrought iron, glazed tile or other similar decorative material. Such signs shall be appropriately landscaped with low level lighting.

SCHEDULE A
Area of Pole Sign per Section 21.16(C)(1)(i)
Commercial Districts

Lineal Feet of Frontage (Sq. feet)	Permitted Sign Size
0-100	**64**
105	66
110	**68**

115	70
120	**72**
125	74
130	**76**
135	78
140	**80**
145	82
150	**84**
155	86
160	**88**
165	90
170	**92**
175	94
180	**96**
185	98
190	**100**

CHAPTER 22
NON-CONFORMING

(Ord.01: Eff. 07-23-20)

SECTION 22.01 PURPOSE

It is recognized that there exist within the districts established by this Zoning Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Zoning Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Zoning Ordinance or future amendments.
It is the intent of this Zoning Ordinance to permit legal non-conforming lots, structures, or uses to continue until they are removed.

SECTION 22.02 GENERAL REGULATIONS

a) Non-conforming Uses The lawful use of any building or structure or of any lot or parcel of land which is existing and lawful on the effective date of this Ordinance or, in the case of an amendment, may be continued although such use does not conform with the provisions of this Ordinance or any Amendment.
b) Non-Conforming Building or Structure. A building or structure which is existing and lawful on the effective date of this Ordinance or, in the case of an amendment to this Ordinance, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.
c) Abandonment of Non-Conforming Use. In the event that any non-conforming use or building is discontinued or vacated for a period of one year and the owner has demonstrated an intent to abandon the non-conforming use or building, any subsequent use shall conform to the ordinance requirements for the district in which the premises are located. Such determination shall be made by the Zoning Administrator. Evidence of such intent may include, but is not limited to the following:

1) Disconnection of utilities;
2) Removal of building fixtures needed for the use;
3) Property falling into disrepair;
4) Elimination of newspaper or postal service;
5) Removal of signs.
6) Non-payment of property taxes.

SECTION 22.03 NON-CONFORMING LOTS

All permitted principal and Special Land Uses, except for those Special Land Uses for which a minimum lot size is specified in this Zoning Ordinance, and customary accessory structures may be erected on any single lot of record after the effective date of adoption or amendment of this Zoning Ordinance. This provision shall apply even though such lot does not meet the requirements for lot area or width, or both, that are generally applicable in the district, provided that any building or structure constructed on the lot complies with all other applicable requirements of the zoning district including setbacks and lot coverage

except as may be otherwise permitted herein.

SECTION 22.04 NON-CONFORMING BUILDINGS

a) A non-conforming building or structure may be changed so as to make it more closely conforming to this Zoning Ordinance, if that change does not increase the non-conformity in any other aspect.
b) A non-conforming building or structure may be expanded provided the expansion conforms in all respects to the requirements of this Zoning Ordinance and does not increase the non-conformity of the building or structure.
c) Where the setback of a building or structure is non-conforming by a distance equal to or less than one-half of the setback distance required by this chapter, a building may be expanded along the same plane as the existing non-conforming setback, provided that the expansion shall be no closer to the lot line than the existing building and provided that the expansion does not exceed 50 percent of the gross square footage of the building which existed prior to the adoption of this Section 22.04.
d) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

SECTION 22.05 NON-CONFORMING USES

a) A non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Zoning Ordinance.
b) A non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of adoption or amendment of this Zoning Ordinance.
c) A non-conforming use may be changed to another non-conforming use of equal or less non-conformity following a public hearing by the Zoning Board Appeals as required by Chapter 23 of this Zoning Ordinance. The Zoning Board of Appeals may approve such change only if it complies with all of the following standards:

CHAPTER 23
ZONING BOARD OF APPEALS

SECTION 23.01 PURPOSE

In order to provide for equity and fairness in achieving the objectives of this Ordinance, in order to provide competent interpretation of this Ordinance, and to assure that the health, safety and welfare of the public be secure the Wayland Township Zoning Board of Appeals is hereby established.

