

APPENDIX D REGULATORY LANGUAGE SUMMARY

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The following language was adopted /or is proposed for adoption by the individual communities participating in the Dowagiac River Watershed study.

LAGRANGE TOWNSHIP

Amend Section 3.01 to read in full as follows:

Section 3.01 Prime Agricultural District A-P

1. Intent

The intent of the A-P District is to establish and preserve areas for agriculture, forestry, conservation, and such low density uses as do not significantly change the intended agricultural character of the land. The regulations and requirements of this District are intended to help ensure that parcels are preserved of sufficient size for farming, yet allow some additional use of land for individual property owners. The regulations of the District are also intended to limit the number of nonfarm homes to ease the conflicts between farming and residential uses. Scattered residential uses in areas that are actively farmed are often attractive locations for urban residents who move into the >country=. These residents are often unprepared for the ordinary effects of farming. Odors, tractors and equipment along the roadways, crop dusting, and other necessary activities conflict with their expectations of rural living.

2. Permitted Principal Uses

The following uses of land and structures shall be permitted in the Prime Agricultural District:

- a. The raising and keeping of livestock including manure disposal, nurseries, and land reserved under any state or other governmental program.
- b. The raising of crops including trees.
- c. Hunting preserves.
- d. Wildlife refuges.
- e. The rendering, slaughtering and dressing of animals for home use only.
- f. Single family dwellings
- g. Roadside stands for the sale of farm products produced on the premises, or other premises owner and operated by the owner or operator of the farm, provided that off highway parking facilities be provided, and that entrance and exit facilities be approved in writing by the County or State Road Commission in the interest of public safety.

- h. Home occupations, when in accordance with the provisions of Section 4.26.
 - i. Signs, when in accordance with the provisions of Section 4.17.
 - j. Accessory uses and buildings, when in accordance with the provisions of Section 4.18.
 - k. Churches, cemeteries, public and private schools.
 - l. Essential services.
3. Special Land Uses
- a. In addition to the criteria for special use approval contained in Article V, the following standards shall be applied in approving a special use permit in a Prime Agricultural District.
 - (1) The proposed use shall be situated in a manner reducing to a minimum the amount of productive agricultural land which is converted to the proposed use.
 - (2) The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agricultural services permitted by special use into agricultural service centers shall be encouraged.
 - b. The following uses of land and structures may be permitted in the Prime Agricultural District upon issuance of a special land use permit in accordance with the procedures and criteria contained in Article V Special Uses and Site Plan Review.
 - (1) The sale and service of machinery used in agricultural production.
 - (2) Facilities and operations used for the centralized bulk collection, storage, transportation and distribution of agricultural products to wholesale and retail markets.
 - (3) The storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
 - (4) Facilities used to provide veterinarian services for livestock.
 - (5) Facilities used in the research and testing of agricultural products and techniques.
 - (6) Cemeteries.
 - (7) Landing fields.
 - (8) Livestock Sale and Auctions.
 - (9) Commercial mining, gravel and sandpits.
 - (10) Junk Yards
 - (11) Agricultural labor camps

4. Lot Area, Width, and Yard Requirements

a. The following lot area, width and yard requirements apply to residential structures in the Prime Agricultural District (A-P):

FRONT YARD	45 feet
SIDE YARD	Residential Buildings - 30 feet
REAR YARD	50 feet
BUILDING HEIGHT	35 feet or 22 stories whichever is less; Farm buildings/ structures are permitted at usual and customary heights.
LOT COVERAGE	25%
MINIMUM LOT AREA	40 acres (except as noted in 5 below)
MINIMUM LOT WIDTH	400 feet (except as noted in 5 below)
MINIMUM DWELLING UNIT FLOOR AREA	840 sq. ft. UFA/780 sq. ft. UFA on ground floor
	600 sq. ft. for ground floor of dwellings with 2 or more stories

b. All buildings for the housing of livestock shall be located no closer than one hundred (100) feet to any side or rear property line and fifty (50) feet from any front lot line.

5. Permitted Number of Lots

a. Except as otherwise permitted in this Section, no lot created after the effective date of this Ordinance *INSERT DATE HERE* in the A-P District shall be less than forty (40) acres in total area and four hundred (400) feet in width.

Sliding Scale Table	
Area of Lot of Record	Maximum Additional Lots Permitted
.1 to 10 acres	0
10.01 to 20 acres	1
20.01 to 40 acres	2
40.01 to 80 acres	3

b. Except as noted in d, below, the maximum number of lots that may be created from a lot of record existing as of the effective date of this Ordinance, *INSERT DATE HERE* shall be in accordance with the Sliding Scale Table.

c. For each parcel of greater than eighty (80) acres, existing as of the effective date of this Ordinance, *INSERT DATE HERE*, the allowed number of splits shall be equal to the number of splits permitted by the Sliding Scale Table plus the additional remaining acreage. (Example: a parcel of 120 acres would be permitted 3 splits for the first 80 acres. The remaining balance, 40 acres, would be permitted 2 additional splits, for a total of 5 lot splits for the 120 acres)

d. In addition to the splits allowed by the Sliding Scale Table, every lot which contains a single family dwelling existing as of the effective date of this Ordinance *INSERT DATE HERE*, shall be permitted to create a new lot from the original parcel for the existing dwelling. The lot lines shall be established so as to comply with the main and accessory building setbacks of the District. Lot

size and lot width shall comply with the requirements of e, below. Only one (1) such lot shall be permitted.

- e. Any lot created according to the above requirements shall be at least one (1) acre and no greater than two (2) acres in area, unless a greater lot area is required to accommodate necessary septic and well facilities. Each lot shall have a minimum of two hundred and twenty (220) feet of public road frontage. The permitted lots shall be contiguous.
- f. The above regulations shall not cause the lot of record to be split in such a manner which would violate the lot split provisions contained in the Land Division Act; Michigan Public Act 288 of 1967, as amended.

6. Monitoring Lot Splits

LaGrange Township recognizes that proper administration of the sliding scale zoning is necessary and shall such administration be established by an official register containing the following information:

- a. Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land ownership within the A-P District shall be established, along with an official register containing this information.
- b. An allotment of lots possible under this Ordinance shall be made for each parcel in the A-P District.
- c. As allotments are used up, the official map and register shall be updated to reflect these changes.
- d. The official map and register shall be maintained by the Township Clerk and copies made available for inspection by the public.

7. Vision Clearance

Vision Clearance requirements will be in accordance with the provisions of Article IV, Section 4.05 of this Ordinance.

8. Off-street Parking

Off-street parking requirements will be in accordance with the provisions of Article IV, Section 4.16 of this Ordinance.

9. Signs

Sign requirements will be in accordance with the provisions of Article IV, Section 4.17 of this Ordinance.

10. Accessory Buildings

Accessory buildings shall not exceed the height of the main building, as measured from the average grade to the highest point of the roof, except for those used in farming operations, which may be as high as reasonably necessary.

