

**ORDINANCE #21
G.L.A.S.A CONSOLIDATE 3
ORDINANCES INTO 1. CLARIFY
RESPONSIBILITIES OF AUTHORITY
AND TOWNSHIPS ORDINANCE
EFFECTIVE: NOVEMBER 28, 1984**

NOTICE

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

MARTIN TOWNSHIP
ORDINANCE NO. 21
ENACTED: November 14, 1984
EFFECTIVE: January 1, 1985

WAYLAND TOWNSHIP
ORDINANCE NO. 5 OF 1984
ENACTED: November 5, 1984
EFFECTIVE: January 1, 1985

PLEASE TAKE NOTICE that the following Sewerage Disposal System Ordinance for the Gun Lake Area Sewer System was enacted by both Townships as set forth above, which provides as follows:

Section 1. Purpose, Intent and Authority. The purpose of this Ordinance is to provide for the construction of the Gun Lake Area Sewer System and to provide for the collection, treatment and disposal of sewage from the area. The authority for this Ordinance is derived from the Michigan Sanitary Code, Act 317 of 1978, and the Michigan Sanitary Code, Act 318 of 1978.

Section 2. Definitions. As used in this Ordinance, the following definitions shall apply: "Sewerage" means the collection, treatment and disposal of sewage; "Sewerage System" means the collection, treatment and disposal of sewage; "Township" means the Township of Martin and the Township of Wayland.

Section 3. Construction of Sewerage System. The Gun Lake Area Sewer System shall be constructed in accordance with the plans and specifications approved by the Michigan Sanitary Code Commission. The construction of the system shall be completed by January 1, 1985.

Section 4. Enforcement. Any person who violates this Ordinance shall be liable to a civil penalty of not more than \$500 for each violation. The Michigan Sanitary Code Commission shall have the authority to enforce this Ordinance.

Section 10. Hydraulic Loading Systemic
Hydraulic Loading or "Hydraulic Impact" shall mean the effect of any or additional water flows upon a containing system of transportation and or treatment.

Section 11. Gravity Sewer
"Gravity Sewer" shall mean sewer pipe or conductive line that the force of gravity causes wastewater within said conduit to flow.

Section 12. Necessary Buildings
"Necessary buildings" shall mean structures related buildings, less than the size of the main building except as to academies, schools or other educational buildings; and which is incidental to the use of the main building.

Section 13. Sewerage Collection System
"Sewerage Collection System" shall mean a system of pipes, conduits, or structures for the collection, conveyance, and treatment of sewage.

Section 14. Connection to Public Sewer
The sewer of any house, building, or structure used for human occupancy, employment, recreation or other purposes, situated within the township and abutting on any street, alley, or right-of-way, in which there is located, or may be located in the future, a public sewer of the township, within five-hundred feet of the nearest point from the structure in which sewage originates, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer. In accordance with the provisions of this ordinance, and state law, when given official notice to do so, provided that such connection shall not be required to be made less than six months (6) after mailing of notification that the sewer is completed and ready available for connection thereto. When charged for connection and usage shall begin on the following day after the expiration of said notification.

Section 15. Building Sewer Permits
There shall be two classes of building sewer permits:
1. Residential permit
2. Commercial permits, including industrial, governmental, and institutional sewage.

Section 16. Sewerage System
In either case, the owner of his work shall also application on a special form provided by the Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer, and/or the Authority's engineer. The permit fee shall be determined five times the fee by the Authority based upon Authority costs incurred for such inspection and permit handling.

Section 17. Costs to be borne by Owner
All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner

Section 18. Pipe Specifications
The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:
1. Plastic (ANSI ASTM D 1527 ROR 25)
2. Plastic (PVC) ASTM D 3745 ROR 25
3. Vitrified Clay (VIC) ASTM C-700 Extra Strength
4. Reinforced Concrete (RC) ASTM C-407 Class B
5. Cast Iron Extra Heavy, ASTM A-19
6. Vitrified or glazed concrete pipe (V-24 Extra Strength)

Section 19. Installation of Sewerage System
If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a ultimate improved bed of grade as approved by the Authority's engineer.

Section 20. Joints, Connections
All building sewer joints and connections shall be made gas-tight and watertight and shall conform to the requirements of the current Building and Plumbing Codes of the township. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints meeting the current ASTM specifications for vitrified clay pipe joints having resilient properties. Asbestos cement or concrete sewer pipe joints shall be of rubber ring, flexible compression type, similar and equal in joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

Section 21. Sides, Slope
The sides and slope of the building sewer shall be subject to the approval of the Authority's engineers and inspectors, but in no event shall the diameter be less than four (4) inches in a gravity line. All other sewer lines shall be as determined by the Authority's engineers, without regard of gravity sewer shall be as follows:
1. Six (6) inch pipe—two (2) inch per foot or one (1) inch per eight feet.
2. Four (4) inch pipe—one (1) inch per foot or two (2) inch per eight feet.

Section 22. Sewerage Pipe Laying
Whenever possible, the building sewer shall be brought to the buildings in an alignment below the basement floor. In building sewer, shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and bedding

Section 23. Maintenance of Sewerage System
The township and the Authority, as the sewer, shall maintain at its own expense, the public sewer as described. Those persons making connections at the time of original construction of the public sewer shall install at their own expense, that portion of the building sewer from said lot or structure line to said house, building, or property. The owner shall maintain said building sewer at his own expense.

Section 24. Connections Subsequent to Original Construction
Those persons making connections subsequent to the time of original construction of the public sewer shall, install at their own expense, that portion of the building sewer from the public line to the lot or structure boundary line in addition to that portion of the building sewer from said lot or structure line to the house, building, or structure being served from a sub-system, including providing the cost for a stub where none had been provided.

Section 25. Mandatorily Connection
Disconnection of Private Facilities
At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section A of this article a connection shall be made to the public sewer in compliance with this ordinance and any applicable laws, codes, and regulations and any applicable laws, codes, and regulations shall be abandoned and filled with suitable material, subject to inspection by the State Health Department, County Health Department, the Authority or the Township. Where a private building sewer shall be connected to a public sewer, the building sewer shall be constructed to meet available private sewage disposal systems complying with all requirements of the Michigan County Health Department.

Section 26. Disconnection of Sewer
Applications for connection permits may be cancelled and/or sewer service discontinued by the Authority for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:
1. Misrepresentation in the permit application as to the property or residential equivalents to be served by the sewer system.
2. Unlawful or improper construction methods as determined by the Authority or other regulatory agency.
3. Excessive or improper sewer failure in keeping building sewer in a suitable state of repair.
4. Movement of bills.

Section 27. Disconnection
Disconnection of connection shall be provided at the owner's expense when, in the opinion of the Authority's engineers, they are necessary for the proper handling of liquid

Section D. Connection Fee Payments: For each house, building or structure required to connect to the system shall pay a direct or indirect connection fee multiplied by a factor representing a ratio of sewage use by such user to normal single-family residential user, as reflected in Exhibit A.

Section E. Direct Connection: For each house, building, or structure connecting directly to the lines of the system, there shall be charged a connection fee of \$7,700 per single-family residential equivalent, as reflected in Exhibit A of this ordinance, plus the cost of service main installation where necessary.

Section F. Indirect Connection: For each house, building, or structure connecting indirectly to the system there shall be charged a fee of One thousand Five Hundred Eighty (\$1,500.00) Dollars per single-family residential equivalent, as reflected in Exhibit A of this ordinance. Indirect connection fees shall be proportional shares of necessary operating or maintenance charges, including the cost of the treatment facilities, tanks, and pumping stations.

Section G. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the debt. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts due are fully paid.

Section H. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the debt. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts due are fully paid.

Section 7. Street Connection. "Direct Connection" shall mean the connection of an owner's house, building, or structure to a sewer line or lines constructed as part of the original system, or to public lines constructed hereinafter.

Section 10. Indirect Connection. "Indirect Connection" shall be defined as a connection of an owner's house, building or structure made to a sewer line which is a part of public sewer lines added to the system after its original construction, but such (a) or which is paid for from special assessments or private bonds.

Section 11. Other Fees. "Other Fees" shall mean the monthly charge for service of any house, building or structure served by the system. "Other Fees" consist of O&M, a 2 charge plan rate, settlement charges.

ORDINANCE CONTINUED PAGE 1

ARTICLE III. Definitions. (Continued).

Section 14. Sewer Connection. "Sewer Connection" shall mean any house, building or improvement or any other structure in which sanitary sewage or effluents, which is constructed after January 1, 1981.

Section 15. Fee/ or Fee/2. "Fee/ or Fee/2" shall mean fees, per billable unit used in reference to quantitative measures of water and wastewater treatment.

Section 16. Charge. "Charge" shall mean the person responsible for the property as shown on the owner tax roll of the Township or a tenant or other party who may consent in writing to be responsible for the property in accordance with Article 5, Section 9 hereafter.

Section 17. Michigan Department of Natural Resources; State. "Michigan Department of Natural Resources" or "State" shall mean the Michigan Department of Natural Resources or any other agency designated by the Michigan State Governor to regulate matters pertaining to the environment.

Section 18. United States Environmental Protection Agency; EPA. "United States Environmental Protection Agency" or "EPA" shall mean the United States Environmental Protection Agency or any other agency designated by the United States Governor to regulate matters pertaining to the environment.

Section 19. Wastewater System; WWS. "Wastewater System" or "WWS" shall mean a sewer line, in which sewage is transported solely by means of attached pumps and apparatuses.

Section 20. Sewerage Treatment System; STS. "Sewerage Treatment System" or "STS" shall mean the following types of plan models:

or the person installing the building sewer for said sewer shall indemnify the Township and the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 2. Separate Sewer for Sewer Building Examples.

A separate and independent building sewer shall be provided for every building, except where the building stands at the rear of another on an lot or lots and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one allowed only by special permission granted by resolution of the Authority. Plumbing fixtures carrying sanitary sewage shall be connected to the public sewer.

ORDINANCE CONTINUED PAGE 11

ARTICLE IV. Hand-drawn Connections.

Section 1. Sewer Connections. "Sewer Connections" shall mean any connection with the sewerage system, including any connection with a public sewer or improvement thereof, without first obtaining a written permit from the Authority.

Section 2. Sewer Connections. "Sewer Connections" shall mean any connection with the sewerage system, including any connection with a public sewer or improvement thereof, without first obtaining a written permit from the Authority.

Section 3. Sewer Connections. "Sewer Connections" shall mean any connection with the sewerage system, including any connection with a public sewer or improvement thereof, without first obtaining a written permit from the Authority.

Section 4. Sewer Connections. "Sewer Connections" shall mean any connection with the sewerage system, including any connection with a public sewer or improvement thereof, without first obtaining a written permit from the Authority.

Section 5. Sewer Connections. "Sewer Connections" shall mean any connection with the sewerage system, including any connection with a public sewer or improvement thereof, without first obtaining a written permit from the Authority.

Section 6. Sewer Connections. "Sewer Connections" shall mean any connection with the sewerage system, including any connection with a public sewer or improvement thereof, without first obtaining a written permit from the Authority.

shall be performed in accordance with the current ASTM specifications except that no benefits shall be placed until the work has been inspected by the Authority Inspector and acts and local inspectors as otherwise may be required.

Section 2. Lifting Sewage by Artificial Means.

In all buildings in which any building would be too low to permit gravity flow to the public sewer, suitable sewage carried by such device shall be lifted by approved artificial means and discharged to the building sewer. Costs for installation and connection shall be born by the owner.

Section 3. Minimum System Requirements.

All pipes used with sanitary appliances shall be a pressure system involving more than one story.

ORDINANCE CONTINUED PAGE 11

ARTICLE V. Sewer Connection Fees.

Section 1. Connection to Public Sewer. The connection of the building sewer into the public sewer shall be made on the "top" branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated spot in the main sewer shall be made only as authorized by the Authority.

Section 2. Inspection. The applicant for the building sewer shall notify the Authority when the building sewer is ready for inspection and connection to the public sewer.

Section 3. Construction Regulations. All connections for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Sewers, sidewalks, pavements and other public property disturbed in the course of the work shall be restored to a water-tightness to the Authority and other public bodies having jurisdiction over such matters.

Section 4. Connections Allowed Only if Specially Available. No connection will be allowed unless there is capacity available in connection sewer, pump station, intercepter, for cesspool, and treatment plant, limiting capacity for additional flow and suspended solids loadings. Determinations of such potential impact are made by the Authority's engineers and subject to approval of the Department of Natural Resources of the State of Michigan.

Section 5. Connections at Time of Original Construction of House. At the time of original construction of the building sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or apartment boundary line whenever possible for any house, building, or structure, or amended hereto to connect to the system. The Township and the Authority, in its report, shall include in its own system, the public sewer, as described. Other streets

shall be performed in accordance with the current ASTM specifications except that no benefits shall be placed until the work has been inspected by the Authority Inspector and acts and local inspectors as otherwise may be required.

sewer containing grease in the excessive amount, or any flammable waste, sand or other harmful ingredients, except that such ingredients shall not be required for private living quarters or dwelling units. All interconnectors shall be of a type and capacity approved by the Authority's engineer, shall be subject to approval by Michigan DNR, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 4. Extensions to the Public Sewer. (Indirect Connection)

Some extensions for indirect connections require the following:
1. Certified estimate of pipe and specifications to the Authority.
2. Approval of Authority Engineer.
3. Form permit to construct.
4. Payment of Authority engineer as outlined in said sewer extension.

ORDINANCE CONTINUED PAGE 15

ARTICLE X. Water Connection Fees.

Section 1. Payment.

The rates listed herein are intended to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Township to the County of Azzulio present to the County of Azzulio, the Gen Lake Area Sewer Authority, and the Township on the same herein, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and revised from time to time by ordinance as may be necessary to produce these amounts.

Section 2. Other Charges. All users of the System will be included in a user class and each user class will pay for its proportionate share of the cost of the System in terms of volume and pollutant loading. Sewer use charges (User Fees) are levied by deducting the cost of operation, maintenance, replacement (including depreciation), and other expenses of the System. The classes of users, for the purpose of determining the user charges, shall be as defined in this Ordinance, Article III.

Section 3. User Fee Payment. The charges of any house, building, or structure duly certified of public service availability, as per Article IV, Section 4, and which are to be connected to the system, sewer (sewer), or the Township, except as in hereinafter provided, shall be charged and shall also include payments to the Authority for amounts computed on the basis of this ordinance and shall be determined to be equitable among all user classes.

Section 4. Connection Fee Payment. The charges of any house, building, or structure duly certified of public service availability, as per Article IV, Section 4, and which are to be connected to the system, sewer (sewer), or the Township, except as in hereinafter provided, shall be charged and shall also include payments to the Authority for amounts computed on the basis of this ordinance and shall be determined to be equitable among all user classes.

Section 5. Connection Fee Payment. The charges of any house, building, or structure duly certified of public service availability, as per Article IV, Section 4, and which are to be connected to the system, sewer (sewer), or the Township, except as in hereinafter provided, shall be charged and shall also include payments to the Authority for amounts computed on the basis of this ordinance and shall be determined to be equitable among all user classes.

THE GUN LAKE AREA SEWER AUTHORITY
12588 MARSH ROAD
SHELBYVILLE, MI 49344
TELEPHONE AREA 616-672-5588

ORDINANCE PROPOSAL TO MARTIN TOWNSHIP BOARD

REGULAR MEETING PRESENTATION

November 14, 1984

7:30 PM

PURPOSE OF ORDINANCE PROPOSAL:

Consolidate three ordinances into one;
Address existing and apparent future need;
Clarify the responsibilities of the Authority and the Township.

CNF/ORD PROP 10/30/84

Basic word changes:

1. The word "premise" to "house, building, or structure";
2. The word "Manager" to "Authority";
3. The word "Inspector" to "Authority/Authority Engineers";
4. The word "Sewage works" to "System";
5. The word "Customer" to "Person(s)";
6. The word "Trailer" to "Mobile Home".

Addendums since booklet publication:

1. Page 3, line 166--change "Schedule A" to "Exhibit A";
2. Page 13, line 660--change "Appendix A" to "Exhibit A";
3. Page 17, line 868--add "on or by February 28th".
4. Page 14, line 713--add "occupying other than new construction".

Summary of changes herein:

Page

- 2-7 : Definitions; ie...Service Stub, Lateral Main, DNR, EPA, et al;
- 8 : Authorize charging of user fees to those in non-compliance;
- 8 : Have permit fee established by the Township;
- 8 : Exception to individual building sewer granted by Authority;
- 10 : Establish pressure system requirements;
- 11 : Restoration after sewer work satisfactory to the Authority;
- 12 : Septic tank filling to be inspected by Township or Authority;
- 12 : Unsafe construction conditions regulated by the Authority;
- 12 : Establish new construction procedures for new developments;
- 13 : Rates to all customers on the basis of Exhibit A
- 14 : Establish direct connection fee at \$2,700 dollars;
- 14 : Establish indirect connection fee at \$1,580;
- 14 : Establish payment plan through 1998;
- 15 : Establish criteria for accessory or secondary buildings;
- 15 : Establish criteria for user fee exemption for non-use;
- 16 : Establish 5% late charge for connection fee;
- 17 : Determination of appeals by Township Board;
- 17 : Audit performed by February 28th;
- 23 : Establish regulations for commercial waste haulers;
- 27 : Establish enforcement for unintentional violations;
- 29 : Establish equivalent factor for single family residence;
- 29 : Establish equivalent factor for Coin-op Car Wash Facilities;
- 29 : Establish increase in Multi-Family Equivalent Factor to 1.0;
- 30 : Establish factor for Picnic Park at 0.10 per parking space.
- 30 : Establish equivalent factor for Mobile homes not in parks;
- 30 : Add the words "cabin resort" to Tourist Courts;
- 30 : Establish equivalent factor for Summer Camp facilities.

NOTICE

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

MARTIN TOWNSHIP
ORDINANCE NO. 21

ENACTED: November 14, 1984

EFFECTIVE: January 1, 1985

WAYLAND TOWNSHIP
ORDINANCE NO. 5 OF 1984

ENACTED: November 5, 1984

EFFECTIVE: January 1, 1985

PLEASE TAKE NOTICE that the following Sewage Disposal System Ordinance for the Gun Lake Area Sewer System was enacted by both Townships as set forth above, which provides as follows:

SEWAGE DISPOSAL SYSTEM ORDINANCE
NAME AND HANDBOOK CONNECTION
USAGE, REGULATIONS, AND DEPARTMENT

An ordinance to provide for the operation of the ALLEGAN County Sewage Disposal System (Gun Lake Area) on a public utility basis under the Provisions of Act 94, Public Acts of Michigan, 1933, as amended and to prescribe the rates to be charged for the use of said System; to provide for the mandatory connection to said System; to provide penalties for the violation thereof; and to provide for other matters relative to said System and to repeal all ordinances or parts thereof that are inconsistent herewith.

THE TOWNSHIP OF MARTIN
THE TOWNSHIP OF WAYLAND
HENRY OPDAIN:

Article I. Purpose.

Section A. It is hereby determined to be desirable and necessary, for the public health, safety, and welfare of the Township of MARTIN and the Township of WAYLAND that the ALLEGAN County Sewage Disposal System (Gun Lake Area) be operated by the Gun Lake Area Sewer Authority on behalf of said township as lessee of ALLEGAN County and the ALLEGAN County Department of Public Works under Act 185 of 1957, as amended, on a public utility rate basis, in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and of existing agreements between the parties.

ORDINANCE PAGE 2

Article II. Operation.

Section A. Operation and Maintenance. The operation and maintenance of the System shall be under the supervision and control of the Gun Lake Area Sewer Authority acting for the Township subject to the terms of the contract dated April 3, 1978 between the County of ALLEGAN, The Gun Lake Area Sewer Authority, and the Township. Pursuant to the terms of such contract the Township has retained the exclusive right to establish, maintain and authorize the collection of rates and charges for sewer collection and disposal service. The Gun Lake Area Sewer Authority, in performing all of its duties and obligations hereunder and pursuant to the aforementioned contract, is acting as agent for the Township. In this regard, the Authority as the township's agent may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient establishment, maintenance and collection of such rates and charges, and to assure the efficient management and operation of the System.

ORDINANCE CONTINUED PAGE 3

Article III. Definitions.

Unless the context specifically indicates otherwise, the meaning for terms used in this ordinance shall be as follows:

Section A. System. Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean the complete facilities of the ALLEGAN County Sewage Disposal System (Gun Lake Area) in which the township has an interest, including all treatment facilities, sewers, pumps, lift stations, and all other facilities used or useful in the collection and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

Section B. Revenues, Net Revenues. Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Section C. Authority. "Authority" shall mean the Gun Lake Area Sewer Authority, acting as agent for the Township.

Section D. Authority Board. "Authority Board" shall mean the governing body of the Authority.

Section E. Connection Charge. "Connection Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each house, building, or structure in which sanitary sewage originates per MCL 333.2751, which requires a connection to the sanitary sewer as per this ordinance. The charge is based upon the proportionate cost allocable to the use of such sewage and treatment facilities associated with providing sanitary sewers and sewage treatment.

Section F. Service Stub. "Service Stub" shall mean all of the public sewer line from the System lateral main to the property line.

Section G. Lateral Main. "Lateral Main" shall mean any sewer line of the System to which a service stub connects or may be connected.

Section H. Manager. "Manager" shall mean the Gun Lake Area Sewer Authority Manager or his authorized operator, agent, or representative.

Section I. O, M, & R Charge. "O, M, & R Charge" shall mean the charge levied on all users of the System for the cost of operation and maintenance, including replacement and depreciation.

ORDINANCE CONTINUED PAGE 4

Article III. Definitions (continued).

Section J. Operation and Maintenance Costs. "Operation and Maintenance Costs" shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state, and local wastewater management requirements, and to assure optimum long-term management of the System. Operation and maintenance costs shall include replacement costs.

Section K. Replacement Costs. "Replacement Costs" shall mean expenditures made during the service life to the System to replace equipment and appurtenances necessary to maintain the intended performance of the System.

Section L. BOD Biological Oxygen Demand. "Biological Oxygen Demand" shall mean the quantity of oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter (mg/l).

Section M. Building Sewer. "Building Sewer" shall mean the extension from the building to the public sewer or other accepted place of disposal.

ORDINANCE CONTINUED PAGE 5

Article III. Definitions (continued).

Section N. Classes of Users. "Classes of Users" shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows, as required by EPA:

1. Residential user—shall mean an individual home or dwelling unit, including accessory building(s), mobile homes, apartments, condominiums, and multi-family dwellings units, etc. that discharges only segregated waste or wastes from sanitary conveniences.

2. Commercial user—shall mean any retail or wholesale business engaged in selling merchandise or a service that discharges only segregated domestic wastes from sanitary conveniences.

3. Institutional user—shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user that discharges only segregated domestic waste or wastes from sanitary conveniences.

4. Governmental user—shall mean any federal, state, or local governmental office or governmental facility that discharges only segregated domestic waste or wastes from sanitary conveniences.

5. Industrial user—shall mean any manufacturing establishment which produces a product from raw or purchased material. This category shall also refer to any non governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E, or I, excluding those users already identified in one of the other classes. A user may also be excluded from the "Industrial User" class if it is determined that such user will discharge only segregated domestic strength wastes or wastes from sanitary conveniences. Industrial users subject to the "Industrial Cost Recovery System" shall include the following: (a.) Any nongovernmental user of publicly owned treatment works which discharges more than 25,000 gallons per day of sanitary waste, or a volume of process waste, or combined process and sanitary waste, equivalent to 25,000 gallons per day of sanitary waste; (b.) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard to, or have an adverse effect on, the waters receiving any discharge from the System. (c.) All commercial users of an individual system constructed with grant assistance under Section 201 (h) of the Clean Water Act and this chapter. Exhibit A shall apply in determining connection charges and user charges of all of these "classes of users".

Section D. Residential Equivalent User Factor. "Residential Equivalent User Factor" is a factor established for each type of user as shown on Exhibit A; it represents the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size and the benefit derived therefrom as the ratio of other users thereto. It shall be defined and/or determined from time to time by the township.

ORDINANCE CONTINUED PAGE 6

Article III. Definitions (continued).

Section F. Compatible Pollutant. "Compatible Pollutant" shall mean Bifurcated Oxygen Demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the WQRP permit if the treatment works was designed to treat such pollutants and can, in fact, remove such pollutants to a substantial degree. The term "substantial degree" generally means removal in the order of 80 percent or greater.

Section G. Combined Sewer. "Combined Sewer" shall mean a sewer receiving both surface run-off and sewage.

Section H. Garbage. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section I. Incompatible Pollutant. "Incompatible Pollutant" shall mean any pollutant that is not a compatible pollutant, as defined in Section F above.

Section J. Industrial Wastes. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from segregated domestic strength wastes, or wastes from sanitary conveniences.

Section K. Infiltration. "Infiltration" shall mean any waters entering the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Section L. Inflow. "Inflow" shall mean any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, sewage lines from spring and swamp areas, and storm drain cross connections.

Section M. Infiltration/Inflow. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow.

Section N. Inspector. "Inspector" shall mean any person or persons authorized by the Authority to inspect and

approve the installation of sewers, including the inspection and approval of building sewers.

Section AA. Natural Outlet. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

ORDINANCE CONTINUED PAGE 7

Article III. Definitions (continued).

Section BB. Normal Strength Sewage. "Normal Strength Sewage" shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

Section CC. NPDES Permit. "NPDES Permit" shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the State.

Section DD. Person. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section EE. pH. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Section FF. Pretreatment. "Pretreatment" shall mean the treatment of extra strength wastewater flows in privately owned pretreatment facilities prior to discharge into the System.

Section GG. Properly Shredded Garbage. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and disposing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles over one-half inch in dimension.

Section HH. Public Sewer. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Section II. Sanitary Sewer. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Section JJ. Sewage. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The three most common types of sewage are:

1. Sanitary Sewage—shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

2. Industrial Sewage—shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

3. Combined Sewage—shall mean wastes including sanitary sewage, industrial sewage, storm water, and infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

ORDINANCE CONTINUED PAGE 8

Article III. Definitions (continued).

Section KK. Sewage Treatment Facility. "Sewage Treatment Facility" shall mean any arrangement of devices and structures used for treating sewage.

Section LL. Sewage Works. (System) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section MM. Sewer. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section NN. Shall, May. "Shall" is mandatory; "May" is permissive.

Section OO. Sludge. "Sludge" shall mean any discharge of sewage or industrial waste which, in concentration of any given constituent, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration during normal operation.

Section PP. Storm Drain. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excluded sewage and industrial wastes, other than unpolluted cooling water.

Section QQ. Suspended Solids. "Suspended Solids" shall mean solids that either float on the surface of, or in suspension in, water, sewage or other liquids and which can be removed by laboratory filtering.

Section RR. Watercourse. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section SS. Wye Branch. "Wye Branch" shall mean a local service connection to the sewer that is made at an angle smaller to a "wye" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

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Section VII. Direct Connection.
"Direct Connection" shall mean the connection of an owner's house, building, or structure to a sewer line or lines constructed as part of the original system, or to public lines constructed hereafter.

Section VIII. Indirect Connection.
"Indirect Connection" shall be defined as a connection of an owner's house, building or structure made to a serving main which is a part of public sewage lines added to the system after its original construction, the cost of which is paid for from special assessments or private funds.

Section IX. User Fee.
"User Fee" shall mean the monthly charge to owners of any house, building, or structure served by the system. User fees consist of C.M. & R charges plus Debt Retirement Charges.

ORDINANCE CONTINUED PAGE 9

Article III. Definitions (Continued).

Section XX. New Construction.
"New Construction" shall mean any house, building, or improvement or any other structure in which sanitary sewage originates, which is constructed after January 1, 1983.

Section XXI. Mgd or mg/l.
"Mgd" or "mg/l" shall mean parts per million as used in reference to quantitative analyses of water and wastewater (wastewater).

Section XXII. Owner.
"Owner" shall mean the person responsible for the property as shown on the current tax roll of the township or a tenant or other party who has consent in writing to be responsible for the property in accordance with Article V, Section G hereafter.

Section XXX. Michigan Department of Natural Resources; MDNR.
"Michigan Department of Natural Resources" or "MDNR" shall mean the Michigan Department of Natural Resources or any other agency designated by Michigan state law to regulate matters pertaining to the environment.

Section XXXI. United States Environmental Protection Agency; USEPA.
"United States Environmental Protection Agency" or "USEPA" shall mean the United States Environmental Protection Agency or any other agency designated by the United States Congress to regulate matters pertaining to the environment.

Section XXXII. Pressure System; Pressure Sewer.
"Pressure System" or "Pressure Sewer" shall mean a sewer line in which sewage is transported solely by means of attached pumps and apparatuses.

Section XXXIII. Hydraulic Loading; Hydraulic Impact.
"Hydraulic Loading" or "Hydraulic Impact" shall mean the effect of raw or additional water flows upon a continuing system of transportation and of treatment.

Section XXXIV. Gravity Sewer.
"Gravity Sewer" shall mean wastewater pipe or conduit so laid that the force of gravity causes wastewater within said conduit to flow.

Section XXXV. Accessory Buildings.
"Accessory Building(s)" shall mean subordinate related building(s), less than the size of the main building except as to stables, barns, or other agricultural building(s) and which is incidental to the use of the main building.

ORDINANCE CONTINUED PAGE 10

Article IV. Mandatory Connections.

Section A. Connection To Public Sewer Required.

The owner of any house, building, or structure used for human occupancy, employment, recreation or other purposes, situated within the township, and abutting on any street, alley, or right-of-way, in which there is located, or may be located in the future, a public sewer of the township, within two-hundred feet at the nearest point from the structure in which sewage originates, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this ordinance, and state law, when given official notice to do so, provided that such connection shall not be required to be made less than six months (6) after mailing of notification that the sewer is completed and "made available" for connection thereto. Rates charged for connection and usage shall begin on the following day after the completion of said notification.

Section B. Building Sewer Permits.
There shall be two classes of building sewer permits:

1. Residential permits;
 2. Commercial permits, including industrial, governmental, and institutional usage.
- In either case, the owner or his agent shall make application on a special form furnished by the Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the manager, and/or the Authority's engineers. The permit fee shall be determined from time-to-time by the Township based upon Authority costs incurred for such inspection and permit handling.

Section C. Costs to be Borne by Owner.
All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner

of the person installing the building sewer for said owner shall indemnify the Township and the Authority from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Section D. Separate Sewer For Every Building; Exceptions.
A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by resolution of the Authority. Plumbing fixtures installed in accessory buildings and drains carrying sanitary sewage shall be connected to the public sewer.

ORDINANCE CONTINUED PAGE 11

Article IV. Mandatory Connection (Continued).

Section E. Work on Sewer System; Permit, Bond, Insurance Required.

No one shall uncover, take any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Authority. Before a general license or particular permit may be issued for excavating, plumbing or drain laying in any public street way or alley, the person applying for such permit shall execute with the Authority and deposit with the Authority, a bond with corporate surety in the sum of \$1,000 conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the Authority and the township pertaining to sewers and plumbing. This bond shall state that the permit will indemnify and save harmless the Authority, the township and the owners of the property and abutting properties against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistake or negligence on his part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide public liability insurance for the protection of the Authority and the township, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of \$100,000 for one person, \$300,000 for bodily injury per accident, and \$50,000 for property damage.

Section F. Pipe Specifications.
The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:

1. Plastic (ARS) ASTM D 1527 SDR 35
2. Plastic (PVC) ASTM D 1785 SDR 35
3. Vitrified Clay (VC) ASTM C-700 Extra Strength
4. Asbestos-Cement (AC) ASTM C-428 CI-2400
5. Cast Iron Extra Heavy ASTM A-74
6. Nonreinforced Concrete ASTM C-14 Extra Strength

If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a suitable improved bed or grade as approved by the Authority's engineers.

ORDINANCE CONTINUED PAGE 12

Article IV. Mandatory Connection (Continued).

Section G. Joints; Connections.
All building sewer joints and connections shall be made gastight and watertight and shall conform to the requirements of the current Building and Plumbing Codes of the township. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints making the current ASTM specifications for vitrified clay pipe joints having resilient properties. Asbestos cement or concrete sewer pipe joints shall be of rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

Section H. Size; Slope.
The size and slope of the building sewers shall be subject to the approval of the Authority's engineers and inspectors, but in no event shall the diameter be less than four (4) inches on a gravity line. All other sewers shall be as determined by the Authority's engineers. Minimum grade of gravity sewer shall be as follows:

1. Six (6) inch pipe—one-eighth inch per foot or one (1) inch per eight feet.
2. Four (4) inch pipe—one-quarter inch per foot or two (2) inches per eight feet.

Section I. Excavations; Pipe Laying.
Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and backfill

shall be performed in accordance with the current ASTM specifications except that no backfill shall be placed until the work has been inspected by the Authority Inspector and state and local inspectors as otherwise may be required.

Section J. Lifting Sewage by Artificial Means.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. Costs for installation and connection shall be borne by the owner.

Section K. Pressure System Requirements.
Lift pumps must meet Authority specifications in a pressure system serving more than one user.

ORDINANCE CONTINUED PAGE 11

Article IV. Mandatory Connection (Continued).

Section L. Connection to Public Sewer.
The connection of the building sewer into the public sewer shall be made at the "bye" branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated bye branch in the main sewer shall be made only as authorized by the Authority.

Section M. Inspection.
The applicant for the building sewer shall notify the Authority when the building sewer is ready for inspection and connection to the public sewer.

Section N. Excavations; Regulations.
All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, porches and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Authority and other public bodies having jurisdiction over such matters.

Section O. Connections Allowed Only If Capacity Available.
No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant, including capacity for additional SOD and Suspended Solids loadings. Determinations of such hydraulic impact are made by the Authority's engineers and subject to approval of the Department of Natural Resources of the State of Michigan.

Section P. Connections at Time of Original Construction of Sewer.
At the time of original construction of the public sewer, the township shall install that portion of the building sewer from the public sewer to the lot or easement boundary line whenever possible for any house, building, or structure so sited herein to connect to the system. The township and the Authority, as its agent, shall retain at its own expense, the public sewer as described. Those persons making connections at the time of original construction of the public sewer shall install at their own expense, that portion of the building sewer from said lot or easement line to said house, building, or property. The owner shall maintain said building sewer at his own expense.

Section Q. Connections Subsequent to Original Construction.
Those persons making connections subsequent to the time of original construction of the public sewer shall install at their own expense, that portion of the building sewer from the public sewer to the lot or easement boundary line in addition to that portion of the building sewer from said lot or easement line to the house, building, or structure being served from the system, including providing the cost for a stub where none had been provided.

ORDINANCE CONTINUED PAGE 14

Article IV. Mandatory Connection (Continued).

Section R. Connection to Sewer; Disconnection of Private Facilities.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section A of this article a connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material, subject to inspection by the State Health Department, County Health Department, the Authority or the Township. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to any available private sewage disposal system complying with all requirements of the ALLEGAN County Health Department.

Section S. Disconnection of Service.
Applications for connection permits may be cancelled and/or sewer service disconnected by the Authority for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the permit application as to the property or residential equivalent to be serviced by the sewer works.
2. Unsafe or improper construction methods as determined by the Authority or other regulatory agency.
3. Improper or imperfect and/or failure to keep building sewers in a suitable state of repair.
4. Nonpayment of bills.

Section T. Interceptors.
Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the Authority's engineers, they are necessary for the proper handling of liquid

wastes containing grease in the excessive amounts, or any flammable wastes, and or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority's engineers, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section U. Extensions to the Public Sewer. (Indirect Connection)
Sewer extensions for indirect connections require the following:

1. Certified submittal of plans and specifications to the Authority.
2. Approval of Authority Engineer.
3. MDNR permit to construct.
4. Payment of Authority expenses as related to said sewer extensions.

ORDINANCE CONTINUED PAGE 15

Article V. Sewer Connection Fees; User Fee.

Section A. Rates.
The rates fixed herein are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Township to the County of ALLEGAN pursuant to the contract dated April 3, 1976 between the County of ALLEGAN, the Gun Lake Area Sewer Authority, and the Township as the same become due, and to provide for such other expenditures and funds for said system as this ordinance may require. Such rates shall be fixed and revised from time to time by ordinance as may be necessary to produce these amounts.

Section B. User Classes.
All users of the System will be included in a user class and each user class will pay for its proportionate share of the cost of the System in terms of volume and pollutant loading. Sewer use charges (User Fees) are levied to defray the cost of operation, maintenance, replacement (including depreciation), and debt retirement of the System. The classes of users, for the purpose of determining the user charges, shall be as defined in this ordinance, Article III.

Section C. User Fee Payments; How Computed.

Owners of any house, building, or structure duly notified of System service availability as per Article IV, Section A, and who are to be connected to the sanitary sewers (System) of the Township, except as hereinafter provided, shall be charged and shall make monthly payments to the Authority in amounts computed on the basis of this ordinance and Exhibit A whenever applicable, and such charges are determined to be equitable among all user classes.

Section D. Connection Fee Payments; How Computed.

Each house, building or structure required to connect to the System shall pay a direct or indirect connection fee multiplied by a factor representing a ratio of sewage use by such user to normal single-family residential use, as reflected in Exhibit A.

ORDINANCE CONTINUED PAGE 16.

Article V. Rates charged for (Continued).

Section E. User Fees.
The User Charge to each single family residence within the township for which sewer service is available shall be \$45.00 per quarter (\$15.00/mo) beginning April 1, 1984 and continuing through March 31, 1985 at which time the user fee reverts back to \$12.00 per month.

Each house, building, or structure other than a single family residence shall pay as per the above schedule multiplied by the residential user equivalent units assigned to said house, building, or structure as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the quarterly amount of the above schedule applicable to residential usage equivalent.

Section F. Connection Fees.
Each person desiring to connect to the system shall pay a charge for the privilege of using the facilities and receiving the service of the system in the amounts given below:

1. **Direct Connection:** For each house, building, or structure connecting directly to the lines of the System, there shall be charged a connection fee of \$1,700 per single-family residential equivalent as reflected in Exhibit A of this ordinance, plus the cost of service stub installation where necessary.
2. **Indirect Connection:** For each house, building, or structure connecting indirectly to the System there shall be charged a fee of One Thousand Five Hundred Eighty (\$1,580.00) Dollars per single-family residential equivalent, as reflected in Exhibit A of this ordinance. Indirect connection fees defray proportionate shares of necessary overhauls of the treatment facilities, trunks and pumping stations.

Section G. Payment of Connection Fee.
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the System; provided, however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest to be paid annually on the unpaid balance at the rate of seven (7) percent per annum. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable annually thereafter on September first (1st). A monthly installment plan shall alternatively

Gun Lake Sewer System Ordinance (Continued From Page 11)

be made available to users occupying other than new construction.

Section H. Industrial Users; Normal Strength Sewage. Each industrial user that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Authority as agent for the township in amounts based on the actual usage volume and strength from such user as stated elsewhere in this ordinance.

ORDINANCE CONTINUED PAGE 17

ARTICLE V. Rates charged for (continued).

Section I. Industrial Users To Pay Proportimate Share. Each industrial user shall pay the proportionate share of the operation, maintenance and replacement/depreciation costs of the system that are allocable to the treatment of said user's industrial wastes.

Section J. Sewage Exceeding Normal Strength. Each user that proposes to discharge wastewater to the system which exceeds the limits of "normal strength sewage" will be required to either: (a.) provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage", or (b.) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage".

Section K. Burcharges. For wastewater strengths exceeding normal strength sewage, as defined, the following surcharge shall be added as applicable: 1. BOD (in excess of 200 mg/l): \$0.1328 per excess pound. 2. Total Suspended Solids (in excess of 250 mg/l): \$0.1060 per excess pound. 3. Total Phosphorus (in excess of 8 mg/l): \$2.2084 per excess pound.

Section L. Special Rates. For miscellaneous services or where a premise receives sewer service for which a special rate need be established, such rates shall be fixed by the Township by ordinance.

Section M. Exemptions for Accessory Buildings. An accessory building may be exempt from rates herein based upon the following criteria: 1. That the building not be used as rental property; 2. That the living space within said building not be in excess of 50% the living space within the primary dwelling; 3. That the building not contain kitchen facilities; 4. That the building not contain sleeping facilities for more than three persons.

Exemption applicant shall file for the exemption on a form provided by the Authority, and said exemption shall be authorized only by resolution of the Authority Board. Any violation of the conditions herein or change in status of the accessory building(s) without notification of the Authority in writing shall cause said exemption to be invalid.

Section N. User Fee Exemptions for Non-Users. User fee exemption to any house, building, or structure shall only be as authorized by resolution of the Authority Board after compliance with the following. In no event shall User Fee Exemptions be based upon seasonal use or non-use: 1. Said building shall be vacated; 2. Internal plumbing of said building shall be disconnected so as to prevent discharge from any fixture into the System.

ORDINANCE CONTINUED PAGE 18

ARTICLE V. Rates charged for (continued).