SECTION 23.02 PROCEDURE

The Wayland Zoning Board of Appeals shall carry out its prescribed purpose and function in accordance with the by-laws, rules of procedure, and requirements that it may from time-to-time provided however, that such by-laws, rules of procedure, and requirements must be approved by the Township Board and must be maintained in written form and available to the public at the Township Hall upon request during reasonable business hours and at all times when the Zoning Board of Appeals is in session.

SECTION 23.03 APPEALS DEFINED

An Appeal is a request for review or relief from the provisions and requirements of this Ordinance or from administrative orders or enforcement actions arising from the provisions and requirements of this Ordinance.

SECTION 23.04 VARIANCE DEFINED

A variance is the relief granted, or the remedy authorized, as the result of an appeal.

SECTION 23.05 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

The Wayland Township Zoning Board of Appeals shall have the following authority:

a) The interpretation of zoning maps;
b) Hearing of, and deciding on, appeals resulting from any order, requirement, decision or determination made by an administrative body or official charged with the enforcement of this Ordinance except as provided in Section 23.06;
c) The interpretation of the language of this Ordinance when its meaning is unclear, or when there is uncertainty whether the language applies to a particular situation;
d) The determination of non-conforming uses when such questions of use are at issue;
e) The hearing of appeals and the granting of variances provided the Zoning Board of Appeals determines based on competent material, and substantial evidence on the whole record, that one or more of the following facts or conditions exist:
    1) Special conditions or circumstances exist which are peculiar to the land, building or structure involved which are not applicable to other lands, buildings or structures in the same district and which conditions or circumstances will cause unnecessary hardship or practical difficulties if this

Ordinance is enforced;

2) Literal interpretation of the provisions and requirements of this Ordinance would deprive the appellant of property rights commonly enjoyed by other properties in the same Zoning district under the terms of this Ordinance;
3) Special conditions or circumstances do not exist or result from the actions of the appellant (ie self-imposed hardship);
4) Authorization of the variance will not cause substantial detriment to the neighboring properties and will not be contrary to the spirit, purpose and intent of this Ordinance;
5) The property cannot reasonably be used in a manner consistent with existing Zoning requirements;
6) Non-conforming uses of neighboring lands, buildings or structures and other non-related variances shall not in itself be grounds for the authorization of a variance.

SECTION 23.06 LIMITATIONS ON THE ZONING BOARD OF APPEALS

a) The Zoning Board of Appeals shall not have authority to grant variances from the decisions of the Planning Commission regarding Special Use exceptions except for errors or omissions.
b) The Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provision or requirement of this except as provided in this chapter.
c) No variance permitted by this Ordinance shall be granted, approved, or authorized unless the Zoning Board of Appeals first finds and determines that the proposed variance would not be dangerous or detrimental to the residents of contiguous or adjacent properties; would not be contrary to public policy, safety, morals, decency and the general welfare, and would not be detrimental to the property values of nearby property.
d) The Zoning Board of Appeals shall not reverse any administrative order, grant a variance or an appeal, or take any other authorized action unless a majority of the entire membership shall vote to do so. (Ord No.1: Eff 2-26-07)
e) The Zoning Board of Appeals shall not grant a use variance. For purposes of this section a use variance is defined as allowing a use in any zoning district in which such use is otherwise not permitted by this Ordinance.

SECTION 23.07 MEMBERSHIP AND TERM OF OFFICE

The Wayland Township Board shall appoint a Zoning Board of Appeals which shall consist of at least three (3) members and not more than seven (7) members. One member shall be a member of the Township Planning Commission; One member shall be a Township Board Member and the remaining members shall be appointed from among the electors of the Township. The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except that the members first appointed shall be divided as nearly as possible into three (3) equal groups, one group being appointed for one (1) year, and one (1) group being appointed for two (2) years, and one (1) group being appointed for three (3) years.

Members of the Zoning Board of Appeals may be removed by the Township Board for non-performance of duties or in case of misconduct in office upon written charges and after a public hearing.

Employees or contractors of the Township Board are prohibited from membership on the Zoning Board

of Appeals as well as from serving as an employee of the Zoning Board of Appeals.