11. For any lot on which other than farming operations are conducted, any living, healthy tree having a diameter of four (4) inches or more within twenty (20) feet of the front lot line shall not be removed

from the lot unless the Zoning Administrator determines that such removal is necessary to construct driveways or other improvements required by the Township or other governmental agency.

Amend Section 3.02, 3, with the addition of a new subparagraph 1, to read in full as follows:

1. Open Space/Cluster Developments

Add a new Section 3.08, Water Quality Overlay District to read in full as follows:

Section 3.08, Water Quality Overlay District

1. Purpose and Application

a. The purpose of this District is to recognize the unique physical, environmental, economic, and social attributes of the shoreline properties in LaGrange Township, to ensure that the structures and uses in this District are compatible with and protect these unique attributes.

b. The Water Quality Overlay District is a supplemental District which applies to certain designated lands, as described in this Section, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the "underlying" Zoning District. Lands included in the Water Quality Overlay District are:

(1) **Watercourses** - All such lands located along the bank of the watercourses in the Township (to be listed here), as they exist within the confines of LaGrange Township, and extending one hundred (100) feet on either side of the banks of all the watercourses in the township; and

(2) **Lakes and Reservoirs** - All such lands located along the length of the shoreline of all the lakes and reservoirs in the Township (to be listed here) within the confines of LaGrange Township, and extending thirty (30) feet from the shoreline.

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

a. Watercourses - any linear body of water which has a base flow.

b. Bank - the rising ground bordering a watercourse, lake or reservoir.

3. Permitted Uses - The following uses of land and structures shall be permitted in the Water Quality Overlay District:

Permitted Uses and Special Land Uses permitted in the underlying District, provided that Special Land Uses meet the requirements of Article V.

4. Lot Area, Width, Yard, Building Area and Height Requirements - Except as noted below, minimum requirements for lot area, lot width, yards, building area and building height shall conform to those required by the underlying District. The following additional requirements shall apply for structures within the Water Quality Overlay District. Unless otherwise noted, all requirements apply to both watercourses and lakes.

a. As of the date of this Ordinance, no dwelling or other main building, accessory building, or septic system shall be constructed, erected, installed, or enlarged within:

(1) **Watercourses** - Minimum of one hundred (100) feet, as measured from the bank of the watercourse or the ordinary high water mark, except that for each one (1) foot of bank

height above a minimum of seven (7) feet above the high water line new structures may be placed five (5) feet closer to the bank of the watercourse, except that no structure shall be located closer than seventy five (75) feet to the high water line.

- (2) **Lakes and Reservoirs** - Minimum of thirty (30) feet, as measured from the bank or the ordinary high water mark.
- b. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and high water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high water line only under the following conditions:
- (1) The Native Protective Strip is maintained.
 - (2) No material is allowed to enter the water either by erosion or mechanical means.
 - (3) Fill material is of a pervious material such as gravel or sand.
 - (4) Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any watercourse, lake or reservoir in the Township by soil removal or fill.
 - (5) All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
- c. Additional setbacks shall apply to the following specific uses or activities, as permitted in the underlying zoning district. Setbacks are measured from the bank or high water line.
- (1) Storage of hazardous substances - one hundred and fifty (150) feet
 - (2) Above or below ground petroleum storage facilities - one hundred and fifty (150) feet
 - (3) Raised septic systems - two hundred and fifty (250) feet
 - (4) Solid waste landfills or junkyards - three hundred (300) feet
5. Native Protective Strip
- a. A minimum strip, as described below, bordering each bank of any watercourse, lake, or reservoir, as measured from the bank or high water line shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.
- (1) Watercourses - one hundred (100) feet
 - (2) Lakes and Reservoirs - twenty five (25) feet
- b. Within this strip, a space of no greater than ten (10) feet in width may be selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway, with the approval of the Zoning Administrator. Any walkway constructed inside the strip shall be on the land side and may be oriented perpendicular or parallel to the water line. Because the intent of the native protective strip is water quality protection, porous materials such as wood chips or gravel shall be used.
- c. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality or greater and extent as that which existed prior to the clearing.

- d. Individual trees within the Native Protective Strip may be removed which are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the watercourse, lake or reservoir.
- e. The Native Protective Strip shall not be used for any motorized vehicular traffic, parking, or for storage of any kind, including junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance.
- 6. Developments within the Water Quality Overlay District shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways.
- 7. All other requirements, including parking, signs, site plan reviews, and other similar provisions shall be as required by the underlying zone district, except that where specific requirements of the Water Quality Overlay District vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.

Amend Article V. Section 5.02 Paragraph E.2, with the addition of a new subparagraph n, to read in full as follows:

(Please note that this amendment on open space developments was developed before the state law requiring open space developments was enacted and does not meet the requirements of the law.)

n. Open Space/Cluster Developments

(1) Purpose

The purpose of the Open Space/Cluster Development is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands. The objective is to provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the township as a whole. These regulations are also intended to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.

(2) Application

The regulations of the Open Space/Cluster Development shall be considered as a Special Land Use in the General Agricultural District (A-G). An Open Space/Cluster Development shall be processed in the manner as a Special Land Use and shall be required to meet the standards and requirements of Article V, Special Use and Site Plan Review.

(3) Definitions

- (a) Active Agricultural Land: Any land or property placed under active cultivation within the two (2) previous growing seasons prior to application for the Open Space/Cluster Development.
- (b) Base Density: The density permitted within an Open Space/Cluster Development as determined through submission of a plan drawn in conformance with the existing zoning of the property which is subject to the Open Space/Cluster Development.
- (c) Community Sanitary Sewer System: All aspects of a complete, approved system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the Open Space/Cluster Development, including all

pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.

- (d) Community Water Service System: All aspects of a complete, approved system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the Open Space/Cluster Development from a central location or water source.
- (e) Development Area: That portion of the Open Space/Cluster Development utilized for main buildings, accessory buildings, utility lines, driveways, sidewalks, roadways, utility easements, and other necessary structures or facilities.
- (f) Open Space/Cluster Development: Any development of more than four (4) single-family dwelling units and encompassing a total area of twenty (20) acres or greater meeting the qualifications for an Open Space/Cluster Development as stated in this Section. An Open Space/Cluster Development site shall be composed of all lots or parcels included as part of the Open Space/Cluster Development.
- (g) Parallel Plan: A plan submitted as part of the Open Space/Cluster Development which demonstrates a feasible, approvable development under existing zoning requirements, without consideration of the Open Space/Cluster Development regulations. The purpose of the parallel plan is to establish the base density.
- (h) Sensitive Lands: Lands classified for purposes of density calculation that contain a minimum contiguous area of two (2) acres and which contain significant natural features or active agricultural land.
- (i) Significant Natural Features: Any natural area as designated by the Planning Commission or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.
- (j) Unconstrained Lands: Lands classified for purposes of density calculation which is not classified as Sensitive Lands.