Section O. Delivery of Bills. All bills and notices relating to the conduct of the business of the Authority and of the sewage works will be mailed to the person listed on the application for the connection permit at the address listed on the permit, unless a change of address has been filed in writing at the business office of the Authority. The Authority as agent for the township shall not otherwise be responsible for delivery of any bill or notice, nor will the person be excused from nonpayment of a bill or from any performance required in said notice.

Section P. Bills, Notice of Delinquency; Discontinuing Service. Bills for sewage disposal service and for connection fees, installation or otherwise, are due and payable at the business office of the Authority or to any designated agent on their date of issue and, if not paid by the 30th day thereafter, shall be deemed delinquent and shall be subject to a late payment charge of 5 percent thereof. Bills for usage (user fees) shall be dated and mailed quarterly or monthly. If any bill is not paid within thirty (30) days after its date of issuance, the Authority may serve upon the customer a written notice of delinquency and if not paid within sixty (60) days after date of issuance, the Authority may discontinue sewer service to the house, building, or property and take such other measures as are permitted by state law and as authorized in this ordinance.

Section Q. Delinquent Charges; Lien. The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all property served thereby, and are hereby

recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Authority or officials in charge of the collection thereof shall certify to the collector of the township, the facts of such delinquency whereupon such charge shall be by him entered upon the next tax roll as a charge against such property and shall be collected and the lien thereof enforced in the same manner as general township taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a taxpayer is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such property until a cash deposit equal to six (6) months service charges shall have been made as security for payment of such charges and service. In addition to the foregoing, the Authority as agent for the township shall reserve the right to shut off sewer service to any property for which charges are more than three (3) months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by resolution of the Township, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Township per court action.

ORDINANCE CONTINUED PAGE 19

ARTICLE V. Rates charged for (continued).

Section R. Re-establishing Service. Where the sewer service supplied to a house, building, or structure has been discontinued for nonpayment of delinquent bills, the Authority reserves the right to request a nominal sum be placed on deposit with the Authority for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-charge to be specified by resolution of the Authority, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Township by court action.

Section S. Appeals. Any person has the right to appeal the basis for any charges developed in accordance with this ordinance. Appeals shall be directed to the Township Supervisor along with any supporting documentation for amendment of the charges in question. Any additional information that may be requested to resolve the appeal, as directed by the Township Supervisor, shall be obtained by said person at his expense. Resolution of appeals shall be made within 30 days by resolution of the Township Board after receiving written recommendation from the Authority Board in accordance with best available data and the regulations presented in this ordinance. In no event shall appeals be accepted which would require a variance in the methods of charge calculation established and in force by this ordinance. All bills for sewer service, outstanding during the appeal process, including all penalties or delinquency charges, shall be due and payable. Pending resolution of the appeal, the Authority shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters billings only.

Section T. Audit Review; Adjusting Charges. The Authority Board shall have an independent annual audit performed of the System operations and maintenance costs. Such an audit shall be conducted annually by the Authority on or before February 28th, and a copy thereof provided to the Township Clerk. The Township Board shall review the audit and if necessary, adjust rates at least annually to the users of the System in accordance with applicable USEPA regulations and contracts with the county.

Section U. No Free Service. No free service shall be furnished by said system to any house, building, property, nor to any person, firm or corporation, public or private, nor to any public agency or instrumentality.

Section V. Interruptions of Service. The Authority shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the System, all persons affected by such interruption will be notified in advance whenever it is possible to do so.

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ARTICLE VI. Revenue

Section A. Depository Funds. The revenues of the System shall be set aside, as collected and deposited in a separate depository account in a bank duly qualified to do business in Michigan. In an account to be designated Sewer System Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues as deposited shall be transferred from the Receiving Fund periodically in the manner and at the time hereafter specified: 1. Operation and Maintenance Fund. Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

2. Contract Payment Fund. There shall next be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the

payment of the Township obligations to the County pursuant to the aforesaid contract. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.

3. Replacement Fund. There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township Board shall deem necessary for this purpose.

4. Improvement Fund. There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Township Board shall determine.

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ARTICLE VI. Revenue (continued).

Section B. Surplus monies. Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township be transferred to the Improvement Fund or used in connection with any other project of the township reasonably related to purposes of the System.

Section C. Bank Accounts. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth. The Gun Lake Area Sewer Authority, as operating agent for the Township (and other public corporations in the Gun Lake sewer service area) shall be authorized to act for the township to establish, maintain and fund the aforesaid accounts. The Authority Board may fix rates for the various accounts different from those set out above, and may establish such accounts for the common benefit of all public corporations in the service area, so long as the essential purpose of the aforesaid system of accounts is preserved and so long as the Authority maintains a system of accounting which permits it to determine which public corporations' charges have produced the monies in its various accounts.

Section D. Transfer of Funds. In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the system, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.

Section E. Monies May Be Invested. Monies in any fund or account established by the provisions of this ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Section F. Operating Year. The System shall be operated on the basis of an operating year commencing on January 1, and ending on the last day of December 31 next following.

ORDINANCE CONTINUED PAGE 22

ARTICLE VII. Hardship Application.

Section A. Basis for Application. The owner or owners of any permanent single-family residence (SFR), in which said owner or owners reside and upon which a connection charge (fee) has been imposed, may submit a hardship application to the Township Board seeking a deferment in the partial or total payment of the connection fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following: 1. The owner of the SFR shall, under oath, complete a hardship application provided by the Township Board, and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than sixty (60) days prior to the due date of the annual installment of such charge. Any such deferment shall be for the current annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the SFR, excepting financial institutions having security interests in the SFR.

2. Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.

3. An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.

4. In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the charge so imposed, and in doing so, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Township Clerk so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

- a) A change in the financial status of any applicant which removes the basis for financial hardship;
b) A conveyance of any interest in the SFR by any of the applicants, including the execution of a new security interest in the SFR or extension thereof;
c) A death of any of the applicants.

ORDINANCE CONTINUED PAGE 23

5. Upon a determination of the Township Board deferring all or part of the charges imposed, the owner of the SFR shall, within one (1) month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the SFR, guaranteeing payment of the deferred amounts on or before the death of any of the applicants, or, in any event, upon the sale or transfer of the SFR. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this ordinance.

Section B. Depositing Sewage Upon Property; Unlawful. It shall be unlawful for any person to place, deposit or permit to be deposited, in an unobtainable manner, upon public or private property within the Township or in any area under the jurisdiction of the Township, any human or animal excrement, garbage, or other objectionable waste which would be regarded as sewage or industrial wastes.

Section C. Discharging Unreated Sewage; Unlawful. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of the Township, any sanitary sewage, industrial waste, or other polluted sewage, except where suitable treatment has been provided in accordance with provisions of this ordinance.

Section D. Discharge of Unpolluted Drainage to System; Unlawful. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer of the System.

Section E. Private System Regulations. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township or Authority.

Section F. Additional Requirements. No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the Michigan Department of Public Health or the Michigan Department of Natural Resources.

ARTICLE VIII. Septic Tanks, Other Treatment and Discharges.

Section A. Septic Tank (Unlawful); Exceptions. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage and/or other liquid wastes.

Section B. Prohibited Discharges. Except as herein delineated, no person shall discharge any of the following described wastes or wastes to the System: 1. BOD in excess of 200 mg/l. 2. COD in excess of 450 mg/l. 3. Inorganic demand in excess of 15 mg/l. 4. Color (as iron, but not limited to dyes, lime or vegetable tanning solutions) shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations. 5. Explosive liquid, solid or gas.

Section C. Old Building Sewers. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section D. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section E. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section F. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section G. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

ARTICLE VIII. Septic Tanks, Other Treatment and Discharges (continued).

Section H. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section I. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section J. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section K. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section L. Sewerage Disposal. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

(Continued On Page 13, Col. 1)

Gun Lake Sewer System Ordinance
(Continued From Page 12)

gasoline, benzene, naphtha, fuel, oil or other flammable waste.

6. Garbage not properly shredded (no particle size greater than one-half inch).

7. Grease, oil, wax, or fat, whether emulsified or not, in excess of 50 mg/l, or other substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F.

8. Industrial wastes in concentrations greater than limitations set forth by appropriate state and federal agencies to comply with federal guidelines for protection of treatment plant and receiving watercourses, and limitations set forth in NPDES permits, including (other than those listed below) other metallic compounds in sufficient quantity to impair the operations of the System:

Table with 2 columns: Substance and Limitation. Includes Cadmium, Chromium, Copper, Iron, Nickel, Lead, Phenols, Zinc, Cyanide.

9. Inert suspended solids such as, but not limited to: fillers, earth, lime slurries, and lime residues and or dissolved solids such as, but not limited to sodium chloride and sodium sulfate, in unusual concentrations.

10. Insoluble, solid or viscous substances (such as, but not limited to, slimes, clinks, sand, mud, straw, shavings, metal, glass, bar, feathers, plastics, wood, hair, fleashings, etc.).

11. Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulfur dioxide, or oxides of Nitrogen) and other substances capable of public nuisance.

12. pH less than 5.3 or greater than 9.5.

13. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations.

14. Suspended solids in excess of 250 mg/l.

15. Temperature of wastes less than 32 degrees F. and greater than 150 degrees F.

16. Water or wastes containing substances which are not amenable to treatment or reduction by the System, or are amenable to treatment to only such degree that the System effluent cannot meet the requirements of other agencies having jurisdiction over such discharges to the receiving stream or waters.

17. Discharges that would result in excess loading during the treatment process, excess loading in any form which, in the opinion of the Authority's engineers, is a nuisance in the treatment process.

ORDINANCE CONTINUED PAGE 25

Article VIII. Septic Tanks, Other... (Continued)

Section I. Prohibited Discharges and Pretreatment.

If any wastes or wastes are discharged, or are proposed to be discharged, to the public sewers, which wastes contain the substances or possess the characteristics enumerated within this ordinance and or which in the judgment of the Authority may have a deleterious effect upon the System, or which otherwise create a hazard to life or constitute a public nuisance, the Authority and the Township may:

- 1. Reject the wastes.
2. Require pretreatment to levels defined as "normal strength".
3. Require pretreatment to other acceptable levels, per approval by the appropriate state agencies.
4. Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Authority concerning the proposed flows.
5. If the Authority and the Township permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Authority and subject to the requirements of all applicable codes, ordinances and laws.

Section J. Preliminary Treatment Facilities.

Where preliminary treatment or flow equalizing facilities are provided for any wastes or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.

Section K. Control Manholes.

When required by the Authority or Township, the owner of any property serviced by a building sewer carrying industrial or other wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such a manhole or manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Authority and appropriate state agencies. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section L. Sampling Meter Analyses.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Wastewater" and shall be determined upon samples taken from the control manhole or other necessary locations. Samples shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is necessary and appropriate, or whether a grab sample or samples shall be taken. These determinations shall be made by the Authority. The

responsibilities of industry are further defined in Article IX of this ordinance.

Section M. Commercial Waste Hauling Regulation.

Commercial waste hauling vehicles, including septic waste hauling vehicles, may not discharge contents into the public sewer system except as authorized by the Authority Board.

ORDINANCE CONTINUED PAGE 26

Article VIII. Septic Tanks, Other... (Continued)

Section N. Special Arrangements for Treatment.

No statement contained within this article shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern whereby an industrial waste of unusual strength and or character may be accepted by the Authority and the Township for treatment, subject to payment therefor, by the industrial concern.

Section O. Unpolluted Drainage Where Discharge Allowed.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

Section P. Inspection.

Agents of the Authority, Township, Michigan Department of Natural Resources, the U.S. Environmental Protection Agency and other related state and federal agencies shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge and for reviewing and examining procedures related to the discharge of waste or wastes.

ORDINANCE CONTINUED PAGE 27

Article IX. Industrial Waste Treatment... (Continued)

Section A. Discharging Industrial Wastes; Requirements.

Any industry or structures discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Authority, and the Authority may also require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem as determined by the Authority's engineers, to file the material listed below:

- 1. File a written statement setting forth the nature of the enterprise, the source and amount of water use, and the amount of water discharged, both total and partial, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
2. Provide a plan map of the building, works or complex, with such outfall of the surface water, sanitary sewer, storm sewer, natural watercourse, or groundwaters noted, described and the waste stream identified.
3. Sample, test and file reports with the Authority and the appropriate state agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods outlined in this ordinance.
4. An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
5. Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products, as those factors may affect waste control.
6. Maintain records and file reports on the final disposal of specific liquid, solid, sludge, oil and radioactive material, solvent or other wastes.
7. If any industrial process is to be altered so as to include or negate a process waste or potential waste, written notification shall be given to the Authority subject to approval.

Section B. Industrial Representatives; Duties.

One person from each industry shall be delegated the Authority to be responsible for industrial wastes admitted to the System. He shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, he shall be involved with prevention of accidental discharges of process wastes admitted to the System. He must become aware of all potential and routine toxic wastes generated by his industry. He must be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the System.

ORDINANCE CONTINUED PAGE 28

Article IX. Industrial... (Continued)

Section C. Catalog of Chemicals, Discharges.

The industrial representative shall catalogue all chemicals stored, used or manufactured by his industry. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the sanitary sewer are a prime concern; however, all discharges shall be catalogued. An estimate of daily average flow and strength shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Authority Manager and shall be treated as confidential information.

Section D. Process Alterations.

The industrial representative should attempt to determine whether or not large process alterations will occur during the next few years--one year, two years, five years. He should consult with management to determine if such alterations are scheduled and forthcoming.

Section E. Plant Layout Sketch.

A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system must be included on the plant layout sketch.

Section F. Pretreatment.

There shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed herein, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner--such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems of the System.

Section G. Secondary Containment.

Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill troughs or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

ORDINANCE CONTINUED PAGE 29

Article IX. Industrial... (Continued)

Section H. Sampling.

An adequate sampling vault or manhole must be provided in a fully accessible place for Authority personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Authority determines necessary to protect the treatment plant and receiving streams. Should the Authority desire continual flow recording over a long duration or 24-hour composite sampling, then a more complex vault would be necessary, complete with 110 volt AC.

Section I. Cost: Surveillance Fees Surcharge.

A yearly surveillance fee may be levied to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor should be incorporated to reduce the costs as industry lowers its waste strength. Consequently, a direct dollar incentive would be given to stimulate continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices and treatment facilities to insure protection of the municipal treatment plant and biological processes involved.

Section J. Unpolluted Drainage, Where Discharge Allowed.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

Section K. Industrial Cooling Water Containing Pollutants.

Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids shall be treated for removal of the pollutants and then discharged to the storm sewer.

ORDINANCE CONTINUED PAGE 30

Article X. Protection from Damage.

Section A. Damaging Systems Prohibited. No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, damage or tamper with any structure, apparatus or equipment which is a part of the System. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section B. Interruption of Service.

The Authority or Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any lines or service laterals, or by reason of any other interruption of the service caused by the breaking of secondary or stoppage for necessary repairs; and no person shall be entitled to damages nor have any action of a payment refunded for any interruption.

Article XI. Protecting From Damage.

Section A. Inspection. Any house, building, or structure receiving sanitary sewer service shall, at all reasonable hours be subject to inspection by duly authorized personnel of the Township or Authority.

Section B. Authority of Inspectors; Limitations.

The Manager and other duly authorized employees

of the Township or Authority, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Manager or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

Section C. Indemnification of Property Owner.

While performing the necessary work on private properties referred to in Article XI, Section B above, the Manager or duly authorized employees of the Authority or the Township shall observe all safety rules applicable to the property established by the property owner; and the property owner shall be held harmless for injury or death to the employees and the Township and Authority shall indemnify the claims and demands for personal injury or property damage asserted against the property owner and growing out of the gaging and sampling operations, except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

ORDINANCE CONTINUED PAGE 31

Article XII. Violations and Penalties.

Section A. Written Notice of Violation. Any person found to be unintentionally violating any provision of this ordinance shall be served with written notice stating the nature of the unintentional violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. No notice need be given for apparent intentional violations as determined by the Authority; prosecutions may proceed as provided by law without duly giving such notice.

Section B. Penalties; Violation Declaration.

Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both such fine and imprisonment. A violation of this ordinance is also declared to be a public nuisance and the Township or Authority may enforce same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the property therefore.

Section C. Violators Liable for Penalties Levied Against Township.

Any business, industry or person violating any of the provisions of this ordinance, which results in fines or penalties being levied against the Township or Authority, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to the fine identified in Section B of this article.

ORDINANCE CONTINUED PAGE 32

Article XIII. Validity; Severability; Effect of Later Publication.

Section A. Previous Ordinances Superseded.

This ordinance supersedes all other ordinances and amendments pertaining hereto. Ordinances and amendments in conflict herewith or portions thereof are hereby repealed.

Section B. Severability.

If any section, clause, sentence or provision of this ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section C. When in Effect.

This ordinance is to be in full force and effect from and after its passage, approval and publication according to the law of the State of Michigan.

Section D. This ordinance or summary thereof, shall be published once in a newspaper of general circulation within the boundaries of the Township authorized under state law to publish legal notices, within thirty days after its adoption, and the same shall be recorded in the Ordinance Books of the Township and such recording authenticated by the signature of the Township Clerk as required by law.

Section E. Effective Date.

This ordinance shall become effective January 1, 1985 after its publication.

ORDINANCE CONTINUED PAGE 33 EXHIBIT A

EXHIBIT A. Residential Rates/Service Table.

Table with 2 columns: Type of Premise and Residential Rate/Service. Lists rates for single family residence, barber shops, bars, beauty shops, and boarding houses.

(Continued On Page 14, Col. 1)

Of Interest To FARMERS

Hopks. FFA Earns Nat'l. Award In Kansas City

by Jodi Daryes, FFA Reporter

Hopkins Future Farmers of America members and their advisor and his wife, Mr. and Mrs. Roy Miller, traveled 750 miles to Kansas City, Missouri, to attend the National FFA Convention. It was the 57th annual event and more than 20,000 FFA members and guests joined together. The Hopkins Chapter won the National Superior Chapter Award with a silver rating, the 5th National Award received by Hopkins since 1973. Other highlights of the four day convention were talks by well known speakers such as Pat Summerall, Art Linkletter, Senator Robert Dole of Kansas and his wife, Elizabeth Dole, Secretary of Transportation. A special message from President and Mrs. Reagan was also read.

Several places were toured by the group during the trip. The late President Truman's Memorial Library and his unrestored original house was viewed in Independence, Missouri, as well as other historic sights. The American Royal, a National Livestock show in Kansas

City; stadiums for Kansas City Chiefs and Royals; and a drive across the Missouri River to Kansas City, Kansas were other attractions.

An unexpected but very memorable tour up 28 floors to have a beautiful nighttime view of Kansas City from the top of the City Center was enjoyed. Another special attraction was The Crown Center, a hotel constructed with an inside waterfall five floors high, an outside elevator with a glass window on one side through which to view the city and a shopping mall on the other end with about 40 shops.

The return trip was highlighted by a visit to St. Louis, Missouri with a tour to the Gateway Arch. Members enjoyed a ride in the top of the 630 foot high structure to view the city and the Mississippi River. The travelers arrived back in Hopkins early Sunday morning.

The students expressed their appreciation to their advisor, Mr. Miller and his wife for their time and patience and to Rex Hays of Allegan for the use of a vehicle for the trip.



Hopkins FFA members are pictured with the Mississippi River in the background. They are left to right, Jodi Daryes, Beth Dykstra, Allen Lehart, Todd Collier, Ronnda Beard and Jodi Lodemstein standing with the vehicle loaned by Rex Hays.

HOPKINS HAPPENINGS

Marge Hodgson 791-7542

Congratulations to Grandma Lucile Larr who will be observing her 80th birthday Friday, November 30.

Turkey and all the trimmings graced the table in many Hopkins homes as families and friends gathered to celebrate Thanksgiving Day. Enjoying the traditional feast at Verne and Joyce Lussenden's were their daughters, Carol and friend, Tony Lester of Otsego, Cindy and Tony Janke and son, Matt, and Cathy, Art and Ty all of Otsego, their son and family, Rick and Pam, Shannon and Christopher of Monterey and Verne's parents, Wayne and Rose of Bradley.

On down the street the Lee Bucks entertained their daughter and family, Charlotte and Bruce Carey, Chris and Kathleen, the Linden Bucks, sons Linden and Brian, and Edward Buck. During the afternoon they helped great-grandma, Frieda Buck, celebrate her 84th birthday. Frieda went with the Careys to their home in Elgin, Illinois from where she will leave for Florida on November 27.

Across from the Bucks, Bob and Lisa Ballard with son, Sean, were hosts of a dinner for Lisa's mother, Dorothy Stimac of Kalamazoo, and 41 of Bob's family and relatives from Hopkins, Hastings, Shelbyville, Middleville, Belding and Grand Rapids.

Shirley Shea and daughters, Kate and Mary, entertained Steve and Sheryl Whipple, sons, Scott and Stuart, Jim and Karen Shea, daughter, Stacie, Shirley's brother and wife, the Richard Montgomerys of Plainwell, and Shirley's parents, Mr. and Mrs. Floyd Montgomery.

Gene and Lois Norman had Lois' mother, Mrs. Jennie Roon and their son, Dennis, his wife, RuthAnn, and their three girls as dinner guests. Afternoon callers were their daughters and families, Bob and Pam Hennip and children, Bill and Annette Hennip and children, their son, Phillip, wife, Lucy, and baby, Elissa, from Los Angeles, California where Phil is in the navy. During his leave, they are visiting at Lucy's parents' home, the Don Gleasons of South Monterey.

Lee, Jan and Ryan Murray along with Brent and Sue Sebright and family ate their Thanksgiving dinner at their cabin near Cadillac. Joining them were Vi Sebright, formerly of Hopkins and Avis Sebright and

son, Stuart. Afternoon callers were Jan's aunt and uncle, Mr. and Mrs. Bob Gardner.

Steve and Sandy Stearns, April and Mike and Mike's friend, Katy DeVries traveled to Palo, Michigan where they dined with Steve's parents, Mr. and Mrs. Neil Stearns. Joining them there were Sandy's parents, Ralph and Jean Sweet, daughter, Kelly, and her son, Blake, of Ohio. The Sweets then returned to Hopkins where they spent a few days at the home of their daughter and family, Pat and Renee Roxbury.

Jeff and Debbie Brenner with son, Aaron, entertained Jeff's dad, Russ, his sister, Margie, brothers, Dan and Dennis and his sons, Andy and Stacy, Debbie's parents, Maurice and Phyllis McBride, her sister, Julie, and husband, Sam, and a friend of the family, Keith Vanderveen.

Eating dinner with Earl and Jean Calkins were their sons, Don, Dave, and wife Ruth and Jean's mother Mrs. Emma Lanting of Grand Rapids.

Mrs. Bernice Washburn prepared dinner for her family, Bob and Ethel Washburn, their daughter, Cathy and son, Bill. Larry had dinner at the home of his friend, Sheila Stedman of Allegan.

Also feasting with their family at their home was Cliff and Louise Reynolds whose son, Derris, and daughter Linda, her husband, Don, and girls, Nikki and Stacey, joined them.

Pete and June Hennip along with Pete's sister and husband, Don and Janet Rutgers and son Randy, had Thanksgiving dinner "out" at a restaurant in Kalamazoo.

The Bill Panches family and the Bob Becks decided to combine their dinners and they gathered at Panches' home to eat. Well, as it turned out, both ladies had cooked a turkey and both had prepared large identical salads! They ended up with 40 pounds of turkey and enough salad to feed the town of Hopkins and half of Monterey! As there were only nine people to devour all this, no one went away hungry! As a matter of fact, no one went away. They were all too full!

Traveling to South Bend, Indiana last weekend to enjoy watching Notre Dame beat Penn State at football were Jim and Ruth Hazen, Bill and Pat Maher, Mick and Lynn Frances and Barney and Carol McLaughlin.

Mrs. Gwen Cadman entered Blodgett hospital last Sunday where she had surgery for a ruptured disc on Tuesday. Jean Calkins, Phyllis McBride and Gwen Ballard called on her Friday and found her in good spirits and improving (and crocheting!). She hopes to return to her home Monday to recuperate for a few weeks. Don is going to do the cooking!

Two more lucky deer hunters on opening morning were Maurice McBride and Bill Hennip. Bill's eight point buck was the first deer into Panches to be processed.

Congratulations to Mr. and Mrs. Robert Clawson on the birth of their fourth son! Anson Clay, weighing eight pounds, ten ounces, arrived on November 16 and is welcomed by his brothers, Romel, Joe and Shannon, also Grandma Florence Clawson.

The Leggett girls - Lucile Larr, Ethel Hazen and Hazel Glascoff had dinner at a Dorr restaurant one day last week then called on their sister-in-law, Mrs. Perle Leggett of Byron Center.

On Friday Louise Reynolds entertained her cousins, Hollis Hakstead, Wilma and Violet Haksted and Clara Smith all from Holland, Michigan, also her mother, Mrs. Florence Clawson.

Our deepest sympathy to the Paul Commans family to the death of Joyce's mother, Mrs. Jan Wolf. Paul is still on crutches, having broken his foot.

Marge Hodgson continues to improve. She was happy to learn this week that she will not have to have a pin in her arm. Her daughter, Janet, from Lansing spent the holiday weekend with her and Jim. On Thursday they all drove to Kalamazoo where they ate Thanksgiving dinner with their other daughter and husband, Martha and Greg Archien.

GMU Lake Sewer System Ordinance (Continued From Page 13)

- 6. Bowling Alleys
0.50 per alley
(no bars, lunch facilities)
- 7. Car Wash
: Chain-op
1.00 per bay
: Automatic or other
5.00 per facility
- 8. Quarters
0.01 per seat
- 9. Dry Cleaners
1.25 per piece
- 10. Co-servient Homes
0.20 per bed
- 11. Country Clubs
0.10 per member
- 12. Drug Stores
0.10 per employee
- 13. Factories
0.10 per person/shift
- 14. Grocery Stores and Supermarkets
0.10 per employee
- 15. Gift Shop
0.10 per employee
(up to 4 employees—1.75 per employee
attending at 3.5 total)
- 16. Hospitals
1.10 per bed
- 17. Hotels, Motels
0.20 per bed
(private baths, 2 persons/room)
- 18. Laundry
0.35 per washer
(self service—1.75 per washer)
- 19. Multiple Family Residences
1.00 per unit
- 20. Office Building
0.05 per employee

ORDINANCE CONTINUED PAGE 14 (continued)

- 21. Picnic Park
0.10 per parking site
- 22. Restaurants
0.10 per seat
- 23. Rooming Houses
0.10 per person
(no meals)
- 24. Schools
0.01 per student
(w/out showers and pool)
- 25. Schools
0.05 per student
(with showers and or pools)
- 26. Service Station
0.25 per pump
(with 3 pumps—1.75 per pump)
- 27. Truck Base/Drive-In
0.10 per seat
- 28. Tarry Stores
0.10 per employee
- 29. Mobile Homes not in parks or campgrounds,
1.00 per unit
- 30. Mobile Homes in Mobile Home Parks
0.35 per unit
- 31. Tourist Courts, cabin resort
0.50 per unit
(individual bath units)
- 32. Hair Shop
1.00 per shop
(3.5 per shop)
- 33. Campgrounds and Travel Trailer Parks with individual sewer connections
0.20 per site
without individual sewer connections
0.15 per site
- 34. Summer Camp Facilities
0.15 per camper
(based upon camper capacity)

THE NEWS IN BRIEF

The Wayland Globe 792 2271

Jeffrey Tinsler and daughter, Aurelia, have returned to their home in West Haven, Connecticut after visiting from Saturday evening until Monday evening at the home of his parents, Mr. and Mrs. James Tinsler of Grand Rapids. Sunday evening, Mr. and Mrs. John Dunsmore of Wayland were Sunday evening visitors at the Tinsler home to greet their granddaughter and son-in-law.

The Donald Washburns and son, Andrew, were in Jackson at the home of the George Washburns on Thanksgiving.

There was a crowd at Irene LaValley's home on the holiday when longtime friends, the Hap Prices, came from Farmington Hills and all the children but Tom came home. Making things lively were Nanette and Joe McElwee who flew in from Pennsylvania, Bobette Goulet and her children and the Jerry LaValleys and their new baby from Grand Rapids and Cathy LaValley from Chicago.

Chris and Roger Russell of Sherman Lake, and Mike and Carol Levandoski and children of Middleville, spent Thanksgiving here with their mom and brother, Jim.

A delicious Thanksgiving dinner, prepared by Elle Arbanas, was enjoyed at the home of her parents, Mr. and Mrs. Matt Arbanas. Partaking of the holiday goodies were her husband, Bill, and son, Larry, all of Naperville, Illinois.

ORDINANCE #22
AMENDMENT TO G.L.A.S.A.
MONTHLY USER CHARGES
EFFECTIVE: APRIL 1, 1985

ORDINANCE #23
G.L.A.S.A. DEFINITIONS CLARIFIED
AND RESIDENTIAL EQUIVALENCE
TABLES ORDINANCE
EFFECTIVE: OCTOBER 1, 1985

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Wayland Township Ordinance No. 5 ¹⁹⁸⁵ of/ and Martin Township Ordinance No. 23 was enacted by the Wayland Township Board at a special meeting held September 23, 1985, and by the Martin Township Board at its regular meeting held September 11, 1985, said Ordinance to become effective October 1, 1985.

WAYLAND TOWNSHIP,
MARTIN, TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO GUN LAKE AREA
SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance to repeal a previous amendment to the Sewage Disposal System Ordinance pertaining to the enactment of a definition of "dwelling unit" and the amendment of portions of the Residential Equivalence Table; to enact a definition of "mobile home"; to amend portions of the Residential Equivalence Table and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIPS OF WAYLAND
AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAIN:

SECTION I

Wayland Township Ordinance No. 3 of 1985 and Martin Township Ordinance No. 23, being an amendment to the Gun Lake Area Sewage Disposal System Ordinance to be effective October 1, 1985, is hereby repealed in its entirety.

SECTION II

Article III, entitled "Definitions" of the Gun Lake Area Sewage Disposal System Ordinance is hereby amended by the addition of subsection GGG which shall provide for the following definition:

"Section GGG. Mobile Home. A factory assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without permanent foundation, and exceeding 320 square feet in area, excluding any hitch or tow bar."

SECTION III

Exhibit A of the Gun Lake Area Sewage Disposal System Ordinance, pertaining to "Residential Equivalence Table" is hereby amended as follows:

"No. 30. Mobile homes in mobile home parks and in campgrounds 0.60 per unit.

"No. 31. Cabins in cabin resorts, campgrounds or mobile home parks. 0.60 per unit.

"No. 33. Campgrounds and travel trailer parks.

"A. With individual sewer connections. 0.30 per site.

"B. Without individual sewer connections. 0.15 per site."

SECTION IV

Article VIII, subsection P entitled "Inspection" of the Gun Lake Area Sewage Disposal System Ordinance is hereby amended to read as follows:

"Section P. Inspection. Agents of the Authority, Township, Michigan Department of Natural Resources, the US Environmental Protection Agency and other related state and federal agencies shall have the right to enter all properties for the purpose of inspecting, measuring, metering, sampling and testing the wastewater discharge and for reviewing and examining procedures related to the discharge of waste or wastes. Included herein shall be the right to meter the water supply to determine the approximate use of the sewage system by any user, such metering to be in the discretion of and at the cost of the Authority."

SECTION V

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION VI

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not effect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION VII

This ordinance shall take effect October 1, 1985.

Mary L. Marcott, Clerk
Wayland Township

LaVerne Young
LaVerne Young, Clerk
Martin Township


CERTIFICATE

I, LAVERNE YOUNG, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on September 11, 1985, at 8:00 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 23, hereinbefore recorded, to become effective October 1, 1985 and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Jack Sipple-----aye
Gerald Fenner-----aye
Joyce McGuire-----aye
LaVerne Young-----aye
Andrew Leep-----aye

I do further certify that an attested copy of Ordinance No. 23 was filed with the County Clerk on May 29, 1986, and that said Ordinance No. 23 was duly published in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township on September 25, 1985, and further that said Ordinance No. 23 was recorded in said Ordinance book on the 6th day of Oct., 1985.

Dated:
Oct. 6, 1986


LaVerne Young, Clerk

TO: CO CLERK
MHY 29-86

**ORDINANCE #24
AMENDMENT G.L.A.S.A.
ORDINANCE (RESEDENTIAL
EQUIVALENCE TABLES)
EFFECTIVE: APRIL 16, 1986**

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance
No. 24 was adopted by the Martin Township Board at its regular
meeting held APR. 9, 1986, said ordinance to
become effective MAY 16, 1986. 30 DAYS AFTER PUBL.

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 24

ADOPTED: APRIL 9, '86

EFFECTIVE: MAY 14, '86

AN AMENDMENT TO THE GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE
PERTAINING TO EXHIBIT A (RESIDENTIAL EQUIVALENCE TABLE)

An ordinance to amend Schedule A pertaining to the residential equivalence table as it pertains to boarding houses, drug stores, factories, medical and dental clinics, shopping malls, public buildings, office buildings, rooming houses, schools and service stations and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

Schedule A of the ordinance being the residential equivalence table is hereby amended to read as follows:

Residential Equivalence Table

Types of Premises	Residential Equivalent
1. Bait Shop	1.0/shop
2. Barber Shops	.01/chair
3. Bars and Taverns	.05/seat
4. Beauty Shops	.20/booth
5. Boarding Houses	.20/guest room
6. Bowling Alleys (no bars, lunch facilities)	.50/alley
7. Cabins in cabin resorts, campgrounds or mobile home parks	.60/unit

8.	Campgrounds and travel trailer parks	
	A. With individual sewer connections	.30/site
	B. Without individual sewer connections	.15/site
9.	Car Wash	
	A. Coin-op	1.0/bay
	B. Automatic	5.0/bay
10.	Churches	.01/seat
11.	Clinics, medical and dental	1.0/premises plus .25/exam room
12.	Convalescent Homes	.20/bed
13.	Country Clubs	.10/seat in bar or restaurant plus .10/1000 sq.ft. of other area
14.	Dry Cleaners	1.25/press
15.	Drug Stores	1.0/premises
16.	Factories, office or production	.50/1000 sq.ft.
17.	Factories, wet process	Based on metered sewage flow, 250 gal/24 hr = 1.0
18.	Grocery Stores and Supermarkets	.25 per 1000 sq.ft.
19.	Hospitals	1.10/bed
20.	Hotels, motels, rooms with private bath	.20/bed
21.	Laundry self serve	.35/washer
22.	Mobile homes not in parks or camp- grounds	1.0/unit
23.	Mobile homes in mobile home parks or in campgrounds	.60/unit TO 1.0
24.	Multiple family residence or duplex	1.0/unit
25.	Office building	.25/1000 sq.ft.
26.	Picnic park	.10 per parking site
27.	Public building not in regular use	.5/1000 sq.ft.
28.	Restaurants	.10/seat
29.	Rooming houses without meals	.10/person
30.	Schools, excluding gyms, auditoriums, office, cafeterias, kitchens, or toilet facilities.	1.0/classroom
31.	Single family residence	1.00
32.	Stores (retail) except as specifically listed	1.0 plus .1/1000 sq.ft.

AMENDED 5-14-80
ORD. # 36
EFF. 6-1-86

- 4
- | | |
|--|--|
| 33. Service station without car wash | 1.0/premises |
| 34. Shopping malls under one roof sharing common bathroom facilities | 1.0/structure plus other individual user classes with plumbing |
| 35. Snack bars - drive-ins | .10/seat |
| 36. Summer camp facilities | .15/camper space |
- NOTE: All of the above users have a minimum of 1.00 residential equivalent.

SECTION II

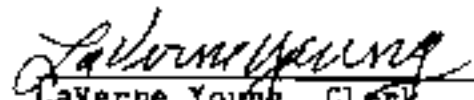
Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect MAY 16, 1986.


Laverne Young, Clerk
Martin Township

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on April 9, 1986, at 8:00 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 24, hereinbefore recorded, to become effective May 16, 1986, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Gerald Fanner-----aye
Joyce McGuire-----aye
Jack Sipple-----aye
LaVerne Young-----aye
Andrew Leep-----aye

Absent-----none

I do further certify that an attested copy of Ordinance No. 24 was duly published in the Wayland Globe, a newspaper printed in Wayland Michigan, Michigan, and circulated in the Township of Martin on April 16, 1986, and further that said Ordinance No. 24 was recorded in said Ordinance book on the 20th day of April, 1986.

Dated:
April 20, 1986

LaVerne Young
LaVerne Young, Clerk

C-101 20 75 C-102 20 75 CLERK - DATE
MAY 29-86

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED CITIZENS;

PLEASE TAKE NOTICE that the following

Wayland Township Ordinance No. 1 of 1986 and Martin Township Ordinance No. 24

was adopted by the Wayland Township Board at its regular meeting held April 7, 1986, and by the Martin Township Board at its regular meeting held April 9, 1986, said Ordinance to become effective May 16, 1986.

WAYLAND TOWNSHIP,
MARTIN TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN

AN AMENDMENT TO THE GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE PERTAINING TO EXHIBIT A (RESIDENTIAL EQUIVALENCE TABLE)

An ordinance to amend Schedule A pertaining to the residential equivalence table as it pertains to boarding houses, drug stores, factories, medical and dental clinics, shopping malls, public buildings, office buildings, rooming houses, schools and service stations and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIPS OF WAYLAND,
AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAIN:

SECTION I

Schedule A of the ordinance being the residential equivalence table is hereby amended to read as follows:

Residential Equivalence Table

Types of Premises	Residential Equivalent
1. Bail Shop	1.0/shop
2. Barber Shops	.01/chair
3. Bars and Taverns	.05/seat
4. Beauty Shops	.20/booth
5. Boarding Houses	.20/guest room
6. Bowling Alleys (no bars, lunch facilities)	.50/alley
7. Cabins in cabin resorts, campgrounds or mobile home parks	.60/unit
8. Campgrounds and travel trailer parks A. With individual sewer connections B. Without individual sewer connections	.30/site .15/site
9. Car Wash A. Coin-op B. Automatic	1.0/bay 5.0/bay
10. Churches	.01/seat
11. Clinics, medical and dental	1.0/premises plus .25/exam room
12. Convalescent Homes	.20/bed
13. Country Clubs	.10/seat in bar or restaurant plus .10/1000 sq. ft. of other area
14. Dry Cleaners	1.25/press
15. Drug Stores	1.0/premises
16. Factories, office or production	.50/1000 sq. ft.
17. Factories, wet process	Based on metered sewage flow, 250 gal/24 hr. = 1.0
18. Grocery Stores and Supermarkets	.25 per 1000 sq. ft.
19. Hospitals	1.10/bed
20. Hotels, motels, rooms with private bath	.20/bed
21. Laundry self serve	.35/washer
22. Mobile homes not in parks or campgrounds	1.0/unit
23. Mobile homes in mobile home parks or in campgrounds	.60/unit
24. Multiple family residence or duplex	1.0/unit
25. Office building	.25/1000 sq. ft.
26. Picnic park	.10 per parking site
27. Public building not in regular use	.5/1000 sq. ft.
28. Restaurants	.10/seat
29. Rooming houses without meals	.10/person
30. Schools, excluding gyms, auditoriums, office, cafeterias, kitchens, or toilet facilities	1.0/classroom
31. Single family residence	1.00
32. Stores (retail) except as specifically listed	1.0 plus .1/1000 sq. ft.
33. Service station without car wash	1.0/premises
34. Shopping malls under one roof sharing common bathroom facilities	1.0/structure plus other individual user classes with plumbing



SUNSET HOMES

So. Division at 60th Street

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Best Buy Of The Month


- Commodore, 1986.....\$12,865 complete
- Zimmer, 1986.....\$16,795 complete

•Quality Homes by Torch, Commodore, Zimmer


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Sat. 9 a.m.-5 p.m.

•See Jim Connett or Dave Hobbs


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Gun Lake Office
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Shelbyville, MI
1-672-5526



LEGAL NOTICE

REAL ESTATE - BUILDING - DEVELOPING - APPRAISING

VILLAGE OF MARTIN \$35,900 - Two bedroom home located on shady lot, hardwood floors, full basement, gas heat, garage. POSSIBLE EQUITY TRADE FOR YOUR MOBILE HOME. Call Mike 672-7661 or Rod O'Brien Realtor 672-5526.

COMMERCIAL BUILDING GUN LAKE \$89,900 - Over one acre of fenced in land with a 1500 sq. foot cement block building, 100 feet of Gun Lake frontage, including boat hoist. Owner will carry land contract. Call Mike 672-7661 or Rod O'Brien Realtor 672-5526.

GUN LAKE CHANDEL \$44,900 - Two bedroom home with 66 feet of water frontage, garage, gas heat, boat house and ramp. Owner will consider land contract terms. Call Mike 672-7661 or Rod O'Brien Realtor 672-5526.

Call any of the following sales people for any and all your Real Estate requirements. Always ready to help you buy or sell.