The legislative board representative to the Zoning Board of Appeals shall not serve as the Chair of the Zoning Board of Appeals.
(Ord. No.1: Eff. 2-26-07 Ord. and No 01-2009: Eff. 11-06-09) (Ord. No. 02-2009: Eff. 11-06-09)

The Township Board may appoint two alternate members to the Zoning Board of Appeals. A member of the Township Board may serve as an alternate member of the Zoning Board of Appeals. Each alternate member shall be appointed for a term of three years except that upon the appointment of the first such alternate members, one such alternate member shall be appointed to a term of two years. Thereafter all alternate members shall be appointed to a term of three years. The chairman of the Zoning Board of Appeals or in the absence of the chairman, then the vice chairman or the secretary of the Zoning Board of Appeals may call either of the alternate members to serve as a regular member whenever:

A regular member is absent from or will be unable to attend one or more meetings of the Zoning Board of Appeals; or a regular member has abstained for reason of a conflict of interest.

SECTION 23.08 GENERAL PROVISIONS

a) In granting a variance the Zoning Board of Appeals may specify in writing such conditions as it deems necessary to secure substantially the objectives of the regulations, requirements or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the variance granted.
b) No appeal for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be accepted for reconsideration for a period of one (1) year from the date of the last denial except on grounds of newly discovered evidence or proof of changed conditions.
c) Any variance granted by the Zoning Board of Appeals shall become void if the construction, occupancy or other actions authorized by such variance have not commenced within six months from the date when the variance was granted. The Zoning Board of Appeals however, may grant a reasonable extension if the applicant files a written request for an extension with the Township Clerk before the variance period expires and the Zoning Board of Appeals finds that an extension is warranted due to circumstances beyond the control of the applicant. Such request shall be considered at a public meeting of the Board of Appeals but a public hearing shall not be required. (Ord. No 1:Eff 2-26-07)
d) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic cites or any other State register of historic places, which structures are located within the one hundred year flood plain or which are destroyed or deteriorated to less than fifty percent (50%) of value, without regard to the requirements of this Ordinance. (Ord. No.1: Eff. 2-26-07 and Ord. No. 02-2009 Eff. 11-06-09).
e) An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal was taken certifies to the Zoning Board of Appeals after the Notice of Appeal shall have been filed with that officer, that by reason by facts stated in the certificate, a stay would cause peril of life or property.
f) The decision of the Zoning Board of Appeals shall be final, and any party aggrieved by any such decisions may appeal to the Circuit Court for Allegan County. The records of the Zoning Board of

Appeals shall be made available for the courts review. Such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing or signed by the chairperson or 21 days after the Zoning Board of Appeals approves the minutes of this decision.

g) Voting: A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. The member may consider and vote on the other unrelated matters involving the same property. (Ord. No. 02-2009 Eff. 11-06-09)

SECTION 23.09 APPLICATION AND PROCEDURE

a) An appeal for variance from any ruling or administrative action authorized by the Ordinance shall be filed with the chairperson of the Zoning Board of Appeals within thirty (30) days after the date of the action appealed.
b) An appeal from the requirements of this Ordinance other than administrative action or ruling as provided in Sub-section 23.09 (a) above may be made at any time except as prohibited in Section 23.08 (b).
c) An application for appeal shall state the action, ruling or section of the Ordinance to be appealed; the date of the action or ruling to be appealed; name or title of the person making the action or ruling; the facts or circumstances which the applicant believes are grounds for the appeal. The application shall be signed and dated by the applicant.
d) When an application for appeal has been filed in proper form a public hearing shall be held on the appeal. Notice of the hearing shall be as required in Section 24.11 herein. (Ord No.1: Eff 2-26-07)
e) The Zoning Board of Appeals shall have the authority to adjourn a scheduled hearing prior to the date thereof by public notice in the manner prescribed for calling such a meeting and at or during the time of such meeting either on its own motion or of any interested party. Adjournment shall be for the purpose of obtaining additional information or evidence, to cause such further notice as it deems proper to be served on other property owners or interested parties or to insure a quorum of its members.
f) The Zoning Board of Appeals shall return its decision as to each appeal within ninety (90) days after a petition for an appeal has been received unless additional time is allowed by agreement of the parties concerned. The effective date of all variances granted shall be ten (10) business days after such decision is adopted unless otherwise stated by the Board of Appeals.