(4) Qualifications and Application Processing

- (a) Prior to applying for a Special Land Use request, the land that is the subject of the application shall comply with the following requirements:
 - (i) At least one (1) lot line shall have a minimum length along an existing public street of three hundred thirty feet (330), as measured at the front lot line.
 - (ii) The lot or parcel shall contain significant natural features, slopes exceeding ten percent (10%), or active agricultural lands, which individually or collectively encompass twenty five percent (25%) or more of the total site area.
 - (iii) Proposed uses of land shall have a minimum of four (4) single-family dwelling units.
 - (iv) The site proposed for the development shall encompass a total area of twenty (20) acres or greater, unless the Planning Commission permits a lesser area. Such lesser area may be granted if the Planning Commission finds that the project will otherwise substantially meet the Purposes outlined in this subsection.
- (b) Open Space/Cluster Development plans shall include the following information, in addition to that required by Section 5.03. Paragraph D.2:
 - (i) Location of building envelopes for all lots.
 - (ii) Location of permitted excavation limits of all lots within the Sensitive Lands.

- (iii) Location of all preserved trees and location of trees designated to be removed or replaced, if any.
- (iv) Location of all Michigan Department of Environmental Quality regulated wetlands.

(5) Development Requirements

(a) Land Classification

- (i) All property within the Open Space/Cluster Development shall be classified as either Sensitive Lands or Unconstrained Lands. This classification shall be provided on the site plan, a separate topography survey, or aerial photograph of the proposed development site.
- (ii) The proposed classification map shall indicate the acreage included in each separately described area of the classified lands.
- (iii) Lands classified as Sensitive Lands shall indicate a detailed description of the character of such lands, including a breakdown of the approximate square footage or acreage of major types of significant natural features (wetlands, woodlands, steep slopes, etc.)

(b) General Requirements

- (i) Minimum floor area and height regulations for dwelling units within the Open Space/Cluster Development shall conform to the requirements of the General Agricultural District.
- (ii) Main and accessory buildings at least a thirty (30) foot setback from the side and rear of Open Space/Cluster Development site lot lines.
- (iii) Any building area within the Open Space/Cluster Development shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the Open Space/Cluster Development.

- (a) No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the Open Space/Cluster Development.

- (b) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:

- (i) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
- (ii) Be on a strip of unoccupied land at least fifty (50) feet in depth.
- (iii) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
- (iv) Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

- (c) Open Space/Cluster Development sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the

abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads.

(6) Open Space Requirements

- (a) Land not proposed within any building site or lot, but used in the calculation for of overall density, shall be designated on the Open Space/Cluster Development plan and considered dedicated open space. Each development shall provide dedicated open space areas according to the following chart:

% of Unconstrained Lands (as classified for density calculation)	Minimum % Dedicated Open Space Required
70 % or greater	30%
40% to 69%	25%
Less than 40%	20%

- (b) To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the Open Space/Cluster Development. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the Open Space/Cluster Development.
- (c) Open space shall be deed restricted, placed in a conservation easement, or otherwise held as open space in perpetuity. Suitable recorded instruments shall be submitted to the Township for review prior to final approval of the Open Space/Cluster Development.
- (d) Open Space Maintenance
 - (i) All dedicated open spaces shall be in joint ownership of the property owners within the Open Space/Cluster Development. A property owner=s association shall be formed which shall take responsibility for the maintenance of the open space; or;
 - (ii) Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - (iii) The applicant(s) for the proposed development shall provide the Township with a recordable maintenance or restrictive covenant agreement between the owner(s) of the open space, or other documentation satisfactory to the Township which shall provide for and assure that the open space shall be preserved in perpetuity and maintained as needed.
 - (iv) The maintenance requirements of dedicated open space are not necessarily intended to include regular clearing and mowing or other active maintenance. For the purposes of this subsection, maintenance is intended to include such items as removal of any accumulation of trash or waste material within the dedicated open space area, clean up of storm or other Act of God damage, or removal of diseased plant materials.

(7) Base Density for Residential Uses- Parallel Plan

- (a) The maximum base density for residential uses shall be determined through the completion and submission of a parallel plan showing the site as developed under the existing zoning classification, without consideration of the open space/cluster provisions. The purpose of the parallel plan is to establish the base density to be permitted for the development.

- (b) The parallel plan shall meet the following minimum requirements:
- (i) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit.
 - (ii) The parallel plan shall be drawn to comply with the requirements of Article V Special Uses and Site Plan Review, Section 5.03 Site Plan Review, of this ordinance.
 - (iii) With respect to access, lot area, lot width, lot coverage, setbacks, dwelling unit sizes, and other provisions of the zoning district that may be applicable to the type of dwelling units to be proposed.
 - (iv) All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public or community sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
 - (v) Areas of wetlands, water bodies, and other unbuildable areas shall not be used as buildable areas, but may be included in the lot area calculations.

(8) Density Bonus

- (a) In order to preserve the maximum amount of open space, an Open Space/Cluster Development may permit an increase in the number of dwelling units above the base density established in the parallel plan, provided that in no case shall such density bonus exceed forty percent (40%) of the base density.
- (b) The Open Space/Cluster Development may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space	30% open space	8%
	40% open space	10%
	50% open space	12%
Community or Public Sanitary Sewer Service		20%
Community or Public Water Service		10%
Community or Public Sanitary Sewer and Water Service		30%

Amend Article V. Section 5.03 Paragraph D, Preliminary Site Plan Review, paragraph 3, d to read in full as follows:

- d. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

Amend Article V. Section 5.03 Paragraph D, Preliminary Site Plan Review, paragraph 3, to add a new subparagraph i, to read in full as follows:

- i. 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.

WAYNE TOWNSHIP

(These amendments are as proposed, not yet adopted as of the printing.)

Amend Article II, Definitions, with new definitions for the following terms:

Bank - The rising ground bordering a watercourse, lake or reservoir.

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

Shoreline - The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

Significant Natural Feature - Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality, or other appropriate governmental agency, which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

Watercourse - An open trench either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two (2) acres which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

Amend Article III, Prime Agricultural District, AA-1", Section 303, Uses Permitted as a Special Use, with the addition of a new subparagraph I, to read in full as follows:

- I. Open Space Developments

Amend Section 309, C; Section 409, C; Section 509, B; Section 609, B; Section 709, B; Section 809, B; Section 909, B; Section 1009, B; Section 1109, B; Section 1209, B; to read in full as follows:

A site plan shall be submitted in accordance with the requirements of Article XIV.