AREA SALES PEOPLE

Mike O'Brien.....672-8204

State of Michigan,
Office of Allegan County
Drain Commissioner
IN THE MATTER OF
Allegan County Drainage
District No. 285, ICIEK
DRAIN, DORR TOWNSHIP.
NOTICE OF MEETING OF
BOARD OF DETERMINA-
TION

Notice is hereby given that the Board of Determination, composed of Walter Morris, Robert Jones, Marvin Wolters, or alternate: Gale Rutgers, will meet on Thursday, May 1, 1988, at 10:00 A.M., at where the drain crosses 18th Street, 1/4 mile south of 138th Ave., Dorrr Township, Michigan to hear all interested persons and to determine whether the drain in Drainage District No. 285, known as ICIEK DRAIN as prayed for in the Petition to clean out, relocate, widen, deepen, straighten, extend, lift, or relocate along a highway, dated November 21, 1985, is necessary and conducive to the public health, convenience and welfare of properties and residents of Dorrr Township in accordance with Section 72 of Chapter IV of Act No. 60, P.A. 1966, as amended and the public health of Dorrr Township. Location of drain: Section 27, 28, 33, 34.

Lynn B. Fleming
Allegan County
Drain Commissioner
G30-A1c

"Save \$\$\$"

Why buy when you can rent a tractor. Deals diesel tractors 25 to 130 hp., 2 & 4 wheel drive.
(Your Dealer headquarters).

Johnson Diesel

877-4663

35. Snack bars - drive-ins	.10/seat
36. Summer camp facilities	.15/camper space

NOTE: All of the above users have a minimum of 1.00 residential equivalent.

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect May 16, 1988.

Mary Marcell, Wayland Township Clerk
LaVerne Young, Martin Township Clerk

**ORDINANCE #25
AMENDMENT G.L.A.S.A.
ORDINANCE (PENALTIES
DELINQUENT PAYMENTS
EFFECTIVE: MAY 16, 1986**

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance
No. 25 was adopted by the Martin Township Board at its regular
meeting held APRIL 9, 1986, said ordinance to
become effective MAY 16, 1986. 30 DAYS AFTER PUBL.

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 25

ADOPTED: 4-9-86
EFFECTIVE: MAY 14-86

AN AMENDMENT TO THE GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE
PERTAINING TO PENALTIES FOR DELINQUENT PAYMENTS

An ordinance to amend Article V, subsections P and Q pertaining to penalties for delinquent payments and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

Article V, subsection P pertaining to "Bills, Notice of Delinquency; Discontinuing Service." is hereby amended so that in place of the 5% late payment charge for bills more than 30 days overdue, said late payment charge shall be increased to 10%.

SECTION II

Article V, subsection Q pertaining to "Delinquent Charges; Lien." is hereby amended to read as follows:

"The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, are made a lien on all property served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six months, the Authority or officials in charge of the collection thereof shall add an amount equal to 6% of the total delinquent charge and shall certify annually on August 1 of each year to the tax assessing officer of the Township, the facts of such delinquency, whereupon such charge including the penalties shall be by him entered upon the next tax roll as a charge against such property and shall be collected and the lien

3✓

thereof enforced in the same manner as general Township taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a tenant is responsible for such charges and service as provided in Section 21, no further service shall be rendered such property until a cash deposit equal to six months service charges shall have been made as security for payment of such charges and service. In addition to the foregoing, the Authority as agent for the Township shall reserve the right to shut off sewer service to any property for which charges are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn on charge, to be specified by resolution of the Township, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Township per court action."

SECTION III

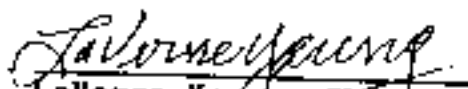
All parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION IV

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION V

This ordinance shall take effect MAY 16, 1986.


LaVerne Young, Clerk
Martin Township

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CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on April 9, 1986, at 2:00 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 25, hereinbefore recorded, to become effective MAY 16, 1986, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Gerald Fenner	-----aye
Joyce McGuire	-----aye
Jack Sipple	-----aye
LaVerne Young	-----aye
Andrew Leep	-----aye
Absent	-----none

I do further certify that an attested copy of Ordinance No. 25 was duly published in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in the Township of Martin on April 16, 1986, and further that said Ordinance No. 25 was recorded in said Ordinance book on the 20th day of April, 1986.

Dated:
April 20, 1986

LaVerne Young
LaVerne Young, Clerk

TO S.O. CLERK
MAY 29-86

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED CITIZENS;

PLEASE TAKE NOTICE that the following

Wayland Township Ordinance No. 2 of 1986

and

Martin Township Ordinance No. 25

was adopted by the Wayland Township Board at its regular meeting held April 7, 1986, and by the Martin Township Board at its regular meeting held April 9, 1986, said Ordinance to become effective May 16, 1986.

WAYLAND TOWNSHIP,
MARTIN TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN

AN AMENDMENT TO THE GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE PERTAINING TO PENALTIES FOR DELINQUENT PAYMENTS

An ordinance to amend Article V, subsections P and Q pertaining to penalties for delinquent payments and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIPS OF WAYLAND,
AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAIN:

SECTION I

Article V, subsection P pertaining to "Bills, Notice of Delinquency; Discontinuing Service." is hereby amended so that in place of the 5% late payment charge for bills more than 30 days overdue, said late payment charge shall be increased to 10%.

SECTION II

Article V, subsection Q pertaining to "Delinquent Charges; Lien." is hereby amended to read as follows:

"The charges for services which are under the provisions of Section 21, Act 84, Public Acts of Michigan, 1930, as amended, are made a lien on all property served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six months, the Authority or officials in charge of the collection thereof shall add an amount equal to 6% of the total delinquent charge and shall certify annually on August 1 of each year to the tax assessing officer of the Township, the facts of such delinquency, whereupon such charge including the penalties shall be by him entered upon the next tax roll as a charge against such property and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a tenant is responsible for such charges and service as provided in Section 21, no further service shall be rendered such property until a cash deposit equal to six months service charges shall have been made as security for payment of such charges and service. In addition to the foregoing, the Authority as agent for the Township shall reserve the right to shut off sewer service to any property for which charges are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn on charge, to be specified by resolution of the Township, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Township per court action."

SECTION III

All parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION IV

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portions of this ordinance which can be given effect without such invalid part or parts.

SECTION V

This ordinance shall take effect May 16, 1986.

Mary Marcott, Wayland Township Clerk
LaVerne Young, Martin Township Clerk

CUSTOM PRINTING

Web Offset,

Sheet-Fed Offset, Letterpress

Complete Bindery Facilities

The Wayland Globe

133 East Superior - Wayland, Michigan

792-2271

ORDINANCE #26
G.L.A.S.A. NEW RATE FOR MOBILE
HOMES ORDINANCE
EFFECTIVE: JUNE 1, 1986

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. OF 1986

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 26

ADOPTED: MAY 14, 1986

EFFECTIVE: JUNE 1, 1986

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An amendment to the Gun Lake Area Sewage Disposal System Ordinance pertaining to the residential equivalence table as it pertains to mobile homes located in mobile home parks and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS,
ORANGEVILLE, WAYLAND AND MARTIN,
EACH ORDAIN:

SECTION I

Schedule A of the ordinance being the Residential Equivalence Table is hereby amended so that No. 23 pertaining to "mobile homes in mobile home parks or in campgrounds - .60 per unit" shall read as follows:

"23. Mobile homes in mobile home parks or in campgrounds, if having at least 320 square feet of fully enclosed area covered by a permanent roof as measured on the outside perimeter - 1.00 per unit; if less than 320 square feet - .60 per unit".

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on June 1, 1986.

Yankee Springs Township Clerk

Orangeville Township Clerk

Wayland Township Clerk

L. L. ...
Martin Township Clerk

COPY TO CO. CLERK
MAY 29-86

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on May 14, 1986, at 8 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 26, hereinbefore recorded, to become effective on June 1, 1986, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

I do further certify that an attested copy of Ordinance No. 26 was duly published in the Wayland Globe a newspaper printed in Wayland, Michigan, and circulated in the Township of Martin on _____, and further that said Ordinance No. 26 was recorded in said Ordinance book on the ___ day of _____, 1986.

Dated:

LaVerne Young, Clerk

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1008-1077
JOHN H. BAUCKHAM
RICHARD O. REED
RICHARD L. LANG
PHILIP D. SCHAEFER
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
382-4300

May 1, 1986

Mr. LaVerne Young, Clerk
Martin Township
981 Lee Street
Martin, Michigan 49070

Dear Mr. Young:

Pursuant to the recommendation of the Gun Lake Area Sewer Authority Board, each Township is being asked to increase the residential equivalency factor for mobile homes within mobile home parks which are at least 320 square feet in area to a factor of 1.00, from the present .60. An ordinance to accomplish this is enclosed.

Assuming your Township is in agreement with this action, it should be enacted at your next Township Board meeting by roll call vote. If you will then call our office and advise us of the action taken, when all four Townships have responded that it has been enacted, we will proceed to have a notice of publication published for all four Townships.

Based upon the recommendation of the Gun Lake Board, if it is not uniformly enacted by all four Township Boards, the Board does not want the ordinance to become effective in any Townships. Therefore, unless you advise to the contrary, we will not public a notice for any Townships unless all four Township Boards have enacted the ordinance. In the event that all four do not enact the ordinance, and the ordinance is not published within 30 days as required by law, the ordinance enactment of any Townships which did enact it will become void.

If your Township demands that the ordinance be effective regardless of the action of the other three Townships, please

Mr. LaVerne Young, Clerk
May 2, 1986
Page 2

advise this office accordingly. If you have questions, please
contact me.

Very truly yours,

BAUCKMAN, REED, LANG,
SCHAEFER, SPARKS & ROLFE, P.C.



Richard Li Lang

RLL/nc

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P.C.
ATTORNEYS AT LAW
500 MARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1908-1972
JOHN M. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
PHILIP O. SCHAEFER
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMPSON

AREA CODE 616
TELEPHONE
362-4300

June 16, 1986

Mr. LaVerne Young, Clerk
Martin Township
981 Lee Street
Martin, Michigan 49070

Dear Mr. Young:

Enclosed please find the Proof of Publication of your Ordinance No. 26 in the Wayland Globe on May 28, 1986.

Please file this in your official ordinance book. If anything further is needed from our office regarding this ordinance, please let me know.

Very truly yours,

BAUCKHAM, REED, LANG,
SCHAEFER, SPARKS & ROLFE, P.C.

Richard L. Lang
Richard L. Lang

RLL/nc

Encl.

PROOF OF PUBL.

ORD# 26

PUBL. MAY 26 '86

In the Matter of Notice to: The Residents and Property Owners of the Townships of Yankee Springs, and Orangeville, Barry County, Michigan and COUNTY OF ALLEGAN - The Townships of Wayland and Martin, Allegan County other interested citizens:

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS, AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following ordinance, being Yankee Springs Ordinance No. 33, Orangeville Township Ordinance No. 3 of 1986, Wayland Township Ordinance No. 3 of 1986 and Martin Township Ordinance No. 26 was adopted at a regular meeting by the Yankee Springs Township Board on May 8, 1986, by the Wayland Township Board on May 5, 1986 and by the Martin Township Board on May 14, 1986, and at a special meeting of the Orangeville Township Board on May 17, 1986, said ordinance to become effective June 1, 1986.

Yankee Springs Township
Barry County, Michigan
Ordinance No. 33

Orangeville Township
Barry County, Michigan
Ordinance No. 3 of 1986

Wayland Township
Allegan County, Michigan
Ordinance No. 3 of 1986

Martin Township
Allegan County, Michigan
Ordinance No. 26

ADOPTED: May 8, 1986
as to Yankee Springs Township;

May 17, 1986, as to Orangeville Township;

May 5, 1986, as to Wayland Township; and

May 14, 1986, as to Martin Township

EFFECTIVE: June 1, 1986, as to all Townships

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An amendment to the Gun Lake Area Sewage Disposal System Ordinance pertaining to the residential equivalence table as it pertains to mobile homes located in mobile home parks and to repeal any parts or portions of the ordinance which are inconsistent herewith.

The Townships Of Yankee Springs Orangeville, Wayland and Martin

Each Ordain:

SECTION I

Schedule A of the ordinance being the Residential Equivalence Table is hereby amended so that No. 23 pertaining to "mobile homes in mobile home parks or in campgrounds - .80 per unit" shall read as follows:

"23. Mobile homes in mobile home parks or in campgrounds, if having at least 320 square feet of fully enclosed area covered by a permanent roof as measured on the outside perimeter - 1.00 per unit; if less than 320 square feet - .60 per unit."

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on June 1, 1986.

Marilyn Page
Yankee Springs Township Clerk

Darlene Harper
Orangeville Township Clerk

Mary Lou Marcott
Wayland Township Clerk

LaVerne Young
Martin Township Clerk

MEY, being duly sworn, says: I am
Wayland Globe, a weekly newspaper
published in said county. The annexed is
notice which was published in said
following dates, to-wit:

19 86 ----- A.D. 19

19 ----- A.D. 19

19 ----- A.D. 19

P. Helmy

5th

before me this -----
86
----- A.D. 19

Jane Halmy

Notary Public, Allegan County, Michigan

Witness my hand and seal this

Nov. 30, A.D. 1987

JE KIMSEY
Notary Public, Allegan County, MI
Commission expires Nov. 30, 1987

MAY 28 - 86

MOLINE MEMOS
Libby Hall
477-4771 - 477-4143

On reading about the school children visiting cemeteries, interest was sparked in our local one. Dorr Cemetery was established officially in 1905. However on walking through and studying some tombstones, there were some older than 1905. Mother Levitt's gravestone showed she died in 1895. Mary Miller passed away in 1901. The Zolser plot's earliest date was 1890. Elja Ewing, who died in 1895, was a soldier and there is a flag on his grave. Then there were Fultons, Beamers, Flesers, all in the early 1800's.

Heart rending are the plots with many small gravestones. The Bastian plot has dates 1805-1905, 1905, 1908, 1908-1908, 1911-1911. Thankfully, we do not lose our children to early death these days. There are some soldiers buried there. Ivan De Vries, World War I; Keith DeVries, Vietnam; Clarence Koster, World War I; Owen Helmsoldt, Frank Stankey and a few more. Many plots have been decorated with flowers, even the Emery plot marked 1915 had geraniums on it.

The cemetery is being expanded with land to the north. Dorr Cemetery is a quiet, pleasant place with the many pine trees bordering the drive.

The plans for the June 21 Fair Day and Orchard Hill run are being finalized. It promises to be a fun filled day. A new feature this year will be a community walk. Interested persons are asked to meet at the town hall at 9:00 a.m. Bono the clown will be around in the afternoon and he will be very happy to see all the children.

Pat DeHaan held a Pre-School graduation last week. The children presented many songs and activities. Ethel Syama and Linda Spaman were helpers.

The second, fifth and sixth graders of the Moline Christian School had a special treat Monday, May 12, when they were invited to an "all you can eat" ice cream party. The classes bringing in the most soap labels, at an average 167 labels per student, were declared this year's winners in the contest.

Moline Christian students collected a total of 15,875 labels this year which earned them educational filmstrips and cassettes, maps, volley balls, and jump ropes. The students have started saving labels for next year's contest.

Moline Baptist Church had an all-church roller skating party Tuesday, May 20. The parties are always well attended and fun! One of the reasons some come, is to see who falls the most, the pastor or the youth pastor.

Pastor DeKok was gone May 13 to 17 for a Pastor's conference on the Family. It was held in Minneapolis and was a beneficial time of learning. He also was able to visit with family and some friends from college days.

Neighborhood Bible Time plans for this year are in full swing. The week is June 23-27 for all kids going into first grade on up. The senior big students will meet at night.

Abe and Lucille Westhouse spent a few days up at Pentwater. It was lovely weather when they left but soon it was rain, rain, rain. Even the fish boled up, no luck at all.

Scrounging around for news, asking people what they were doing, Henry Vlenstra said, "Nothing! Just sitting looking at the rain."

A big sign is on the lawn at the TenHaar's. The message is, "Isn't it nifty - Marilyn's Fifty!" A surprise party, composed of family and friends, was held at an area restaurant, for dinner and ice cream and cake.

The Moline Fire Department is composed of representatives from Dorr and Leighton Townships. Steve DeKok is president and John Hendrixana is secretary-treasurer. They have control of the jointly owned tanker and pay the telephone bill. Once a year they meet in the fall with the two township boards.

The fire barn on Division and 144th Avenue has a sign reading: Moline Fire Department - Leighton Township. Just how does our fire department operate? A few well placed questions brought this information. The pumper is owned by Leighton Township; the tanker is owned jointly by Leighton and Dorr Townships; a jeep, which is used to fight grass fires, is owned by the DNR. The jeep is an interesting vehicle. It can hold a crew of two or three besides equipment. The maintenance of the tanker and jeep is underwritten by the two townships.

Wayne Moore is the fire chief; Dale Dykstra, the assistant chief; Steve DeKok, captain; Roger Wiersma, secretary-treasurer; Roger Modema is chief engineer in charge of the upkeep of the trucks. Eleven more members make up the crew: Jerry Akkers, Larry Keizer, Tom Miller, Martin Nagel, Gary Wiersma, Clarence Sprague, Larry Kottman and Doug Tiemeyer.

Meetings are held the first and third Mondays of the month. The whistle blows at seven o'clock for these meetings. The first Monday is devoted to business and discussion about fires and how they were handled. The third Monday is used for practice, cleaning trucks and general up keep.

All the firemen take special classes now and then. Martin Nagel is taking a 23 week course on Wednesdays. Subjects studied are personal hazards and safety, fire behavior science, extinguisher, operative practice, ropes and knots, breathing apparatus, ladder practice, hose practice, water supplies and fire streams, forcible entry, ventilation and rescue practices, first aid and communication. The other firemen have taken this course. Now don't you feel well protected?

Did you know the Scottish people were the first ethnic group in Allegan County. They settled on the east side of the county because they liked the whortleberries (huckleberries to us). In fact there is a Huckleberry Lake northeast of Martin.

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following ordinance, being Yankee Springs Ordinance No. 33, Orangeville Township Ordinance No. 3 of 1986, Wayland Township Ordinance No. 3 of 1986 and Martin Township Ordinance No. 26 was adopted at a regular meeting by the Yankee Springs Township Board on May 8, 1986, by the Wayland Township Board on May 5, 1986 and by the Martin Township Board on May 14, 1986, and at a special meeting of the Orangeville Township Board on May 17, 1986, said ordinance to become effective June 1, 1986.

Yankee Springs Township
Barry County, Michigan
Ordinance No. 33

Orangeville Township
Barry County, Michigan
Ordinance No. 3 of 1986

Wayland Township
Allegan County, Michigan
Ordinance No. 3 of 1986

Martin Township
Allegan County, Michigan
Ordinance No. 26

ADOPTED: May 8, 1986
as to Yankee Springs Township;

May 17, 1986, as to Orangeville Township;
May 5, 1986, as to Wayland Township; and
May 14, 1986, as to Martin Township

EFFECTIVE: June 1, 1986, as to all Townships

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An amendment to the Gun Lake Area Sewage Disposal System Ordinance pertaining to the residential equivalence table as it pertains to mobile homes located in mobile home parks and to repeal any parts or portions of the ordinance which are inconsistent herewith.

**The Townships Of Yankee Springs
Orangeville, Wayland and Martin**
Each Ordain:

SECTION I

Schedule A of the ordinance being the Residential Equivalence Table is hereby amended so that No. 23 pertaining to "mobile homes in mobile home parks or in campgrounds - .60 per unit" shall read as follows:

"23. Mobile homes in mobile home parks or in campgrounds, if having at least 320 square feet of fully finished area covered by a permanent roof as measured on the outside perimeter - 1.00 per unit; if less than 320 square feet - .60 per unit."

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on June 1, 1986.

Marilyn Page
Yankee Springs Township Clerk

Darlene Harper
Orangeville Township Clerk

Mary Lou Marcott
Wayland Township Clerk

LaVerne Young
Martin Township Clerk



Nancy Whitley

**For Your
Good
Health**

By
Gina Warblek, P.T.
Director of Physical Therapy

If you are suffering from low back pain, don't feel alone. Eight out of ten Americans will experience back pain at some time in their lives. One hundred million have serious back problems, with 250,000 undergoing back surgery each year. By following some simple guidelines we can decrease this enormous problem.

There are several different structures in the back that can cause pain. Muscle strains occur by overstretching, jerking, or twisting. The most common ligament injury is a sprain, caused by too much stress as in bending or prolonged stretching. The joints of the

back can also be strained by overstretching. The discs, "shock absorbers," are injured by abnormal forces such as bending forward, lifting, or twisting.

If you have injured your back there are a wide variety of practitioners to consult and treatments available. A recent survey indicated the orthopedist as the most frequently consulted back specialist. Chiropractors ranked high in providing short-term relief. Physical therapists were ranked highest in providing long-term relief.

Unfortunately, prevention is the only proven cure for back pain. The five keys of a program for prevention are proper posture, proper body mechanics and lifting techniques, exercises devised by an expert, and rest.

ORDINANCE #27
REZONE LYONS PROPERTY
ORDINANCE
EFFECTIVE: MAY 28, 1986

MARTIN TOWNSHIP ORDINANCE NO. 27

AMENDMENT TO MARTIN TOWNSHIP ZONING ORDINANCE/MAP

ADOPTED: May 14, 1986.

EFFECTIVE: May 28, 1986

An Ordinance to amend the zoning map of the Township of Martin as incorporated within the zoning ordinance of the Township of Martin with respect to certain lands and premises located within Section 19 of said Township and the zoning district classification of said properties; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAINS:

SECTION I

The zoning map of the Township of Martin as incorporated by reference in the zoning ordinance of Martin Township is hereby amended by the rezoning of the following described parcels of real property located in Section 19 of said Township from the "C-2" General Business District classification to the "I-1" Industrial District classification:

All that part of the Northwest fractional 1/4 of Section 19, Town 3 North, Range 11 West, Martin Township, Allegan County, Michigan, which has the shape of a line described as: Beginning at a point on the East and West 1/4 line of said Section 19, which is North 89° 57' 30" East a distance of 71.13 feet from the West 1/4 corner of said Section 19; thence North 10° 02' 00" West a distance of 274.94 feet to the point of curvature of a 11,629.17 foot radius curve to the right; thence Northwesterly along the arc of said curve (chord) bearing North 89° 17' 30" West) 1,209 feet to a point of ending.

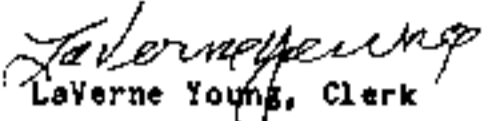
Township of Martin, Allegan County, Michigan, described as: Beginning at a point on the East line of 12th Street 20 feet North 82° 54' 30" E from the West 1/4 east of Section 19, T2N, R11W; thence N82° 54' 30" E 57.12 feet to the West right-of-way line of limited access Highway 42-121; thence S17° 02' 00" along said right-of-way line 892.64 feet; thence S22° 52' 30" W 164.57 feet to the East line of 12th Street; thence N22° 52' 30" W 164.57 feet to the place of beginning, subject to conditions, restrictions and easements of record.

Township of Martin, Allegan County, Michigan, described as: Commencing at the West 1/4 east of Section 19, T2N, R11W; thence S22° 52' 30" E on the West line of said Section 19 1022 feet; thence N82° 54' 30" E 57 feet to the East line of 12th Street and the place of beginning of this description; thence N89° 54' 30" E 164.57 feet to the West right-of-way line of limited access Highway 42-121; thence S17° 02' 00" along said right-of-way line 947.29 feet; thence S22° 52' 30" W 164.57 feet along said right-of-way line 892.64 feet; thence N89° 54' 30" E 164.57 feet to the East line of 12th Street; thence N22° 52' 30" W 164.57 feet to the place of beginning, subject to conditions, restrictions and easements of record.

Land in Township of Martin, Allegan County, Michigan: Commencing at the West 1/4 east of Section 19, Town 3 North, Range 11 West, thence North 2 degrees 30 minutes 20 seconds East on the West line of said Section 19 228.25 feet; thence North 85 degrees 20 minutes 15 seconds East 20 feet to the East line of 12th Street and the place of beginning of this description; thence North 85 degrees 20 minutes 15 seconds East 279.64 feet to the West right-of-way line of limited access Highway U.S. 121; thence South 5 degrees 20 minutes 20 seconds West 822.51 feet to the North line of A-10 Highway; thence South 85 degrees 20 minutes 20 seconds West along said right-of-way line 91.80 feet; thence South 85 degrees 20 minutes 20 seconds West 91.80 feet along said right-of-way, being a chord on a curve to the left with a radius of 21,718.20 feet and a central angle of 2 degrees 20 minutes 20 seconds; thence North 85 degrees 20 minutes 20 seconds West 211.20 feet to the East line of 12th Street; thence North 2 degrees 30 minutes 20 seconds West 47.27 feet to the place of beginning, subject to conditions, restrictions and easements of record.

SECTION II

This ordinance shall take effect immediately upon publication.
All ordinances or parts of ordinances in conflict herewith are
hereby repealed.


LaVerne Young, Clerk
Martin Township

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on May 14, 1986, at 8:00 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 27, hereinbefore recorded, to become effective May 28, 1986, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Jack Sipple-----Aye
Gerald Fenner-----Aye
Joyce McGuire-----Aye
Andrew Leep-----Aye
LaVerne Young-----Absent

I do further certify that an attested copy of Ordinance No. 27 was filed with the County Clerk on May 28, 1986 and that said Ordinance No. 27 was duly published in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in the Township of Martin on May 28, 1986, and further that said Ordinance No. 27 was recorded in said Ordinance book on the 27th day of May, 1986.

Dated:
May 28, 1986

LaVerne Young
LaVerne Young, Clerk

LYONS PROPERTY - BETWEEN 12TH ST & 131ST W. 1/4
FROM M-118 N. TO 117TH AVE -

REZONED FROM GEN. BUS. TO INDUSTRIAL

COPY TO CO. CLERK MAY 29-86

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
102 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1006-072
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
PHILIP D. SCHAEFER
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
382-4500

May 20, 1986

Mr. LaVerne Young, Clerk
Martin Township
981 Lee Street
Martin, Michigan 49070

RE: Ordinance No. 27

Dear Mr. Young:

Enclosed please find the original of Ordinance No. 27,
pertaining to the rezoning of the Lyons' property in Section
19. I have arranged for the required publication of the ordinance
in the Wayland Globe on May 21 or May 28, as the Globe's setup
and publication schedule permits.

Also enclosed is a partially completed Clerk's Certificate
pertaining to Ordinance No. 27. Please fill in the remaining
blanks on the certificate, including identifying the members
of the Township Board present at the May 14 meeting, and indicating
how they voted on the adoption of the ordinance.

The fully completed Clerk's Certificate should be filed
in your ordinance book along with the original of Ordinance
No. 27, the Affidavit of Publication which you will receive
from the Wayland Globe, and any other pertinent materials, such
as a copy of the Township Board and Zoning Board minutes relating
to the rezoning at issue. You should also include whatever
correspondence was received from the Allegan County Planning
Commission, indicating their approval of the rezoning.

Finally, as it is my understanding that the Martin Township
offices are not open regular hours during regular business days
it will be necessary for a copy of the ordinance to be filed
with the Allegan County Clerk. A copy of the ordinance is enclosed
for this purpose. Please take care of the required filing with
the County Clerk at your earliest convenience, and make sure

Mr. LaVerne Young, Clerk
Re: Ordinance No. 27
May 20, 1986
Page 2

the information about this filing is included on the Clerk's
Certificate.

Sincerely,

BAUCKHAM, REED, LANG,
SCHAEFER, SPARKS & ROLFE, P.C.


Craig A. Rolfe

CAR/nc

Encl.

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P. C.
ATTORNEYS AT LAW
800 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1908-1972
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
PHILIP O. SCHAEFER
KENNEVH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
382-4800

May 20, 1986

Wayland Globe
Wayland, Michigan

Re: Publication of Zoning Notice for Martin Township

Dear Mrs. Helmev:

Please publish the enclosed Martin Township Ordinance No. 27 on Wednesday, May 21, 1986, or if not received in time for publication on that date, then on Wednesday, May 28, 1986.

Please forward your statement, together with one affidavit of the publication to Mr. LaVerne Young, Clerk; Martin Township; 981 Lee Street; Martin, Michigan 49070, and forward one affidavit of publication to this office.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, REED, LANG,
SCHAEFER, SPARKS & ROLFE, PC


Craig A. Rolfe

CAR/nc
Encl.
cc: Mr. LaVerne Young ✓

COPY

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance
No. 27 was adopted by the Martin Township Board at its regular
meeting held May 14, 1986.

EFF. ~~MAY 28~~
MAY 28-86

10/15 PROP

In the Matter of Martin Township Ordinance No. 27
COUNTY OF ALLEGAN—ss.

Martin Township

Allegan County, Michigan

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance No. 27 was adopted by the Martin Township Board at its regular meeting held May 14, 1986.

Martin Township Ordinance No. 27 AMENDMENT TO MARTIN TOWNSHIP ZONING ORDINANCE/MAP

ADOPTED: May 14, 1986

EFFECTIVE: May 28, 1986

An Ordinance to amend the zoning map of the Township of Martin as incorporated within the zoning ordinance of the Township of Martin with respect to certain lands and premises located within Section 19 of said Township and the zoning district classification of said properties; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN ALLEGAN COUNTY, MICHIGAN ORDAINS:

SECTION I

The zoning map of the Township of Martin as incorporated by reference in the zoning ordinance of Martin Township is hereby amended by the rezoning of the following described parcels of real property located in Section 19 of said Township from the "C-2" General Business District classification to the "I-1" Industrial District classification:

All that part of the Northwest fractional $\frac{1}{4}$ of Section 19, Town 2 North, Range 11 West, Martin Township, Allegan County, Michigan, which lies westerly of a line described as: Beginning at a point on the East and West $\frac{1}{4}$ line of said Section 19, which is North 85° 54' 30" East a distance of 77.12 feet from the West $\frac{1}{4}$ corner of said Section 19; thence North 11° 05' 40" West a distance of 278.88 feet to the point of curvature of a 11,688.19 feet radius curve to the right; thence Northerly along the arc of said curve (chord bearing North 86° 18' 33" West) 1,000 feet to a point of ending.

Township of Martin, Allegan County, Michigan, described as: Beginning at a point on the East line of 12th Street 50 feet North 85° 54' 30" E from the West $\frac{1}{4}$ post of Section 19, T2N, R11W; thence N85° 54' 30" E 27.12 feet to the West right-of-way line of limited access Highway US-131; thence S11° 05' 40" along said right-of-way line 1037.64 feet; thence N85° 54' 30" W 164.07 feet to the East line of 12th Street; thence N7° 21' 25" W 1025 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Township of Martin, Allegan County, Michigan, described as: Commencing at the West $\frac{1}{4}$ post of Section 19, T2N, R11W; thence S2° 28' 25" E on the West line of said Section 1025 feet; thence N85° 54' 30" E 50 feet to the East line of 12th Street and the place of beginning of this description; thence N85° 54' 30" E 164.07 feet to the West right-of-way line of limited access Highway US-131; thence S11° 05' 40" E along said right-of-way line 947.57 feet; thence S8° 36' 55" W along said right-of-way line 42.15 feet; thence S85° 29' 19" W 278.94 feet to the East line of 12th Street; thence N3° 20' 25" W 1082.88 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Land in Township of Martin, Allegan County, Michigan: Commencing at the West $\frac{1}{4}$ post of Section 19, Town 2 North, Range 11 West, thence South 3 degrees 28 minutes 25 seconds East on the West line of Section 2025.28 feet; thence North 85 degrees 39 minutes 15 seconds East 50 feet to the East line of 12th Street and the place of beginning of this description, thence North 25 degrees 29 minutes 15 seconds East 279.94 feet to the West right-of-way line of limited access Highway U.S. 131, thence South 5 degrees 36 minutes 55 seconds West 522.91 feet to the North line of M-118 Highway, thence South 85 degrees 56 minutes 25 seconds West along said right-of-way 19.84 feet; thence South 25 degrees 50 minutes 03 seconds West 75.34 feet along said right-of-way, being a chord on a curve to the left with a radius of 22,910.33 feet and a central angle of 3 degrees 28 minutes 39 seconds, thence North 80 degrees 46 minutes 04 seconds West 121.27 feet to the East line of 12th Street, thence North 3 degrees 28 minutes 25 seconds West 447.57 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

SECTION II

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LaVerne Young, Clerk
Martin Township

being duly sworn, says: I am
and Globe, a weekly newspaper
said county. The annexed is
e which was published in said
dates, to-wit:

86 ----- A.D. 19---

----- A.D. 19---

----- A.D. 19---

P. J. Helms

before me this 5th -----

----- A.D. 19 86---

Jane Helms
Public, Allegan County, Michigan

Nov. 30 A.D. 1987

HELMSY

Junior High Honor Roll

The honor roll for the Wayland School seventh and eighth grades has been released for the fifth marking period and lists all those who have attained a grade point average of B (80) or better.

Seventy students with all A records are: Michelle Bakker, Amy Buskirk, Christy DeWitt, Keith Laker, Dawn Largent, Joshua Sadler, Marie Smith, and Kerry VanPutten.

Others doing very well in their classes include: Julie Ainsworth, Heather Chrisman, Danielle Hlar, Melanie Isenhoff, Kevin Marlin, Reka Medendorp, Troy Tarantzer, Michelle Athearn, Daniel Bradford, Randi Fleek, Nicole Gonzalez, Chris Gruver, Ricky Kossney, Nicole Maynard, Kelly Nieuwenhuis, James Sadler, Shannon VanDine, Gretchen VanEerden, Mike VanVuren, Kristy Williams, and Kevin Young.

Melissa Benedict, Toni Butler, Sally Muczynski, Keith Nickels, Paul Ouness, Jason Rewa, Shelly Salisbury, Annette Teitson,

Tina Veld, Aaron Whitley, Petra Alfert, David Burt, Jamie Fugate, Vanessa Haller, Shannon Halloran, Jodi Renkel, Krista Middleton, and Chad Myers.

Ricky Pitcher, Melissa VanEss, Kim Veltman, Laura Barghahn, David DeWitt, Chris DuMont, Latrisha Harrison, Chad Miller, Matt Miller, Chris Ranken, Joshua Ruel, Heather Staley, Christina Steenwyk, Robert Swainston, Scott Taylor, Bryan Boogard, Holly Chappell, Julie Folkema, Pam Gotbard, Rose Hutzenga, Chris Lake, Shane Lester, Lisa Mier, Melinda Nickerson, Sheri Taylor and Jennifer Wilson.

Three students in the eighth grade tallied 4.0 averages. They are: Lisa Anderson, Tony French, and Sherry Smith.

More eighth graders with fine marks are: Richard Flanagan, Matt Fletcher, Stephanie Holben, Kelly Hogan, Heather Klinge, David Todd, Jennifer Ritz, Toni Wilde, Rex Winger, Darla Zuidersma, Stacie Phee, Terasa

Rearink; Amy Schut, Missy Bratsburg, Becky Black, Hope Bonga, Michelle Drobny, Jen DeWitt, Mindy Griffin, Brian Heintzeiman, nifer Erb, Melissa Ernst, Sandra Jones, Ryan Doug Huff, Doug Larsen, Sherry Overkloft, Jonker, Chris Kaboos, Cinnamon Lam-Becky Filip, Carmen Schoel, Tony Szubinski, brrgtse, Scott Marquard, Brian Ocie, Jeff Lynne Thompson, Mark Troy, Carrie Walk-Pederson, Paulette VanderWoude, Kim Vanington, Mark Applegate, Sharice Beas, Chris Puffen, and Tina Weber.

Martin Township

Allegan County, Michigan

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance No. 27 was adopted by the Martin Township Board at its regular meeting held May 14, 1986.

Martin Township Ordinance No. 27 AMENDMENT TO MARTIN TOWNSHIP ZONING ORDINANCE/MAP

ADOPTED: May 14, 1986
EFFECTIVE: May 28, 1986

An Ordinance to amend the zoning map of the Township of Martin as incorporated within the zoning ordinance of the Township of Martin with respect to certain lands and premises located within Section 19 of said Township and the zoning district classification of said properties; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN ALLEGAN COUNTY, MICHIGAN ORDAINS:

SECTION I

The zoning map of the Township of Martin as incorporated by reference in the zoning ordinance of Martin Township is hereby amended by the rezoning of the following described parcels of real property located in Section 19 of said Township from the "C-2" General Business District classification to the "I-1" Industrial District classification:

All that part of the Northwest fractional 1/4 of Section 19, Town 2 North, Range 11 West, Martin Township, Allegan County, Michigan, which lies Westerly of a line described as: Beginning at a point on the East and West 1/4 line of said Section 19, which is North 85° 54' 38" East a distance of 77.12 feet from the West 1/4 corner of said Section 19; thence North 11° 05' 40" West a distance of 276.88 feet to the point of curvature of a 11,408.18 feet radius curve to the right; thence Northerly along the arc of said curve (chord bearing North 66° 18' 33" West) 1,080 feet to a point of ending.

Township of Martin, Allegan County, Michigan, described as: Beginning at a point on the East line of 12th Street 50 feet North 85° 54' 38" E from the West 1/4 post of Section 19, T2N, R11W; thence N85° 54' 38" E 27.12 feet to the West right-of-way line of limited access Highway US-131; thence S11° 05' 40" E along said right-of-way line 1932.64 feet; thence S85° 54' 38" W 184.07 feet to the East line of 12th Street; thence N3° 28' 25" W 1825 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Township of Martin, Allegan County, Michigan, described as: Commencing at the West 1/4 post of Section 19, T2N, R11W; thence S34° 28' 25" E on the West line of said Section 19 225 feet; thence N85° 54' 38" E 50 feet to the East line of 12th Street and the place of beginning of this description; thence N85° 54' 38" E 184.07 feet to the West right-of-way line of limited access Highway US-131; thence S11° 05' 40" E along said right-of-way line 947.57 feet; thence S54° 28' 25" W along said right-of-way line 62.15 feet; thence S85° 54' 38" W 278.84 feet to the East line of 12th Street; thence N3° 28' 25" W 1403.86 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Land in Township of Martin, Allegan County, Michigan: Commencing at the West 1/4 post of Section 19, Town 2 North, Range 11 West, thence South 3 degrees 28 minutes 25 seconds East on the West line of Section 19 228.28 feet; thence North 85 degrees 39 minutes 15 seconds East 50 feet to the East line of 12th Street and the place of beginning of this description, thence North 85 degrees 29 minutes 15 seconds East 279.94 feet to the West right-of-way line of limited access Highway U.S. 131, thence South 5 degrees 28 minutes 25 seconds West 522.81 feet to the North line of M-118 Highway, thence South 85 degrees 56 minutes 55 seconds West along said right-of-way 19.31 feet; thence South 85 degrees 50 minutes 03 seconds West 75.34 feet along said right-of-way, being a chord on a curve to the left with a radius of 22,918.33 feet and a central angle of 3 degrees 28 minutes 28 seconds, thence North 66 degrees 48 minutes 04 seconds West 121.27 feet to the East line of 12th Street, thence North 3 degrees 28 minutes 25 seconds West 447.57 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

SECTION II

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LaVerne Young, Clerk
Martin Township

High interest, flexible protection, payments to suit you, and a non-smoker's discount . . .



The policy of the future is here. Universal Life from Farm Bureau Life Insurance Company of Michigan gives you low-cost life insurance protection while paying a high rate of interest on your cash accumulations. It's so flexible that you can take your policy—and payment plan—to change with your needs.

Now you can add coverage to your Universal Life policy for your family.



Ann Davis
Agent



Gerald Davis, CLU
Chartered Financial
Consultant

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INSURANCE
GROUP

AGH MED-CENTRE

FOR IMMEDIATE CARE OF YOUR MINOR EMERGENCY

MONDAY THROUGH FRIDAY 5 P.M. UNTIL 11 P.M.
SAT., SUN. & HOLIDAYS 8 A.M. UNTIL 11 P.M.

The AGH Med-Centre, located in our emergency department, will provide you with convenient care of your minor illness or injury without an appointment on a first come first serve basis.

Examples of problems that may be seen as a AGH Med-Centre patient are:

Skin Scrapes	Flu	Sprains/Strains
Minor Burns	Backache	Sinus Trouble
Earaches	Bronchitis	Nausea & Vomiting
Fevers	Bumps & Bruises	Minor Animal Bites
Cough	Skin Rashes	Small Cuts (not requiring sutures)
Colds	Sore Throat	
	Nose Bleed	

Low Cost

- \$25 minimum charge
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- To persons who don't have family physicians.
- To persons needing immediate health care but can't get an urgent appointment.

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The Wayland Globe

133 East Superior Wayland, Michigan

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Bonnie Miller, third from left, representing the General Federation of Women's Clubs in Michigan was the guest speaker at the Gun Lake Area Club meeting. Recently elected officers include Linda Rough, left, who is vice-president, Sally Stannard, president, and Lois Page, secretary. Denise Taucher, treasurer, was not available for the photo.