CHAPTER 24
ADMINISTRATION AND ENFORCEMENT

(Ord No.1: Eff 2-26-07)

SECTION 24.01 ZONING ADMINISTRATION

The provisions of this Ordinance shall be administered by the Wayland Township Board in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

The Township Board shall appoint a Township Zoning Administrator or Building Official who shall be responsible for the administration and enforcement of this Zoning Ordinance.

SECTION 24.02 ELIGIBILITY

The Zoning Administrator or Building Official shall have no interest, directly or indirectly, in any matter pertaining to a building permit, application for a special use permit, appeal or other matter related to this zoning ordinance. In the event of a conflict of interest related to the administration or enforcement of this Ordinance, the Township Board shall appoint a substitute Zoning Administrator without interest in the matter under consideration.

SECTION 24.03 DUTIES AND ENFORCEMENT POWERS

The Zoning Administrator or Building Official shall have the powers of law enforcement officials in enforcing this Ordinance. Typical duties of the Zoning Administrator or Building Official shall include, but not be limited to:

a) Maintaining adequate records of applications, permits issued, inspections conducted, construction plans, fees collected;
b) Publishing building permits monthly;
c) Assisting persons to bring zoning questions before the Planning Commission or Zoning Board of Appeals;
d) Conducting inspections related to zoning enforcement;
e) Advising the Township Board, Planning Commission and Zoning Board of Appeals in applications and petitions that come before these bodies;
f) Serving as a liaison between members of the zoning bodies and the public;
g) Issuing all permits or notices of violation provided for in this Ordinance or under written order of the Board of Appeals, the Township Board or a Court of jurisdiction.

SECTION 24.04 ZONING COMPLIANCE PERMIT

a) No lot, parcel or tract of land shall hereafter be divided, sub-divided or otherwise created unless a zoning compliance permit has been obtained from the Zoning Administrator or Building Official. Such zoning permit shall certify that the proposed or requested land division is in compliance with the terms, provisions and restrictions of this Ordinance. The zoning permit shall be on such forms as are

approved by the Township board. Compliance with all of the terms, provisions and restrictions of this Ordinance shall make issuance of a zoning permit mandatory except that any other violations of this Ordinance by the same property owner or applicant, within the Township which are unresolved on the date of such application, shall be grounds for denial of a zoning compliance permit.

b) No building or structure subject to the provisions or restrictions of this Ordinance shall be commenced or constructed, reconstructed, erected, altered, enlarged or moved, in any zoning district, until a zoning compliance permit has been issued by the Zoning Administrator or Building Official. Such zoning permit shall certify that the proposed or requested land use is in compliance with the terms, provisions and restrictions of this Ordinance. The Zoning Permit shall be on such forms as are approved by the Township Board. Compliance with the terms, provisions and restrictions of this Ordinance shall make issuance of a zoning compliance permit mandatory except that any other violations of this Ordinance by the same property owner or applicant, within this Township, which are unresolved on the date of such application shall be grounds for denied of a zoning compliance permit.

SECTION 24.05 BUILDING PERMITS AND PLANS

a) No building or structure subject to the provisions or restrictions of this Ordinance shall be commenced or constructed, reconstructed, erected, altered, enlarged or moved, in any zoning district, until a building permit and other required construction code permits have been issued by the Building Official.

b) The application for a building permit shall be made by the property owner or his authorized agent on forms provided by the Building Official and shall include:
   1) Location, shape, area and dimensions of the lot;
   2) Location dimensions, height and bulk of the proposed structure;
   3) Intended uses of the proposed structure;
   4) Location and type of utilities, public and private;
   5) Street dimensions, location;
   6) Dimensions of yards, open areas, parking spaces and lot line setbacks;
   7) Any other information deemed necessary by the Building Official to determine compliance with this Ordinance, applicable construction codes and to provide for enforcement thereof;
   8) The Building Official may waive any of the requirements of this Section deemed unnecessary to determine compliance or provide for enforcement.