Amend Article IV, General Agricultural District, AA-2" Section 403, Uses Permitted as a Special Use, with the addition of a new subparagraph H, to read in full as follows:

H. Open Space Developments

Amend Article IV, Section 404 to read in full as follows:

The following lot area, width and yard requirements apply to the AA-2" District:

Minimum Lot Area	2 acres
Minimum Lot Width	165 feet
Minimum Front Yard	40 feet
Minimum Side Yard	30 feet
Minimum Rear Yard	50 feet

Amend Article VIII, Lake Residential District, Section 809, Supplementary Standards, with the addition of new paragraph C to read in full as follows:

- C. The following provisions apply to all lots with at least one (1) lot line bordering a lake within this District.
1. As of the effective date of this Ordinance, no dwelling or other main building, accessory building, or septic system shall be constructed, erected, installed, or enlarged within a minimum of twenty-five (25) feet, as measured from the ordinary high water mark of the lake. All dwelling or other main building, accessory building, or septic system at the time of the effective date of this ordinance, and not meeting the requirements of this subsection shall not for a period of twelve (12) months be prevented from reconstructing, repairing or maintaining their facilities in the event of destruction by a fire or Act of God. If the reconstruction of the structure does not occur within a twelve (12) month period, the structure will be required to meet all ordinance regulations set forth in the district.
 2. The following additional setbacks, as measured from the ordinary high water mark of the lake, shall apply to the following specific uses or activities.
 - Storage of liquid petroleum above or below ground (except fuel oil tanks) in excess of 40 gallons or the storage of any other hazardous substances in excess of 15 gallons: one hundred and fifty (150) feet.
 3. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and high water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and ordinary high water mark of the lake only under the following conditions:
 - a. No material is allowed to enter the water either by erosion or mechanical means.
 - b. Fill material is of a pervious material such as gravel or sand.
 - c. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the State of Michigan, provided that it shall be unlawful to alter the

shoreline of any watercourse, lake or reservoir in the Township by soil removal or fill.

d. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

Amend Article IX, Medium Density Lake Residential District, Section 809, Supplementary Standards, with the addition of a new paragraph C, to read in full as follows:

C. All lots with at least one (1) lot line bordering a lake within this District shall comply with the provisions of Section 809, paragraphs C.

Amend Article XVIII, Supplemental Provisions with the addition of Section 1824 - Water Quality Overlay District, to read in full as follows:

A. Purpose and Application

1. The purpose of the Water Quality Overlay District is to recognize the unique physical, environmental, economic, and social attributes of the shoreline properties in Wayne Township, to ensure that the structures and uses in this District are compatible with and protect these unique attributes.
2. The Water Quality Overlay District is a supplemental District which applies to certain designated lands, as described in this Section, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the "underlying" Zoning District, with the exception of the Low Density Lake Residential District (LR-1) and Medium Density Lake Residential District (LR-2) (specifically Twin Lakes). Lands included in the Water Quality Overlay District are:
 - a. Watercourses: All such lands located along the bank of all watercourses in the Township, as they exist within the confines of Wayne Township, and extending one hundred (100) feet on either side of the banks of all the watercourses in the township; and
 - b. Lakes/Reservoirs/Ponds: All such lands located along the length of the shoreline of all the lakes, ponds and reservoirs in the Township not exempted above within the confines of Wayne Township, and extending one hundred (100) feet from the shoreline.
 - c. As of the effective date of this Ordinance, no dwelling or other main building, accessory building, or septic system shall be constructed, erected, installed, or enlarged within a minimum of twenty-five (25) feet, as measured from the ordinary high water mark of the lake. All dwelling or other main building, accessory building, or septic system at the time of the effective date of this ordinance, and not meeting the requirements of this subsection shall not for a period of twelve (12) months be prevented from reconstructing, repairing or maintaining their facilities in the event of destruction by a fire or Act of God. If the reconstruction of the structure does not occur within a twelve (12) month period, the structure will be required to meet all ordinance regulations set forth in the district.

B. Permitted Uses: The following uses of land and structures shall be permitted in the Water Quality Overlay District: Permitted Uses and Special Land Uses permitted in the underlying District, provided that Special Land Uses meet the requirements of Article XIII.

C. Lot Area, Width, Yard, Building Area and Height Requirements - Except as noted in D, below, minimum requirements for lot area, lot width, yards, building area and building height shall conform to those required by the underlying District.

- D. The following additional requirements shall apply for structures within the Water Quality Overlay District. Unless otherwise noted, all requirements apply to both watercourses, lakes, reservoirs and ponds.
1. As of the date of this Ordinance, no dwelling or other main building, accessory building, or septic system shall be constructed, erected, installed, or enlarged within:
 - a. Watercourses: Minimum of one hundred (100) feet, as measured from the bank of the watercourse or the ordinary high water mark, except that for each one (1) foot of bank height above a minimum of seven (7) feet above the high water line new structures may be placed five (5) feet closer to the bank of the watercourse, except that no structure shall be located closer than seventy five (75) feet to the high water line.
 - b. Lakes/Reservoirs/Ponds: Minimum of one hundred (100) feet, as measured from the bank or the ordinary high water mark.
 2. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and high water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high water line only under the following conditions:
 - a. The Native Protective Strip, as described in Section 1824, E, is maintained.
 - b. No material is allowed to enter the water either by erosion or mechanical means.
 - c. Fill material is of a pervious material such as gravel or sand.
 - d. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any watercourse, lake or reservoir in the Township by soil removal or fill.
 - e. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
 3. Additional setbacks shall apply to the following specific uses or activities, as permitted in the underlying zoning district. Setbacks are measured from the bank or high water line.
 - a. Storage of liquid petroleum above or below ground (except fuel oil tanks) in excess of 40 gallons or the storage of any other hazardous substances in excess of 15 gallons: one hundred and fifty (150) feet.
 - b. Raised septic systems: two hundred and fifty (250) feet.
 - c. Solid waste landfills or junkyards: three hundred (300) feet.

E. Native Protective Strip

1. A minimum strip, as described below, bordering each bank of any watercourse, lake, or reservoir, as measured from the bank or high water line shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.

- a. Watercourses - one hundred (100) feet
 - b. Lakes/Reservoirs/Ponds - twenty five (25) feet
2. Within this strip, the Zoning Administrator may permit a space of ten percent (10%) of the lot width along the watercourse, lake, or reservoir provided no less than ten (10) feet and no greater than one hundred (100) feet in width to be selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway. Any walkway constructed inside the strip shall be on the land side and may be oriented perpendicular or parallel to the water line. Because the intent of the native protective strip is water quality protection, porous materials such as wood chips or gravel shall be used.
 3. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality or greater and extent as that which existed prior to the clearing.
 4. Individual trees within the Native Protective Strip may be removed which are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the watercourse or lake.
 5. The Native Protective Strip shall not be used for any motorized vehicular traffic, parking, or for storage of any kind, including junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance.
- F. All other requirements, including parking, signs, site plan reviews, and other similar provisions shall be as required by the underlying zone district, except that where specific requirements of the Water Quality Overlay District vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.