Wayland Teacher To Marry In Richland

A July 26 wedding at the Richland Presbyterian Church is being planned by Christina L. St. Clair of Wayland and Scott W. Hurley of Richland.

The bride-elect is the daughter of Dortha Mullings of Lansing and Ernest Mullings of Shelbyville. She graduated from Lansing Eastern High School and Michigan State University. She was a member of Omicron Nu, Phi Kappa Phi and is currently a teacher with Wayland Union Schools.

Her fiance is the son of Marilyn Hurley of Lansing and William Hurley of Fairfield, Tennessee. A graduate of Waverly High School and Michigan State University, the bridegroom-elect is a case worker in Kalamazoo with the Michigan Department of Social Services.



Mr. and Mrs. Rick Mays

Couple United In Martin

Miss Brenda Sue Westendorp, daughter of Mr. and Mrs. Ed Westendorp Jr. of Martin, and Rick Mays, son of Mr. and Mrs. Andrew Mays of Hopkins, were united in holy matrimony March 22 at the East Martin Christian Reformed Church.

Rev. Harlan Roelofs officiated and special music was provided by organist Lorraine Vandenberg. Soloist Kim Langlois sang "The Wedding Song" and "We've Only Just Begun."

Mrs. Ralph Suk of Martin was the matron of honor and Louisa Westendorp of Martin and Charney Mays of Holland were bridesmaids. Miss Sandra DeHaan of Martin was the flower girl.

Attending the bridegroom were his best man, John Strickfaden of Burnips, groomsmen Bob VanHuis of Hamilton and Ralph Suk of Martin. Ushers were Wayne Westendorp of Shelbyville and Larry Wilson of Hopkins. Andrew Strickfaden of Burnips was the ringbearer.

The couple honeymooned in Jamaica and now live in Hamilton.



Christina L. St. Clair

Open House Set For Fred Fuss

An open house will be held June 8 in honor of Mr. and Mrs. Fred Fuss' 50th wedding anniversary. The festivities will be held at Sacred Heart Hall in Watson Township from 2:00 to 4:00 p.m.

The Allegan couple was married at Sacred Heart Catholic Church on June 13, 1936. The children and spouses, who are the hosts for the celebration, are Jim and Joyce Lapham of Martin, Chuck and Bert Fuss of Grand Junction, Tom and Margaret Fuss of Jenison, Jerry and Sue Fuss of Kalamazoo, Joan and Bill Germain of Allegan, Dan and Mary Jo Heckman of Centerville, Doug and Penny Fuss and Steve and Jane Drewyor all of Allegan.

The couple also has twenty-seven grandchildren and two great-grandchildren.

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- MAY 30 - Roy G. Hines, Dick Hines, Jr.
- MAY 31 - Krista Middleton, Jodi Haverdink, Tina Kozarski.
- JUNE 1 - Jim Steeman, Thomas J. Stoddard, Dottie VanSengel.
- JUNE 2 - Stacey Seplinski, Paul VanderWoude, August Brinks, Denise Kaminski, Aray Lass.
- JUNE 3 - Phyllis Pintarelli, Julie Reurink.
- JUNE 4 - Marcia Carpenter, Clyde Jager, Dorothy Arbanas.
- JUNE 5 - Miss Mandy Weber, Sarah Noble, Tom Dandrow, Greg Kugefard.



Sunday Open House To Honor Heppes

Mr. and Mrs. Orval Heppes of Hilliards will celebrate their 40th wedding anniversary with an open house Sunday, June 1 from 3 p.m. to 6 p.m.

Hosts for the occasion will be Joe and Mona Heppes, Phyllis and Dale Rankers, Dan Heppes and his fiance Evey Hitsma, Donna and Thomas Peck, Mike and Linda Heppes and Scott Heppes.

Orval and Hazel were married June 6, 1946 in Ionia.



Mr. and Mrs. Orval Heppes

Wayland Alumni Reunion Planned

The Wayland Union High School reunion for all alumni will be held June 14 in the high school cafeteria. The potluck dinner will begin at 1:30 p.m.

Graduates from the class of 1936 and the class of 1946 will be honored at the festivities.

JOTTINGS ABOUT WAYLAND EVENTS
The Wayland Globe 792-2271

Burl and Phyllis Stein, their daughter Jackie and her friend, Elaine Smith, participated Sunday in the national "Hands Across America" fund-raising event for the benefit of the hungry. They linked hands with others near South Bend, Indiana.

In a recent issue of the "Skin Diver" magazine Jim Levandoski was cited for his help in aiding author Ellsworth Boyd research several stories.

Boyd went on to say that Levandoski has nearly completed his own manuscript entitled "Cedarville" which contains many photos and information about the 8,000-ton steamer which sank in the Straits of Mackinac in 1965.

the April cold snap. Damage to apples varied from one area to another, depending on the blossoms' stage of development. Michigan should have a good crop of apples, provided pollinating conditions improve. Barring more weather problems, experts predict a normal peach crop, Mrs. Shinabarger said.

High Coffee Prices Expected To Continue

Coffee prices dominate the May food outlook as Brazil attempts to get the highest price possible for exported coffee, while keeping a lid on coffee prices at home. To achieve this, the Brazilian government is now demanding that coffee exporters deposit one bag of coffee beans for every three that are shipped out of the country according to Ada Shinabarger, Extension Food Marketing Agent for Michigan State University.

This action by the world's largest producer of coffee has raised the price of Brazilian coffee in world trade, other countries are following suit. This has spurred another round of higher retail coffee prices in the United States.

Mrs. Shinabarger went on to say that now roasters with inventories sufficient to last through early July have hit on another reason for higher coffee prices: The possibility of cold weather damage to blossoming coffee trees during the Brazilian frost season (July and August).

Meanwhile, prices for beef and pork remain low. Now that the dairy herd buyout has been restructured, beef prices should become more stable.

Broiler prices continue to remain above last year's, despite an increase in production. The demand for poultry as an alternative to beef and pork has kept a cap on red meat prices. The only factor keeping broiler prices from higher levels is the low cost of feed.

The post-Easter egg price decline was sharp and sizeable. Egg prices are expected to average in the low-70 cent range for grade A, large during the second quarter of 1986.

The season for fresh homegrown strawberries was delayed by cold weather on April 21 and 22, when temperatures went as low as 14 degrees fahrenheit. Look for strawberries to be available from Memorial Day through June if all goes well from now on. Asparagus is back on track and should be in volume during the second and third weeks of May.

The tart cherry crop has been reduced by

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per person
includes salad bar

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FRIDAY

Gordie's BAKED FISH SPECIAL

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(CALL YOU CAN EAT)

SATURDAY & SUNDAY

PORK CHOP & DRESSING

\$3.95

Complete Dinner includes: Choice of 5 Salads

Receiving Guests: Mon.-Sat. 11:30-9:30, Sunday 12:30 to 4 p.m. AIR CONDITIONED

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**ORDINANCE #28
ELECTRIC SERVICE FRANCHISE
AND ORDINANCE
(PERMISSION O & A ELECTRIC CO.
TO OPERATE IN TOWNSHIP FOR 30
YEARS)
EFFECTIVE: AUGUST 5, 1986**

ELECTRIC SERVICE FRANCHISE AND ORDINANCE

TOWNSHIP OF

Martin

ORD # 18

Allegan

COUNTY, MICHIGAN

Granted to:

O & A ELECTRIC COOPERATIVE

June 11, 1986

The Township of

Martin

Ordains:

Section 1. Permission is hereby granted to O & A Electric Cooperative, a Michigan Non-Profit Corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Martin, ALLEGAN County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said Township subject, however, to all conditions and restrictions hereinafter contained.

Section 2. The conditions of the foregoing grant are as follows:

- A. The grantee shall do no injury to any street, highway, alley or other public place, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation.
- B. The Board of County Road Commissioners or other proper authority, may in its discretion grant permission for the control of trees when necessary to make the lines safe and accessible.
- C. The said grantee before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, wires, mains, pipes, conduits or other apparatus, shall in writing notify the Board of County Road Commissioners or the Superintendent of said Board, or other proper authority, of the proposed construction, and obtain approval thereof, and shall, if the said Board so requires, file with it a sufficient plan and specification showing the nature and extent of the proposed erection and construction.
- D. No street, highway, alley or public place shall be allowed to remain encumbered by the construction work of the said grantee for a longer period than shall be necessary to execute the said work, and the Board of County Road Commissioners shall determine the questions of such necessity, and the grantee shall at all times conform to all ordinances of the Township now or hereafter in force relative to the fencing and lighting of obstructions and excavations.
- E. The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.
- F. Said grantee shall make due provision upon forty-eight hours notice in writing for raising its wires, or otherwise, for the passage of any barn, building or other structure on or over any street, highway, or public place occupied by the mains, wires, poles and apparatus of said grantee.

Section 3. This grant shall take effect, if said grantee shall within sixty days from the date of the passage of this ordinance, file with the Township Clerk its written acceptance of the terms of said grant and said franchise shall thereafter be favorably acted upon by a vote of the registered electors. If not so accepted in writing this ordinance shall be null and void.

Section 4. This Franchise and Ordinance shall be and remain in force for thirty (30) years from and after the date of its acceptance, as aforesaid.

Section 5. Nothing in this grant shall be construed to alienate the title or the public in and to any street, highway, alley or public place or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Township of its legislative power with respect to the subject matter whatsoever; nor as in any manner limiting the right of the said Township to regulate the use of any street, alley, or public place, or any avenue or highway within its jurisdiction.

Dated this 11th day of June, 1986.

A. C. [unclear] [unclear]



MARTIN MINGLINGS

Agnes Patterson, 672-5388

Thought -

"Help to lift another's burden
If it's more than he can bear,
And his burden will be lighter
If you prove to him you care."

Well, I think Martin is getting back to normal after celebrating its big birthday party. There were many people who seemed to be happy. Of course, the rains came both Friday and Saturday but when the sun appeared so did the people. The farmers' tent was a busy place all the time. The ice cream social and the fashion show did take place Friday evening and they were well attended, in spite of the fact that it was announced that they were cancelled due to the weather. On Saturday, the parade was great - and the sun shone. The big birthday cake was admired and then cut and many enjoyed it. Then, the rain came again. The casualty, that day, was the chicken barbecue. That had to be rescheduled for the next Saturday, July 19. Also the hot air balloon rides couldn't take place. The sun reappeared and the musical program in the evening was well attended. Another very busy place was the museum in the school cafeteria. We tried to have people register but I'm sure when some came, they were too busy looking to remember to sign their names. As it was we had about seven hundred-fifty names. I'm sure there were plenty of very weary people by Saturday evening. Certainly those who worked so hard planning these eventful days should be congratulated.

It seems that several other news items are tied in with the celebration.

Mr. and Mrs. Robert Kurtz and daughter, Katherine, were guests of the Robert Bransons. Barbara was one of the Martin queens riding in the parade. The Kurtz family live in Kirtland, Ohio.

The Ronald Youngs came from Wisconsin to be with Dorothy's mother, Mrs. Clara Young. Dorothy was especially interested in these historical days because she is one of the descendants of Martin's first settler, Mumford Eldred.

Others who were happy to have members of their family with them include the Gary Melvins. Their daughter, Diane, was here from Minnesota and Gary's parents, Howard and Christine who live in Florida much of the year.

The Don Elferinks welcomed their daughter, Janet Westervold, and her children, Mark and Wilms on Monday, July 6. The Westervolds live in the Netherlands.

Another surprise guest at the museum was August Spoelstra from California. Later, the former Lucille Spoelstra and her daughter came to chat with many friends. Lucilla is Mrs. Carl Burdell and they have a home in Florida.

Someone wanted me to include this little tidbit - Ken Bleeker gave away tickets for the pancake breakfasts both days. The first one in line on Friday morning to get a ticket was Barney Newman. Those pancakes were really good, weren't they, Barney?

Mrs. Ruth Katje and Miss Verdona Schip-

per, from Kalamazoo, spent last week in Mr. and Mrs. Roger Gates' mobile home near Gum Lake.

Rev. Keith and Rev. Judith Kelsey Powell and their children, Ann and Luke, were guests of the Carl Kelseys, recently. The Powells live in Joliet, Illinois.

Glad to report that John VanderPloeg is home, following surgery, and is doing well.

Our sympathy is with Rev. and Mrs. Norm VanderHart. Edith's brother, Dr. Raymond McGilvra, passed away in Arizona July 13.

Sorry to hear that Floyd Brinkhuis is not feeling well. He is in Borgens Hospital as I'm writing this. Hope he will be recuperating at home when you read this.

The Martin Lions are hoping many of the "Senior Citizens" or "Keenagers" or "Older Folks" whatever you call yourself, will come to the Allegan Fairgrounds on August 9. They have a busy, fun day planned for you.

The Keenagers who gathered at the Martin United Methodist Church on Tuesday, July 15, really enjoyed themselves. Fifty-four of them ate too much probably and then sat back and listened to a delightful program. First, Melissa, Chris and Joshua Tromp sang for us. They live in Kentwood and sing with the Grand Rapids Children's Bible Hour. They sang together and then little Melissa sang several solos. Her Christian testimony was beautiful. Then we listened to Carol Newman as she told us stories. Carol is the librarian in the Jenison school. She is an excellent story teller. I'm sure we will remember her stories for a long time. I'm sorry for you if you missed this Keenagers' meeting.

Mrs. Mary Waller has been traveling again. On July 8 she left for California and returned July 13. These were busy days. She attended the Reformed Church triennial meetings. These were held in the crystal cathedral in Garden Grove, California.

Happy news! On July 1, Kirian Allen Jr. arrived. His parents are Kirian and Judy Myers. His Martin grandparents are Mr. and Mrs. Austin Bowman.

Mrs. Anna Rickli had a happy day July 13. Her son, Jake and his wife, Marie, entertained at a pool party at their home in Kalamazoo. This was a family reunion which is always a reason for a party but it was also a belated graduation party for Barbara Cribbs. Barbara is the daughter of Norma and Tom Cribbs of Rochester, Michigan. Other guests were Harold and Ann Wells, their daughter Laura Happ and her daughter Megan. The Happs live in Portage. Charles and Martha Shoemaker of Kalamazoo, their son, Tom, and his family from Paw Paw, Alice McCaffrey and her son, David and his wife, Esther, Dorothy and Ed Levett, Walter and Lois Rickli and their family from Otsago and the Jim Rickli family from Mattawan. Isn't that a great family? I know they had a great time too.

Mrs. Ethel Grasse is happy to have her sister, Mrs. Lillian Uhrig with her for a few weeks. Lillian lives in St. Petersburg, Florida and she likes our hot weather.

Our deepest sympathy is with the family of Otto Mauchner. He passed away July 12.

Mr. and Mrs. Gerald Hill were happy to have Judy's parents, Mr. and Mrs. Ray Loveless, with them last weekend. Mr. and Mrs. Loveless live in Chicago.

Mrs. Dorothy Sims from Sandusky, Ohio spent a few days with Mrs. Lucille Porter recently. Mrs. Ruth Burkaski accompanied Mrs. Sims and she visited Mr. and Mrs. Earl Bayce.

Sad, sad, news. Dean Lukins passed away suddenly July 17. Many thoughts and prayers are with his family.

On the same day, Mary Beth Porter's brother, James Isenhart, from Allegan, died. We're so sorry, Bob and Mary Beth.

I'm sure these two families know that their many friends are loving them and weeping with them.

Thoughts -

"You can't break God's promises by leaning on them." "Love is Christianity in action."

Farce Continues At Red Barn

Continuing at the Red Barn Theatre in Saugatuck through August 3 is Stephen Sondheim's musical comedy farce "A Funny Thing Happened on the Way to the Forum." Curtain is 8:30 p.m. Wednesday through Saturday and Sunday evenings at 7:30 p.m.

Opening August 13, and playing through August 31 will be an English comedy farce "See How They Run" by Philip King. Matinees will be performed August 13, 18, 19, 20 and 27 at 2 p.m.

Luncheon-dinner theatre packages are available at Clearbrook Country Club and Mallard's Inn, Saugatuck.

Every Monday evening through August 25 at 8 p.m. "An Evening of Jazz" featuring The Turning Point quintet will be held.

Electric Service FRANCHISE AND ORDINANCE

Township of Martin Ordinance #28 Allegan County, Michigan

Granted to:

O & A ELECTRIC COOPERATIVE

July 9, 1986

The Township of Martin Ordains:

Section 1. Permission is hereby granted to O & A Electric Cooperative, a Michigan Non-Profit Corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Martin, Allegan County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said Township subject, however, to all conditions and restrictions hereinafter contained.

Section 2. The conditions of the foregoing grant are as follows:

- A. The grantee shall do no injury to any street, highway, alley or other public place, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation.
- B. The Board of County Road Commissioners or other proper authority, may in its discretion grant permission for the control of trees when necessary to make the lines safe and accessible.
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- E. The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.
- F. Said grantee shall make due provision upon forty-eight hours notice in writing for raising its wires, or otherwise, for the passage of any barn, building or other structure on or over any street, highway, or public place occupied by the mains, wires, poles and apparatus of said grantee.

Section 3. This grant shall take effect, if said grantee shall within sixty days from the date of the passage of this ordinance, file with the Township Clerk its written acceptance of the terms of said grant and said franchise shall thereafter be favorably acted upon by a vote of the registered electors. If not so accepted in writing this ordinance shall be null and void.

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Dated this 9th day of July, 1986.
Andrew Leep, Supervisor
Jack Sipple, Trustee
LaVerne Young, Clerk
Gerald C. Fenner, Trustee
Joyce M. McGuire, Treasurer

I do hereby certify that the above and foregoing is a true and correct copy of an Ordinance and Franchise granted to O & A Electric Cooperative at a regularly called meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held on the 9th day of July, 1986, the same to become effective upon the filing of a written acceptance by the grantee within 60 days.

LaVerne Young, Township Clerk

Area Weathers Storm Well, Despite Outages

Despite high winds, power outages and the threat of a tornado Tuesday night, July 15, this area escaped serious damage.

Allegan County was under a tornado warning, issued just before 8 p.m. last Tuesday by the National Weather Service, and Wayland residents went more than 12 hours without power. Electricity in most Wayland homes went out just after 9 p.m. and it was restored by 9:30 the next morning.

Ned Muir, community services director for Consumers Power Company, said the most likely reason for nearly all of Wayland being without power was that lightning or falling trees struck primary lines and tripped a circuit breaker at the substation.

The high winds and lightning felled at least two trees within the city limits, but other than that, damage was minimal. Wayland Street Superintendent John Noordyke said, "We had a lot of small stuff with branches and limbs."

Most Hopkins, Dorr, Martin and Gun Lake area residents did not lose power, but one Hopkins Township residence was struck by lightning, causing several appliances to fail.

Mrs. Earl Dandrow, who lives with her husband west of Hilliards on 135th Avenue, said the motor to their freezer, a stereo, a portable telephone and a mercury light were ruined by lightning. "I guess we're lucky because we didn't have a fire," she said, adding that her home did not lose electric power at any time during the storm. However, the Dandrows were forced to get another freezer quickly



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J and J's Farm House Restaurant in Wayland lost more than three hours of business because of the outage, but there was

no damage there. Likewise, Harding's Market couldn't open its doors until power was restored, about an hour and a half after its regular opening time.

One market that had more problems than others was Weick's Foodtown at Gun Lake, which went without power for 18 hours, according to owner Bill Weick. Refrigerated semi-trucks were brought in to keep perishables cold or frozen. Weick said very little food was ruined, however, the store lost a half day of business.

Kessler's Outlet Store in Wayland was closed Wednesday and the first shift at the factory had the day off because the basement was flooded. "You can't work in a factory without electricity and we couldn't open for business," said Sharon Simkins, manager of

the store. Kessler's, however, was able to start its tent sale Thursday.

Insurance claims were relatively few and damage estimates from area insurance firms were low.

Ken Northouse, vice-president of the A.H. Johnson Agency in Wayland, said his company had received no claims in connection with the storm. Dennis Reno of the Reno Agency in Wayland said, "I was very surprised, there was very little damage in the city." He estimated that the few claims he had received totalled less than \$1,000. Georgiann Bloeker, secretary with Mid-State Agencies in Martin, said she received six claims, totalling about \$800, from owners of damaged boats and docks in the Gun Lake area.

Agents for LaValley Associates Inc. said they received claims for incidents such as a tree limb falling on a car, a swing set being damaged by a fallen limb, a broken window and a television struck by lightning. One resident reported cement on a porch being uprooted and there were reports of two flooded basements.

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"When the tornado warning hit Tuesday night (July 16), we ran into the milk cooler and we remembered what happened a week ago," she said.

IN THE SERVICE

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College News and Notes

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Susan Gardner of Wayland was named to the dean's list at Muskegon Business College for the spring quarter. To be named to the list, a student must earn at least a 3.25 grade point average. Miss Gardner had a 3.75.




Dodge





CHRYSLER



1982 CHEVROLET CAVALIER WAGON. Front wheel drive, 4 cylinder engine, 4 speed transmission, AM/FM stereo with cassette, one owner. Sharp!

1984 CHRYSLER LASER, 2 door, 5 speed, 22 fuel injected turbo charge engine, air conditioning, cruise control, low mileage. Very clean, one owner.

1985 DODGE CHARGER. Manual transmission with power steering and power brakes. AM-FM stereo.


1985 DODGE CARAVAN LE. Factory air, AM-FM stereo, cruise control. Seven passenger seating, tilt steering. Trade-in on new 1986 Dodge wagon.

1981 PLYMOUTH CHAMP. Front wheel drive, economical four cylinder engine with twin stick transmission. A sharp, one-owner with low mileage. Another new Chrysler product trade-in.

1984 DODGE 1/2 TON ROYAL SE PICKUP. Loaded with extras, two-tone paint, V-8 engine with automatic transmission. Sold new and serviced by us.

Stop In
For The Wayland
Sidewalk Sale
Friday & Saturday


WAYLAND
Chrysler-Plymouth, Inc.
3611 North Main St., Wayland, MI 49348
PHS: 792-2268 & 877-4537




Money for you when you need it most... from UNIVERSAL LIFE

You can build a huge cash value fund that earns a high rate of interest—and use it for family needs, retirement, college for the kids or other big dreams you might have. Choose the policy that protects your life and provides the money you need throughout your lifetime—Universal Life from Farm Bureau Life Insurance Company of Michigan.

Making your future a little more predictable.



Bob Scholer
836 E. Superior
Wayland, MI
Ph: 792-2589





MARTIN MINGLINGS

Agnes Patterson, 872-5380

Thought -
 "Help to lift another's burden -
 If it's more than he can bear,
 And his burden will be lighter
 If you prove to him you care."
 Well, I think Martin is getting back to normal after celebrating its big birthday party. There were many people who seemed to be happy. Of course, the rains came both Friday and Saturday but when the sun appeared so did the people. The farmers' tent was a busy place all the time. The ice cream social and the fashion show did take place Friday evening and they were well attended, in spite of the fact that it was announced that they were cancelled due to the weather. On Saturday, the parade was great - and the sun shone. The big birthday cake was admired and then cut and many enjoyed it. Then, the rain came again. The casualty, that day, was the chicken barbecue. That had to be rescheduled for the next Saturday, July 19. Also the hot air balloon rides couldn't take place. The sun reappeared and the musical program in the evening was well attended. Another very, very busy place was the museum in the school cafeteria. We tried to have people register but I'm sure when some came, they were too busy looking to remember to sign their names. As it was we had about seven hundred-fifty names. I'm sure there were plenty of very weary people by Saturday evening. Certainly those who worked so hard planning these eventful days should be congratulated.

It seems that several other news items are tied in with the celebration.

Mr. and Mrs. Robert Kurtz and daughter, Katherine, were guests of the Robert Brundons. Barbara was one of the Martin quilters riding in the parade. The Kurtz family live in Kirtland, Ohio.

The Ronald Youngs came from Wisconsin to be with Dorothy's mother, Mrs. Clara Young. Dorothy was especially interested in these historical days because she is one of the descendants of Martin's first settler, Munford Eldred.

Others who were happy to have members of their family with them include the Gary Melvins. Their daughter, Diane, was here from Minnesota and Gary's parents, Howard and Christine who live in Florida much of the year.

The Don Elferinks welcomed their daughter, Janet Westerveld, and her children, Mark and Wilma on Monday, July 6. The Westervelds live in the Netherlands.

Another surprise guest at the museum was August Spoelstra from California. Later, the former Lucille Spoelstra and her daughter came to chat with many friends. Lucille is Mrs. Carl Burdell and they have a home in Florida.

Someone wanted me to include this little tidbit - Ken Blecker gave away tickets for the pancake breakfasts both days. The first one in line on Friday morning to get a ticket was Barney Newman. Those pancakes were really good, weren't they, Barney?

Mrs. Ruth Katje and Miss Verdona Schlip-

per, from Kalamazoo, spent last week in Mr. and Mrs. Roger Gates' mobile home near Gun Lake.

Rev. Keith and Rev. Judith Kelsey Powell and their children, Ann and Luke, were guests of the Carl Kelseys, recently. The Powells live in Joliet, Illinois.

Glad to report that John Vanderploeg is home, following surgery, and is doing well.

Our sympathy is with Rev. and Mrs. Norm VanderHart. Edith's brother, Dr. Raymond McGivra, passed away in Arizona July 13.

Sorry to hear that Floyd Brinkhaus is not feeling well. He is in Borgans Hospital as I'm writing this. Hope he will be recuperating at home when you read this.

The Martin Lions are hoping many of the "Senior Citizens" or "Keenagers" or "Older Folks" whatever you call yourself, will come to the Allegan Fairgrounds on August 9. They have a busy, fun day planned for you.

The Keenagers who gathered at the Martin United Methodist Church on Tuesday, July 15, really enjoyed themselves. Fifty-four of them ate too much probably and then sat back and listened to a delightful program. First, Melissa, Chris and Joshua Tromp sang for us. They live in Kentwood and sing with the Grand Rapids Children's Bible Hour. They sang together and then little Melissa sang several solos. Her Christian testimony was beautiful. Then we listened to Carol Newman as she told us stories. Carol is the librarian in the Jensen school. She is an excellent story teller. I'm sure we will remember her stories for a long time. I'm sorry for you if you missed this Keenagers' meeting.

Mrs. Mary Walter has been traveling again. On July 8 she left for California and returned July 13. These were busy days. She attended the Reformed Church triennial meetings. These were held in the crystal cathedral in Garden Grove, California.

Happy news! On July 1, Kirian Allen Jr. arrived. His parents are Kirian and Judy Myers. His Martin grandparents are Mr. and Mrs. Austin Bowman.

Mrs. Anna Rickli had a happy day July 13. Her son, Jake and his wife, Marie, entertained at a pool party at their home in Kalamazoo. This was a family reunion which is always a reason for a party but it was also a belated graduation party for Barbara Cribbs. Barbara is the daughter of Norma and Tom Cribbs of Rochester, Michigan. Other guests were Harold and Ann Wells, their daughter Laura Happ and her daughter Megan. The Happes live in Portage. Charles and Marthij Shoemaker of Kalamazoo, their son, Tom, and his family from Paw Paw, Alice McCaffrey and her son, David and his wife, Esther, Dorothy and Ed Levett, Walter and Lois Rickli and their family from Otsego and the Jim Rickli family from Mattawan. Isn't that a great family? I know they had a great time too.

Mrs. Ethel Graska is happy to have her sister, Mrs. Lillian Uhrig with her for a few weeks. Lillian lives in St. Petersburg, Florida and she likes our hot weather.

Our deepest sympathy is with the family of Otto Mauchmar. He passed away July 12.

Mr. and Mrs. Gerald Hill were happy to have Judy's parents, Mr. and Mrs. Ray Loveless, with them last weekend. Mr. and Mrs. Loveless live in Chicago.

Mrs. Dorothy Sims from Sandusky, Ohio spent a few days with Mrs. Lucille Porter recently. Mrs. Ruth Burkaski accompanied Mrs. Sims and she visited Mr. and Mrs. Earl Bayce.

Sad, sad, news. Dean Lukins passed away suddenly July 17. Many thoughts and prayers are with his family.

On the same day, Mary Beth Porter's brother, James Isenhart, from Allegan, died. We're so sorry, Bob and Mary Beth.

I'm sure these two families know that their many friends are loving them and weeping

**Electric Service
 FRANCHISE AND ORDINANCE**

**Township of Martin
 Ordinance #28
 Allegan County, Michigan**

Granted to:

**O & A ELECTRIC COOPERATIVE
 July 9, 1986**

The Township of Martin Ordains:

Section 1. Permission is hereby granted to O & A Electric Cooperative, a Michigan Non-Profit Corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Martin, Allegan County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said Township subject, however, to all conditions and restrictions hereinafter contained.

- Section 2. The conditions of the foregoing grant are as follows:
- A. The grantee shall do no injury to any street, highway, alley or other public place, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation.
 - B. The Board of County Road Commissioners or other proper authority, may in its discretion grant permission for the control of trees when necessary to make the lines safe and accessible.
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Section 3. This grant shall take effect, if said grantee shall within sixty days from the date of the passage of this ordinance, file with the Township Clerk its written acceptance of the terms of said grant and said franchise shall thereafter be favorably acted upon by a vote of the registered electors. If not so accepted in writing this ordinance shall be null and void.

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Dated this 9th day of July, 1986.
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 LaVerne Young, Clerk
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LaVerne Young, Township Clerk

**Farce Continues
 At Red Barn**

Continuing at the Red Barn Theatre in Saugatuck through August 3 is Stephen Sondheim's musical comedy farce "A Funny Thing Happened on the Way to the Forum." Curtain is 8:30 p.m. Wednesday through Saturday and Sunday evenings at 7:30 p.m.

Opening August 13, and playing through August 31 will be an English comedy farce "See How They Run" by Philip King. Matinees will be performed August 13, 18, 19, 25 and 27 at 2 p.m.

Luncheon-dinner theatre packages are

PHS: 792-2268 & 877-4537

INSURANCE GROUP
 PH: 792-2589

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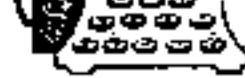
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Money for you when you need it most... from **UNIVERSAL LIFE**

You can build a huge cash value fund that earns a high rate of interest—and use it for family needs, retirement, college for the kids or other big dreams you might have. Choose the policy that protects your life and provides the money you need throughout your lifetime—Universal Life from Farm Bureau Life Insurance Company of Michigan.

Making your **FARM BUREAU**



Bob Schafar
836 E. Superior
Wayland, MI

ORDINANCE #29
AMENDMENT TO G.L.A.S.A. RAISE
RATES ORDINANCE
EFFECTIVE: SEPTEMBER 1, 1986

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDINANCE NO.

ORANGEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDINANCE NO.

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO.

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 29

ADOPTED
JULY 9, 1986

ADOPTED BY: Yankee Springs Township
Orangeville Township
Wayland Township
Martin Township

EFFECTIVE:

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance to amend Article V of the Gun Lake Area Sewage Disposal System Ordinance pertaining to subsection E, Rates and User Fees; and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS,
ORANGEVILLE, WAYLAND AND MARTIN,
EACH ORDAIN:

SECTION I

Article V entitled "Rates, Connection Fee, User Fee", subsection E thereof entitled "User Fees" is hereby amended so as to change the first paragraph of said subsection E to read as follows:

"Beginning SEPT. 1, 1986, the user charge to each single family residence within the Township for which sewer service is available shall be \$51.00 per quarter (\$17.00 per month)."

SECTION II

Any parts or portions of this ordinance which are inconsistent herewith are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect SEPT. 1, 1986.

Yankee Springs Township Clerk

Orangeville Township Clerk

Wayland Township Clerk

L. V. Young

Martin Township Clerk

— NOTICE —

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following ordinance, being Yankee Springs Ordinance No. 35, Orangeville Township Ordinance No. 6 of 1986, Wayland Township Ordinance No. 4 of 1986 and Martin Township Ordinance No. 29, was adopted at a meeting by the Yankee Springs Township Board on July 22, 1986, by the Wayland Township Board on July 7, 1986, by the Martin Township Board on July 9, 1986, and by the Orangeville Township Board on August 6, 1986, said ordinance to become effective September 1, 1986.

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance to amend Article V of the Gun Lake Area Sewage Disposal System Ordinance pertaining to subsection E, Rates and User Fees; and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS, ORANGEVILLE, WAYLAND AND MARTIN EACH ORDAIN:

SECTION I

Article V entitled "Rates, Connection Fee, User Fee," subsection E thereof entitled "User Fees" is hereby amended so as to change the first paragraph of said subsection E to read as follows:

"Beginning September 1, 1986, the user charge to each single family residence within the Township for which sewer service is available shall be \$61.00 per quarter (\$17.00 per month)."

SECTION II

Any parts or portions of this ordinance which are inconsistent herewith are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect September 1, 1986.

Mrs. Marilyn Page
Yankee Springs Township Clerk
Mrs. Darlene Harper
Orangeville Township Clerk
Mrs. Mary Marcott
Wayland Township Clerk
Mr. Lavern Young
Martin Township Clerk

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

MARTIN TOWNSHIP ZONING ORDINANCE

(Ordinance No. 30, as amended)

Adopted Date: September 10, 1986

Effective Date: September 24, 1986

**REVISED THROUGH ORDINANCE NO. 93
ADOPTED DECEMBER 12, 2007
EFFECTIVE DECEMBER 31, 2007**

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MARTIN TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 30

ADOPTED: September 10, 1986

EFFECTIVE: September 24, 1986

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Martin; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; to prescribe penalties for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. (Ord. No. 86, eff. Mar. 5, 2007)

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

ARTICLE I

SHORT TITLE, PURPOSE AND SCOPE

- 1.1 **SHORT TITLE.** This Ordinance shall be known and may be cited as the "Martin Township Zoning Ordinance".
- 1.2 **PURPOSE.** This Ordinance is based upon the Martin Township Comprehensive Land Use Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

- 1.3 SCOPE AND INTERPRETATION.** This Ordinance shall not repeal, abrogate, 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 covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

ARTICLE II

CONSTRUCTION OF LANGUAGE

- 2.1 The following rules of construction apply to the text of this ordinance:
1. The particular shall control the general.
 2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
 5. A "building" or "structure" includes any part thereof.
 6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
 7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "for", "either or", the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, conditions, provisions or events shall apply; and,
 - B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 9. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard meaning.

ARTICLE III

DEFINITIONS

3.1 **DEFINITIONS.** For the purpose of interpreting and enforcing this ordinance the following definitions shall apply unless otherwise specifically stated to the contrary:

1. **Accessory Building or Structure:** A building or structure on the same premises with a main building, and of a nature customarily incidental and subordinate to the main building. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.
2. **Accessory Use:** A use customarily, naturally or normally incidental and subordinate to a principal use on the same premises.
3. **Adult Day Care Home:** A private dwelling in which 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. (Ord. No. 81, eff. Jan. 29, 2007)
4. **Adult Foster Care Facility:** An establishment for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. (Ord. No. 81, eff. Jan. 29, 2007)
5. **Adult Foster Care Family Home:** A private residence with the state-approved capacity to receive six or fewer adults to be provided with 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 residence. (Ord. No. 81, eff. Jan. 29, 2007)
6. **Agriculture Production:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, furbearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.

7. **Alley**: A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
8. **Alteration, Structural**: Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders, and any substantial change in the roof of any building, and any addition to diminution of or change in use or conversion of a structure or building, or the removal of a building or structure from one location to another.
9. **Automotive Repair Shop**: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.
 - A. **Automotive Repair, Major**: General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.
 - B. **Automotive Repair, Minor**: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons capacity; provided, however, there is excluded any repair or work included in the definition of A above.
10. **Automotive Service Station**: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.
11. **Basement**: A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.
12. **Board or Township Board**: The Martin Township Board.
13. **Board of Appeals or Zoning Board of Appeals**: The Martin Township Zoning Board of Appeals.

14. **Boarding House or Rooming House:** A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.
15. **Building:** An independent structure which is constructed or erected having a roof supported by columns, walls, or other supports, and which is used or intended for use for the shelter or enclosure of persons, animals, or personal property, or carrying on of business activities or other similar uses. This term includes both temporary and permanent structures, and tents, sheds, garages, stables, greenhouses, or other accessory structures.
16. **Building Code/Township Building Code:** The nationally recognized model building, construction, plumbing and electrical code(s) duly adopted by the Martin Township Board.
17. **Building Height:** The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
18. **Building Inspector:** The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.
19. **Building or Structure Setback:** The measurement from the property line or street right-of-way line to the nearest point of the main wall of a building or structure, including porches but not including steps.
20. **Building/Occupancy Permit:** The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.
21. **Child Day Care Home (Family):** A private home property registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
22. **Child Day Care Home (Group):** A private home property registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq),

in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

23. Child Day Care Center or Child Care Center. A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center or Child Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center or Child Care Center shall not, however, include any of the following:
- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
 - (2) A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
24. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for.
25. County Board: The Allegan County Board of Commissioners.
26. Dwelling or Residence: A building, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family, but not including a travel trailer, automobile chassis, tent or portable building. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy-saving earth sheltered homes which are either: Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run, or, constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.5 of this ordinance.

- A. Dwelling, Multi-Family: A building containing three or more dwelling units designed for residential use.
 - B. Dwelling, Private: A building occupied by but one family alone.
 - C. Dwelling, Single Family: A building containing not more than one dwelling unit designed for residential use.
 - D. Dwelling, Two-Family: A dwelling containing not more than two separate dwelling units designed for residential use.
 - E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities for not more than one family having cooking facilities.
27. Family: One or more persons related by blood or marriage or adoption including those related as foster children and servants, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary as resort-seasonal in character or nature.
28. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation), and subject to the conditions and limitations set forth at Section 4.20 of this ordinance.
29. Farm. Any parcel of land which is primarily used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses

incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.

30. **Farm Buildings**: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
31. **Filling**: The depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.
32. **Floor Area**:
 - A. **Floor Area, Gross**: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.
 - B. **Floor Area, Net or Usable**: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the interior faces of the exterior walls, not including the basement area.
33. **Garage, Private**: A garage with capacity for not more than three vehicles, for parking and storage only.
34. **Garage, Public**: Any building or premises used for parking, housing or care of more than three vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
35. **Grade**: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.
36. **Home Occupation**: Any gainful occupation or activity carried on in a residential dwelling unit as a use incidental and subordinate to the principal residential use of the dwelling unit, and subject to the conditions and limitations set forth in Section 4.19 of this ordinance.
37. **Hospice Care Facility**: A facility and its staff that provide end of life care and attend to the emotional, spiritual, social, and financial needs of terminally ill patients at a facility or at a patient's home. (Ord. No. 81, eff. Jan. 29, 2007)

38. **Junk.** Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.
39. **Junk-Salvage Yard:** Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.
40. **Kennel.** Any lot or premises on which five or more dogs or cats are kept either permanently, or temporarily boarded for persons other than the owner, or on which five or more dogs or cats are kept for commercial breeding purposes. All kennels shall comply with all applicable Township, County and State regulations.
41. **Lot.** A parcel of land adjoining a dedicated public street or a perpetual recorded private street, but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plot. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. The latter parcel is then often referred to as a "Zoning Lot".
- A. **Lot Area, Net:** The total horizontal area within the lot lines of a lot.
- B. **Lot Area, Gross:** The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Commission.
- C. **Lot, Depth:** The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.
- D. **Lot, Corner:** A lot situated at the intersection of two (2) or more streets.

- E. **Lot, Double Frontage:** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- F. **Lot, Interior:** A lot other than a corner lot with one (1) lot line fronting on a street.
- G. **Lot, Lake:** A lot having frontage directly upon a natural or man-made lake, river, pond, or other impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.
- H. **Lot, Lines:** Any line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot.
- I. **Lot Line, Front:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Zoning Compliance Permit.
- J. **Lot Line, Rear:** The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.
- K. **Lot Line, Side:** Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- L. **Lot, of Record:** A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Allegan County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.

- M. Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.
42. Mobile Home: A transportable structure which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained in the structure. A recreational vehicle, as defined herein, is not a mobile home.
43. Mobile Home Park: A parcel of land upon which three or more mobile homes are located for continual residential, non-recreational use (also known as a trailer court or trailer coach park).
44. Mobile Home Site or Lot: A plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.
45. Modular, Prefab, Pre-cut and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.
46. Motel: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.
47. Motor Vehicle: Every vehicle which is self-propelled.
48. Non-Conforming Use, Building or Lot of Record:
- A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
- B. Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of the ordinance or amendment thereto, and which does not conform to the provisions (e.g. setback, height, lot coverage, parking) of the ordinance in the zoning district in which it is located.