SECTION 24.06 ISSUANCE OF PERMITS

a) Timely Issuance of permits - If a permit required by this Chapter is approved it shall be promptly issued provided, The Zoning Administrator or Building Official shall have a reasonable period of time to review all applications, plans and specifications and to conduct inspections and investigations as necessary to determine compliance with this Ordinance.

b) Permit Conditions - If a permit required by this Chapter is issued with any conditions, such conditions shall be made a part of the permit and stated in writing and shall be noted on the endorsed building plans. If a permit required by this Chapter is denied the reasons for denial shall be transmitted to the applicant in writing.

c) Permits Non-transferable - All permits issued as a requirement of this Chapter are non-transferable unless permission to transfer is granted in writing by the Zoning Administrator or Building Official.

All copies of a permit authorized to be transferred must be duly endorsed.

d) Cancellation of a Permit - The Zoning Administrator or Building Official is empowered to cancel or suspend any permit required by this Chapter for violation of any provision or requirement of this Ordinance or for fraud or misrepresentation in the procurement of such permit. The Zoning Administrator or Building Official shall provide notification of cancellation or suspension of a permit in writing, in person, or by certified mail to the address shown on the application. Such notice shall include the reasons for cancellation or suspension.

e) Expiration of Permit - All permits required by this Chapter shall expire one (1) year from date of issue. Zoning Administrator or Building Official may, upon a determination of meritorious reason, extend the as they may deem necessary for completion.

SECTION 24.07 EXEMPTION FROM PERMIT REQUIREMENTS

a) No permits, except a zoning permit, shall be required for accessory buildings on a farm in the "A" Agricultural Zoning District provided:
   1) The building or structure is exclusively for agricultural uses related to the farm upon which it is to be located.
   2) The farm upon which the accessory building is to be located is not less than ten (10) contiguous acres.

b) No permits shall be required for incidental repairs and maintenance to structures not involving enlargements or additions thereto.

SECTION 24.08 CERTIFICATE OF OCCUPANCY

a) No dwelling, building or structure shall be occupied until the Building Inspector has issued a Certificate of Occupancy to the holder of the building permit. Said Certificate of Occupancy shall be issued in a timely manner provided all applicable ordinances and requirements have been complied with. When Special Use conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. If the Certificate of Occupancy is denied for cause the applicant shall be notified in writing of such cause.

b) The Building Inspector may issue a temporary Certificate of Occupancy for a period not to exceed six (6) months if the applicant can show prior substantial compliance and demonstrate need.

SECTION 24.09 FEES

The Wayland Township Board shall adopt a schedule of fees for zoning permits, building permits and occupancy permits. These fees shall remain in effect until amended from time to time as the Board shall deem appropriate.

SECTION 24.10 APPEALS

Any ruling or order of the Zoning Administrator or Building Official, or any authorized committee, commission or panel or the Township Board, may be appealed to the Zoning Board of Appeals in accordance with the provisions of Chapter 23 of this Ordinance.

SECTION 24.11 PUBLIC NOTIFICATION REQUIREMENTS

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

Responsibility for Public Notice: The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Wayland Township and mailed or delivered as provided in this Section.

Notice Requirements: Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development, variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.

a) *Newspaper Notice*: The notice shall be published in a newspaper that circulates in Wayland Township.
b) *Mail and Personal Notice*: The notice shall be sent by first class mail or personal delivery to:
   1) The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
   2) Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Wayland Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.

      In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

      In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing (Ord. No. 02-2009: Eff. 11-06-09).
c) All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to Section 24.11 (f), Registration to Receive Notice by Mail.
d) *Record of Mailing*: The clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing
e) *Content of Notice*: The public notice shall:
   1) Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
   2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, *such* as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when

the request is for an ordinance interpretation not involving a specific property.

3) Indicate the date, time and place of the public hearing(s).
4) Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

f) Registration to Receive Notice by Mail: Any neighborhood organization, public utility, company, railroad or any other person may register with the clerk to receive written notice of all applicants for development approval pursuant to Section 24.11 (c).