Amend Article X, Section 1002, H, to read in full as follows:

H. Gas and oil service stations and garages meeting the following requirements:

The proposed use shall be on a designated state highway.
 The minimum lot width and depth shall be a minimum of one hundred (100) feet.
 Any part of a structure where oils, fuels, lubricants, gases and other flammable materials are used or stored shall be set back a minimum of twenty (20) feet from any property line and a minimum of three hundred (300) feet from any residential building, school, church, hospital, playground, public building, theater, any other public assembly building, or any other gas and oil service stations and garages or similar use using or storing these materials.

Amend Article 13, to add a new Section 1310, Open Space Developments, and renumber Sections 1310, Conditions of Approval to Section 1311 and Section 1311, Appeals, Rehearings and Reapplications to Section 1312.

Section 1310 OPEN SPACE DEVELOPMENTS

- A. Purpose - The purpose of the Open Space Development is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands. The objective is to provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the township as a whole. These regulations are also intended

to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.

B. Definitions

1. Active Agricultural Land: Any land or property placed under active cultivation within the two (2) previous growing seasons prior to application for the Open Space Development.
 2. Base Density: The density permitted within an Open Space Development as determined through submission of a Aparallel plan@ drawn in conformance with the existing zoning of the property which is subject to the Open Space Development.
 3. Community Sanitary Sewer System: All aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the Open Space Development, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.
 4. Community Water Service System: All aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the Open Space Development from a central location or water source.
 5. Development Area: That portion of the Open Space Development utilized for main buildings, accessory buildings, utility lines, driveways, sidewalks, roadways, utility easements, and other necessary structures or facilities.
 6. Significant Natural Features: Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.
- C. Qualifications - Prior to applying for a Special Use request, the land that is the subject of the application shall encompass a total area of twenty (20) acres or greater, unless the Planning Commission permits a lesser area, upon finding that the project will otherwise substantially meet the Purposes outlined in this section.

D. Development Requirements

1. General Requirements

- a. Minimum floor area and height regulations for dwelling units within the Open Space Development shall conform to the requirements of the Zoning District in which it is located..
- b. Main and accessory buildings shall be setback at least thirty (30) feet from the side and rear of Open Space Development site lot lines.
- c. Minimum lot area, lot width, and yard setbacks shall be not less than those required in Section 504 (OSR District).

2. Development Setback

- a. Any building area within the Open Space Development shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the Open Space Development.
- b. No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads. The Planning Commission may modify this requirement provided the applicant demonstrates

that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the Open Space Development.

- c. The Planning Commission may reduce this setback to not less than one hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development. In this case the Commission may also require additional landscaping if necessary to further screen the development area. Landscaping may consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
- d. Open Space Development sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads.

3. Open Space Requirements

- a. Each Open Space Development shall provide a minimum of fifty percent (50%) of the total site as dedicated open space meeting the requirements of subsections b-f below.
- b. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the Open Space Development. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the Open Space Development. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.
- c. Open space shall be deed restricted, placed in a conservation easement, or otherwise held as open space in perpetuity. Suitable recorded instruments shall be submitted to the Township for review prior to final approval of the Open Space Development.
- d. Open Space Maintenance
 - (1) All dedicated open spaces shall be in joint ownership of the property owners within the Open Space Development. A property owners association shall be formed which shall take responsibility for the maintenance of the open space; or;
 - (2) Evidence shall be given that satisfactory arrangements will be made for the maintenance of the designated land to relieve the Township of the future maintenance thereof.
 - (3) The applicant(s) for the proposed development shall provide the Township with a recordable maintenance or restrictive covenant agreement between the owner(s) of the open space, or other documentation satisfactory to the Township which shall provide for and assure that the open space shall be preserved in perpetuity and maintained as needed.
 - (4) The maintenance requirements of dedicated open space are not necessarily intended to include regular clearing and mowing or other active maintenance. For the purposes of this subsection, maintenance is intended to include such items as removal of any accumulation of trash or waste material within the dedicated open space area, clean up of storm or other Act of God damage, or removal of diseased plant materials.

4. Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.

POKAGON TOWNSHIP

Amend Chapter 2, Definitions, Section 2.02, Definition of "Lot" to read in full as follows:

LOT

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building and its accessory buildings, having frontage on a street, and the open spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use. See Diagrams E and F.

Amend Chapter 3, General Provisions, to add a new Section 3.25, Riparian Access, to read in full as follows:

3.25 RIPARIAN ACCESS

The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the township.

- A. In all Districts there shall be at least seventy (70) feet of lake, river, or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family dwelling, two-family dwelling unit, or multiple-family dwelling unit utilizing or accessing the lake, river, or stream frontage.
- B. Any lot providing riparian access shall comply with the following requirements:
 - 1. The lot shall have a minimum depth of one hundred (100) feet.
 - 2. No portion of the lot frontage shall contain any wetlands, as defined by the Michigan Department of Environmental Quality, and no lot shall have any wetlands altered, drained, or filled so as to accommodate access or increase its frontage.
 - 3. No canal or channel shall be excavated for the purpose of increasing the lot frontage required by this Section.
 - 4. The lot shall not contain any other principal building or use or accessory use, except as may otherwise be permitted by this Ordinance for docks or boat launching facilities.
- C. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

Amend Chapter 4, Section 4.04, Schedule A, amend footnote for AG1 to read in full as follows:

AG1 - Requires accessory structures with livestock to be no closer than three hundred (300) feet from any R-1 or R-2 zoning district. The Planning Commission may permit as a conditional use the creation of one (1) lot for the purposes of constructing a single family home, in addition to any farmstead which may exist on the parcel. In not less than ten (10) years following the date of the Conditional Use approval for the first parcel under this Ordinance, the Planning Commission may consider a subsequent Conditional

Use application for an additional parcel meeting the requirements of Section 16.52. See Sections 5.03 Q and 16.52 for regulations applicable to lot requirements for single family dwellings.

Amend to Chapter 5, Agricultural Production District (AG-1) Section 5.01, Intent, to read in full as follows:

5.01 Intent

It is recognized that the public health and general welfare of the citizens of Pokagon Township, the State of Michigan, and the United States are greatly dependent upon the sustenance, and economic benefit provided by a viable agricultural industry. It is the purpose of the AG- 1 District to ensure that land areas within Pokagon Township which are uniquely suited for the production of agriculture are preserved, unimpeded by the establishment of incompatible land uses which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity.

Conversion of agricultural lands to residential uses has created land use conflicts and problems with land development. New residential development in rural areas has made daily farming operations difficult and sometimes dangerous. Farmers are forced to contend with increased traffic and nuisance complaints by new neighbors who object to farm related noise, dust, odors, and late hours of operation. The intent of this District includes the need to limit non-farm related residential development to avoid these often incompatible uses. The preservation of existing, viable agricultural areas is needed not only to preserve the rural character of the Township, but to protect an important part of the region's economic base.