- C. **Non-Conforming Lot of Record**: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e., area, width, etc.).
49. **Occupancy Load**: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.
50. **Occupied**: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.
51. **Parking Area, Space or Lot**: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.
52. **Principal or Main Building**: A building in which is conducted the principal use of the lot upon which it is situated.
53. **Principal or Main Use**: The primary or predominant use of a lot.
54. **Public Utility**: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.
55. **Quarry Excavation**: Any breaking of the ground to hollow out by cutting or digging or removing any earth matter, except common household gardening and general farm care.
56. **Recreational Vehicle**: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term includes folding campers, truckmounted campers, travel trailers, and motor homes, but does not include mobile homes.
57. **Recreational Vehicle Parks**: A family recreational oriented facility for the overnight or short term (not to exceed 15 days consecutively) use of travelers.
58. **Roadside Market Stand**: A permanent or temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

59. **Separate Ownership:** Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.
60. **Sign:** Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.
- A. **Sign, Accessory:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
- B. **Sign, Area Surface:** The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- C. **Sign, Billboard:** Any structure, or any portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- D. **Sign, Business:** Any structure, or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or product primarily sold, manufactured, processed, or fabricated on such land.
- E. **Sign, Identifying:** Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motel; or (3) only to inform the public as to the use of a parking lot.
- F. **Sign, Nameplate:** A structure affixed flat against the wall of a building which serves solely to designate the name or the name

- and profession or business occupation of a person or persons occupying the building.
- G. Sign, Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- H. Sign, Real Estate: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
61. Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care residuals.
62. Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.
- A. Story, Basement: Shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
- B. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches.
- C. Story, Mezzanine: May be counted as a story if it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
63. Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

- A. **Street, Major:** A street or highway so designated on the Major Road Plan of the Allegan County Master Plan and which is designed and intended to carry heavy traffic volumes.
 - B. **Street, Minor or Local:** A dedicated public way or recorded private street affording access to abutting properties, and designed primarily to serve immediate neighborhood needs.
64. **Structure:** Anything except a building, constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.
65. **Swimming Pool:** Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.
66. **Tourist Home:** A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.
67. **Township:** Martin Township, Allegan County, Michigan.
68. **Variance:** A modification of the literal provision of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.
69. **Yard, Required Side-Rear-Front:** An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level.
- A. **Yard, Front:** An open space extending across the full width of a lot, the depth of which is the distance between the front wall of the main building or structure and the front property line, lot line, or street right-of-way line. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.
 - B. **Yard, Rear:** An open space extending across the full width of a lot, the depth of which is the distance between the rear wall of the main building or structure and the rear lot line or street right-of-way line.

- C. Yard, Side: An open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of the main building or structure.
70. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.
71. Zoning Commission or Township Zoning Commission: The Martin Township Zoning Commission.

ARTICLE IV

GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless expressly made applicable to only specific zoning districts.

- 4.1 **ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF:** No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.

The provisions of this Ordinance and the Township Building Code shall be applicable to the Township itself and all other federal, state or local governmental agencies and units.

- 4.2 **RESTORING UNSAFE BUILDINGS:** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.

- 4.3 **BUILDING PERMIT:** No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the Township Building Code and the regulations set forth in this Ordinance including, but not limited to, the following:

1. An application for a building permit shall be in writing and upon duplicate printed forms furnished by the Township. Each application shall include such reasonable information as may be requested by the Building Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, the following information:
 - A. The location and actual dimensions of the lot or premise to which the permit is to apply.
 - B. The kind of buildings or structures to which the permit is to apply.
 - C. The width of all abutting streets.
 - D. The area, size and location of all buildings or structures to which the permit is to apply.
 - E. The type of use to be made of the building or structure to which the permit is to apply.

- F. **The use of buildings or structures on adjoining lands.**
- G. **The estimated cost of the building or structure.**

The Building Inspector, at his discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

The Building Permit requirement of this Section shall not apply to non-dwelling farm buildings and structures in the "AG" Agricultural District, nor to construction or alteration of buildings and structures involving a cost or value of \$1,000 or less, in any zoning district. Builders of such non-dwelling farm buildings and structures shall, however, obtain a Building Approval Card from the Zoning Administrator, indicating that the building or structure will comply with all setback and location requirements imposed by this ordinance. A fee for a Building Approval Card may be established by the Township Board.

- 2. **A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises; but shall not be required for accessory buildings or structures erected, moved, placed, reconstructed, extended, enlarged or altered at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building.**
- 3. **Within 10 days after the receipt of an application for a building permit the Building Inspector shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance and the Township Building Code; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. The permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or the owner's agent.**
- 4. **A building permit issued by the Building Inspector is nontransferable, and must be obtained before any work, excavation, construction, erection, alteration or movement is commenced.**
- 5. **A building permit for which all construction work has not been completed within one year from the date of its issuance shall expire automatically, but may, upon application, be renewable once for an additional one year term on payment of an additional fee equal to one-half of the original permit fee.**

6. No building permit shall be issued where the construction or other activity for which a building permit is required involves a building or land use designated as a special exception use in the applicable use district provisions of this Ordinance, unless the owner or owner's agent has first obtained the authorization of the Township Zoning Commission for such special exception use.
7. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein, and which is to be located on a lot which is not served by both public water and sewer facilities, if its water supply and/or sewer disposal facilities does not comply with the rules and regulations of Allegan County and any other government authority governing waste and sewage disposal.
8. The Building Inspector may revoke and cancel any building permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, the Township Building Code, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be provided to the permit holder by securely posting same on the premises; and no further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

4.4 CERTIFICATES OF COMPLIANCE AND USE: No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof has made arrangements with the Building Inspector for a final inspection, upon completion of all work, and is issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance and the Township Building Code.

4.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of the zone district in which it is located, and shall have a minimum floor to ceiling height of 7.5 feet.
2. It shall have a minimum width or depth of 20 feet for the entire length of the dwelling.
3. The dwelling and all additions or rooms or other areas shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, and constructed with similar quality

workmanship and of 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, the mobile home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended.

4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and any wheels shall be removed. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.
5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

7. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the

principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

8. The dwelling and all additions or rooms or other areas 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 mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
9. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in any ordinance of the Township pertaining to such parks.

- 4.6 **BASEMENT DWELLING:** The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements, and otherwise complies with this Ordinance.
- 4.7 **PRINCIPAL USE:** No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, the R-R Rural Residential District, the "R-2" Low Density Residential District, the OS-PUD District, or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District. (Ord. No. 81, eff. Jan. 29, 2007)
- 4.8 **ACCESSORY USE:** Accessory uses incidental only to a permitted use are allowed in any zoning district when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise allowed as provided in this Ordinance.

4.9 ACCESSORY BUILDING OR STRUCTURE:

1. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings and structures shall be compatible with and similar to the principal building.
2. Accessory buildings and structures shall not be located closer than five feet to the rear lot line or closer than 40 feet to the water's edge in the case of a waterfront lot (except that pumphouses may be located within 40 feet of the water's edge if they do not exceed three feet in height); shall not occupy more than 30% of any required rear yard space; and shall not be closer to any side lot line or front lot line than the principal building is permitted.
3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.
5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estate or "R-R" Rural Residential or "R-2" Low Density Residential zoning district. (Ord. No. 81, eff. Jan. 29, 2007)

4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.

4.11 SETBACKS FOR STRUCTURES ADJACENT TO STREETS: Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Martin Township Land Use Plan", as the same shall be

amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

1. Major County Primary - 100 feet
2. Minor County Primary - 80 feet
3. Collector Streets - 66 feet.

4.12 **MINIMUM PUBLIC STREET FRONTAGE:** Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

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

4.14 **TEMPORARY USES OR STRUCTURES:**

1. Upon application, the Zoning Administrator may issue a permit for the temporary residential use of a dwelling failing to comply with the dwelling standards set forth at Section 4.5 of this Ordinance, provided that such a temporary use permit may be issued only for a period of not to exceed one year, and an extension of not to exceed six months, if all the following conditions are determined to exist at the time of the determination on the initial application or request for extension thereof:
 - A. The applicant for the temporary use permit has submitted plans for, and received, a building permit for the construction or reconstruction of a permanent dwelling upon the same premises conforming with the dwelling standards set forth at Section 4.5 of this Ordinance.
 - B. The temporary dwelling is connected to a water supply and septic tank system complying with the requirements of the local health department.
 - C. All yard and setback requirements of the applicable zoning district are met.

- D. The temporary dwelling has at least 475 square feet of usable floor area, and complies with all pertinent construction and fire codes.
- E. The location of the proposed dwelling will not interfere with or substantially hinder any existing or likely potential future farming operations or activity within the immediate area.
- F. The Township, County and school district have the present and future ability to provide adequate vehicular access, schools, public safety, public sewers, and other necessary public services at a level comparable to that provided to other dwellings in the surrounding area.
- G. The temporary dwelling shall not have a substantially detrimental affect on adjacent properties and the surrounding neighborhood, with regard to property values, aesthetics, or otherwise.
- H. An extension of the permit may be approved by the Zoning Administrator, upon request, for a period of not to exceed six months, only if the Zoning Administrator determines that the conditions set forth hereinabove were complied with throughout the duration of the initial permit, that the construction of the permanent dwelling upon the premises was pursued with due diligence during the initial period of the permit and, in consultation with the Building Inspector, that within the requested period of extension the construction of the permanent dwelling will likely be completed and an occupancy permit issued for same.

The temporary use permit shall be subject to revocation if construction or reconstruction of the permanent dwelling has not commenced within 90 days after issuance of the building permit for said dwelling, or if any of the conditions set forth hereinabove are at any point not complied with.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.

3. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
4. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:
 - A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.
 - B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
 - C. Such a recreational vehicle or tent may not be situated upon any parcel or occupied for more than 30 days, calculated cumulatively, within any calendar year.
 - D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
 - E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.
 - F. Such a recreational vehicle or tent must be stored neatly or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

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

4.16 ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals,

hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

4.17 **DOUBLE FRONTAGE AND CORNER LOTS:** Buildings on lots having frontage on two intersecting streets (corner lots) or nonintersecting streets (double frontage lots) shall comply with the front yard requirements on both such streets.

4.18 **TRAFFIC VISIBILITY AND CORNER CLEARANCE:** On any corner lot in any zone other than a commercial zoning district where no yard space is required, no fence, structure or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.

4.19 **HOME OCCUPATIONS:** A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein.
2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners.
3. The dwelling shall not have any exterior evidence, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling.
4. The occupation shall be clearly incidental and secondary to the residential use of the building.

5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot.
6. The home occupation shall not utilize more than 35% of the gross floor area in the single unit dwelling.

4.20 **FAMILY BUSINESSES:** A family business, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
2. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties.
3. There shall be no expansion of the business facilities without the prior approval of the Zoning Commission.
4. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
5. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.
6. The business shall be located on the same parcel with the family's residence.
7. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.
8. The Zoning Commission may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted. The Zoning Commission may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

4.21 ROADSIDE MARKET STANDS: A roadside market stand, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All products offered for sale shall be agricultural products or goods produced on the premises upon which the roadside market stand is located.
2. The gross floor area of a building or structure used as a roadside market stand shall be at least 150 square feet, but shall not exceed 800 square feet. The height of the building or structure shall not exceed one story.
3. The building or structure shall be located at least 150 feet from any preexisting dwellings located upon adjoining properties under different ownership.
4. The building or structure shall be located at least 50 feet from the nearest traveled portion of the roadway.
5. An off-street parking area shall be established and maintained sufficient to provide adequate parking facilities for the roadside market stand, and prevent traffic congestion or hazards which could result from the roadside market stand.
6. Suitable containers for rubbish shall be placed on the premises for use by customers of the roadside market stand, and such containers shall be maintained and periodically emptied so as to prevent unnecessary odors.
7. All roadside market stands shall be operated at such times and in such a manner so as to not create a detrimental affect on adjoining properties and the surrounding neighborhood.

4.22 KENNELS: A kennel, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All kennels shall be operated in conformance with all applicable county and state regulations.
2. For dog kennels, the minimum lot size shall be two acres for the first three dogs, and an additional one acre for each three additional dogs.
3. Kennel buildings or structures, animal runs, and/or exercise areas shall be located at least 150 feet from any preexisting dwelling, or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

4. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated so as to prevent traffic congestion as a result of the kennel.
5. The nature and character of buildings and structures utilized for kennel activities shall be aesthetically compatible with the principal use of the premises upon which the kennel is located, and with the principal uses of adjoining properties.
6. Kennel facilities shall be subject to such other conditions and limitations as the Zoning Commission shall deem necessary, in the specific circumstances at issue, to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations.

4.23 CHURCHES AND PARISH HOUSES, PUBLIC AND PAROCHIAL SCHOOLS AND EDUCATIONAL INSTITUTIONS, AND OTHER SIMILAR USES OWNED AND OPERATED BY A GOVERNMENTAL AGENCY OR NONPROFIT ORGANIZATION: A church and parish house, public and parochial school and educational institution, and other similar use owned and operated by a governmental agency or nonprofit organization, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The minimum lot area upon which a church or school may be constructed shall be two acres.
2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
3. The off-street parking area required by Section 15.1 of this ordinance shall not be located within the required front yard setback area.
4. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided beyond the minimum setback requirements.

4.24 AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR SHOPS: An automotive service station and automotive repair shop, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot shall be located so that it is at least 500 feet from an entrance or exit to any property on which is situated a public library, public school,

private school, playground, playfield, park, church, hospital, or residential district boundary.

2. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance.
3. No drive or curb opening shall be located within 25 feet of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.
4. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
5. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
7. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
8. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
9. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by affixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.
10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within

said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.

11. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Zoning Commission and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.
12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
13. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Zoning Commission to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

4.25 **JUNK/SALVAGE YARDS:** A junk/salvage yard, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.
2. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Zoning Commission, and shall not be open for business or conducted on Sundays or holidays.
3. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.
4. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.
5. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.

6. The setback requirements for all industrial uses shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection 1 herein, same shall not be located within the setback area.
 7. All such activities or business shall be currently licensed by the State of Michigan.
 8. All such activities or business shall at all times be conducted and operated so as to comply with Section 4.15 of this ordinance, and all other applicable provisions of this ordinance not specifically referenced in this Section.
- 4.26 **DRIVE-IN THEATERS:** A drive-in theater, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. The lot location shall be such that at least one property line abuts a major street, and shall be at least 500 feet from any residentially zoned area or residentially used premises.
 2. The premises shall be enclosed with a solid screen fence of at least seven feet in height.
 3. All points of entrance or exit shall be located at least 250 feet from any street or road intersection as measured to the nearest intersection right-of-way line.
 4. Sufficient space shall be provided on the premises for 50 waiting vehicles to stand at the entrance to the facility.
 5. The theater screen shall not face, directly or obliquely, by less than a 75° angle, a major street or any residentially zoned or used area.
- 4.27 **REMOVAL AND PROCESSING OF TOP SOIL, SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS:** Removal and processing of top soil, gravel or other such minerals or earth materials, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. Earth removal operations shall not cause a safety hazard, create erosion problems, or alter the ground water table of the area.
 2. Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or swampy areas.

3. Earth removal operations shall not cause a permanent adverse affect to the environment, the natural topography, and any natural resource, other than the earth materials involved.
4. Earth removal operations shall not cause traffic congestion, and all trucks or other vehicles shall be directed away from residential streets and shall utilize county primary roads whenever possible.
5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any persons having reason to be within the area of activity.
6. No storage, or truck or other vehicle or equipment parking or storage shall be located within 50 feet of any adjacent property, or within 200 feet of any adjacent residence.
7. All earth removal operations shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property.
8. As the earth materials are being removed, the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30° slope and the contour be caused to blend as nearly as possible with the natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion.
9. The Zoning Commission may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

4.28 SITE PLAN REVIEW (Ord. No. 81, eff. Jan. 29, 2007)

1. **Purpose:** The intent of these ordinance provisions is to provide for consultation and cooperation between the land developer and the

Township Zoning Commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

2. **Scope:** The Building Inspector shall not issue a building permit for the construction of any of the following buildings, structures or uses until a site plan has been submitted to, and approved by, the Zoning Commission in accordance with this section:
 - A. Mobile home parks.
 - B. Industrial buildings or developments.
 - C. Multi-family dwellings.
 - D. All office and commercial buildings and developments.
 - E. Special exception use applications.
 - F. Churches.
 - G. Planned unit developments, including site condominium projects.
3. **Sketch Plan Review:** Preliminary sketches of site and development plans may be submitted to the Zoning Commission. The purpose of the sketch stage is to allow discussion between the developer and the Zoning Commission as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:
 - A. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
 - B. Legal description of the property.
 - C. Drawings showing tentative plans.
4. **Formal Site Plan Review:** All formal site plan review applications shall include, in addition to A and B above, the following:

- A. The date, north arrow and scale (the scale shall be not less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more).
- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines.
- C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking spaces (including basis of calculation), loading and unloading areas and recreation areas, etc.
- E. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
- F. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
- G. The name and address of the property owner or petitioner.
- H. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- I. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
- J. Location of all fire hydrants.
- K. Lot size (basis of calculation), setbacks, trailer pads, patios, and complete park layout for mobile home parks.
- L. Size and location of all surface drainage facilities.
- M. Property survey by registered surveyor.
- N. Existing and proposed contour shall be shown on all site plans (two (2) foot intervals, minimum).
- O. Elevations and floor plans for all buildings and the location of all buildings on the property.

- P. A description of the land use and activities proposed in sufficient detail to indicate the effects of same in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
 - Q. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
 - R. The proposed number of shifts to be worked and the maximum number of employees on each shift.
 - S. Any other information deemed necessary by the Zoning Commission.
 - T. The Zoning Commission may waive any of the above enumerated requirements whenever the Zoning Commission determines that such requirement is not necessary for a specific site plan due to the fact that:
 - (1) The Zoning Commission finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
 - (2) The Zoning Commission finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non-monetary nature in carrying out the strict letter of the condition, and the Zoning Commission finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.
5. **Submittal:** The site plan and all related information specified above shall be presented to the Zoning Commission Chairman in eight (8) copies by the property owner or petitioner. Copies shall be distributed to the following parties for review and information:
- A. Seven (7) copies to the Zoning Commission.
 - B. One (1) copy to the Township Building Inspector.

6. Approval

A. The Zoning Commission shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and after allowing reasonable time as determined by the Zoning Commission for receipt from and for consideration of comments and recommendations from the Building Inspector.

B. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Zoning Commission upon a finding that:

- (1) The proposed use will not have a harmful effect on the surrounding neighborhood development. Fencing, walls and/or landscaping may be required as a screening device to minimize adverse affects upon surrounding development.
- (2) There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- (3) The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties.
- (4) The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
- (5) The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. shall be retained where they afford a barrier or buffer between adjoining properties being put to different use.
- (6) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

C. Security Deposit:

- (1) To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Zoning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Zoning Commission, covering one hundred twenty-five percent (125%) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.
 - (2) The Zoning Commission shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Zoning Commission based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
 - (3) If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Zoning Commission shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
 - (4) As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Zoning Commission to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.
7. **Modifications:** Any modifications of the site plan desired by the Township shall be so stated in writing to the applicant. Site plan approval may then be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Zoning Commission. If any part of the approved site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must first be obtained from the Zoning Board of Appeals. A copy of the final

approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have the signature of the Zoning Commission Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chairman of the Zoning Board of Appeals.

8. **Fees:** Any application for site plan approval shall be accompanied by a fee as may be determined from time to time by the Township Board.
9. **Revocation:** Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Zoning Commission shall give the applicant notice of intention to revoke such approval at least ten (10) days prior to review by the Zoning Commission. After conclusion of such review, the Zoning Commission may revoke its approval of the development if the Zoning Commission feels that a violation in fact exists and has not been remedied prior to such hearing.
10. **Term of Approval:** The site plan approval shall be valid for a period of one (1) year. One (1) six month time extension may be granted after complete review of the application by the Zoning Commission and the Building Inspector. At the end of the six-month extension, if no building permit has been obtained and on-site development actually begun, the site plan approval becomes void, and the developer shall submit a new application for approval.

4.29 **PRIVATE ROAD DEVELOPMENT**

1. **"Overlay" Special Exception Use:** Notwithstanding any other provisions of this Ordinance, in any zoning district where residential development is allowed a lot without the lot width/frontage on a public street required by this Ordinance may be considered a conforming buildable lot for residential development purposes if it has the required lot width/frontage on a private road established and approved as set forth herein. Such private road development is an "overlay" special exception use in all such zoning districts pursuant to the provisions of this Section, the provisions of Article XIII governing special exception uses generally, and Section 4.28 governing site plan review.
2. **Application and Process:**
 - A. A special exception use application for a private road shall comply with Section 13.2 of this Ordinance, and shall also specifically include the following:

- (1) A written description of the proposed development to be served by the private road.
 - (2) A site plan complying with Section 4.28 of this Ordinance, and a detailed construction plan including a diagram of the "Standard Cross Section and Layout" prepared and sealed by a registered civil engineer. The construction plan and/or site plan shall also specifically show the proposed location of the private road, all existing or proposed lots adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein. (Notwithstanding the foregoing, a diagram of the "Standard Cross Section and Layout" shall not be required to be submitted as part of the application for a private road proposed to serve 1 – 3 dwelling units.)
 - (3) A Maintenance Agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefited lots. Such property owner maintenance agreement, and any revised version of same required by the Zoning Commission, shall be in recordable form and shall provide that the obligations thereunder run with the benefited lots.
 - (4) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Martin Township and Allegan County from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of the proposed private road, and shall extend to the successors and assigns of said lot owners.
- B. The application form and all required application materials shall be reviewed by appropriate Township officials for administrative completeness. An administratively complete application shall be processed and reviewed by the Zoning Commission as required by Section 13.2 of this Ordinance; provided, that if the Zoning Commission determines that the applicant has met the standards for approval, the approval shall be considered a "tentative" approval

unless and until the Zoning Administrator gives final approval pursuant to subsection 6 herein.

3. **Review Standards:** The Zoning Commission shall review and decide all special exception use applications for a private road pursuant to the generally applicable standards for reviewing special exception uses in Section 13.1 of this Ordinance. The Zoning Commission shall also review the application and supporting materials to determine whether the proposed private road can and will be constructed and maintained as required by subsection 4, 5 or 6 herein (whichever is applicable).
4. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for One-Three Dwelling Units:**
 - A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
 - B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
 - C. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
 - D. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
 - E. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with stabilized road material, graded parallel to the road surface and extending into the front ditch slope. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches.
 - F. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
 - G. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.

H. Upon construction the private road shall be properly maintained.

5. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for Four-Fifteen Dwelling Units:

- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be designed and constructed to accommodate vehicle speeds of at least 15 mph.
- D. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods. Side ditches shall have a three on one front slope and a one on two back slope at 0.5% grade minimum. Ditches shall outlet into a cross culvert or drainage course.
- E. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
- F. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDSH 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a sand sub-base of at least 12 inches. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches. The roadway shall have a maximum grade of 10%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting public street for a distance of at least 50 feet from the center line of the street.
- G. The end of a private road shall include a cul-de-sac with a minimum radius of 30 feet constructed herein as required for the roadway; provided, however, that the Zoning Commission may waive this

provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

- H. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained,
- I. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.
- J. Upon construction the private road shall be properly maintained.

6. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for more than Fifteen Dwelling Units:

Subsections 5A. - J. are hereby incorporated by reference, with the following exceptions and changes:

- (1) The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
- (2) The private road shall have a road bed of at least 22 feet in width, plus a gravel or grass shoulder of at least 3 feet in width on each side of the required road bed.
- (3) The private road shall be designed and constructed to accommodate vehicle speeds of at least 25 mph.
- (4) The Zoning Commission may require the roadway to be paved.
- (5) The end of a private road shall include a cul-de-sac with a minimum radius of 50 feet constructed herein as required for the roadway; provided, however, that the Zoning Commission may decrease or waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

7. Certification of Construction/Inspection Fee: Upon completion of construction of the private road the applicant for special exception use approval shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed

in accordance with the approved site plan and construction plan, and the tentative approval of the Zoning Commission. The certification shall be accompanied by such reasonable inspection fee as may be established by the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from the Township Engineer as may be necessary. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. (Notwithstanding the foregoing, the certification of a registered civil engineer shall not be required with respect to a private road proposed to serve 1-3 dwelling units; the completion of such private road in accordance with the approved site plan and construction plan shall be verified by inspection of the Zoning Administrator or designee). The Zoning Commission's tentative approval of the private road shall be considered final upon the Zoning Administrator's verification of the following:

- A. The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
 - B. Proof of recording in the records of the Allegan County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
 - C. Proof that the applicant has furnished the location and description of the completed private road to the Allegan County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
8. Issuance of Building Permits: Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road.
 9. Driveway Access to Private Road: Lots with frontage on both a private road and a public street shall have their driveways for ingress and egress intersect only the private road.
 10. Maintenance and Repair Responsibility: All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefited lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the Allegan County Road Commission shall have no responsibility for an approved private road, unless and until such private road is constructed to the standards of the Allegan County Road Commission and accepted by said Commission as a dedicated public street.

11. **Prior Nonconforming Private Roads/Conforming Private Road Upgraded:** Any existing lawfully created private road/drive shall not be extended or expanded to serve additional lots unless such private road is approved by the Zoning Commission as provided herein. In addition, a private road approved pursuant to the requirements of this Ordinance for 1-3 or 4-15 dwelling units shall not be extended or otherwise made available to serve more than the approved number of dwelling units unless the road is upgraded and approved by the Zoning Commission for such expanded use pursuant to the special exception use process set forth herein.

- 4.30 **TOWERS AND ANTENNAS FOR AMATEUR RADIO OPERATORS:** (Ord. No. 81, eff. Jan. 29, 2007) The provisions of this ordinance and all other applicable ordinances shall apply to towers and antennas owned and operated by a federally licensed amateur operator and used solely for amateur radio communication purposes, but shall not be applied so as to preclude the construction and operation of an antenna or tower for amateur radio communication purposes. If the provisions of this ordinance and all other applicable ordinances prohibit the construction of a particular amateur radio communications antenna or tower, then the Township shall seek to reasonably accommodate the proposed operator's desire to conduct amateur radio communications by considering other feasible designs, locations, methods of accessing repeater systems or the use of existing structures as an alternative to the operator's desired amateur radio communications antenna or tower. (Ord. No. 81, eff. Jan. 29, 2007)

- 4.31 **RIPARIAN LOT USE REGULATIONS:**
(Ord. No. 88, eff. Mar. 5, 2007)

1. **Purpose:** The purpose of this article is to promote the integrity of the lakes within Martin Township while preserving the quality of recreational use of the inland water; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.

Nothing within this Ordinance shall be construed to limit access to the lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government. Further, this Ordinance shall not apply to any private access site which legally existed and served as access property before the effective date of this section regulating access to a lake or waterway.

2. Definitions:

- A. "Access property" shall mean a property, parcel, or lot abutting a lake or pond, either natural or man-made, and used or intended to be used for the purpose of providing access to a lake or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.
- B. "Public Easement" shall mean the right to cross or the right of way across any parcel of land from a public or private road to any lake or pond within Martin Township provided such easement has been granted to the public for that parcel.
- C. "Ordinary High Water Mark" shall mean the ordinary high water mark of the body of water as determined by the State of Michigan Department of Environmental Quality, or if the Department has not made such a finding, the ordinary high water mark location shall be determined by the Township Engineer or other qualified entity. The measurement of the ordinary high water mark location shall be made only along a natural shoreline, and shall not include any man made channel, lagoon, canal or the like unless the entire lake has been artificially created.

3. Regulations: In any zoning district where a parcel of land is contiguous to a lake, pond or similar body of water, either natural or man-made, such parcel of land may only be used as access property if the following conditions are met:

- A. A parcel created after the effective date of this section which is to be used as access property shall have a minimum depth of 100 feet and shall contain at least 100 feet of frontage on the water for each dwelling unit, single-family dwelling, condominium unit, site condominium unit, apartment unit or family utilizing the water frontage for access to the lake. Frontage shall be measured by a straight line which intersects each side lot line at the ordinary high water mark.
- B. That in no event shall water frontage of such parcel of land consist of swamp, marsh, or bog as shown on the most recent U.S. Geological Survey maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan Department of Natural Resources; and that in no event shall a swamp, marsh, or bog be altered by the

addition of earth or fill material or by drainage of water for the purpose of increasing the water frontage required by this article.

- C. A canal or channel shall not be excavated for the purpose of increasing the water frontage required by this section.
 - D. Access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.
 - E. Docks, boat ramps and boat launches, excluding concrete ramps and concrete launches, which are for the exclusive use of persons with legal access to the property, are permitted. Picnic shelters and picnic areas including picnic tables which are for the exclusive use of persons with legal access to the property, are permitted.
4. Use of existing public easements: For public easements as defined herein the following regulations shall apply:
- A. Use shall be by pedestrian traffic only.
 - B. No person shall place anything on any easement.
 - C. No person shall be prevented from crossing any easement to gain access to any lake within Martin Township.
 - D. No dock, raft, boat cradle or similar equipment shall be placed in any lake within the boundaries of any easement.
 - E. No watercraft shall be moored at the end of any easement.
 - F. These rules shall not apply to any easement within Martin Township where a court of law has previously established operating regulations.

4.32 ADULT BUSINESSES AND ESTABLISHMENTS (Ord. No. 92, eff. Dec. 4, 2007) Commercial and service establishments of an adult nature as listed and defined below are subject to special exception use regulations found in Article XIII and other conditions as follows:

- A. In order to prevent concentration of such uses, the following uses and activities shall not be located within one thousand (1,000) feet of any other uses in this section, nor within (2,500) feet of any schools, colleges, or universities; nursery schools; child care facilities; churches or any religious facility or institution; or any

public park and (1,000) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:

- (1) Adult bookstore.
 - (2) Adult motion picture theater.
 - (3) Adult mini motion picture theater.
 - (4) Adult smoking or sexual paraphernalia store.
 - (5) Massage parlor.
 - (6) Host or hostess establishments offering socialization with a host or hostess for consideration.
 - (7) Open dance hall.
 - (8) Tavern or cabaret offering sexually oriented adult entertainment which provides live or projected entertainment where alcoholic liquors may or may not be sold for consumption on the premises. Projected entertainment shall not include standard television reception.
 - (9) Premises involving sexually orientated adult entertainment.
 - (10) Any combination of the foregoing.
- B. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designation shall have the following meanings:

- (1) **Adult bookstore** means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) **Adult mini motion picture theater** means an enclosure with a capacity for less than fifty persons used for presenting

material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined for observation by patrons therein.

- (3) **Adult motion picture theater** means an enclosure with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined for observation by patrons therein.
- (4) **Adult smoking or sexual paraphernalia store** means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, controlled substances or other stimulating or hallucinogenic drug-related substances.
- (5) **Massage parlor** means an establishment where persons conduct or permit to be conducted or engaged in massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means or preparations to provide relaxation or enjoyment to the recipient.

Massage parlor does not apply to a professional massage therapy enterprise where the therapist has proof of graduation from a school of massage licensed by the State of Michigan or another state with equivalent standards or proof of completion of a comprehensive course of study and massage training at an American community college or university and proof of current professional membership in a massage therapy association including liability insurance and testing.

- (6) **Open dance hall** means an establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment.
- (7) **Host or hostess establishment** means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

- (8) ***Sexually oriented adult entertainment*** means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.
- (9) ***Sexually oriented adult entertainment premises*** means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.
- (10) ***Specified sexual activities:***
- i. Acts of human masturbation, sexual intercourse or sodomy.
 - ii. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
 - iii. Human genitals in a state of sexual stimulation or arousal.
- (11) ***Specified anatomical areas:***
- i. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
 - ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (12) ***State of nudity*** means a person who appears in a "state of nudity" when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

ARTICLE V

CLASSIFICATION AND USE DISTRICTS

5.1 **ZONE DISTRICTS:** The Township of Martin is hereby divided into the following zoning districts:

1. AG Agricultural District
2. R-1 Rural Estate District
3. R-R Rural Residential
4. R-2 Low Density Residential District
5. R-3 Medium Density Residential District
6. OS-PUD Open Space Planned Unit Development District
7. C-1 Neighborhood Business District
8. C-2 General Business District
9. I-1 Industrial District

5.2 **USE DISTRICT BOUNDARIES AND ZONING MAP:** The locations and boundaries of the zoning districts are hereby established as set forth in Appendix A of this Ordinance (Classification of Lands), and as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Martin Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or

lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

ARTICLE VI

AG AGRICULTURAL DISTRICT

- 6.1 **STATEMENT OF PURPOSE:** This zoning district is intended for large tracts of land used or preserved for farming, animal husbandry, dairying, horticultural, or other agricultural activities, and may include large vacant areas, fallow land and wooded areas.
- 6.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.
 2. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
 3. Riding stables, where horses are boarded and/or rented.
 4. Single family dwellings.
 5. Parks, public recreational areas or golf courses.
 6. Home occupations, in accordance with Section 4.19 of this Ordinance.
 7. Churches and parish houses, public and parochial schools and educational institutions and other publicly owned and operated community buildings, structures or uses, in accordance with Section 4.23 of this Ordinance.
 8. Cemeteries.
 9. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.
 10. Signs in accordance with Article XIV of this Ordinance.
 11. Child Day Care Home (Family).
- 6.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the

Township Zoning Commission and in accordance with Article XIII of this Ordinance:

- 1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.**
- 2. Recreational vehicle campgrounds.**
- 3. Horse or dog racing tracks.**
- 4. Slaughter houses and meat processing facilities.**
- 5. Family businesses, in accordance with Section 4.20 of this Ordinance.**
- 6. Two family dwellings.**
- 7. Roadside stands, in accordance with Section 4.21 of this Ordinance.**
- 8. Funeral parlors and mortuaries.**
- 9. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.**
- 10. Survival games or similar paramilitary recreational activities.**
- 11. Conservation/skeet shooting clubs or similar activities.**
- 12. BMX, motorcycle, go-kart racetracks or similar activities.**
- 13. Commercial communication towers.**
- 14. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:**
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.**
 - B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.**
 - C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.**
 - D. The affect of any increased density on the surrounding neighborhood caused by the intended use.**

E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

15. **Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.**
16. **Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals.**
17. **Child Day Care Home (Group), subject to conformance with the following:**

A child day care home (group) shall be approved if it meets the following standards:

- A. **It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):**

- (1) **Another state licensed group day care home;**
- (2) **Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended – MCLA 400.701 et seq);**
- (3) **A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended – MCLA 333.6101 et seq);**
- (4) **A community correction center, resident home, half way house, or other similar facility which houses an inmate**

population under the jurisdiction of the Michigan Department of Corrections.

- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Commission. Such fencing shall be at least 48" high and non-climbable in design.
 - C. It maintains the property consistent with the visible characteristics of the neighborhood.
 - D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
 - E. It meets all applicable sign regulations set forth in this ordinance.
18. Custom race car chassis assembly, including minor fabrication, and sales of high performance automotive parts.
- 6.4 **DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:** No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:
- 1. Minimum lot area: 1 acre.
 - 2. Minimum lot width: 165 feet.
 - 3. Minimum usable floor area per dwelling unit: 820 square feet.
 - 4. Minimum front yard: 50 feet.
 - 5. Minimum rear yard: 50 feet.
 - 6. Minimum side yard: 20 feet.
 - 7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.13 of this Ordinance.

ARTICLE VII

R-1 RURAL ESTATES DISTRICT

- 7.1 **STATEMENT OF PURPOSE:** This zoning district is intended for large rural residential estates and farming.
- 7.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms, not including temporary housing for migratory workers.
 2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
 3. Single family dwellings.
 4. Home occupations, in accordance with Section 4.19 of this Ordinance.
 5. Parks and public recreational areas, and golf courses. (Ord. No. 81, eff. Jan. 29, 2007)
 6. Cemeteries.
 7. Signs in accordance with Article XIV of this Ordinance.
 8. Child Day Care Home (Family).
 9. Churches. (Ord. No. 81, eff. Jan. 29, 2007)
- 7.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this Ordinance:
1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.
 2. Roadside stands, in accordance with Section 4.21 of this Ordinance.
 3. Animal hospitals and kennels, in accordance with Section 4.22 of this ordinance.
 4. Family business, in accordance with Section 4.20 of this ordinance.

5. **Funeral parlors and mortuaries.**
6. **Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:**
 - A. **The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.**
 - B. **The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.**
 - C. **The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.**
 - D. **The affect of any increased density on the surrounding neighborhood caused by the intended use.**
 - E. **The availability of adequate off-street parking for the intended use.**

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7. **Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.**
8. **Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals.**
9. **Child Day Care Home (Group), subject to conformance with the following:**

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended – MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended – MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Commission. Such fencing shall be at least 48" high and non-climbable in design.
- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 1 acre.
- 2. Minimum lot width: 165 feet.
- 3. Minimum usable floor area per dwelling unit: 820 square feet.

4. **Minimum front yard: 50 feet.**
5. **Minimum rear yard: 50 feet.**
6. **Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.**
7. **Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.13 of this Ordinance.**

ARTICLE VIIA

R-R RURAL RESIDENTIAL DISTRICT

(Ord. No. 81, eff. Jan. 29, 2007)

7A.1 STATEMENT OF PURPOSE. This district is intended to provide for low density residential development with single family detached dwellings as the predominant land use. Rural Residential uses are suitable in areas where active agriculture is declining, where uses will serve as a transition from farm to non-farm uses, where soils are suitable for on-site septic systems, and where roads are adequate for residential and other non-farm uses. Certain non-residential uses such as churches, schools and private recreation areas are allowed as special exception uses depending upon compatibility with adjacent uses as well as the requirements of Article XIII of this ordinance.

7A.2 PERMITTED USES. Land buildings, and structures in the R-R zone may be used only for the following purposes:

- (a) Single family detached dwellings.
- (b) Child Day Care Homes (Family) and Adult Day Care Homes with no more than six minor children or six adults.
- (c) State licensed adult foster care family homes with no more than six adults provided that such facilities are at least 1,500 feet apart as measured between property lines.
- (d) Home occupations as regulated by Section 4.19 of this Ordinance.
- (e) Antennas and towers not exceeding 50 feet in height, except that an antenna mounted on a building may extend to a maximum of 10 feet above the highest point of the building.
- (f) Essential public services equipment that is underground subject to the requirements of Section 4.16.
- (g) Single-family housing developments as required by Act No.177 of the Public Acts of Michigan of 2001 are permitted in accordance with the requirements of this Ordinance.
- (h) Uses, buildings, and structures customarily incidental and accessory to the principal use.

7A.3 SPECIAL EXCEPTION USES. The following uses may be permitted as a Special Exception Use subject to the applicable general and specific requirements and standards of Article XIII of this Ordinance:

- (a) Churches, synagogues or other similar places of worship in accordance with Section 4.23 of this Ordinance.
- (b) Public and private non-profit parks, playgrounds, swimming pools, golf courses, athletic fields and community center buildings, except for swimming pools accessory to residential uses.
- (c) Family businesses as regulated by Section 4.20 of this Ordinance.
- (d) Public and private schools and administrative buildings in accordance with Section 4.23 of this Ordinance.
- (e) Libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization in accordance with Section 4.23 of this Ordinance.
- (f) Government administration and service buildings.
- (g) Essential public service equipment, structures or buildings which are above ground, subject to the requirements of Section 4.16.
- (h) Antennas and towers exceeding a height of 50 feet except that the provisions of Section 4.30 shall apply.
- (i) Group day care homes which provide care to not less than seven and not more than 12 minor children or adults. Child Day Care Homes (Group) are subject to the regulations of Section 7.3.9. of this Ordinance.
- (j) Nursing homes, senior citizen housing, and similar convalescent or group housing, including state licensed adult foster care facilities with more than six adults.
- (k) Hospice Care Facilities.

7A.4 DISTRICT REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained:

- (a) Minimum lot area: 30,000 square feet.
- (b) Minimum lot width: 125 feet.
- (c) Minimum required useable floor area per dwelling unit:
 - (1) Ranch - a minimum of 960 square feet of floor area for the main floor.

- (2) **Bi-levels** - a minimum of 960 square feet of floor area for the upper floor.
- (3) **Tri-levels** – a minimum of 960 square feet for the upper two floors combined.
- (4) **Two-story** – a minimum of 960 square feet for the first floor.
- (d) **Minimum front yard:** 35 feet.
- (e) **Minimum side yard:** 10 feet on each side.
- (f) **Minimum rear yard:** 25 feet.
- (g) **Maximum Height:** 35 feet, except as provided in Section 4.13 and Section 7A.2(e).
- (h) **Maximum building lot coverage:** 30 percent.

7A.5 ADDITIONAL REGULATIONS.