SECTION 24.12 AMENDMENT PROCEDURE

The Township Board may from time to time on its own motion, or on petition, or on the recommendation of the Planning Commission or other body affected, amend, supplement or repeal the regulations and provisions of this Ordinance after public notice and hearing. Every such proposed amendment or change shall be enacted in conformance with the provisions of the Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, and shall follow the same procedures used for the enactment of this Ordinance.

SECTION 24.13 PENALTIES

A violation of this Ordinance shall be deemed a civil infraction and subject to Ordinance No. 03-2015, the Wayland Township Civil Infraction Ordinance. Any person, firm, corporation, or entity found violating any of the provisions of this Ordinance shall, upon conviction, be subject to penalties as set forth in Ordinance 03-2015. Each day that a violation shall continue shall constitute a separate offense. The provisions of this Ordinance may also be enforced by an action for injunction.

CHAPTER 25
REPEAL & EFFECTIVE DATE

SECTION 25.01 SEPARABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof.

SECTION 25.02 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ORDINANCE, are hereafter repealed to the extent of its inconsistency. The former Zoning Ordinance of the Township of Wayland Township, Allegan County, Michigan, adopted on April 8, 1992, is hereby repealed.

SECTION 25.03 EFFECTIVE DATE January 24, 2018

Wayland Township
Lot Area Requirements

Zone	Minimum Lot Area (square feet)	Minimum Frontage/Width (feet) (1)	Minimum Front Yard (feet)	Minimum Rear Yard (feet) (3)	Minimum Side Yard Each Side (feet)	Corner Lot Setback, From Each Street Abutting the Lot (feet)	Maximum Building Height (feet)	Minimum Floor Area (square feet)
Agricultural	160,000 (Approx. 3.67 acres)	500	50 (See Sec. 3.38)	50	20	50	35 or 2.5 stories (See Sec. 3.12)	(See Sec. 5.07)
R-1	67,500 (Approx. 1.54 acres)	250	50 (See Sec. 3.38)	25	20	50	35	(See Sec. 6.05)
R-2 Single Family Dwellings	27,000	100	35 (See Sec. 3.38)	25	10	35	35 or two stories	(See Sec. 7.05)
R-2 Two Family Dwellings	33,000	100	35 (See Sec. 3.38)	25	10	35	35 or two stories	(See Sec. 7.05)
RR	27,000	150 (1)	35 (2) (3)	(See Sec. 15.05 - Footnote 3)	10 (4)	35	35	(See Sec. 15.06)
R-3	12,000 per dwelling unit	100	35	25	10	35	35	(See Sec. 8.05)
C-1	30,000	125	50	25 (5)	Zero / 15 (6)	60	35	NA
C-2	30,000	125	50	25 (5)	Zero / 15 (6)	50	35	NA
Industrial	40,000	150	50	50 (7)	25 (8)	50	35	NA

Foot Notes

1) All lots abutting a navigable body of water shall be a minimum of 100 feet wide measured at the normal high-water mark between side lot lines. (Ord.03: Eff. 08-27-20)
2) The required front yard setback may be reduced by the Zoning Administrator to comply with the average setback for existing similar structures within 300 feet on either side of the proposed structure provided such reduced set back will be consistent with the general development of the neighborhood.
3) Rear Yard Setback for Lots Abutting a Navigable Body of Water- See Section 3.42 (Ord.03: Eff. 08-27-20)
4) Non-conforming lots of record which have less than the required road or right-of-way frontage may have the minimum required side yards reduced by a percentage equal to the percentage of non-conformance of the lot with the lot width requirements of this Section except that no side yard shall be less than five feet.
5) There shall be a rear yard of at least 25 feet except where a C-1 Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 50 feet.
6) a. There shall be no side yard requirement when a lot in the C-1 District abuts a commercial or industrial zoning district except in cases when it is not desired to build to the side lot line, in which case a minimum side yard of 15 feet shall be required.
   b. Wherever a lot in the C-1 Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 50 feet.
7) There shall be a rear yard of at least 50 feet except where an Industrial Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, the setback shall be at least 75 feet.
8) The minimum side yard requirement shall be 25 feet except where an Industrial Zone abuts a zone which permits residential use or an area recommended for such use in the Township Master Plan, a side yard of at least 50 feet must be maintained