Amend Section 5.02, Permitted Uses, paragraph A, to read in full as follows:

- A. Farm operations and agricultural production including single family detached homes used for farm homesteads, complying with the requirements of Section 16.52, A-E, and including the raising or growing of forages and sod crops; grains and feed crops, dairy and diary products, and livestock, including breeding and grazing.

Amend Section 5.02, Permitted Uses, paragraph E, to read in full as follows:

- E. Roadside stands for the sale of farm products produced on the premises or other premises owned and operated by the owner or operator of the farm, provided that off-street parking facilities are provided, that entrances and exits be clearly marked and placed at least one hundred (100) feet from any street intersection, and that any structure housing the roadside stand not exceed four hundred (400) square feet in gross floor area.

Amend Section 5.02, Permitted Uses, to delete paragraph H, Single family dwelling, in its entirety, including subparagraphs 1-3; renumber subsequent paragraphs.

Amend Section 5.03, Conditional Land Uses, to add a new paragraph Q, to read in full as follows:

- Q. Single family dwelling, either constructed on the site or manufactured off the site - See Section 16.52.

Amend Section 5.05, Supplementary Standards, to add a new paragraph D, to read in full as follows:

- D. Agricultural Buffers/Barriers

1. Purpose - Conversion of agricultural lands to residential uses has created land use conflicts. New residential development in rural areas has made daily farming operations difficult and sometimes dangerous. Farmers are forced to contend with nuisance complaints by new neighbors who object to farm related noise, dust, odors, and late hours of operation. The purpose of this subsection is to provide open spaces between residential development and active agricultural areas to help these often incompatible uses exist in close proximity.
2. The provisions of Section 5.05, D shall apply to the following properties, except that these regulations shall not be applied to farm homesteads:
 - a. The subject property is located adjacent active agricultural lands on which a variety of agricultural activities may occur that may create discomforts or inconveniences which are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.
 - b. The subject property is part of a plat, site condominium, or other development approval, as provided in this Chapter, issued for residential development or other development permitted by this Chapter that is unrelated to agricultural activities.
3. Any property included in Section 5.05, D, 2, shall provide either a buffer or a barrier between the immediately adjacent residential lots and properties on which agricultural activities are conducted, according to the following requirements.
 - a. A buffer shall be not less than twenty-five (25) feet in width, beginning at the property line(s) nearest the agricultural activities, and extending into the non-agricultural property. A natural buffer (such as a wetland, swale, or berm, etc.) may be included as part or all of the buffer.
 - b. A barrier, consisting of fencing, densely planted vegetation, or other similar barrier, may be used in place of a buffer. If a barrier is utilized and maintained, its width shall be not less than five (5) feet. Any part of the barrier shall be located at least five (5) feet from the property line(s) nearest the agricultural activities.
4. Lots with street frontage are not required to provide a buffer or barrier between residential uses and agricultural activities on properties across the street.

Amend Chapter 6, Agricultural Residential District, Section 6.02, to read in full as follows:

6.02 PERMITTED USES

- A. Farm operations and agricultural production, including single family detached homes used for farm homesteads, complying with the requirements of Section 6.02, C, including the raising or growing of forages and sod crops; grains and feed crops, dairy and diary products, and livestock, including breeding and grazing, provided that no livestock or fowl shall be harbored, kept, or maintained on any property that is less than five (5) acres in area.
- B. Raising and harvesting of trees, fruit, vegetable, shrubs, and plants.

- C. Single family dwellings either constructed on the site or manufactured off the site, including single family site condominiums, complying with the following requirements:
 - 1. The minimum width across any front, side, or rear architectural elevation shall be at least twenty (20) continuous feet of exterior wall, excluding porches and accessory buildings.
 - 2. All single family dwellings shall comply with the currently adopted building code for the Township.
 - 3. The dwelling shall be placed upon and secured to a permanent foundation in accordance with the currently adopted Township building code. The area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of materials and type as required in the applicable code for single-family dwellings.
 - 4. In the event that the dwelling shall be installed pursuant to the manufacturer's set-up instructions, the dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission.

- D. Family Day Care Facilities and Family Foster Care Facilities, as defined in Chapter 2 of this Ordinance.

Amend Chapter 6, Agricultural Residential District, Section 6.03, to add a new paragraph S, to read in full as follows:

- S. Planned unit development - See Section 16.35.

Amend Chapter 7, Single Family Residential District, Section 7.02, A to read in full as follows:

- A. Single family dwelling, either constructed on the site or manufactured off the site, including single family site condominiums, complying with the requirements of Section 6.02, C.

Amend Chapter 7, Single Family Residential District, Section 7.02, Permitted Uses, to add a new paragraph D, to read in full as follows:

- D. Family Day Care Facilities and Family Foster Care Facilities, as defined in Chapter 2 of this Ordinance.

Amend Chapter 7, Single Family Residential District, Section 7.03, Conditional Uses, to delete paragraph I, Site condominium subdivisions, in its entirety, and renumber subsequent paragraphs.

Amend Chapter 8, Medium Density Residential District, Section 8.02, A to read in full as follows:

- A. Single family dwelling, either constructed on the site or manufactured off the site, including single family site condominiums, complying with the requirements of Section 6.02, C.

Amend Chapter 8, Medium Density Residential District, Section 8.02, paragraph E, to read in full as follows:

- E. Family Day Care Facilities and Family Foster Care Facilities, as defined in Chapter 2 of this Ordinance.

Amend Chapter 8, Medium Density Residential District, Section 8.03, Conditional Uses, to delete paragraph K, Site condominium subdivisions, in its entirety, and renumber subsequent paragraphs as necessary.

Amend Chapter 14, Site Plan Review, Section 14.02, Site Plan Review and Approval, to read in full as follows:

14.02 SITE PLAN REVIEW AND APPROVAL

- A. The provisions in this Chapter shall apply to the following:
 - 1. Conditional Uses in all districts;
 - 2. Permitted uses in the R-2, C-1, C-2, I-1, and I-2 Districts, and;
 - 3. Site condominiums in any district.
- B. All conditional uses in the AG-1, AG-2, R-1, and FP-OS Districts require the submission by the property owner of a sketch plan, in accordance with the requirements of Section 14.03.
- C. All permitted uses and conditional uses within the R-2, C-1, C-2, I-1, and I-2 Districts, and site condominiums in any district, shall require the review and approval of the site plan by the Township Board, after recommendation by the Planning Commission.
- D. Plans that have been submitted and approved shall regulate the development of the site; modifications to the site plan shall be in accordance with the provisions of 14.03, K.