- (a) **Parking shall be provided in accordance with the requirements of Article XV.**
- (b) **Signs shall be regulated in accordance with the requirements of Article XIV.**
- (c) **Site plan review is required for all Special Exception Uses according to the requirements of Section 4.28.**
- (d) **Site condominiums shall be regulated by Article XIII.A.**
- (e) **Open Space Planned Unit Developments shall be regulated by Article IXA.**

ARTICLE VIII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

- 8.1 **STATEMENT AND PURPOSE:** This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.
- 8.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Home occupations, in accordance with Section 4.19 of this Ordinance.
 4. Signs in accordance with Article XIV of this Ordinance.
 5. Child Day Care Home (Family).
- 8.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this Ordinance:
1. Private and public schools, libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization, in accordance with Section 4.23 of this Ordinance.
 2. Parks, playgrounds and community centers owned and operated by a governmental agency or a non-profit commercial organization.
 3. Governmental administration or service buildings.
 4. Churches, in accordance with Section 4.23 of this Ordinance.
 5. Family business, in accordance with Section 4.20 of this Ordinance.
 6. Funeral parlors and mortuaries.
 7. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The affect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

- 8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
- 9. Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended – MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended – MCLA 333.6101 et seq);

- (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Commission. Such fencing shall be at least 48" high and non-climbable in design.
- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements: (Ord. No. 87, eff. Mar. 5, 2007)

- 1. **Minimum lot area:**
 - A. Single family dwelling: 8,500 square feet for lots served with public or community water and sewer; 15,000 square feet for lots served with public or community water or sewer; 25,000 square feet for lots not served with public or community water and sewer.
 - B. Two family dwelling: 15,000 square feet for lots served with public or community water and sewer; 30,000 square feet for lots not served with public or community water and sewer.
- 2. **Minimum lot width:**
 - A. Single family dwelling: 85 feet for lots served with public or community water and sewer; 100 feet for lots served with public or community water or sewer; 125 feet for lots not served with public or community water and sewer.
 - B. Two family dwelling: 100 feet for lots served with public or community water and sewer; 125 feet for lots not served with public or community water and sewer.
- 3. **Minimum usable floor area per dwelling unit:**

- A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
4. Minimum front yard: 30 feet.
 5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
 6. Minimum side yard: 10 feet.
 7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.
- 8.5 PAVED ROADWAY REQUIRED:** A plat or site condominium proposed after the effective date of this section shall be served by paved internal public or private roadways. (Ord. No. 87, eff. Mar. 5, 2007)

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

- 9.1 **STATEMENT OF PURPOSE:** This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.
- 9.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Multi-family dwellings.
 4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
 6. Signs in accordance with Article XIV of this Ordinance.
 7. Child Day Care Home (Family).
- 9.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this Ordinance:
1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
- 9.4 **DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:** No building or structure or any enlargement thereof shall be hereafter erected in this

zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. **Minimum lot area:**
 - A. **Single family dwelling (not in mobile home park):** 8,500, square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. **Single family dwelling (in mobile home park):** In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. **Two family dwelling (not in mobile home park):** 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
 - D. **Multi-family dwelling (not in mobile home park):** 4,500 square feet for lots served with public sewer and water; 10,000 square feet for lots not served with public water and sewer.
 - E. **All other allowed uses:** 15,000 square feet.
2. **Minimum lot width:**
 - A. **Single family dwelling (not in mobile home park):** 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. **Single family dwelling (in mobile home park):** In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. **Two family dwelling (not in mobile home park):** 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - D. **Multi-family dwelling (not in mobile home park):** 100 feet for lots served with public sewer and water; 100 feet for lots not served with public water and sewer.
 - E. **All other allowed uses:** 100 feet.
3. **Minimum usable floor area per dwelling unit:**
 - A. **Single family dwelling (not in mobile home park):** 820 square feet.

- B. Single family dwelling (in mobile home park): In accordance with the regulations of the Michigan Mobile Home Commission.
 - C. Two family dwelling: 720 square feet.
 - D. Multi-family dwelling: 650 square feet for one bedroom unit; 750 square feet for two bedroom unit; 900 square feet for three bedroom unit; additional 100 square feet for each additional bedroom.
4. Minimum front yard:
- A. All allowed uses (not in mobile home park): 30 feet.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
5. Minimum rear yard:
- A. All allowed uses (not in mobile home park): 25 feet; 50 feet for lakefront lots.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
6. Minimum side yard:
- A. Single family dwelling (not in mobile home park): 10 feet.
 - B. Two family dwellings (not in mobile home park) : 10 feet.
 - C. Multi-family dwellings: 20 feet.
 - D. Uses allowed in mobile home parks: In accordance with the Michigan Mobile Home Commission.
 - E. All other allowed uses: 20 feet.
7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.

ARTICLE IXA

OPEN SPACE PLANNED UNIT DEVELOPMENTS (OS-PUD)

(Ord. No. 82 eff. Jan. 29, 2007)

9A.1 STATEMENT OF PURPOSE: This Section provides enabling authority and standards for the review and approval of applications for Open Space Planned Unit Developments (OS-PUD's). The intent of Article IXA is to offer an alternative to traditional subdivision design by encouraging innovation and offering flexibility in the design of residential developments, which may incorporate the permanent preservation of open space, agricultural lands and other valuable natural and cultural resources.

The OS-PUD District is intended to achieve the following objectives:

- (a) To require a process for designing residential communities in which the first and most important step is identifying the land that is to be preserved as open space.
- (b) To allow residential developments to have varied lot sizes, and to allow buildings and roads to be placed to preserve natural features.
- (c) To preserve wildlife habitat.
- (d) To encourage the provision of village greens and the development of recreational and other support facilities in a generally central location within reasonable distance of all units.

9A.2 AUTHORIZATION & PROCEDURES: An OS-PUD may be approved by the Township Board following a recommendation from the Zoning Commission in any location master planned AG-RE, Agricultural Rural Estate; RR, Rural Residential; or MDR, Medium Density Residential; or zoned AG Agricultural, R-1 Rural Estates, R-R Rural Residential, or R-2 Low Density Residential in accordance with the procedures of Section 9A.10 of this Ordinance.

The granting of an OS-PUD rezoning application shall require an amendment of the Zoning Ordinance and Zoning Map. An approval granted under this Article shall constitute part of the Zoning Ordinance.

9A.3 QUALIFYING CONDITIONS: Any application for rezoning to an OS-PUD District shall meet the following minimum requirements:

- (a) In order to be eligible for rezoning to OS-PUD the parcel shall consist of five contiguous acres.

- (b) **The proposed development shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as there is still unified ownership or control of and for the development as required by this Ordinance.**

9A.4 PERMITTED USES: Land and buildings in an Open Space OS-PUD may only be used for the following uses or combination of such uses:

- (a) **Single family detached dwelling units.**
- (b) **Two family attached dwelling units (duplexes) provided that such dwellings do not constitute more than 25 percent of the total dwelling units.**
- (c) **Multi-family dwelling units but only if the land requested for rezoning to Open Space PUD is recommended for MDR, Medium Density Residential land use in the Martin Township Master Plan, or is zoned R-2 Low Density Residential, and public or community sanitary sewer and water is provided. Multi-family dwellings in an OS-PUD shall contain no more than four dwelling units per building.**
- (d) **Accessory uses, structures and buildings which are customarily associated with the uses specified above including the following:**
 - (1) **Limited farming activities are permitted if conducted within the OS-PUD, if the OS-PUD is located in an area master planned for AG-RE Agricultural-Rural Estate. For purposes of this Section, farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of the OS-PUD, the project shall demonstrate that the farming activities will not pose a nuisance or a hazard to the residents of the OS-PUD.**
 - (2) **Golf courses, tennis courts, ball fields, bike paths, walking paths, playgrounds, community buildings, horse stables and similar recreational facilities as well as day care facilities, provided such uses are in addition to the residential uses in the OS-PUD. Such uses shall be designed to be used primarily by residents of the OS-PUD but in addition may be used by the general public provided the rules for such use are set forth in the Open Space Agreement required by Section 9A.6(d).**
 - (3) **Accessory buildings in an OS-PUD shall comply with the requirements of Section 4.9 of this Ordinance.**

9A.5 DEVELOPMENT REQUIREMENTS

- (a) **Modifications of Existing Regulations:** The lot area, lot width, building height, setback, yard requirements, general provisions, landscaping, private roads, signs, and parking regulations contained in this Ordinance which would apply for the zoning district in which the uses proposed are normally allowed shall be met except that the Township Board following a recommendation from the Zoning Commission may increase, decrease or otherwise modify these regulations, as may be requested by the applicant, in order to achieve the objectives of the OS-PUD chapter. Other criteria which shall be used in making these determinations shall include the following:
- (1) Whether the modifications requested will result in a project which better satisfies the intent and objectives of this Section.
 - (2) The modification shall be compatible with adjacent existing and future land uses and shall not significantly adversely affect the use and enjoyment of nearby property.
 - (3) The modification will result in the preservation of existing vegetation or other natural features on site.
 - (4) The modification is necessary due to topography, natural features or other unusual aspects of the site.
 - (5) The modification will improve or not impede emergency vehicle and personnel access.
 - (6) The modification will improve or not impede adequate pedestrian circulation.
 - (7) The modification shall not result in traffic or other safety hazards; shall not result in visual blight, distraction, or clutter, and shall not otherwise result in a detriment to the public health, safety or general welfare.
- (b) The proposed development shall also comply with the requirements of Section 9A.11 of this Ordinance.

9A.6 OPEN SPACE REQUIREMENTS:

- (a) The OS-PUD shall provide and maintain the following minimum amount of Dedicated Open Space in accordance with the standards of this Article. For purposes of this Ordinance, Dedicated Open Space shall mean that

portion of an OS-PUD which is permanently preserved through an open space preservation agreement as required herein.

- (1) For land master planned for AG-RE Agricultural-Rural Estate or zoned AG Agricultural or R-1 Rural Estate, 20 percent of the total area of the site shall be preserved as Dedicated Open Space.
- (2) For land master planned for RR Rural Residential or MDR Medium Density Residential, or zoned R-R Rural Residential or R-2 Low Density Residential, 15 percent of the total area of the site shall be preserved as Dedicated Open Space.

(b) **Areas Not Counted as Dedicated Open Space.**

- (1) The area within all public or private road rights-of-way.
- (2) Any easement for overhead utility lines.
- (3) The area within a platted lot, site condominium unit, lot equivalent areas, or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
- (4) Off street parking area.
- (5) Detention and retention ponds created to serve the project.
- (6) Community drain fields.
- (7) 50 percent of the area of all wetlands; creeks; streams; existing ponds, lakes, or other bodies of water; or rain gardens designed for storm water management by a certified landscape professional.
- (8) 50 percent of the area of floodplains and 50 percent of areas of slopes of 20 percent or greater.

(c) **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, community building or other use which, as determined by the Zoning Commission, is substantially similar to these uses. These uses, however, shall not utilize more than 50 percent of the Dedicated Open Space.
- (2) 100 percent of a golf course may apply to the Dedicated Open Space required by this section.

- (3) 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. This area shall be left in its natural condition or landscaped to help reduce the view of houses on site from the adjacent roadway and preserve the rural view, as recommended by the Zoning Commission and approved by the Township Board. Newly established public roads interior to the OS-PUD shall not be subject to the requirement for 50 feet deep area of open space adjacent to the roadway.
- (4) Open space areas are encouraged to be linked with any adjacent open spaces, public parks bicycle paths or pedestrian paths.
- (5) The open space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably accessible and useable for the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.
- (6) If the land contains a lake, stream or other body of water, the Zoning Commission may require that a portion of the open space abut the body of water.
- (7) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, and wetlands.

(d) Methods to Preserve 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 OS-PUD plan, unless an amendment is approved by the Township Board.

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 legal instrument shall:

- (1) Indicate the proposed permitted use(s) of the open space.
- (2) List the parties who have an ownership interest in the open space. The residents of the OS-PUD by virtue of an association or other similar entity shall at all times maintain an ownership interest in the Dedicated Open Space.
- (3) Require that the open space be maintained and controlled by parties who have an ownership interest in the Dedicated Open Space.
- (4) Provide standards for scheduled maintenance of the open space, including periodic removal of underbrush to reduce fire hazard and the necessary pruning and harvesting of trees and new plantings.

9A.7 DENSITY & NUMBER OF DWELLING UNITS ALLOWED: An area which is requested for rezoning to OS-PUD shall only be developed in accordance with the density recommended by the Township Master Plan. The permitted number of dwellings for the proposed OS-PUD area shall be based on the density recommendation of the Master Plan designation of the property as set forth in the following Density Table.

The Township Board, following a recommendation from the Zoning 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 OS-PUD district.

(a) Density Table

Master Plan Category	Maximum Average Density
AG-RE, Agricultural-Rural Estate	1 dwelling unit/acre (43,560 sq. ft.)
RR, Rural Residential	1 dwelling unit/30,000 sq. ft.
MDR, Medium Density Residential	1 du/8,500 sq. ft. with both public or community water and sewer 1 du/15,000 sq. ft. with either public or community water or sewer 1 du/25,000 sq. ft. with neither public nor community water and sewer

(b) Formula to Determine Number of Dwellings:

The number of dwellings which may be constructed within an OS-PUD shall be determined as follows:

- (1) Determine gross site area. The gross site area may include road right of way if included in legal description.**
- (2) Subtract one-half of the Primary Conservation Areas. For purposes of this Ordinance, Primary Conservation Areas shall be defined as existing regulated and non-regulated wetlands, creeks, streams, ponds, lakes or other water bodies, floodplains and slopes of 20 percent or greater.**

The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Zoning 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 Zoning Commission.

- (3) Multiply this acreage by the Maximum Average Density from the Density Table to determine the number of dwellings permitted.**
- (4) Additional dwellings above what is allowed by Section 9A.07 above may be permitted at the discretion of the Township Board following a recommendation by the Zoning 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 OS-PUD. Items which could be added to a OS-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, ballfields, bike path, man-made lake, and 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 a public or community water and/or sanitary sewer system.
- (5) If additional dwelling units are to be permitted beyond the maximum number of dwelling units determined by Section 9A.07, in no case shall the number of dwelling units exceed that which is permitted by multiplying the gross acreage of the site by the Maximum Average Density.

9A.8 PROCEDURES FOR REVIEW AND PREPARATION OF OS-PUD PRELIMINARY SITE PLAN

- (a) **Application.** An applicant for an OS-PUD rezoning shall comply with the submittal and review requirements of Section 9A.10 of this Ordinance.
- (b) **OS-PUD Design Process.** A site plan for an OS-PUD shall be prepared according to the following process. Approval of an OS-PUD site plan shall be based on how closely the site plan conforms to this design process as well as conformance to the standards for approval of an OS-PUD contained in Section 9A.9 of this Ordinance.

The applicant shall prepare two plans: a Natural Features & Development Area Map and a Preliminary Site Plan using the Four Step design process described below.

STEP 1	Prepare a Natural Features & Development Areas Map
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- 1) The Natural Features & Development Area Map shall illustrate the Primary Conservation Areas and those other areas on the site which are to be preserved as Dedicated Open Space on the site.

Primary Conservation Areas, for purposes of this Ordinance, shall be defined as existing wetlands, creeks, streams, ponds, lakes or other water bodies, floodplains and slopes of 20 percent or greater.

The Dedicated Open Space illustrated on this map shall comply with the requirements for open space per Section 9A.6 of this Ordinance.

Only one half of the Primary Conservation Areas shall be counted toward the required amount of Dedicated Open Space.

- 2) Label other natural site features such as woods, stands of trees, specimen trees, farm lands and fields, meadows and hedgerows, farm buildings and fences.

- 3) The Dedicated Open Space as required by Section 9A.06 of this Ordinance shall be clearly labeled on the map. The areas outside the Dedicated Open Space shall be illustrated on the map as the Development Area which is the only area where house sites may be located.
- 4) Next, determine the number of houses permitted for the site by Section 9A.7 of this Ordinance.

STEP 2	Locate House Sites on Natural Features & Development Area Map
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- 5) On the same Natural Features and Development Area Map illustrate the tentative location of house sites. House sites shall only be located within the Development Area identified in Step 1. A house site shall not be located within the Primary Conservation Areas or other areas illustrated as Dedicated Open Space.

The location of house sites should be done according to the following design standards:

- (i) Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way.
- (ii) In order to maintain scenic views and rural character, dwellings placed directly on hilltops shall be discouraged if the dwelling is unscreened from the view of nearby properties and roads. Dwellings which are three stories as viewed from nearby public streets shall also be discouraged as such dwellings can detract from the rural view.

STEP 3	Locate Conceptual Roads on Natural Features & Development Area Map
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- 6) On the Natural Features & Development Area Map illustrate the conceptual location of streets which shall be designed to serve the house sites identified in Step 2. Trails shall also be illustrated on this plan.

The location of streets should be designed according to the following design standards:

- (i) Avoid crossing wetlands and wildlife habitat areas with streets.
- (ii) Street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows or playing fields.

- (iii) Every effort should be made to connect each street with another to minimize deadends, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- (iv) Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets, adjoining neighborhoods, or adjoining undeveloped parcels.
- (v) Streets serving new developments should be designed to connect with adjoining properties.
- (vi) OS-PUD developments shall, where feasible and appropriate, provide a trail system that provides pedestrian and bicycle linkage throughout the development, that take advantage of the open space areas. Linkage to future neighborhoods and developments that may occur adjacent to the development may be provided and are encouraged.

STEP 4	Prepare Preliminary Site Plan
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- 7) Next, prepare a separate plan to be known as the Preliminary Site Plan in accordance with the requirements of Section 4.28 herein. Draw lot lines for each house site and the road rights-of-way within the Development Area. Illustrate the boundaries of the Development Area on the Preliminary Site Plan.

The lots should be designed according to the following design standards:

- (i) Lots shall be of a size and width necessary to obtain approval from the Allegan County Health Department. If permitted by the ACHD, septic drain fields may be located within the Dedicated Open Space areas outside the lot lines.
 - (ii) As part of the Preliminary Site Plan, the applicant shall provide documentation from the Allegan County Health Department that the soil types in the buildable areas are acceptable for on site well and septic systems.
- 8) The Natural Features Map and Development Area maps prepared according to Steps 1, 2, and 3 above along with the Preliminary Site Plan prepared according to Step 4 shall be submitted to the Zoning Commission for preliminary site plan review according to the procedures of this Ordinance.

9A.9 STANDARDS FOR APPROVAL: In making a recommendation to approve an OS-PUD, the Zoning Commission must find that the proposed OS-PUD meets the standards for Site Plan approval as contained in Section 4.28 6. B. of this Ordinance and the following standards as applicable:

- (a) Granting the OS-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 OS-PUD will not result in a significant increase in the need for public services and facilities and will not result in significant adverse effects upon nearby or adjacent lands or the natural environment unless the resulting adverse effects are adequately provided for or mitigated by features of the OS-PUD as approved.
- (c) The OS-PUD will be generally compatible with the Master Plan of the Township and consistent with the intent and purpose of the OS-PUD Section.
- (d) The OS-PUD is designed to substantially comply with the four step design process of Section 9A.08 herein.
- (e) The OS-PUD protects the rural roadside character by preserving or enhancing the existing view along the roadway.
- (f) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.
- (g) The OS-PUD includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
- (h) The project complies with the requirements of Section of this Ordinance.

9A.10 PROCEDURES

- (a) Pre-application Conference. Before submitting an application for a OS-PUD, an applicant may meet with the Zoning Commission or Township Zoning Administrator, Planner or Engineer to submit information regarding a proposed OS-PUD and to confer with the Zoning Commission, or staff, about the proposed application and the OS-PUD.
- (b) Application for OS-PUD Approval. An application for an OS-PUD rezoning shall be in accordance with the application procedures for site plan review as required by Section 4.28 of this Ordinance. In addition, the applicant

shall submit any fee or escrow requirement as may be adopted by resolution of the Township Board.

- (c) **Preliminary Development Plan.** An applicant for OS-PUD rezoning shall submit a site plan in accordance with the requirements for Site Plan Review as set forth in Section 4.28 of this Ordinance and the requirements of Section 9A.08.

The applicant shall also submit 10 copies of a narrative describing:

- (1) The proposed density, number, and types of dwelling units.
- (2) If the proposed project will be served by water or sanitary sewer systems, a statement from a registered professional engineer describing methods and capacities
- (3) Calculations demonstrating compliance with the ordinance requirements for open space and number of permitted dwellings.

- (d) **Environmental Impact Assessment.** The Zoning 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 OS-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.
- (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) Traffic impact study.
- (6) An economic feasibility study for the principal uses of the proposed OS-PUD.
- (7) 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 Zoning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the OS-PUD, together with any recommended changes or modifications thereof. Such review and other consideration of the preliminary plan shall take place at a public meeting or meetings of the Zoning Commission, and at meetings of committees of the Commission, where appropriate.
- (f) **Final Development Plan.**
- (1) After receiving the recommendations of the Zoning Commission on the preliminary development plan, the applicant for OS-PUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Site Plan Review as contained in Section 4.28 of this Ordinance. Copies of the plan shall be forwarded to the Zoning Commission.
- (2) The Final Development Plan shall contain all of the information required for Site Plan review unless the same is waived by the Zoning Commission as not being reasonably necessary for the consideration of the OS-PUD 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 Zoning Commission thereon.
- (ii) Projected time for completion of the entire OS-PUD; proposed phasing, if any, of the OS-PUD and the projected time for completion of each phase.
- (iii) Any other information reasonably required by the Zoning Commission in connection with its review of the OS-PUD and consideration of the rezoning of the lands in accordance with the OS-PUD plan.
- (g) **Zoning Commission Public Hearing on Final Development Plan.** (Ord. No. 86, eff. Mar. 5, 2007) The Zoning Commission shall hold a public hearing on the Final Development Plan and the application for rezoning. Such hearing shall be subject to the provisions of Section 19.3 of this ordinance.

A notice concerning the public hearing on the OS-PUD Final Development Plan an application for rezoning shall be published in a newspaper which circulates in the Township. Such notice shall be subject to the notification requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, which

requires notice be given not less than 15 days before the date of the hearing.

Notification shall be sent by mail or personal delivery to the owners of property for which OS-PUD approval and the rezoning is being considered, and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the property. Such notice shall be subject to the mailing notification requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, which requires notice be given not less than 15 days before the date the application will be considered for approval.

If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations one occupant of each unit or spatial area shall receive notice.

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. The notice shall:

- (1) Describe the nature of the OS-PUD and rezoning request.
- (2) Identify the property which is the subject of the OS-PUD and rezoning request.
- (3) State when and where the OS-PUD and rezoning request will be considered.
- (4) Indicate when and where written comments will be received in advance of the public hearing on the request.

An affidavit of mailing shall be filed with the Zoning Commission before the public hearing.

- (h) Consideration of Final Development Plan by Zoning Commission. After the public hearing, the Zoning Commission shall make recommendations concerning the Final Development Plan and the modifications in the Final Development Plan and the rezoning, to the Township Board.

- (i) Standards for Approval. In making a recommendation to approve a OS-PUD, the Zoning Commission must find that the proposed OS-PUD meets the standards for approval as contained in Section 9A.9.
- (j) Final Consideration of OS-PUD by Township Board. The Township Board shall review the Final Development Plan and the recommendations submitted by the Zoning 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 OS-PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a OS-PUD 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.

- (l) Rezoning. 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. 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 OS-PUD rezoning the Official Zoning Map of Martin Township shall be changed to reflect the OS-PUD zoning for the parcel.
- (m) Conformance to Final Development Plan. A OS-PUD shall be constructed in strict conformance with the approved Final Development Plan and any conditions of approval. Any changes shall only be allowed in accordance with the requirements of Section 9A.12 herein.

9A.11 DEVELOPMENT REQUIREMENTS FOR ALL OS-PUDs

An OS-PUD permitted under this Section shall comply with the following requirements:

- (a) Sidewalks. For areas recommended for Rural Residential or Medium Density Residential land use in the Master Plan, the Zoning Commission may require sidewalks in accordance with the Township's subdivision and site condominium regulations.
- (b) Grading. To preserve the natural appearance and beauty of the property, all graded areas, cuts and fills will be kept to a minimum. In appropriate cases, retaining walls may be required. Grading within the OS-PUD shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and to have a minimal effect upon the environmental characteristics of the land as reasonably feasible.
- (c) Utilities. The OS-PUD shall be served by either private or community owned well and septic system approved by the Allegan County Health Department or by a public water and sanitary sewer system.
- (d) Storm Water Management.
 - (1) A storm water management plan shall be submitted with both the Preliminary Development Plan for and the Final Development Plan. This plan shall provide information on how storm water will be controlled during and after construction. This plan shall be subject

to the review and approval of the Township Engineer and the Allegan County Drain Commission as applicable.

- (2) Storm water shall be substantially managed with green infrastructure such as vegetated swales, rain gardens, stone weirs or dikes, sediment basins and shallow storm water areas. Storm water shall be minimally managed with conventional storm water management structures such as gutters, catch basins, underground pipes, detention ponds, and retention ponds. Underground detention facilities may be permitted.
- (3) Storm water detention ponds may be allowed for the containment of storm water run off if it is demonstrated that other stormwater management measures as noted above are not feasible due to soil types, topography or other similar site features.
- (e) Outdoor Lighting. Outdoor lighting shall be designed and located to avoid casting any direct or reflected glare upon neighboring property or upon adjacent structures within the proposed project.
- (f) Signs. Signs shall comply with the sign requirements of this Ordinance.
- (g) Minimum Dwelling Unit Size. The minimum size of a dwelling unit shall be as required by Section 7A.4(c). The minimum size of a multi-family dwelling unit shall be as required by Section 9.4, 3.D.

9A.12 AMENDMENTS TO APPROVED OS-PUD

- (a) An approved Final OS-PUD Development Plan and any conditions imposed upon Final OS-PUD 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 Zoning Commission and the applicant in writing 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 that are proposed to 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 changing 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 Zoning 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 Zoning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Zoning Commission.

- (c) A proposed change, other than a minor change as determined by the Zoning Administrator, shall be submitted as an amendment to the OS-PUD and shall be processed in the same manner as an original OS-PUD application except that the OS-PUD zoning shall remain in place.

9A.13 PERFORMANCE GUARANTEES: The Township Board, after recommendation by the Zoning 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 Zoning Commission.

Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the OS-PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Zoning 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 Zoning Commission or appropriate Township official.

9A.14 TIME LIMITATIONS ON DEVELOPMENT: Each OS-PUD 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 Zoning Commission may, in its discretion, grant an extension not exceeding one year, provided that the OS-PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the OS-PUD.

If the OS-PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, the Final Development Plan shall be of no further effect, and the Zoning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

If the property is not rezoned, then the subject property remains zoned as a OS-PUD, but the preliminary or final OS-PUD plans previously approved become null and void. In order to utilize the property as a OS-PUD, an applicant shall submit plans for preliminary and final OS-PUD site plan approval as required by this Section, but OS-PUD rezoning by the Board shall not be required.

ARTICLE X

C-1 NEIGHBORHOOD BUSINESS DISTRICT

- 10.1 **STATEMENT OF PURPOSE:** This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.
- 10.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Any non-residential use allowed in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district.
 2. Bakery goods store.
 3. Bank, loan and/or finance office.
 4. Barber or beauty shop.
 5. Book, stationery or gift store.
 6. Candy store, soda fountain and/or ice cream store.
 7. Clothes cleaning and/or laundry pick-up station.
 8. Clothing and dry goods store.
 9. Delicatessen store.
 10. Dress shop.
 11. Drug store.
 12. Florist and gift shop without nursery.
 13. Funeral parlor or mortuary.
 14. Grocery store and meat market.
 15. Hardware store.
 16. Household appliance store.
 17. Jewelry store.

18. **Laundromats.**
19. **Liquor store including beer and wine sales.**
20. **Child Day Care Center or Child Care Center.**
21. **Paint and wallpaper store.**
22. **Parking lots.**
23. **Photography shop and studio.**
24. **Radio and television store.**
25. **Restaurant and/or cafe without dancing, floor shows or drive-in service.**
26. **Shoe repair shop.**
27. **Tailor and/or dress maker.**
28. **Variety store.**
29. **Signs in accordance with Article XIV of this Ordinance.**
30. **Governmental administration or service buildings.**

10.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this ordinance:

1. **Automotive service stations, including minor auto repair shop facilities, in accordance with Section 4.24 of this Ordinance.**
2. **Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, and which do not involve any manufacturing activities or the treatment of articles or materials.**
3. **Any residential permitted use allowed in the "R-2" Low Density Residential District.**
4. **Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance which does**

not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
- B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
- C. The affect of the proposed use on light and air circulation of adjoining properties.
- D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

10.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 15,000 square feet.
- 2. Minimum lot width: 100 feet.
- 3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
- 4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
- 5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the

side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.

6. Maximum building or structure height: 35 feet.

Notwithstanding all of the preceding requirements in this section, residential uses allowed in this zoning district pursuant to Section 10.3, subsection 3, of this Ordinance shall be subject to the density, area, height, bulk and placement requirements set forth at Section 8.4 of this Ordinance.

- 10.5 **OTHER GENERAL REQUIREMENTS:** All business, service or processing activities, except parking, associated with any permitted use or special exception use in this zoning district, shall be conducted entirely within a completely enclosed building.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

- 11.1 **STATEMENT OF PURPOSE:** This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.
- 11.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. All permitted uses allowed in the C-1 Neighborhood Business District.
 2. Ambulance services.
 3. Amusement enterprises.
 4. Antique shop, provided all articles for sale are displayed or stored within the shop.
 5. Automotive and other vehicle sales.
 6. Automotive repair shop or garage, including major repair operations.
 7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
 8. Bank, loan and finance offices including drive-in branches.
 9. Bowling alley, including bars and restaurant.
 10. Bus station and travel agency.
 11. Business or trade school.
 12. Car wash facility.
 13. Catering service, delicatessen and confectionery store.
 14. Clinic - dental and medical including laboratory.
 15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.
 16. Crating and packing service.

17. **Dance studio and photographic studio.**
18. **Diaper, linen and towel supply service.**
19. **Dry cleaning and laundry - custom and self-service.**
20. **Eating place - including grill or "drive-in" restaurant.**
21. **Electrical supplies - wholesale and storage.**
22. **Exterminator service.**
23. **Factory and mill supplies.**
24. **Florist and gift shop including nursery.**
25. **Frozen food locker.**
26. **Funeral parlor or mortuary.**
27. **Hotels and motels.**
28. **Juke box and vending machine service and distribution.**
29. **Laboratory - medical or dental.**
30. **Liquor store.**
31. **Locksmith.**
32. **Lodge hall, private clubs, veterans' clubs.**
33. **Malt beverage, liquor and wine distribution.**
34. **Marinas.**
35. **Offices.**
36. **Office machines, sales and service.**
37. **Office supply store.**
38. **Ornamental iron work and fence service.**
39. **Parcel delivery station.**

40. **Pet shop, not including treatment or boarding of animals.**
41. **Printing and publishing including processes related thereto.**
42. **Professional studio.**
43. **Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.**
44. **Radio and TV sales and repair shops.**
45. **Broadcasting studios.**
46. **Resale shops including "auction houses".**
47. **Resort including seasonal cabins.**
48. **Shoe repair.**
49. **Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.**
50. **Special tools and gauges - checking and service.**
51. **Taxidermist.**
52. **Theater, indoor.**
53. **Trade schools.**
54. **Travel agencies.**
55. **Warehousing and storage structures.**
56. **Wholesale sales facilities.**
57. **Any other retail business or service establishment of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.**
58. **Signs in accordance with Article XIV of this ordinance.**

11.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the

Township Zoning Commission and in accordance with Article XIII of this Ordinance:

1. Adult Businesses and establishments as set forth in Section 4.32 of the Ordinance. (Ord. No. 92, eff. Dec. 4, 2007)
2. Commercial communication towers.
3. Bar, cocktail lounge or nightclub.
4. Theater, drive-in, in accordance with Section 4.26 of this Ordinance.
5. Landing and take-off areas for roto-craft.
6. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENT: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.

3. **Minimum front yard:** Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
4. **Minimum rear yard:** Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. **Minimum side yard:** Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. **Maximum building or structure height:** 35 feet.

ARTICLE XII

1-1 INDUSTRIAL DISTRICT

- 12.1 **STATEMENT OF PURPOSE:** This district permits compounding, assembling, or treatment of articles or materials. This district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.
- 12.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
 2. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
 3. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
 4. Petroleum storage located at least 500 feet from any residentially zoned property.
 5. Automotive repair shops, in accordance with Section 4.24 of this ordinance.
 6. Bottling plants and dairies.
 7. Car wash facilities.
 8. Contractor yards.
 9. Crating and packing service.
 10. Dry cleaning and laundry.
 11. Machine shop.
 12. Printing shop.
 13. Sign painting and servicing shops.

14. Taxidermist.
15. Warehouses and storage buildings.
16. Wholesale sales facilities.

Note: All the above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining residential properties.

17. Landing and take-off areas for roto craft and airports.
18. Parking lots.
19. Commercial communication towers.
20. Other light industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
21. Signs in accordance with Article XIV of this Ordinance.

12.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this Ordinance:

1. Drive-in theaters, in accordance with Section 4.26 of this Ordinance.
2. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
3. Other industrial uses, subject to consideration and satisfactory provision for the following, where applicable:
 - A. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph A above and the economic,

- noise, glare, or odor affects of the use on adjoining properties and the surrounding neighborhood.
- C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above.
 - D. Utilities, with reference to locations, availability, and compatibility.
 - E. Screening and buffering, with reference to type, dimensions, and character.
 - F. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic affect, and compatibility and harmony with adjoining and surrounding neighborhood properties.
 - G. Required yards and other open spaces.
 - H. General compatibility with adjacent properties and the surrounding neighborhood.
4. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.
- Note:** This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.
5. Removal and processing of top soil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.

12.4 **DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:** No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: 50 feet.
4. Minimum rear yard: 50 feet.
5. Minimum side yard: 10 feet where the side yard abuts the side of a lot in the industrial zone; 50 feet in all other cases.
6. Maximum building or structure height: The lesser of 45 feet or three building stories.

(Revised 4/93 Per Ord No. 44)

ARTICLE XIII

SPECIAL EXCEPTION USES GENERAL PROVISIONS

- 13.1 **SPECIAL EXCEPTION STANDARDS:** In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, a Special Exception Use is not allowed to be engaged in within the particular zone in which it is listed unless and until the Township Zoning Commission, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board, determines as follows:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely affect the public health, safety, and general welfare of the community;

7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board's judgment, be met at all times by the applicant;
9. The specific requirements, conditions and limitations applicable to particular uses as set forth in Article IV of this ordinance can and will, in the Board's judgment, be complied with at all times.

13.2 SPECIAL EXCEPTION USE PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Commission and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. The Township Zoning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the Special Exception Use Permit shall at all times be on the applicant.
3. Following such hearing, said Zoning Commission shall either grant or deny a permit for such Special Exception Use. The decision on a Special Exception Use shall be incorporated in a written statement of findings and conclusions relative to the Special Exception Use which specifies the basis for the decision and any conditions imposed. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Commission in its decision and shall be filed with the Zoning Administrator of the Township. (Ord. No. 86, eff. Mar. 5, 2007)

Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the community as a whole; shall constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; shall be consistent with the intent and purpose of the zoning ordinance; shall be designed to insure compatibility with adjacent uses of land and the natural environment; and shall be designed to insure that public services and facilities affected by a proposed land use or activity be capable of accommodating increased service and facility loads caused by the land use or activity.

4. **The Township Zoning Commission shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use falling to comply with such conditions and limitations may be terminated by action of said Zoning Commission after a hearing upon application of any aggrieved party.**
5. **The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Commission shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. Violation thereof at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.**
6. **Any property which is the subject of a Special Exception Use Permit which has not been used for a period of six months (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Township Zoning Commission) for the purposes for which such Special Exception Use Permit was granted, shall thereafter be required to be used for only permitted uses set forth in the particular zoning classification and the permit for such Special Exception Use shall be deemed terminated by abandonment.**

ARTICLE XIII

SITE CONDOMINIUMS

(Ord. No. 84, eff. Jan. 29, 2007)

13A.1 STATEMENT OF PURPOSE: Site condominiums are developments utilizing land division on the basis of condominium ownership. Such developments are not regulated by the Land Division Act, Public Act 288 of 1967 as amended and therefore the review and approval procedures required by that Act are not applicable. The purpose of these regulations is to set forth the procedures under which site condominiums are to be reviewed in Martin Township.

This chapter regulates both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter for submission of condominium plans and for township consideration and approval thereof shall apply to condominium developments as well as to site condominium developments.

13A.2 DEFINITIONS: In addition to the definitions given in Section 3.1, the following words and terms are defined for use in this Section:

Building Envelope - 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 area of each condominium unit within which the dwelling and any accessory structures may be built.

Condominium Act - Public Act 59 of 1978, as amended.

Condominium Project - A plan or project consisting of not less than two condominium units if established and approved in conformance with Condominium Act.

Condominium Structure - The principal building or structure intended for or constructed upon a lot or building envelope, together with any attached accessory structures; e.g. in a residential development, the condominium structure or building envelope would refer to the house and any attached garage.

Condominium Unit - That portion of a condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.

- (a) In the case of an attached condominium, the minimum requirements of this ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; provided, however, that a building envelope surrounding the attached condominium unit shall be established and described so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

The building envelope surrounding a two-unit condominium building must comply with the minimum lot area, width, and building setback requirements for duplexes in the zoned district in which the two-unit condominium is located. The building envelope for a building that contains more than two attached condominium units must comply with the minimum lot area, width, and building setback requirements for the multi-family dwelling units in the zoned district in which the building is located.

- (b) In the case of a detached condominium, the applicable provisions of this ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building comprising the detached condominium; provided, however, that a building envelope or other equivalent space surrounding the detached condominium unit shall be established so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

Convertible Area - A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with the Condominium Act.

Expandable Condominium - A condominium project to which additional land may be added in accordance with the Condominium Act.

General Common Element - The common elements other than the limited common elements

Limited Common Element - An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium development for the exclusive use of the owner of the site condominium unit.

Lot -

- (a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.

- (b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit, for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.

Master Deed - The legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Site Condominium Subdivision - A division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

- 13A.3 ZONING COMPLIANCE: Site condominium projects may be approved in any zoning district. All site condominium lots and structures shall conform to the use, size, height, frontage, lot area, front, side and rear yards, general and special regulations applicable to the use and zoning district in which they are located

For the purposes of determining compliance with this Ordinance, each condominium unit and its appurtenant limited common element or other appurtenant space shall be considered the equivalent of a lot as defined in Section 3.1, 37, and Section 13A.2.

- 13A.4 SITE CONDOMINIUM PLANS – REQUIRED CONTENT: All site condominium plans submitted for approval shall include the following:

- (a) The information required for site plan review as required by Section 4.28 of this ordinance.
- (b) A description which describes the nature and intent of the proposed project.
- (c) A complete legal description of all included property.
- (d) An ownership disclosure statement which gives the names of all parties which have ownership interests in the project or other written evidence that the applicant has the right to purchase the property from the owners of record.
- (e) 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 which also illustrate the location, size, shape, area and identification of each condominium unit, including limited common areas appurtenant to each site condominium unit and

appurtenant lot equivalent areas. The location, size, shape, area and intended use of general common elements within the site condominium should also be shown.

- (f) A utility plan showing all sanitary sewer, water and storm sewer lines along with all easements for the installation, repair, and maintenance of all utilities.
- (g) A storm drainage and storm water management plan, including all lines, drains, basins, and other facilities.
- (h) The use, occupancy restrictions, and maintenance provisions for all general common elements as will be contained in the Master Deed.
- (i) A street construction, paving and maintenance plan for all streets within the proposed development.
- (j) A statement from the Martin Township Treasurer that all applicable site plan review fees have been properly paid.

13A.5 STREETS

- (a) Private Streets - All private streets in a site condominium shall be constructed to the standards as required by Section 4.29 of this Ordinance.
- (b) Public Streets - All public streets in a site condominium shall be constructed to the standards required by the Allegan County Road Commission for platted streets.

13A.6 UTILITIES: Extension and provision of utilities shall be provided as may be required by the Township Board as conditions of approval. The site condominium plans shall include all the necessary easements granted to Martin Township, Allegan County or others for the purpose of constructing, operating, inspecting, maintaining and repairing all utilities.

Martin Township may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of sewer and water lines and street lights within the site condominium project.

13A.7 PROCEDURES TO REVIEW A SITE CONDOMINIUM: The Martin Township Board must review and approve all site condominium projects before improvements are initiated and before the Master Deed is recorded. The review process shall consist of the following steps:

- (a) Step 1- Preliminary Plan Review by Zoning Commission

- (1) An application for review of a preliminary site condominium plan shall be initiated by submitting a minimum of 10 copies of the plan to the Township Clerk along with an application and fee schedule established by the Township Board. Plans submitted for the preliminary review shall include the information required in Section 13A.4 herein.
- (2) As part of the review, the Zoning Commission shall hold a public hearing on the preliminary plan. The Commission, may, however, review the plan prior to the public hearing in order to provide direction to the applicant in preparing the plan for the hearing.

For such hearing, notice shall be given no less than 15 days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the site condominium project, as the names of such owners and other parties are given in the current Township tax assessment roll. Such hearing shall be subject to the provisions of Section 19.3 of this ordinance. (Ord. No. 86, eff. Mar. 5, 2007)

- (3) The Zoning Commission shall review the preliminary site condominium plan in accordance with the standards and requirements contained in Sections 13A.5 and 13A.6 of this Section, the requirements of Article IV of the Township Subdivision Ordinance and the applicable requirements of the Township Zoning Ordinance. All of the requirements for plats, as set forth in Article IV of the Township Subdivision Ordinance, shall be requirements for site condominium projects.

In its review of a site condominium plan, the Zoning 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, and other aspects of the proposed project.

- (4) Preliminary plans as applicable shall be submitted to the Allegan County Health Department, Allegan County Road Commission, Allegan County Drain Commissioner, Michigan Department of Natural Resources and other appropriate agencies having direct approval or permitting authority over all or any part of the plan. Approval of a site condominium plan shall not be considered to be final until the plan is fully in compliance with the requirements of the reviewing agencies.

- (5) After reviewing the preliminary site condominium plan, the Zoning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Zoning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

Any revisions to the preliminary plan as required by the Zoning Commission shall be made by the applicant and reviewed by the Zoning Commission before the plan is forwarded to the Township Board.

(b) Step 2- Final Plan Review by Township Board

- (1) After revising the plan according to the Zoning Commission's recommendations, the applicant shall submit to the Township Clerk a minimum of 10 copies of the final site condominium plan. The Township Clerk shall forward the copies of the final plan to the Township Board.
- (2) The Township Board shall 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 section.

Approval of a site condominium project shall serve as conditional authorization to proceed with the division of the land on the basis of condominium ownership and the construction of the required improvements to the land in conformity with the approved plans. Site condominium approval shall not serve as the authorization of land uses and construction on individual units within the site condominium. Uses and construction on individual units are subject to authorization under applicable provisions in this Ordinance.

13A.8 MASTER DEED CONTENTS: All provisions of the site condominium plans which are approved by the Martin Township Board must be incorporated as part of the approved Master Deed for the site condominium. A copy of the Master Deed as recorded with the Allegan County Register of Deeds must be provided to the Martin Township Clerk within ten (10) days after recording.

13A.9 PERFORMANCE GUARANTEES: In addition to the requirements given in Section 4.28, 6.C., a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be deposited with the Township of Martin to guarantee

the installation and completion of common improvements associated with the project such as public and private streets, street lights, sanitary sewer, water supply, drainage facilities, and sidewalks. The amount of the deposit shall be not less than the estimated cost of the improvements.

13A.10 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE

CONDOMINIUM 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 project except in compliance with a final site condominium plan as approved by the Township Board, including any conditions of approval.

13A.11 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 of land 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 may be occupied or used until all required improvements in the site condominium project have been completed and all necessary utilities installed.

13A.12 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS:

Approval of a final site condominium plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Zoning Commission and Township Board in compliance with the procedures, standards and requirements of this section.

13A.13 CHANGES IN CONDOMINIUM DEVELOPMENTS:

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.

(a) The following definitions shall apply:

(1) "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:

- (i) a change in the name of the project; in the name of a street within the project; or in the name of the developer;
- (ii) a change in the voting rights of co-owners or mortgagees; or
- (iii) any other change in the site condominium 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 which is subject to regulation.

(2) **"Major change"** means a major change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:

- (i) an increase in the number of site condominium units;
- (ii) 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.

(3) **"Minor change"** means a minor change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any changes that will result in:

- (i) a decrease in the number of site condominium units;
- (ii) a reduction in the area of the building site for any site condominium unit;
- (iii) a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
- (iv) a reduction in the total combined area of all limited common elements of the site condominium;
- (v) 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.

(b) Any change which constitutes a major change shall be reviewed by the Zoning Commission, at a public hearing and with the notice required for an original approval of the site condominium, and shall also be reviewed and approved by the Township Board, as provided in this section for the original review and approval of preliminary and final plans.

- (c) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Zoning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this section for an original approval.
- (d) 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 change shall be filed with the Township Clerk.

13A.14 TIME LIMIT: No approval of a final site condominium project plan shall be effective for a period of more than one (1) year, unless construction of the project commences within that one (1) year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This one (1) year period may be extended for additional periods of time as determined appropriate by the Township Board if the extension is applied for by the applicant within the effective period of the approval.

13A.15 VARIANCES: As stated in subsection 13A.7(a)(3) of this section, site condominiums are subject to the requirements for platted subdivisions as stated in Article IV of the Township subdivision ordinance. Further, as stated in section 13A.7(b)(2) of this section, the Township Board is to review, and then approve, deny or approve with conditions, a site condominium plan in accordance with the standards and requirements stated in Article IV of the Township subdivision ordinance.

A variance, however, may be granted from the provisions of said Article IV of the Township subdivision ordinance, with respect to a site condominium project or any part thereof. Such a variance may be granted by the Township Board after recommendation thereon by the Zoning Commission, and upon a determination that practical difficulty or unnecessary hardship would result from compliance with a provision of said Article IV.

- (a) For purposes of this section, practical difficulty shall mean a difficulty or impossibility involving the topography or other physical features of the land. Unnecessary hardship shall mean a condition of impracticability or unreasonableness that would result from the application of a provision of said Article IV with respect to a site condominium project, site condominium unit or any part thereof.
- (b) In determining whether to grant a variance under the terms of this subsection, the Township Board may depart from the recommendation thereon made by the Zoning Commission.

- (c) In considering whether a variance shall be recommended, in the case of the Zoning Commission, and in considering whether a variance shall be granted, in the case of the Township Board, each body shall consider and make findings upon the following:
- (1) That there are special circumstances or conditions affecting the property that would make the strict application of a provision of said Article IV impracticable or unreasonable.
 - (2) That the granting of the requested variance would not be detrimental to the site condominium development or to adjacent or nearby lands.
 - (3) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other chapter of this ordinance.
 - (4) That the granting of the requested variance would not violate any provision of the Michigan Condominium Act.
- (d) A variance from any other provision of this section, not involving said Article IV of the subdivision ordinance, shall be considered by the Zoning Board of Appeals, in accordance with the applicable provisions of this ordinance concerning the Zoning Board of Appeals.

ARTICLE XIV

SIGNS

14.1 Signs in the AG, R-1, R-R, R-2, R-3, and OS-PUD Districts: In the AG, R-1, R-2, R-R, R-3, and OS-PUD districts, the following signs shall be allowed; (Ord. No. 81, eff. Jan. 29, 2007)

1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.

14.2 Signs in the C-1 District: In the C-1 district the following signs shall be allowed:

1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.

14.3 Signs in the C-2 District: In the C-2 district the following signs shall be allowed:

1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 120 square feet in area.

14.4 Signs in the I-1 District: In the I-1 district the following signs shall be allowed:

1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.

5. Billboards, not exceeding 300 square feet in area.

14.5 General Provisions and Requirements: The following provisions and requirements shall be applicable to signs in all zoning districts, unless stated to the contrary:

1. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.
2. Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.
3. All signs shall be maintained in good condition and repair, subject to the provisions of Article XVI pertaining to nonconforming structures.
4. No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the zoning administrator or building inspector.
5. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.

14.6 Exempted Signs: The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

1. Highway signs erected by the State of Michigan, County of Allegan or the Township.
2. Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
3. Directional signs erected in conjunction with private, off-street parking areas, provided any such sign does not exceed four square feet in area and is limited to traffic control functions only.
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.

5. **Placards posted to control or prohibit hunting within the Township.**
6. **Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50% or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.**
7. **One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings.**
8. **Essential service signs denoting utility lines, railroad lines, hazards, and precautions.**
9. **Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.**
10. **Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.**
11. **Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Township Board or other governmental body with jurisdiction over the matter. In considering such authorization, the Board shall consider the following factors:**
 - A. **The size, character and nature of the display or sign.**
 - B. **The duration or time period during which the display or sign will be utilized.**
 - C. **The purpose(s) for which the sign display is to be erected.**
 - D. **The arrangements made for the removal of the sign or display after the termination of its usefulness.**
 - E. **The affect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.**
 - F. **Whether or not the sign or display will constitute a traffic hazard.**
 - G. **The affect of the sign or display on the surrounding neighborhood.**

ARTICLE XV

PARKING AND LOADING SPACES

- 15.1 GENERAL:** In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
1. Dwellings	Two for each dwelling unit
2. Lodging, rooming and boarding houses	Two for each three guest rooms or each six beds for guests, whichever amount is greater
3. Private clubs and lodges	One for each five active members and one for each employee with a minimum of one for each 100 square feet of floor area
4. Hospitals, institutions and clinics	Two for each patient bed One for each two beds
5. Sanitariums or convalescent or nursing homes	
6. Homes for senior citizens	One for each three beds
7. Hotels	One for each two guest rooms
8. Motels and tourist homes	One for each sleeping room
9. Theaters, auditoriums and stadiums	One for each four seats, based on maximum seating capacity
10. Bowling alleys	Eight for each alley
11. Private, elementary and junior high schools	Two for each three employees normally engaged in or about the buildings and grounds plus one for each eight auditorium seats

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
12. Senior high schools and institutions of higher learning	Two for each three employees normally engaged in or about the buildings and grounds, and one additional for each four enrolled students
13. Churches	One for each four seats in the main worship unit
14. Community center	One for each 100 square feet of assembly floor area
15. Libraries, museums and post office	One for each 100 square feet of floor area
16. Professional offices and buildings	One for each 200 square feet of floor area
17. Restaurants, grills, dining rooms, dairy bar, soda fountain	One for each two seats
18. Medical doctors office or dental clinic	Eight for each doctor plus one for each employee.
19. Banks, business offices and public buildings not specifically mentioned elsewhere	One for each 150 square feet of floor area
20. Funeral parlors or mortuaries	One for each 50 square feet of floor area used for services
21. Bars, cocktail lounges and night clubs	Two for each three seats but no less than 40 spaces in any event
22. Marinas	Two for each slip or mooring
23. "Drive-in" establishments	Eight for each 125 square feet of ground floor area

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
24. Use groupings	
A. Retail stores, supermarkets, department stores, personal service shops-general business	One for each 100 square feet of floor area in the basement and on the first floor used for retail sales and one for each 400 square feet of floor area on the second floor used for retail sales and one for each 600 square feet of floor area on the third floor used for retail sales, and one for each 800 square feet of floor area on any additional floors used for retail sales
B. Business offices and/or research laboratories and/or similar uses	One for each employee on the maximum shift or peak employment period
C. Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related but not necessarily connected to a manufacturing or industrial building	One for each three employees on the maximum shift or peak employment period
D. Other uses not specifically mentioned	In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply
E. Mixed uses in the same building	In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein

- 15.2 **JOINT USE OF FACILITIES:** Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.
- 15.3 **LOCATION OF FACILITIES:** Off-street parking facilities shall be located as hereafter specified:
1. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
 2. For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within 300 feet walking distance, as measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.
- 15.4 **SIZE OF PARKING SPACE:** Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall be a minimum of 10 feet in width.
- 15.5 **REQUIREMENTS FOR PARKING AREAS:** Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:
1. The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any Residential or Agricultural zoning district by a greenbelt 10 feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season; or other suitable screening device.
 2. The parking lot and its driveway shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash and debris.
 3. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
 4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.

5. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
6. No part of any public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way.

15.6 OFF-STREET LOADING SPACES: For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and off-street loading spaces in relation to floor areas as follows:

1. Up to 20,000 square feet - one space.
2. 20,000 or more but less than 50,000 square feet - two spaces; and
3. One additional space for each additional 50,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any Residential zoning district.

ARTICLE XVI

NONCONFORMING USES, BUILDINGS OR STRUCTURES

- 16.1 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Article, a building or structure which is existing and lawful on the effective date of Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.
- 16.2 EXPANSION: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use, and such extensions or enlargements are authorized by the Zoning Commission as a special exception use. In considering such authorization, the Zoning Commission shall consider whether the extension or enlargement will substantially extend the probable duration of such nonconforming use, and whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this ordinance.

- 16.3 **RESTORATION AND REPAIR:** All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 1/2 of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds 1/2 of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Commission as a special exception use. In considering such authorization, the Zoning Commission shall consider whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use, and whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.
- 16.4 **CHANGE OR DISCONTINUANCE:** The nonconforming use of a building or structure or of any land or premises shall not be:
1. Reestablished after discontinuance, vacancy, lack of operation or otherwise unused for a period of six months.
 2. Reestablished after it has been changed to a conforming use.
 3. Changed to any other nonconforming use, unless the Zoning Commission determines that such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.
- 16.5 **BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE:** Any building or structure shall be considered existing and lawful and for purposes of Section 16.1 to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore, if required, and a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
- 16.6 **UNLAWFUL USE NOT AUTHORIZED:** Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

- 16.7** Any party aggrieved by any order, determination, or decision made under this Article by any officer, agency, board, commission, zoning board of appeals, or legislative body of Martin Township may obtain a review in the circuit court of Allegan County. This review shall be in accordance with PA 110 of 2006 as amended. (Ord. No. 86, eff. Mar. 5, 2007)

ARTICLE XVII

ZONING COMMISSION

- 17.1 **CREATION:** There is hereby created under Public Act 110 of 2006, as amended, a Township Zoning Commission, consisting of not less than five nor more than eleven members, constituted and appointed as provided by said Act. (Ord. No. 93, eff. Dec. 31, 2007) *Note: The words "Zoning Board" were changed to "Zoning Commission" throughout the Martin Township Zoning Ordinance by Ord. No. 93.*
- 17.2 **JURISDICTION AND POWERS:** (Ord. No. 86, eff. Mar. 5, 2007) (Ord. No. 93, eff. Dec. 31, 2007) The Zoning Commission shall have all powers and jurisdiction granted by Public Act 110 of 2006, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, and the following specific powers and jurisdiction:
1. The jurisdiction and power to hear requests for special land uses, and approve, deny, or approve with conditions, such special exception use requests, in accordance with Article XIII of this ordinance, and any other applicable provision of this ordinance.
 2. The jurisdiction and power to hear and act upon requests for amendment of the text of this ordinance, or an amendment of the zoning map (rezoning), or an amendment of the land use plan, pursuant to Article XXI of this ordinance.
- 17.3 **MEETINGS:** The Zoning Commission shall hold at least two regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in the Township. Notice shall be given not less than 15 days before the meeting. Any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Commission. Additional meetings may be held at other times as the Zoning Commission deems necessary for the efficient conduct of its business, giving notice as required by law and according to the provisions of Section 19.3 of this ordinance. The Zoning Commission is subject to the Open Meetings Act, PA 267 of 1976. (Ord. No. 86, eff. Mar. 5, 2007)
- 17.4 **FEES:** Upon filing of an application to the Zoning Commission for a special exception use permit, or for a rezoning or amendment to the text of the zoning ordinance, zoning map, or land use plan, or other matter properly heard before the Zoning Commission, the applicant shall pay a fee as established by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, and the change shall take effect 30 days after adoption of such change.

- 17.5 **ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE:** The Zoning Commission shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The Zoning Commission may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 110 of 2006, as amended. (Ord. No. 86, eff. Mar. 5, 2007)
- 17.6 **MINUTES AND RECORDS:** The secretary or acting secretary of the Zoning Commission shall keep minutes of Zoning Commission proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Commission. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.
- 17.7 The legislative body shall provide for the removal of a member of the Zoning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing. (Ord. No. 86, eff. Mar. 5, 2007)

ARTICLE XVIII

ZONING BOARD OF APPEALS

18.1 CREATION: There is hereby created under Public Act 110 of 2006, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act. One member of the Zoning Board of Appeals shall be a member of the Zoning Commission, and no elected official shall serve as chairperson. (Ord. No. 86, eff. Mar. 5, 2007) (Ord. No. 93, eff. Dec. 31, 2007)

18.2 JURISDICTION AND POWERS: (Ord. No. 86, eff. Mar. 5, 2007) The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 110 of 2006, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
3. The jurisdiction and power to authorize, upon appeal and subject to Sections 18.3-18.5 of this Article, a variance or modification of this Ordinance where there is practical difficulty in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
4. The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect of a determination or decision made with regard to a special land use or planned unit development. (Ord. No. 93, eff. Dec. 31, 2007)

18.3 VARIANCES: (Ord. No. 86, eff. Mar. 5, 2007) Subject to the provisions of Section 18.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after a public hearing held according to the requirements of Public Act 110 of 2006 as amended and Section 19.3 of this Ordinance, shall have the power to decide applications for dimension variances in the following situations:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in the carrying out of the provisions of this ordinance; or,
2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulty; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or,
3. Where it is alleged that there is practical difficulty in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.

18.4 VARIANCE STANDARDS AND CONDITIONS:

1. **Standards:** No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:
 - A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or,
 - B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or,
 - C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

2. **Conditions:** The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

1. That the condition or limitation is 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 associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this ordinance.

- 18.5 **LAND USE VARIANCE:** The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).
- 18.6 **ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE:** The Zoning Board of Appeals shall elect a chairperson and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 110 of 2006, as amended. (Ord. No. 86, eff. Mar. 5, 2007)
- 18.7 **MEETINGS:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.

18.8 **MINUTES AND RECORDS:** The secretary or acting secretary of the Zoning Board of Appeals shall keep minutes of the proceedings of the Zoning Board of Appeals showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board of Appeals. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

18.9 **FEES:** Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.

18.10 **PUBLIC HEARING REQUIRED** (Ord. No. 86, eff. Mar. 5, 2007)

1. Upon receipt of a written request for a variance, a public hearing shall be held in accordance with the provisions of Section 19.3 of this Ordinance. The notice of the public hearing shall include the nature of the variance request.

2. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

18.11 A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. (Ord. No. 86, eff. Mar. 5, 2007)

18.12 The decision of the Zoning Board of Appeals shall be final, and any party aggrieved by any such decision may appeal to the Circuit Court for Allegan County, as provided under PA 110 of 2006 as amended. The records of the Zoning Board of Appeals shall be made available for the court's review. Such appeal shall be filed within 30 days after the Zoning Board of Appeals certifies its

decision in writing or approves the minutes of this decision. (Ord. No. 86, eff. Mar. 5, 2007)

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

- 19.1 **ZONING ADMINISTRATION:** The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.
- 19.2 **ZONING ADMINISTRATOR:** The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the position of Zoning Administrator, the applicant must be generally informed of the provisions of this Ordinance, have a general knowledge of the building arts and trades, and be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.
- 19.3 **PUBLIC NOTIFICATION REQUIREMENTS:** (Ord. No. 86, eff. Mar. 5, 2007) 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.
1. **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 Martin Township and mailed or delivered as provided in this Section.
 2. **Notice Requirements:** Notice of a public hearing for a rezoning, special exception use, text amendment, planned unit development, variance, appeal, ordinance interpretation, or for any other hearing required in the Zoning Ordinance 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 Martin Township.
 - B. **Mail and Personal Notice:** Except for a text amendment or ordinance interpretation which does not apply to a specific property, 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 from 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 Martin 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.

- (3) All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to Section 19.3, 3. Registration to Receive Notice by Mail.

C. **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

D. **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.
3. **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 as described by these Public Notification Requirements.

ARTICLE XX

VIOLATION AND PENALTIES

- 20.1 **PENALTIES:** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Allegan County jail for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. Further, the foregoing penalties shall not preclude the Township from commencing a civil suit and seeking injunctive relief and any such other appropriate relief as may be provided by law, either before, during or after a criminal prosecution for violation of this Ordinance.
- 20.2 **AUTHORITY TO COMMENCE LEGAL ACTION:** The duly authorized attorney for the Township, the Township Supervisor or the Zoning Administrator/Ordinance Enforcement Officer may institute such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this ordinance.

ARTICLE XXI

AMENDMENT OF ORDINANCE

- 21.1 **INITIATION OF AMENDMENTS:** Amendments to this Ordinance may be initiated by the Zoning Commission or Township Board by resolution, or by any interested person or persons by petition to the Township Board.
- 21.2 **AMENDMENT PETITION PROCEDURE:** All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board, and shall be accompanied by such amendment application fee as may be established by the Martin Township Board; no action shall be taken on any amendment request until such fee is paid in full. Such petitions shall include the following:
1. The petitioner's name, address, and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
 2. The nature and affect of the proposed amendment.
 3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
 4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
- 21.3 **AMENDMENT PROCEDURE:** After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as amended. (Ord. No. 86, aff. Mar. 5, 2007)

ARTICLE XXII

MISCELLANEOUS PROVISIONS

- 22.1 **SEVERABILITY**: This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
- 22.2 **REPEAL**: This Ordinance shall be deemed an amendment to the existing Martin Township Zoning Ordinance which was effective March 17, 1976, and supersedes and replaces the existing Martin Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.
- 22.3 **EFFECTIVE DATE**: This Ordinance was approved by the Township Board on September 10, 1986 and is ordered to take immediate effect.
- 22.4 **ADMINISTRATIVE LIABILITY**: No officer, agent, employee, or member of the Zoning Commission, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

SUBDIVISION ORDINANCE

ORDINANCE NO. 83
Effective March 28, 2007

MARTIN TOWNSHIP SUBDIVISION ORDINANCE

**AN ORDINANCE TO PROVIDE REGULATIONS FOR THE
SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF
MARTIN AND TO PROVIDE PENALTIES FOR THE
VIOLATION THEREOF.**

THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN ORDAINS:

ARTICLE I **General**

Section 1.01 Legal Basis; Purpose. This Ordinance is enacted pursuant to Public Act 288 of 1967, as amended, the Land Division Act of 1967. ("Act 288") This Ordinance is intended to provide for the proper and orderly subdivision of land in the Township, to provide for adequate and essential public improvements and utilities, and to promote the public health, safety and welfare.

Section 1.02 Fee Schedule. Any person filing a plat pursuant hereto shall pay fees established from time to time by resolution of the Township Board, and until the fee is paid the plat shall not be considered or reviewed.

Section 1.03 Definitions. All terms herein shall have the meanings and definitions given by Act 288.

Section 1.04 Scope and Conflict. The provisions of this Ordinance apply to all platted subdivisions of land within the Township. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

Section 1.05 Certification of Plats and Drawings. All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

ARTICLE II

Preliminary Plat Application and Review Procedures

Section 2.01 Submission of Plats. The Proprietor of any land proposed to be subdivided shall submit 10 copies of a preliminary plat, together with supplementary documents, containing the information required by Act 288 and this Ordinance, to the Township Clerk who shall forward the plans to the Zoning Commission for its next meeting.

Section 2.02 Preliminary Plat, Required Information.

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- (1) The name or title of the proposed subdivision.
- (2) Legal description of the proposed plat.
- (3) The name, address and telephone number of the Proprietor, developer, record owner and subdivider.
- (4) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
- (5) A small-scale vicinity map showing location of project within the Township, and the name and location of abutting subdivisions, land divisions, and site condominium developments.
- (6) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
- (7) The location of all existing features affecting the subdivision, such as railroads, expressways, buildings, trees, ditches, watercourses and other physical features.
- (8) Location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
- (9) Location of utility and drainage easements.
- (10) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.

- (11) If the proposed subdivision is not to be served by public or community sewer and water systems, a written statement from the Allegan County Health Department regarding the suitability of the soils for on-site septic systems.
- (12) Location and dimension of lots, including road frontage, radii of all curves and approximate location of all setback lines.
- (13) When any part of the subdivision lies within or abuts a floodplain area:
 - a. The floodplain, as established by the state department of natural resources, shall be shown within a contour line.
 - b. The contour line shall intersect the sidelines of the lots.
 - c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
 - d. The floodplain area shall be clearly labeled on the plat with the words "floodplain area."
- (14) Any proposed covenants and deed restrictions to be imposed upon the use of property in the subdivision or a statement in writing that none are proposed. If common areas are to be reserved for use by the residents of the subdivision, copies of an agreement indicating how the area will be maintained shall be submitted.
- (15) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.
- (16) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.
- (17) 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.
- (18) 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 one hundred (100) feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- (19) Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways. Any lighting

of common areas shall also be shown and such lighting shall comply with the outdoor lighting requirements contained in the Township Zoning Ordinance.

- (20) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.
- (21) Location of existing and proposed slopes which are twelve (12) percent or greater, which may be altered by the development or the construction of buildings within the development.
- (22) Zoning and use of the proposed subdivision and on adjacent properties.

Section 2.03 Tentative Preliminary Plat; Tentative Approval Procedure.

- (1) A preliminary plat shall be referred to the Zoning Commission, which shall consider it and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Zoning Commission on the preliminary plat. For such hearing, notice shall be given no less than fifteen (15) days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the plat, as the names of such owners and other parties are given in the current Township tax assessment rolls. (Ord. No. 85, eff. Mar. 16, 2007)

The preliminary plat, together with minutes showing the action of the Zoning Commission thereon, shall be referred to the Township Board.

- (2) The Township Board shall grant tentative approval of or shall disapprove the preliminary plat not later than 90 days after the preliminary plat was first submitted by the proprietor provided all information as required for submission of the preliminary plat has been submitted by the applicant. Such time period may be extended with the consent of the applicant.

If the preliminary plat is not approved, the Township Board shall set forth in writing its reasons for rejection. The Township Board shall record its approval or disapproval on the plat and return one copy to the Proprietor.

- (3) Tentative approval under this section shall confer upon the Proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout. The duration of such tentative approval may be extended by the Township Board.

Section 2.04 Preliminary Plat; Final Approval Procedure.

- (1) **Following tentative approval of the preliminary plat by the Township Board, the Proprietor shall:**
 - a. **Submit the preliminary plat to all other reviewing authorities as required by Act 288.**
 - b. **Submit a list of all such authorities to the Township Clerk, certifying that the list shows all approving authorities as required by Act 288.**
 - c. **Submit all approvals to the Township Clerk after they have been secured.**
- (2) **Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat, together with all communications from the reviewing agencies, to the Township Board as soon as possible prior to the next regularly scheduled meeting.**
- (3) **The Township Board shall, at its next regularly scheduled meeting or within 20 days following submission of the required materials shall:**
 - a. **Consider and review the preliminary plat and approve it if the Proprietor has met all conditions specified for approval of the preliminary plat.**
 - b. **Instruct the Township Clerk to notify the Proprietor of approval or rejection in writing.**
- (4) **Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two years from the date of approval, the rights granted under Act 288. This period may be extended by the Township Board.**

ARTICLE III

Final Plat Application and Review Procedure

Section 3.01 Requirements.

- (1) Final plats shall be prepared and submitted as provided in Act 288.
- (2) A written application for approval and all recording and other Township and State fees shall accompany all final plats.
- (3) The Proprietor shall submit proof of ownership of the land included in the final plat in a form satisfactory to the Township.
- (4) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

Section 3.02 Procedure: Final Plat.

- (1) The final plat shall be submitted not less than 20 days prior to the next regular meeting of the Township Board. For any plat submitted thereafter, the applicant shall pay an additional fee established by resolution, for the cost of calling a special meeting to comply with Section 167 of Act 288, unless the Proprietor waives compliance with Section 167.
- (2) The Township Board shall examine the final plat at the next regularly scheduled meeting or within 20 days after submission of the plat, and the Board shall either approve or disapprove the plat.

Section 3.03 Improvements and Facilities.

- (1) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in Section 3.04.
- (2) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.
- (3) Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk coincident with the submission of the final plat.

Section 3.04 Security for Completion.

- (1) In lieu of completion of some or all required improvements, the Township Board may give final plat approval conditioned upon the proprietor providing a financial guaranty for performance as provided in this section.

- (2) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.
- (3) Security shall remain in force for a time to be specified by the Township Board.
- (4) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.
- (5) The proprietor may request periodic reductions in the amount of security as public improvements are completed. Township staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

Section 3.05 Certificates on Final Plat. The final plat shall include proper certificates for the Township Clerk to certify the approval of the plat by the Township Board, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

ARTICLE IV

Improvements and Regulations

Section 4.01 General. The following standards shall apply to all subdivisions within the Township.

Section 4.02 Lots.

- (1) All lots shall face upon, and have direct access to, a public or private street.
- (2) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.
- (3) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This Ordinance shall not be construed as providing for lots smaller than as specified in the Zoning Ordinance. If public water and sewer are available, the provisions of the Township Zoning Ordinance shall override Section 186 of Act 288.
- (4) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.
- (5) The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lot lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.
- (6) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.
- (7) Lots in subdivisions bounded by existing streets shall only have access from internal streets constructed to serve the subdivision and not directly to such existing streets. The Township Board following a recommendation from the Zoning Commission may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth, topography or other natural features of the land to be subdivided or if the proposed subdivision is located on a local street which has a low volume of traffic.
- (8) Greenbelts or landscaped screen plantings shall be located between a residential subdivision and adjacent major arterial streets, expressways, or

railroad rights-of-way. The proposed subdivision plat shall show the location of said greenbelts. The greenbelt shall contain plantings of sufficient size and number to provide a visual screen for subdivision residents. The greenbelt may contain an earthen berm in conjunction with plantings.

Section 4.03 Usable Land. All land shall be platted such that it is usable for building lots or required improvements. Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the Township. For private streets and other areas under the control of a subdivision property owners association or similar organization, the Township may require a recorded agreement whereby the Township may maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.

Section 4.04 Dedication. Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards for private roads as required by the Township Zoning Ordinance, and shall include easements for public utilities within the street and at least fifteen feet on either side thereof.

Section 4.05 Street Names. Street names shall be approved by the Township Board with final approval by the Allegan County Road Commission before printing on the final plat. All streets which are extensions of existing streets must carry the names of such existing streets.

Section 4.06 Street Alignment and Layout.

- (1) The subdivision layout shall conform to the Master Plan of the Township.
- (2) All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.
- (3) If streets are to be dedicated to the public, a sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining property and to future development on contiguous land.
- (4) The Township Board may require, upon a recommendation of the Zoning Commission, that the subdivision shall be served by a secondary means of access. This secondary access shall meet the minimum standards for

public or private roads, as the case may be, as required by applicable Martin Township Ordinances.

- (5) Intersections of subdivision streets shall be at least 250 feet from the intersection of a public or private street on either side of the road as measured from centerline to centerline.

Section 4.07 Street Design Standards. Public streets, intersections, and cul-de-sacs in plats shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Allegan County Road Commission.

Section 4.08 Sidewalks.

- (1) Except as otherwise provided in this section, sidewalks at least five feet wide, on both sides of the street, shall be provided for and installed in all plats. A plat shall include right-of-way of sufficient width so as to accommodate such sidewalks.
- (2) Such sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Township Board, following a recommendation of the Zoning Commission, approves an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.
- (3) Mid-block crosswalks shall be provided where blocks exceed 800 feet in length.
- (4) The following are exceptions from Section 4.08(1):
 - a. Sidewalks are required on only one side of the street if the other side clearly cannot be developed and if there are no existing or anticipated uses that would generate pedestrian trips on that side.
 - b. In residential subdivisions, sidewalks are required on one side only of a street intended primarily to provide access to abutting properties if the average lot width on the street is greater than or equal to 100 feet.
 - c. In residential subdivisions, no sidewalks are required adjacent to streets intended primarily to provide for access to abutting properties if the average lot width on the street is greater than or equal to 150 feet. Provided, however, that a sidewalk shall be required on one side of the street for such portions of any street located within 1,500 feet of a school site which may be on a walking route to the school.

- (5) Also in their discretion, the Zoning Commission may recommend and the Township Board may approve the waiving, in whole or in part, of the sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Zoning Commission and Township Board shall consider and make findings upon the following factors:
- a. Whether the installation of sidewalks would be a reasonably appropriate plat improvement, giving consideration to the convenience of pedestrians, the amount of available land and other applicable circumstances.
 - b. The likelihood that pedestrians will make reasonable use of sidewalks in the plat, currently and in the future.
 - c. Whether there are other sidewalks already installed on adjacent or nearby lands.
 - d. The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the platted lands.

Section 4.09 Street Lighting. Adequate street lights may be required to be provided and such lighting shall comply with the applicable requirements for lighting as contained in the Township Zoning Ordinance.

Section 4.10 Public Utilities.

- (1) Public electricity and telephone shall be furnished to each lot in the subdivision.
- (2) All utilities shall be installed and maintained underground and in appropriate easements.
- (3) Utility easements shall be provided adjacent to lot lines. The width of such easements shall be not less than ten feet.
- (4) When a proposed subdivision is to be served by a publicly-owned or privately-owned public water system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.
- (5) If there is no existing or available publicly-owned water supply system, the subdivider may be required to install a privately-owned public water supply system for drinking and fire protection purposes for the common use of the lots within the subdivision in accordance with the requirements of the Safe

Drinking Water Act, Act 399 of the Public Acts of Michigan of 1977, as amended, or successor statute of like import, and with the requirements of Township Ordinance.

Section 4.11 Natural Features. 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.

Section 4.12 Drainage. An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse affect on adjoining lands, or upon lots within the subdivision.

ARTICLE V

Variance

Section 5.01 A variance from the provisions of this Ordinance may be granted as follows:

- (1) If the Proprietor demonstrates that literal enforcement of this Ordinance would result in a practical difficulty, or would impose an unnecessary hardship in the use of the land, Township Board, upon recommendation of the Zoning Commission, may permit a variance or variances which are reasonable and within the general policy and purpose of this Ordinance. The Township may attach conditions to the variance.
- (2) For purposes of this section, practical difficulty shall mean a difficulty or impossibility involving the topography or other physical features of the land. Unnecessary hardship shall mean a condition of impracticability or unreasonableness that would result from the application of a provision of this Ordinance.
- (3) In determining whether to grant a variance under the terms of this subsection, the Township Board may depart from the recommendation thereon made by the Zoning Commission.
- (4) In considering whether a variance shall be recommended, in the case of the Zoning Commission, and in considering whether a variance shall be granted, in the case of the Township Board, each body shall consider and make findings upon the following:
 - (a) That there are special circumstances or conditions affecting the property, that would make the strict application of a provision of this Ordinance impracticable or unreasonable.
 - (b) That the granting of the requested variance would not be detrimental to the subdivision development or to adjacent or nearby lands.
 - (c) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other chapter of this ordinance.
 - (d) That the granting of the requested variance would not violate any provision of the Michigan Land Division Act.
- (5) A petition for a variance shall be submitted together with the submission of the preliminary plat for consideration of a recommendation on tentative approval by the Zoning Commission. Notice that a request for a variance

that has been received shall be included in the notice of public hearing on the preliminary plat provided in Section 2.03, and the variance shall be considered during the process of considering the preliminary plat. If a request for a variance arises because of unforeseen circumstances after preliminary plat review, a request for a variance may be submitted, and a recommendation made by the Zoning Commission to the Township Board after public hearing following notice given in accordance with Section 2.03.

- (6) A variance from any provisions of the Martin Township Zoning Ordinance, not involving the Subdivision Ordinance, shall be considered by the Zoning Board of Appeals in accordance with the applicable provisions of this ordinance concerning the Zoning Board of Appeals.

ARTICLE VI

Enforcement

Section 6.01 No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Township Board in accordance with the requirements of this Ordinance.

Section 6.02 No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Allegan County Register of Deeds.

Section 6.03 No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.

Section 6.04 Any act or failure to act done in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

Section 6.05

- (1) A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$500 nor more than \$1,000 for the first offense and not less than \$1,000 nor more than \$1,500 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day such violation continues shall be considered a separate offense.
- (2) The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Land Division Act.

Section 6.06 In addition to any other available remedy, the Township may in its discretion bring an action in its own name to restrain or prevent any violation of this ordinance or any continuance of such violation. In such case the person found violating this ordinance shall pay the Township's costs and expenses in enforcing this Ordinance, including its attorneys' fees.

ARTICLE VII

Division of Platted Lots

Section 7.01 Prohibition. No lot or other parcel of land located within a recorded plat shall be further partitioned or divided, or a building permit issued for a partitioned or divided lot, unless such partition or division is first approved by the Township Board as provided in this article. No partition or division of a lot may result in the creation of a lot that does not satisfy the applicable minimum lot area and dimension requirements of the Township zoning ordinance, this ordinance or Act 288.

Section 7.02 Approval of Platted Division of Lots

- (1) Any proprietor or lot owner who desires to divide, partition or split a lot, outlot, or other parcel of land located in a recorded plat shall complete an application on a form provided by the Township and shall file the same with the Township Clerk, together with payment of any application fee that may be required. The application shall include a drawing, drawn to scale, showing the proposed division or partition and all adjoining lots, streets and other adjoining parcels. If the applicant proposes to construct a dwelling or other building on the resulting or remaining lot, or both of them, and if sanitary sewer service and/or water supply are proposed to be provided by an individual septic tank and/or water supply well, the application shall also include a written approval or other statement from the County Health Department indicating approval of the proposed septic tank and drain field system and/or water supply well.
- (2) Once the application and other materials are complete, the clerk shall forward the same to the Zoning Commission. The Commission shall review the application and other materials at a public meeting and shall make a recommendation thereon to the Township Board.
- (3) In reviewing the application, the Zoning Commission and Township Board shall consider whether the request is consistent with all applicable Township Ordinances, Act 288, and other applicable State laws, and whether the proposed division or partition is consistent with the general public health, safety and welfare.
- (4) On receiving the recommendation of the Zoning Commission, the Township Board shall either approve or deny the application. In approving the application, the Board may include such reasonable terms and conditions as it deems appropriate.

ARTICLE VIII

Other Matters

Section 8.01 Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

Section 8.02 Effective Date. This Ordinance shall take effect thirty days after its publication in the manner provided by law.

YEAS: Members: _____

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
Township Clerk

Ordinance becomes effective: March 28, 2007

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on February 14, 2007. Public notice of such meeting was given as provided by law.

Carrie Coburn
Township Clerk

**ORDINANCE #30
NEW TOWNSHIP ZONING
ORDINANCE
EFFECTIVE: SEPTEMBER 24, 1986**

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE 616.335.4500

FAX 616.332.2040

HARRY F. SMITH

.006.1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT C. TRALL

ROXANNE C. SEEBER
JAMES W. PORTER

February 18, 1999 Martin Township

Tracie L. Mooren, Clerk
1850 10th Street
Martin, MI 49070-9732

Re: Township Officials form

Dear Tracie:

I have enclosed a copy of a form that we ask you to complete and return to me. This helps us to know who is involved on your various boards and/or commissions.

I have also enclosed a procedures list for rezonings, text amendments, and land use amendments. Be advised that whenever an ordinance is adopted state statutes require that said ordinance be published within 15 days of adoption. Because the Peninsula Globe publishes only on Mondays, we need plenty of lead time to get the notice published with the 15 day period. It would be a good idea to notify us the day after an ordinance has been adopted so we publish in a timely manner.

Thank you for your attention to these necessary details.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**


John K. Lohrstorfer

JKL:bap
enclosures

**PROCEDURES FOR REZONINGS, AMENDMENTS TO THE LAND USE PLAN
AND FOR TEXT AMENDMENTS TO THE ZONING ORDINANCE**

GENERAL LAW TOWNSHIP

Planning Commission/Zoning Board

For text amendments, rezoning and land use amendment requests:

Send notice of public hearing before either the Planning Commission (Zoning Board) to a newspaper of general circulation within the Township for publication 20-30 days and again 1-8 days prior to said hearing. When a Land Use Plan amendment is also requested, the publication must be exactly 30 days and again not less than 7 days prior to the hearing. (Zoning Township text amendments).

For rezonings and land use amendment requests only:

1. Notice to all utilities and railroads not less than 20 days prior to the hearing. Complete Affidavit of Mailing for filing in the Ordinance book.
2. Mail notice to all property owners within 300 feet of subject property not less than 8 days prior to the hearing. Prepare Affidavit of Mailing for filing in the Ordinance book.
3. After the public hearing prepare a Recommendation to the Board of Trustees with a copy to the County Planning Commission/Zoning Board which has 30 days to comment.

Township Board

1. Within 15 days of approval of the Zoning Ordinance by the Township Board, publish a Notice of Adoption in a newspaper of general circulation within the Township.
2. Prepare a Certificate for the clerk showing how each trustee voted on the Ordinance.

Note: If a synopsis of the Ordinance is published rather than the full text, the full Ordinance must be posted within the Township in accordance with the law and statutes covering such postings. Prepare an Affidavit of Posting for filing in the Ordinance book.

PROCEDURE FOR REQUEST FOR SPECIAL EXCEPTION USE

1. Publish notice of public hearing before either the Planning Commission or the Zoning Board not more than 15 nor less than 5 days prior to the hearing. Only one publication is required.
 2. Mail notice to all property owners within 300 feet of the subject property not less than 8 days prior to the hearing. Prepare Affidavit of Mailing for your file.
-

PUBLICATION DEADLINES FOR SPECIAL ASSESSMENTS

1. First notice is to be published not less than 10 days prior to the hearing.
2. Second notice is to be published within 10 days of hearing.

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

**TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:**

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on February 10, 1999, the Board adopted an ordinance which rezones certain property located within the Township. The Township Board considered rezoning the following described parcel consisting of 37.59 acres from commercial to "R-3" Residential:

That part of the west fractional one half of the northwest fractional one quarter of Section 30, T2N, R11W, Martin Township, Allegan County, Michigan, lying east of the easterly right of way line of US Highway 131, commencing at the North one quarter corner of said Section 30.