Amend Chapter 14, Site Plan Review, Section 14.03, Submission Requirements, paragraph A, 2, to read in full as follows:

- 2. Any necessary permits related to wetlands, water bodies, or other natural features issued under the jurisdiction of the Michigan Department of Environmental Quality (MDEQ) shall be submitted as part of the review of the Sketch Plan. The Planning Commission may condition the approval of any Sketch Plan on the approval of required permits by the MDEQ, or any other applicable federal, state, or county agency.

Amend Chapter 14, Site Plan Review, Section 14.03, Submission Requirements, paragraph B, 2, to read in full as follows:

- 2. Any necessary permits related to wetlands, water bodies, or other natural features issued under the jurisdiction of the Michigan Department of Environmental Quality (MDEQ) shall be submitted as part of the review of the Sketch Plan. The Planning Commission may condition the approval of any Sketch Plan on the approval of required permits by the MDEQ, or any other applicable federal, state, or county agency.

Amend Chapter 14, Site Plan Review, Section 14.03, Submission Requirements, paragraph D, to add new paragraphs 16-18 to read in full as follows:

- 16. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning

Commission or Township Board may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

17. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be directed to areas that will not allow it to obstruct the flow of vehicular or pedestrian traffic or create standing water in areas accessible to this traffic.
18. Elements of the site plan shall take into account the site's topography, the size and type of plot, 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.

Amend Chapter 16, Conditional Land Uses, Section 16.04 to add a new paragraph at the end of the Section, to read in full as follows

Single family dwelling, either constructed on the site or manufactured off the site. See Section 16.52 and the Agricultural Production District (AG-1).

Amend Section 16.35, Planned Unit Development, paragraphs B-E, to read in full as follows:

- B. Provisions Governing Planned Unit Development (PUD): Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provision of this section and those of the other sections of this ordinance, the provisions of this chapter shall prevail. Subjects not covered by this section, including such provisions as signs, parking, and other related site development requirements, shall be governed by the respective provisions found elsewhere in this ordinance.
- C. Application and Procedure: An application for a planned unit development may be submitted in any zoning district where conditional uses for planned unit developments are provided. Conditional uses for planned unit developments shall be approved by the Planning Commission and the Township Board in accordance with the procedures and requirements of Section 16.02.
- D. Uses Permitted:
 1. Compatible residential, commercial, and public uses may be combined in PUD districts subject to the provisions of 16.35, O.
 2. For residential uses lot area and other yard requirements of the residential district(s) in which the PUD is located shall apply. If the PUD lies in more than one zoning district the number of dwelling units shall be calculated on a proportionate basis.
 3. The amount of land devoted to commercial uses in the PUD shall be governed by the provisions of 16.35, O.
- E. Minimum Project Area: The gross area of a tract of land to be developed in a PUD shall be a minimum of twenty (20) acres, provided, however, that smaller parcels may be approved by the

Planning Commission on the basis of their potential to satisfy the Objectives of the PUD, as noted in 16.35, A.

Amend Section 16.35, Planned Unit Development, paragraph H, to read in full as follows:

- H. Disposition of Open Space:
1. The required amount of common open space land reserved within the PUD shall either be held in corporate ownership by owners of the project, held by a homeowner's association for the use of each owner who buys property within the development, or be dedicated to the Township and retained as common open space for parks, recreation, and related uses.
 2. All land dedicated to the Township must first be approved by the Township Board, subject to meeting the Township Board's requirements as to size, shape, available access, and location of the open space to be dedicated.
 3. Public utility and similar easements, and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless the land or right-of-way is accessible and usable as a trail, vegetative buffer, or other similar purpose and approved by the Township Board.

Amend Section 16.35, Planned Unit Development, paragraph K, to read in full as follows:

- K. Lots to Abut Upon Common Open Space: Every property developed within the PUD should be designed to abut upon common open space or similar areas. A clustering of dwellings may be utilized, as provided in 16.35, AE, provided that no more than eight (8) town house units may be developed in any continuous row.

Amend Section 16.35, Planned Unit Development, paragraphs N-P, to read in full as follows:

- N. Perimeter Yards: Notwithstanding the provisions of this section, every lot abutting the perimeter of a PUD shall maintain all yard requirements for the zoning district(s) in which the development is located.
- O. Arrangement of Commercial Uses for PUDs in Residential Districts: PUDs within the AG-2, R-1, and R-2 Districts may include any Permitted Uses and Conditional Uses of the C-1, Retail Commercial District, provided that the uses will not materially alter the residential character of the neighborhood and/or the PUD and that these uses shall be developed in accordance with the following:
1. Commercial uses, buildings, and establishments within the PUD shall be planned as groups having common parking areas, properly arranged streets and roadways for internal traffic circulation, and common ingress and egress points in order to reduce the number of potential accident location at intersections with thoroughfare.
 2. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas either within or outside the PUD.
 3. The plan of the commercial portions of the PUD shall provide for the integrated and harmonious architectural design of buildings, signs, landscaping, and other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding residential areas.

4. All commercial areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission.
 5. All commercial uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD project's developable area.
 6. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
 7. Any nonresidential buildings and uses, or any commercial establishments shall be developed according to the following requirements:
 - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75 %) of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
- P. Procedures for Approval of PUDs: PUDs shall be approved in accordance with the procedures set forth in this section.

Amend Section 16.35, Planned Unit Development, paragraphs T-V, to read in full as follows:

- T. Notice of Public Hearing by Planning Commission in Newspaper: Before holding the public hearing, notice of the hearing shall be given in accordance with the provisions of 16.02, B. The notice shall set forth the time and place of the public hearing and general description of the planned unit development.
- U. Notice to Property Owners by Planning Commission: Before holding the public hearing, written notice of the hearing shall be sent by the Township by first class mail, accordance with the provisions of 16.02, B. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.
- V. Approval in Principle by Planning Commission:
1. Following the public hearing, the Planning Commission shall review the preliminary development plans to determine if they are generally consistent with the Objectives of the PUD in 16.35, A, the intent and purpose of this ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits of the combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviations from the regulations of the district(s) in which the PUD is located.
 2. The Commission's approval in principle of the preliminary development plan shall be obtained before an applicant may submit a final development plan.
 3. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.
 4. Prior to granting an approval in principle, the Planning Commission may request a review from the Township Attorney, Engineering Consultant and/or Planning Consultant and the applicant shall be responsible for any and all charges incurred for the review(s).

Amend Section 16.35, Planned Unit Development, paragraph AA, to add subparagraphs 9-13, to read in full as follows:

9. The review standards of 16.04 A-G are satisfied;
10. The review standards of 14.03, E are satisfied;
11. The Objectives of 16.35, A are satisfied;
12. That the proposed development advances the general welfare of the community and neighborhood;
13. That the benefits of the combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviations from the district(s) in which the PUD is located.

Amend Section 16.35, Planned Unit Development, paragraph AC, to read in full as follows:

- AC. Supplementary Conditions and Safeguards: In the approval of any PUD the Township Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of the conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this ordinance and subject to the enforcement procedures of Section 21.08.

Amend Section 16.35, Planned Unit Development, to add a new paragraph AE, to read in full as follows: (all new text)

AE. Residential Open Space Development Regulations

1. Intent: A planned unit development (PUD) may be approved as a Residential Open Space Development in accordance with the following regulations. Residential Open Space Developments are not intended simply as a means to reduce lot sizes. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed.
2. Qualifying Condition: In addition to the other provisions of Section 16.35, applications for Residential Open Space Developments shall also demonstrate that the property proposed for the Open Space Development contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but which is preserved as a result of the Residential Open Space Development.
3. Development Regulations
 - a. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission and Township Board, but in no case shall be less than that required for single family dwellings in the R-2 District (see Section 8.04, B).
 - b. Land not proposed for development, but used for the calculation of overall density, shall be designated on the PUD plan and considered open space and shall be deed restricted or otherwise held as open space in perpetuity. Open space shall be subject to the requirements of Section 16.35, G-H, and K. In any case, not less than fifty percent (50%) of the total development site shall remain in open space in perpetuity.

- c. The total developed density of the Residential Open Space Development shall not exceed the base density calculation of Section 16.35, AE, 4, except as may be permitted through the density bonus provisions of this Section.
- d. Minimum floor area and height regulations for dwelling units shall conform to the regulations of the district(s) in which the PUD is located.
- e. No two-family, multiple family, or commercial uses shall be permitted as part of the Residential Open Space Development.
- f. Any building area within the Open Space Development shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the Open Space Development.
 - (1) No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the Residential Open Space Development.
 - (2) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:
 - (a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
 - (b) Be on a strip of unoccupied land at least fifty (50) feet in depth.
 - (c) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
 - (d) Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
 - (3) Residential Open Space Development sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads.

4. Development Density

- a. Parallel Plan: The maximum base density for residential uses shall be determined through the completion and submission of a parallel plan. The parallel plan shall meet the following minimum requirements:
 - (1) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.

- (2) All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
- (3) Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.

b. Density Bonus:

- (1) In order to preserve the maximum amount of open space, a Residential Open Space Development may permit an increase in the number of dwelling units above the base density established in the parallel plan, provided that in no case shall the density bonus exceed forty percent (40%) of the base density. The Residential Open Space Development may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space	55% open space	8%
	60% open space	10%
	65% open space	12%
Community or Public Community Wastewater Disposal System		20%
Community or Public Water Service System		10%
Community or Public Community Wastewater Disposal System and Water Service System		30%

- (2) For the purposes of this Section, a *community wastewater disposal system* shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the PUD, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location. A *community water service system* shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the PUD from a central location or water source.

- 5. Review Standards: The following review standards will be used by the Planning Commission and Township Board in their consideration of a Residential Open Space Development. Before an OSD may be approved the Township Board shall find:

- a. That the Criteria for Recommendations of Section 16.35, AA have been satisfied.
- b. That the Residential Open Space Development does not substantially alter the character of the general neighborhood in which the development is proposed;
- c. That the location of the buildings of the Residential Open Space Development do not unduly impact other single family uses in the vicinity of the proposed development;
- d. That the Residential Open Space Development preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate that the land preserved would otherwise be capable of development under the existing zoning;
- e. That the Residential Open Space Development can accommodate adequate and safe disposal of sewage and can provide an adequate, assured source of water for domestic use. To this end the Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the Residential Open Space Development. The additional information may also include the following provisions related to the objective of groundwater protection.

- (1) The Planning Commission and/or Township Board may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the Cass County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
- (2) The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the PUD. The additional studies may be required by the Planning Commission and/or Township Board where one (1) or more of the following conditions are present:
 - (a) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the PUD is to be placed, or on lots or parcels within a one (1) mile radius of the PUD site;
 - (b) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the PUD site;
 - (c) Existing licensed landfills (active or inactive) within a three (3) mile radius of the PUD site.
 - (d) Industrially used or zoned sites within a one (1) mile radius of the PUD site.
 - (e) Existing residential development within a one (1) mile radius of the PUD site that equals or exceeds a gross density (total acres

divided by number of dwelling units) of one unit for every one and one-half (1.5) acres.

- (f) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the PUD site.

Amend Chapter 16, Conditional Land Uses, to add a new Section 16.52 to read in full as follows:

16.52 SINGLE FAMILY DWELLING, EITHER CONSTRUCTED ON THE SITE OR MANUFACTURED OFF THE SITE.

A. From the effective date of this amendment, the Planning Commission may permit the creation of one (1) lot for the purposes of constructing a single family home, in addition to any farmstead which may exist on the parcel. In not less than ten (10) years following the date of the Conditional Use approval for the first parcel under this Ordinance, the Planning Commission may consider a subsequent Conditional Use application for an additional parcel meeting the requirements of this Section.

B. The minimum width across any front, side, or rear architectural elevation shall be at least twenty (20) continuous feet of exterior wall, excluding porches and accessory buildings and meet the minimum floor area requirements of Schedule A, Chapter 4.

C. All single family dwellings shall comply with the currently adopted building code for the Township.

D. The dwelling shall be placed upon and secured to a permanent foundation in accordance with the currently adopted Township building code. The area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of materials and type as required in the applicable code for single-family dwellings.

E. In the event that the dwelling shall be installed pursuant to the manufacturer's set-up instructions, the dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission.

F. Any lot proposed for a single-family dwelling not used as a farm homestead shall comply with the following:

1. The dwelling or activities associated with the dwelling is not likely to force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.
2. The dwelling shall be situated upon land generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land.
3. The location for the dwelling will not convert land that has been within the previous two (2) growing seasons devoted primarily to agricultural use.
4. The lot area shall be established by the Planning Commission depending on the individual characteristics of the property with the intent to permit the smallest possible lot to preserve the maximum amount of farm land. The lot on which the dwelling is to be placed shall have the following minimum requirements and maintain the following setbacks for principal buildings.

Lot Area	Not less than one (1) acre, but not more than three (3) acres
	The Commission may permit a lot of up to five (5) acres to be created, provided that all other provisions of this subsection are met, if necessary to provide a buildable lot (as defined by the Michigan Land Division Act, Act 288 of 1967, as amended).
Lot Width	Two hundred (200) feet
Front Yard	Fifty (50) feet
Side Yard	Thirty (30) feet each side
Rear Yard	Fifty (50) feet

5. The conditional use approval, including any conditions attached, shall be recorded on the deed of the property in the office of the County Clerk for Cass County. Evidence of the recording shall be provided to the Township prior to the issuance of any building permits for the property.

SILVER CREEK TOWNSHIP

At the time of the production of this report, Silver Creek Township was starting to amend the Zoning Ordinance attempting to incorporate elements of the Dowagiac River Watershed project.