PLEASE TAKE FURTHER NOTICE that the Board DENIED the rezoning of the front most northern 3.91+/- acres of the above described property adjacent to Michigan Route 222, which portion shall remain zoned for commercial use.

PLEASE TAKE FURTHER NOTICE that the Township Board APPROVED the rezoning of the remaining 33.68 acres of the above described property from a Commercial to an "R-3" Residential classification.

PLEASE TAKE FURTHER NOTICE that a full and complete copy of the Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, (616) 672-5027 during regular business hours of regular working days, and at such other times as may be arranged.

**MARTIN TOWNSHIP
Tracie Moored, Clerk
114 Templeton
Martin, MI 49070**

FAXED
2-17-99

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 362-4500

FAX (616) 362-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SCHEER
JAMES W. PORTER

February 17, 1999

Penasee Globe
133 East Superior
Wayland, MI 49348

Re: Legal Notice for Martin Township

Ladies:

Please publish the enclosed Notice for Martin Township on Monday, February 22, 1999. Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, and forward one Affidavit of Publication to this office.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**


John K. Lohrstorfer

JKL:bep
Enclosure
cc: Tracie Moored, Clerk

C:\WPDOCS\Martin Twp\Penasee Globe.wp4

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

122 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
-908-1872

JOHN M. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEELEN

June 25, 1998

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
113 Chestnut Street
Allegan, Mi 49010

Re: Review of Recommended Martin Township Zoning
Ordinance/Map and Land Use Plan Amendments

Dear Mr. Fleming:

Enclosed for the advisory review of the Allegan County Planning Commission please find materials referencing one proposed amendment to the Martin Township Zoning Ordinance/Map (rezoning) and a corresponding recommendation regarding the Land Use Plan, as recommended by the Martin Township Zoning Board pursuant to a public hearing held April 10, 1997.

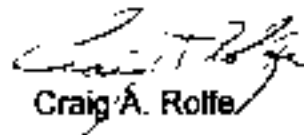
I am also enclosing a copy of the minutes of the Martin Township Zoning Board special meeting/public hearing held April 10, 1997 with respect to this matter.

Please have the Planning Commission indicate on the enclosed form its approval or disapproval of the Zoning Board recommendation, and return the form to this office for final action by the Martin Township Board.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

Allegheny County Planning Commission
June 25, 1998
Page 2

CAR:CKJ

Encs.

cc: Darl Evers
Terry Sturgis
Tracie Moored

PS: The April 10, 1997 Zoning Board public hearing date on this matter is correct. The Zoning Board recommendation on this matter could not be submitted until the owner of the property provided the Township with an accurate legal description of the area recommended for rezoning. The necessary information was only recently submitted to the Township, and then forwarded on to me by letter of June 17. Those materials are also enclosed.

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
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KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEGER

October 29, 1997

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
Courthouse
113 Chestnut Street
Allegan, Michigan 49010

Re: Review of Recommended Martin Township Zoning
Ordinance/Map and Land Use Plan Amendments

Dear Mr. Fleming:

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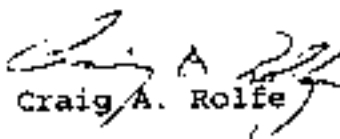
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Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: Darl Evers
Terry Sturgis
Tracie Moored

PS: You and the Planning Commission members will no doubt be curious as to the delay between the public hearing and the

submission of this recommendation. At the April 10 Zoning Board proceedings the Board also held a public hearing on another rezoning request, and recommended rezoning of a portion of the property. However, this recommendation cannot be submitted until the owner of the property provides the Township, and me, with an accurate legal description of the area recommended for rezoning. In anticipation that this legal description would be forthcoming I held-up the Section 36 rezoning recommendation so that I could submit both recommendations to you at the same time. Unfortunately, the property owner has not responded to repeated requests to submit the necessary accurate legal description. Accordingly, the Zoning Board recommendation on that matter will not be submitted to the Planning Commission unless and until I receive an accurate legal description of the area recommended for rezoning. None of this has any bearing whatsoever on the enclosed Zoning Board recommendation concerning property in land Section 36, but I thought you ought to know why there was such a delay in submitting this Section 36 recommendation for County Planning Commission review.

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-7040

HARRY F. SMITH
1906-1972

JOHN M. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

ROBERT E. THALL
ROXANNE C. SEEGER

October 29, 1997

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
Courthouse
113 Chestnut Street
Allegan, Michigan 49010

Re: Review of Recommended Martin Township Zoning
Ordinance/Map and Land Use Plan Amendments

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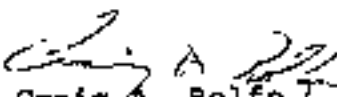
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Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le

Enclosures

cc: Darl Evers
Terry Sturgis
Tracie Moored

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MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

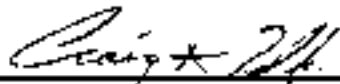
**RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD APRIL 10, 1997**

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Rezone the portion of land Section 22 shown and described as "Parcel B" on the attached survey map and legal description from the existing Agricultural District zoning classification to the R-2 Low Density Residential District zoning classification.

The Zoning Board also recommends a corresponding amendment of the Martin Township Land Use Plan to change the planning designation of the property described above from the Agricultural classification to the Low Density Residential classification.

MARTIN TOWNSHIP ZONING BOARD

By: 
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~approves~~-disapproves) the same for consideration by the Martin Township Board, subject to the following:

Date: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

Mr. Craig Rolfe, Esq.
132 W. South Street, #500
Kalamazoo, MI 49007

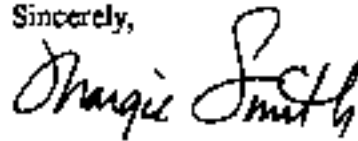
June 17, 1998

Re: Ronald Rooble's Survey

Dear Mr. Rolfe:

Enclosed for your records is the Survey of Ronald Rooble's property which he finally completed and delivered to Township Zoning Board Chairman Daryl Evers. Please call if you have any questions at (616)456-2404.

Sincerely,



Margaret A. Smith
Secretary
Martin Township Zoning Board

enclosure

NORTHWEST CORNER, SECTION 22,
TOWN 2 NORTH, RANGE 11 WEST

NORTH 1/4 POST, SEC. 22,
TOWN 2 NORTH, RANGE 11 WEST

P.O.B.
PARCEL "A"
N 89°26'26" E
735.13'

118TH AVENUE - 66' R/W

N 89°26'26" E
1307.21'

530.89'

6TH STREET - 66' R/W

N 00°08'18" E
1321.72'

PARCEL - A
HOUSE PARCEL
23.81 ACRES

P.O.B.
PARCEL "B"

NORTH SECTION LINE

S 89°28'28" W
483.00'

S 00°09'23" E
228.00'

NORTH & SOUTH 1/4 LINE

PARCEL - B
R-2 REZONING
44.65 ACRES

S 00°08'23" E
811.00'

N 89°28'26" E
530.89'

5TH STREET - 66' R/W

S 00°08'23" E
374.00'

S 89°25'25" W
823.89'

S 89°25'25" W
608.13'

483.00'

N 89°28'26" E

S 89°25'25" W
517.00'

WEST SECTION LINE

E & W 1/8 LINE, NW 1/4

N 00°00'32" W
501.51'

S 00°08'23" E
491.36'

P.O.B.
PARCEL "C"

814.31'

1331.31'

N 89°25'25" E

517.00'

PARCEL - C
20.08 ACRES

N & S 1/8 LINE, NW 1/4

N 00°00'32" W
558.41'

S 00°08'23" E
656.01'



WEST 1/4 POST, SECTION 22,
TOWN 2 NORTH, RANGE 11 WEST

EAST & WEST 1/4 LINE

CENTER, SECTION 22,
TOWN 2 NORTH, RANGE 11 WEST

I, RAYMOND E. MOORED, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL OF LAND DESCRIBED AND DELINEATED HERON; THAT SAID PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AS PERFORMED BY ME; AND THAT THERE ARE NO ENCROACHMENTS OTHER THAN THOSE SHOWN ON THE SURVEY; AND THAT THE SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE OF NOT GREATER THAN 1/1000 OF THE PERIMETER.

DATE 4/22/78

Client: RON ROOBAL
Job Number: 97-1218

Ray Moored

MICHIGAN SURVEYORS' CONFERENCE

MOORED AND SURVEYING

LEGEND

SKETCH OF DESCRIPTION

PARCEL - A (HOUSE PARCEL):

THAT PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWN 2 NORTH, RANGE 11 WEST, DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22; THENCE NORTH 89°-28'-28" EAST ON THE NORTH SECTION LINE, 735.13 FEET; THENCE SOUTH 3°-42'-24" EAST ALONG A FENCE, 1323.38 FEET TO THE EAST AND WEST 1/8 LINE OF THE NORTHWEST 1/4; THENCE SOUTH 88°-25'-25" WEST ON SAID 1/8 LINE, 623.89 FEET TO THE WEST SECTION LINE; THENCE NORTH 00°-05'-19" EAST ON SAID WEST SECTION LINE, 1321.72 FEET TO THE PLACE OF BEGINNING.
SUBJECT TO THE RIGHTS OF THE PUBLIC IN THAT PART OF THE ABOVE PARCEL LYING WITHIN THE RIGHT-OF-WAY OF 8TH STREET AND 118TH AVENUE.

PARCEL - B (LEGAL DESCRIPTION FOR REZONING):

THAT PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWN 2 NORTH, RANGE 11 WEST DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE NORTH 89°-28'-28" EAST ON NORTH SECTION LINE, 735.13 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89°-28'-28" EAST ON THE NORTH SECTION LINE, 1387.21 FEET TO A POINT SOUTH 89°-28'-28" WEST, 530.89 FROM THE NORTH 1/4 POST OF SAID SECTION; THENCE SOUTH 00°-09'-23" EAST PARALLEL TO THE NORTH AND SOUTH 1/4 LINE, 220.00 FEET; THENCE SOUTH 89°-28'-28" WEST PARALLEL TO THE NORTH SECTION LINE, 483.00 FEET; THENCE SOUTH 00°-09'-23" EAST, 911.00 FEET; THENCE NORTH 89°-28'-28" EAST, 483.00 FEET; THENCE NORTH 00°-09'-23" WEST, 174.00 FEET; THENCE NORTH 89°-28'-28" EAST, 530.89 FEET TO THE NORTH AND SOUTH 1/4 LINE; THENCE SOUTH 00°-09'-23" EAST ON SAID 1/4 LINE, 374.00 FEET; THENCE SOUTH 89°-25'-25" WEST PARALLEL TO THE EAST AND WEST 1/8 LINE OF THE NORTHWEST 1/4, 517.00 FEET; THENCE SOUTH 00°-09'-23" EAST, 491.36 FEET; THENCE SOUTH 89°-25'-25" WEST, 814.31 FEET; THENCE NORTH 00°-00'-32" WEST ON THE NORTH AND SOUTH 1/8 LINE OF THE NORTHWEST 1/4, 501.51 FEET; THENCE SOUTH 89°-25'-25" WEST ON THE EAST AND WEST 1/8 LINE OF THE NORTHWEST 1/4, 508.13 FEET; THENCE NORTH 03°-42'-24" WEST, 1323.38 FEET TO THE PLACE OF BEGINNING.
SUBJECT TO THE RIGHTS OF THE PUBLIC IN THAT PART OF THE ABOVE PARCEL LYING WITHIN THE RIGHT-OF-WAY OF 118TH AVENUE AND 6TH STREET.

PARCEL - C:

THAT PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWN 2 NORTH, RANGE 11 WEST DESCRIBED AS COMMENCING AT THE NORTH 1/4 POST OF SAID SECTION 22; THENCE SOUTH 00°-09'-23" EAST ON THE NORTH AND SOUTH 1/4 LINE, 1822.36 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00°-09'-23" EAST ON SAID 1/4 LINE, 858.01 FEET; THENCE SOUTH 88°-24'-25" WEST PARALLEL TO THE EAST AND WEST 1/4 LINE OF SAID SECTION, 1333.01 FEET; THENCE NORTH 00°-00'-32" WEST ON THE NORTH AND SOUTH 1/8 LINE OF THE NORTHWEST 1/4, 858.41 FEET; THENCE NORTH 88°-25'-25" EAST PARALLEL TO THE EAST AND WEST 1/8 LINE OF THE NORTHWEST 1/4, 1331.31 FEET TO THE PLACE OF BEGINNING.
SUBJECT TO THE RIGHTS OF THE PUBLIC IN THAT PART OF THE ABOVE PARCEL LYING WITHIN THE RIGHT-OF-WAY OF 6TH STREET.



I, RAYMOND E. MOORED, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL OF LAND DESCRIBED AND DELINEATED HEREON; THAT SAID PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AS PERFORMED BY ME; AND THAT THERE ARE NO ENCROACHMENTS OTHER THAN THOSE AS SHOWN ON THE SURVEY; AND THAT THE SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE OF 1:7,500 OR GREATER.

DATE: 4/22/98

Client: RON ROOBAL
Date: 4-21-98 Job Number: 87-1215

Location: MARTIN Twp., ALLEGAN County
Being In Section: 22, T: 2N, R: 11W

Raymond E. Moored
Raymond E. Moored P.S. # 26463

MOORED LAND SURVEYING
404 WATER STREET Telephone 1-616-673-6402
P.O. BOX 291 Fax 1-616-673-8192
ALLEGAN, MICHIGAN 49810

LEGEND

- SET IRON
- FOUND IRON
- FLAT MONUMENT
- MEASURED DISTANCE
- - - RECORDED DISTANCE
- FENCE

MARTIN TOWNSHIP ZONING BOARD
SPECIAL MEETING/PUBLIC HEARING

April 10, 1997

The Martin Township Zoning Board held a Special Meeting and Public Hearing on April 10, 1997 at the Martin Town Hall. Board members present were Chairman Evers, Secretary Smith, Members Brenner, Westendorp, MacVean, DeYoung, and Nobbs. Also in attendance was Ray Moore, David McBride, Ronald and Mrs. Rooble, Lynn and Deb Philley, Ellis and Marchain Marshall, Ferris Moore and Ron MacVean. The meeting was called to order at 7:30pm. The minutes from the previous meeting held on March 6, 1997, were read aloud in their entirety. No additions or corrections were made and the minutes were approved as read.

The public hearing portion of the meeting was then opened. A public hearing was requested by Mr. Ronald Rooble, 1777 6th Street, Martin for a zoning change of property located in the northwest corner of Section 22, near East Martin Reformed Church. He advised that the Church had bought 10 acres to build the school and he wished to divide his property to build some houses in a concentrated area. A plan was submitted to the board and much discussion followed. Ray Moore advised the Board that even if he was not granted a zoning change, Mr. Rooble would still be able to divide his property under the Land Division Act, Public Act 291, Senate Bill 112 which became effective on March 31, 1997. Mr. Rooble's 80 acres could be divided into about 13-15 parcels depending on the road frontage etc. Mr. Rooble proposed that a road would be built to give access to the school to run the busses. He hopes at this time to only develop about 40 of the acres and leave the rest for agricultural farming. Member Brenner moved that the portion of land identified by the Board be rezoned R-2 low density and it was seconded. Roll call vote proceeded: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Nobbs-yes, and Smith-no. Motion carried. Mr. Rooble will survey the area identified in order to give an exact measure so the Township records could be accurate as to the exact area rezoned.

The next item on the agenda was the public hearing noticed for a request by Mr. David McBride, 912 Barton Street, Otsago, MI for property owned by his mother, Mina McBride located at 1454 South 10th Street, Martin for a special use exception to build a private road on said property. Copies of his plat, and driveway rights was submitted to the Board. The plans include 30 lots on what will remain a private road for a subdivision called Sleepy Hollow. Discussion followed and secretary Smith moved that the Board approve the special exception use to build a private road and it was seconded. A roll call vote followed: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Nobbs-yes, and Smith-yes. Motion carried.

Finally, There was a recommendation from the Martin Township that the East Half of the South Quarter of Section 36 be rezoned from Commercial to Residential. List of names from the residents in support were provided. Small discussion followed and a motion was made by Secretary Smith that the East half of the south Quarter of Section 36 be rezoned to R-2, Low Density. A roll call vote followed: Brenner-yes, Westendorp-yes, MacVean-yes, DeYoung-yes, Evers-yes, Wobma-Yes, and Smith- yes. Motion carried.

No further business being brought before the Board, a motion to adjourn was made and carried. The meeting was adjourned at 8:36pm.

Margaret A. Smith, Secretary
Martin Township Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM PUBLIC HEARING HELD APRIL 10, 1997

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Rezone the east half of the south quarter of land Section 36 from the existing C-2 General Business District zoning classification to the R-2 Low Density Residential District zoning classification.

The Zoning Board also recommends a corresponding amendment of the Martin Township Land Use Plan to change the planning designation of the property described above from the General Business classification to the Low Density Residential classification.

MARTIN TOWNSHIP ZONING BOARD

10-29-97

By: Craig A. Rolfe
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Date: _____ ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP ZONING BOARD
SPECIAL MEETING/PUBLIC HEARING

April 10, 1997

The Martin Township Zoning Board held a Special Meeting and Public Hearing on April 10, 1997 at the Martin Town Hall. Board members present were Chairman Evers, Secretary Smith, Members Brenner, Westendorp, MacVean, DeYoung, and Wokma. Also in attendance was Ray Moore, David McBride, Ronald and Mrs. Rochie, Lynn and Deb Philley, Ellis and Marchain Marshall, Farris Moore and Ron MacVean. The meeting was called to order at 7:30pm. The minutes from the previous meeting held on March 6, 1997, were read aloud in their entirety. No additions or corrections were made and the minutes were approved as read.

The public hearing portion of the meeting was then opened. A public hearing was requested by Mr. Ronald Rooble, 1777 6th Street, Martin for a zoning change of property located in the northwest corner of Section 22, near East Martin Reformed Church. He advised that the Church had bought 10 acres to build the school and he wished to divide his property to build some houses in a concentrated area. A plan was submitted to the board and much discussion followed. Ray Moore advised the Board that even if he was not granted a zoning change, Mr. Rooble would still be able to divide his property under the Land Division Act, Public Act 351, Senate Bill 112 which became effective on March 31, 1997. Mr. Rooble's 80 acres could be divided into about 13-15 parcels depending on the road frontage etc. Mr. Rooble proposed that a road would be built to give access to the school to run the busses. He hopes at this time to only develop about 40 of the acres and leave the rest for agricultural farming. Member Brenner moved that the portion of land identified by the Board be rezoned R-2 low density and it was seconded. Roll call vote proceeded: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Wokma-yes, and Smith-no. Motion carried. Mr. Rooble will survey the area identified in order to give an exact measure so the Township records could be accurate as to the exact area rezoned.

The next item on the agenda was the public hearing noticed for a request by Mr. David McBride, 912 Barton Street, Otsego, MI for property owned by his mother, Mina McBride located at 1454 South 10th Street, Martin for a special use exception to build a private road on said property. Copies of his plat, and driveway rights was submitted to the Board. The plans include 30 lots on what will remain a private road for a subdivision called Sleepy Hollow. Discussion followed and secretary Smith moved that the Board approve the special exception use to build a private road and it was seconded. A roll call vote followed: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Wokma-yes, and Smith-yes. Motion carried.

Finally, There was a recommendation from the Martin Township that the East Half of the South Quarter of Section 36 be rezoned from Commercial to Residential. List of names from the residents in support were provided. Small discussion followed and a motion was made by Secretary Smith that the East half of the south Quarter of Section 36 be rezoned to R-2, Low Density. A roll call vote followed: Branner-yes, Westendorp-yes, ManVaan-yes, DuYoung-yes, Evers-yes, Wabma-Yes, and Smith- yes. Motion carried.

No further business being brought before the Board, a motion to adjourn was made and carried. The meeting was adjourned at 8:36pm.

Margaret A. Smith, Secretary
Martin Township Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM PUBLIC HEARING HELD APRIL 10, 1997

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Rezone the east half of the south quarter of land Section 36 from the existing C-2 General Business District zoning classification to the R-2 Low Density Residential District zoning classification.

The Zoning Board also recommends a corresponding amendment of the Martin Township Land Use Plan to change the planning designation of the property described above from the General Business classification to the Low Density Residential classification.

MARTIN TOWNSHIP ZONING BOARD

10-29-97

By: Craig A. Rolfe
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Date: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP ZONING BOARD
SPECIAL MEETING/PUBLIC HEARING

April 10, 1997

The Martin Township Zoning Board held a Special Meeting and Public Hearing on April 10, 1997 at the Martin Town Hall. Board members present were Chairman Evers, Secretary Smith, Members Brenner, Westendorp, MacVean, DeYoung, and Wobma. Also in attendance was Ray Moore, David McBride, Ronald and Mrs. Rooble, Lynn and Deb Philley, Ellis and Marchain Marshall, Farris Moore and Ron MacVean. The meeting was called to order at 7:30pm. The minutes from the previous meeting held on March 6, 1997, were read aloud in their entirety. No additions or corrections were made and the minutes were approved as read.

The public hearing portion of the meeting was then opened. A public hearing was requested by Mr. Ronald Rooble, 1777 5th Street, Martin for a zoning change of property located in the northwest corner of Section 22, near East Martin Reformed Church. He advised that the Church had bought 10 acres to build the school and he wished to divide his property to build some houses in a concentrated area. A plan was submitted to the board and much discussion followed. Ray Moore advised the Board that even if he was not granted a zoning change, Mr. Rooble would still be able to divide his property under the Land Division Act, Public Act 391, Senate Bill 112 which became effective on March 31, 1997. Mr. Rooble's 80 acres could be divided into about 13-15 parcels depending on the road frontage etc. Mr. Rooble proposed that a road would be built to give access to the school to run the busses. He hopes at this time to only develop about 40 of the acres and leave the rest for agricultural farming. Member Brenner moved that the portion of land identified by the Board be rezoned R-2 low density and it was seconded. Roll call vote proceeded: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Wobma-yes, and Smith-no. Motion carried. Mr. Rooble will survey the area identified in order to give an exact measure so the Township records could be accurate as to the exact area rezoned.

The next item on the agenda was the public hearing noticed for a request by Mr. David McBride, 912 Barton Street, Otsago, MI for property owned by his mother, Mina McBride located at 1454 South 10th Street, Martin for a special use exception to build a private road on said property. Copies of his plat, and driveway rights was submitted to the Board. The plans include 30 lots on what will remain a private road for a subdivision called Sleepy Hollow. Discussion followed and secretary Smith moved that the Board approve the special exception use to build a private road and it was seconded. A roll call vote followed: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Wobma-yes, and Smith-yes. Motion carried.

Finally, There was a recommendation from the Martin Township that the East Half of the South Quarter of Section 36 be rezoned from Commercial to Residential. List of names from the residents in support were provided. Small discussion followed and a motion was made by Secretary Smith that the East half of the south Quarter of Section 36 be rezoned to R-2, Low Density. A roll call vote followed: Branner-yes, Westendorp-yes, MacVean-yes, DeYoung-yes, Evers-yes, Hobbs-Yes, and Smith- yes. Motion carried.

No further business being brought before the Board, a motion to adjourn was made and carried. The meeting was adjourned at 8:36pm.

Margaret A. Smith, Secretary
Martin Township Zoning Board

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH

-800-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN H. LOHRSTORFER

ROBERT E. THALL
ROMANNE C. SEEBER

November 18, 1997

Terry Sturgis, Supervisor
Martin Township
1824 10th Street
Martin, Michigan 49070

Re: Revised Land Division Ordinance

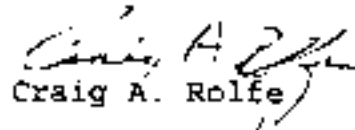
Dear Terry:

By letter of September 17 I provided you with an updated Land Division Ordinance designed to address the responsibilities of the Township under the new Land Division Act as amended by 1997 Public Act 87. I am not aware of any Township Board action on this proposed ordinance.

Because the amendments of the new Act were effective in late July, and significantly changed the legal requirements pertaining to local review and approval of a proposed land division, it is quite important for the Township to have an updated Land Division Ordinance in effect. Enclosed in this regard is another copy of the updated proposed Ordinance I sent to you in mid-September. Please advise me of Township Board action on this proposed Ordinance, including the date of adoption and the ordinance number, so I can timely attend to the post-adoption legal requirements. Thanks.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Tracie Moored (w/o enc)

#1

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD OCTOBER 18, 1995

The Martin Township Zoning Board hereby does not recommend the amendment of Section 11.4, subsection 6, of the Martin Township Zoning Ordinance proposed by the U.S. 131 Raceway so as to increase the maximum building or structure height requirement in the C-2 General Business zoning district from 35 feet to 65 feet; but the Zoning Board does recommend that light pole type structures and also press boxes and VIP suites attached to a grandstand structure, up to 55 feet in height, be exempted from the generally applicable height limitations in the various zoning districts by the appropriate amendment of Section 4.13 of the Martin Township Zoning Ordinance. (Note: although the initial recommendation regarding Section 11.4 of the Zoning Ordinance is properly before the County Planning Commission and Township Board, the Township Attorney has advised that the recommendation regarding an amendment of Section 4.13 of the Zoning Ordinance is not properly before the County Planning Commission or Township Board at this time, until that proposed amendment is submitted for a properly-noticed public hearing before the Township Zoning Board.)

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Rolfe* 10-29-95
Craig A. Rolfe Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP

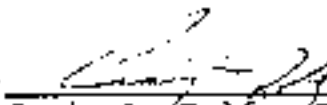
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD OCTOBER 18, 1995

The Martin Township Zoning Board hereby recommends the following amendments to the Martin Township Zoning Ordinance:

Delete Section 4.11 of the Martin Township Zoning Ordinance in its entirety. (This change is proposed to reconcile the definition of "Building or Structure Setback" with the other provisions of the zoning ordinance specifying the road setback requirements applicable in the various zoning districts, and to eliminate some conflict between those provisions and the provisions of Section 4.11 proposed to be deleted.)

MARTIN TOWNSHIP ZONING BOARD

By:  12.22.95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD OCTOBER 18, 1995

The Martin Township Zoning Board hereby recommends the following amendments to the Martin Township Zoning Ordinance:

Amend Section 11.2 of the Martin Township Zoning Ordinance so as to delete subsection 3 therein designating "amusement enterprises" as a permitted use in the C-2 General Business District; and amend Section 11.3 of the Martin Township Zoning Ordinance so as to add a new subsection 6 therein designating "amusement enterprises" as a special exception use in the C-2 General Business District; and further amend Section 11.2 of the Martin Township Zoning Ordinance so as to designate "automotive raceway" as a permitted use in the C-2 General Business District, as a new subsection 3 therein.

MARTIN TOWNSHIP ZONING BOARD

By: Craig A. Rolfe 10-27-95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

117 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE 616 382 4500

FAX (616) 382-7040

HARRY F. SMITH
1906-1972

JOHN M. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA K. THOMSEN
JOHN K. LONESTORFER
THOMAS M. CANNY
ROBERT E. THALL

October 27, 1995

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
Courthouse
113 Chestnut Street
Allegan, MI 49010

Re: Review of Martin Township Zoning Board Recommendations on
Zoning Ordinance Text Amendments

Dear Mr. Fleming:

Enclosed for the advisory review of the Allegan County Planning Commission please find materials referencing the recommendations of the Martin Township Zoning Board on three proposed amendments to the Martin Township Zoning Ordinance pursuant to a public hearing held October 18, 1995.

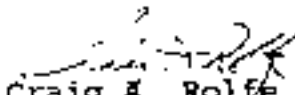
I am also enclosing a copy of the proposed minutes of the Martin Township Zoning Board Public Hearing/Special Meeting held October 18, 1995 with regard to these matters.

Please have the Planning Commission indicate on the enclosed forms its approval or disapproval of the Zoning Board recommendations, and return the forms to this office for final action by the Martin Township Board.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: John Schipper
Terry Sturgis
'Georgia Kraai'

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 392-4500

FAX (616) 392-2040

HARRY F. SMITH
1908-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRESTER

THOMAS H. CANNY
ROBERT E. THALL

December 7, 1995

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
Courthouse
113 Chestnut Street
Allegan, MI 49010

Re: Review of Recommended Martin Township Zoning Ordinance
Text Amendments and Rezoning/Land Use Plan Amendments

Dear Mr. Fleming:

Enclosed for the advisory review of the Allegan County Planning Commission please find materials referencing two proposed amendments to the Martin Township Zoning Ordinance, and two proposed rezonings/Land Use Plan amendments, as recommended by the Martin Township Zoning Board pursuant to a public hearing held December 6, 1995.

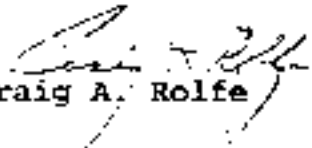
The proposed Minutes of the December 6 Zoning Board proceedings are not yet available, but the Zoning Board Secretary, John Schipper, will try to provide you with a draft of the proposed Minutes before the Planning Commission meeting on Monday. If this is not possible it is my understanding that Mr. Schipper may attend that meeting to be of assistance to the Commission on these matters.

Please have the Planning Commission indicate on the enclosed forms its approval or disapproval of the Zoning Board recommendations, and return the forms to this office for final action by the Martin Township Board.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: John Schipper
Terry Sturgis
Georgia Kraai

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD DECEMBER 6, 1995

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance text:

Amend Section 4.13 as set forth in the Tentative Text (see attached).

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Rolfe* 12-7-95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

TENTATIVE TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD
PUBLIC HEARING/MEETING ON DECEMBER 6, 1995

Amend Section 4.13 of the Martin Township Zoning Ordinance so as to add certain designated structures to the list of structures therein exempt from the generally applicable structure height limitations specified in the various zoning districts, causing Section 4.13 to read as follows:

"4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, light towers, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed fifty feet in height, and grandstand structures and attached press boxes and viewing suites which do not exceed fifty-five feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building."

Editorial Note: the proposed new language is underlined, and the language proposed to be deleted is lined-out.

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD DECEMBER 6, 1995

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance text:

Amend Section 6.3 as set forth in the Tentative Text (see attached).

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Rolfe* 12-7-95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

Amend Section 6.3 of the Martin Township Zoning Ordinance, pertaining to the allowable special exception uses in the Agricultural District zoning classification, so as to revise existing subsection 18 therein to read as follows:

"18. Custom race car chassis assembly, and automotive engine or other component rebuilding, including minor fabrication, and sales of high performance automotive parts."

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD DECEMBER 6, 1995

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone from the existing "C-2" General Business District zoning classification to the "R-1" Rural Estates District zoning classification the following described property in land Section 35 of the Township:

A parcel of land commencing 529 feet north of the southeast corner of Section 35, thence north 281 feet, thence west 297 feet, thence south to the north line of the Michigan Railway right-of-way, thence southeast along that right-of-way to the point of beginning; except the north 125 feet thereof.

The Martin Township Zoning Board also recommends amendment of the Martin Township Land Use Plan so as to change the planning designation of the subject property to be consistent with the R-1 Rural Estates District zoning classification.

MARTIN TOWNSHIP ZONING BOARD

By: Craig A. Kolfe 12-7-95
Craig A. Kolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD DECEMBER 6, 1995

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone from the existing "R-1" Rural Estates District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property in land Section 30 of the Township:

Commencing at a point 70 rods north of the southeast corner of Section 30, thence north 50 rods, thence west to the north and south 1/4 line of Section 30, thence south to the railroad right-of-way, thence southeasterly along the easterly side of the railroad right-of-way to a point due west of the point of beginning, thence east to the point of beginning; except the north 330 feet thereof.

The Martin Township Zoning Board also recommends amendment of the Martin Township Land Use Plan so as to change the planning designation of the subject property to be consistent with the R-2 Low Density Residential District zoning classification.

MARTIN TOWNSHIP ZONING BOARD

By: Craig A. Rolfe 12-2-95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP ZONING BOARD
PUBLIC HEARING/QUARTERLY MEETING

The Martin Township Zoning Board held a public hearing/quarterly meeting on Sept. 5, 1995 at the Martin Town Hall. Board members in attendance were Brenner, DeYoung, Evers, Schipper, Westendorp, and Wobma. Also in attendance were Ron and Brenda Conley, John Grivins, Gordy Lyons, Jim Martin, and Ferris Moorehead Jr.

Chairman Evers opened the public hearing at 7:30 p.m. The public hearing was noticed for a special exception use permit for Ron and Brenda Conley of 2104 6th st. Shelbyville to conduct a health food store on their property as a family business. Brenda Conley stated they would primarily be selling vitamins and herbs delivered to schools out of their garage and would be open to the public by appointment and possibly have open hours in the future as the business grows. Little discussion on the matter with no opposition to the business brought forth. Public hearing closed.

The regular quarterly meeting of the zoning board was then opened at 7:40 p.m. with the reading of the minutes from the previous meeting on June 6, 1995. No additions or corrections made and minutes approved as presented.

The first item of business was the special exception use request by Ron and Brenda Conley for a family business on their property. Member DeYoung made a motion to approve the request with support from member Wobma. No further discussion on the matter. Roll call vote: Brenner-Yes, DeYoung-Yes, Evers-Yes, Schipper-Yes, Westendorp-Yes, and Wobma-Yes. Motion carried.

Member Schipper made a motion to approve the site plan review also presented by the Conley's for their business. Motion supported by member DeYoung. Little discussion on the plan. Roll call vote: DeYoung-Yes, Evers-Yes, Schipper-Yes, Westendorp-Yes, Wobma-Yes, and Brenner-Yes. Motion carried.

The next item of business was the rezoning request by Mr. Tom Greene to rezone a piece of property in Section 30 of Martin township that lies between 12th st. and US-131 from C-2 General Business to R-2 Low Density Residential. A public hearing/special meeting was held on April 27, 1995 on this matter in which the zoning board recommended approval of the rezoning to the Allegan County Planning Commission and to the Martin Township Board. The county planning commission also approved the rezoning but the township board denied the request on July 12, 1995, and has now referred this matter back to the zoning board. The secretary then read a letter from the township attorney dated July 14, 1995 reflecting the action the township board took on this matter and the fact that this business could be handled at our next regular zoning meeting and then must go back to the township board for final action on the matter.

The chairman stated the board would take brief statements pertaining to this matter at this time. Mr. Gordon Lyons spoke for Mr. Greene who could not make the meeting and gave a list of reasons why the applicant felt the property should be rezoned which mostly dealt with the need for residential property in the area and the reasons why this property would be well suited for residential use. Mr. John Grivins spoke on behalf of the US-131 Dragway and stated they felt the majority of the surrounding property was zoned commercial so it should stay commercial.

Motion by member Wobma to recommend approval of the rezoning from C-2 to R-2 to the township board, Motion supported by member Brenner. Some discussion followed. Member Evers stated the property would make good building sites. Member Westendorp said she would not want to live in the area with the dragstrips and would like to see it stay commercial. Member DeYoung said he felt the township board had failed to give any direction to the zoning board in support of their decision to deny the rezoning request and did not know of any new information that should make him change his position on the matter. Member Schipper stated he could not visualize the property being used for commercial purposes in the near future and felt it would be suited for residential use. Member Schipper also said that whatever decision was made, a list of reasons should be sent to the township board, to support that decision. No other discussion. Roll call vote on the motion on the floor to recommend approval of the rezoning to the township board: Evers-Yes, Schipper-Yes, Westendorp-No, Wobma-Yes, Brenner-Yes, and DeYoung-Yes. List of reasons from the zoning board to support this decision:

1. Good building sites on a paved road with mature trees and future access to natural gas and cable TV.
2. Property not in PA-116 and not in an area susceptible to dust or odor from an agricultural or livestock use.
3. Large amount of commercial property around the interchange would be more attractive for commercial use.

(4) The next item of business was a request from Mr. John Grivins of the US-131 Dragway to make application to amend the zoning ordinance to change the maximum permitted height of structures in the C-2 zoning district from 35 feet to 55 feet. Mr. Grivins stated many of their current light fixtures and scoreboards are over the permitted height and they would like to put in new light fixtures and some press boxes and VIP suites over the grandstand area. A variance was suggested by the zoning board secretary but Mr. Grivins said the bank would not grant a loan on the full value of the property, because they felt a variance was only a temporary and not a permanent solution, according to Mr. Grivins. Some of the zoning board members felt some concern with allowing all structures in all of the C-2 zoning districts to be allowed this much of a change with a text ordinance but stated a public hearing and special meeting could be scheduled at the applicants request sometime in October. It was the consensus of the board to try and hold it on October 18, 1995.

The next item of business was a site plan review request by Mr. Jim Martin of Martin Tire. He is planning to build a 40'x80' building on a lot north of their current business in Section 19 of Martin township for an autobody shop business. After review of the plan a motion was made by member Wobma and supported by member Westendorp to approve the site plan review. No further discussion. Roll call vote: Schipper-Yes, Westendorp-Yes, Wobma-Yes, Brenner-Yes, DeYoung-Yes, and Evers-Yes. Motion carried.

(2) Member Schipper said he would like to put a motion on the floor to make some other text amendments as long as a public hearing was to be scheduled. The first was that the front yard dwelling setback was defined differently in different places in the ordinance which made it confusing, so he would like to have the township attorney come up with the appropriate language to make it less confusing. The next item was that he felt some of the permitted uses in the ordinance were possibly too broad in their classification and should be defined better or made as a special exception use. (3) One area of concern was that of amusement enterprises in the C-2 zoning district and that there were possibly other ones to consider as well. Member DeYoung supported the motion to have the township attorney come up with the possible language alternatives to these areas of the zoning ordinance and suggested other areas of the ordinance be looked into at another time. Voice vote on the motion. All support and motion carried.

No other business brought forth. Motion to adjourn by member Wobma. All support and meeting adjourned at 9:35 p.m.

John Schipper, Secretary
Martin Township Zoning Board

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

COPY

HARRY F SMITH 1906-1978
JOHN H BAUCKHAM
KENNETH G SPARKS
CRAIG A ROLFE
LYNDA C THOMSEN
JOHN K LOHRSTORFER
EILEEN W WICKLUND
THOMAS M CANNY
ROBERT E THALL

TELEPHONE
616-387-4500
TELECOPIER
616-382-2040

March 18, 1994

Penasee Globe
Wayland, MI 49344

Re: Publication of Zoning
Notice for Martin Township (4/12/94 Zoning Board Public
Hearing/Meeting)

Ladies:

Enclosed please find a Martin Township Notice of Zoning Public
Hearing and Meeting for publication in the Penasee Globe on:

Wednesday, March 23, 1994

Wednesday, April 6, 1994

Please forward two Affidavits of the publication to this
office, and your bill for the publication to the Martin Township
Clerk: Georgia Kraai, 1399 10th Street, Martin, MI 49070.

Thank you for your attention to this request.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:bj

Enclosure

c: Mr. John Schipper
Georgia Kraai

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON
ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Tuesday, April 12, 1994 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The proposed amendment of Section 10.3 of the Martin Township Zoning Ordinance, pertaining to special exception uses in the "C-1" Neighborhood Business District, so as to renumber existing subsection 3 of same to be subsection 4, and add a new subsection 3 designating the residential permitted uses in the "R-2" Low Density Residential District as special exception uses in the "C-1" Neighborhood Business District.

2. The proposed amendment of Section 10.4 of the Martin Township Zoning Ordinance, pertaining to the density, area, height, bulk and placement requirements in the "C-1" Neighborhood Business District, so as to add language making the density, area, height, bulk and placement requirements in the "R-2" Low Density Residential District applicable to residential uses proposed to be allowed in the "C-1" Neighborhood Business District as special exception uses.

3. The proposed amendment of Section 11.2 of the Martin Township Zoning Ordinance, pertaining to permitted uses in the "C-2" General Business District, so as to revise existing subsection 1 of same to clarify that all permitted uses allowed in the "C-1" Neighborhood Business District are also allowed permitted uses in the "C-2" General Business District.

4. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1675 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendments, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Secretary of the Zoning Board: John Schipper, 1675 11th Street, Martin, MI 49070 (672-7010) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

Martin Township will provide necessary reasonable auxiliary aids and services at the meeting/hearing to individuals with disabilities, such as signers for the hearing impaired and audiotapes of printed materials being considered, upon reasonable notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township Clerk.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
(616) 672-7010

Martin Township Board
By: Georgia Kraai, Clerk

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
THOMAS M. GANNY

TELEPHONE
616-362-4800
TELECOPIER
616-362-2040

January 4, 1993

Mrs. Stella Mills
996 118th Avenue
Martin, MI 49070

Re: Proposed Amendment of Martin Township
Zoning Ordinance

Dear Mrs. Mills:

By way of introduction, this office serves as legal counsel for Martin Township. The Township Zoning Board Secretary, John Schipper, has provided me with a copy of your letter of December 30, and asked that I correspond with you.

Your letter requests pursuant to the Freedom of Information Act "all information (including all reasons for this proposed amendment) related to the proposed amendment" of the Zoning Ordinance scheduled for public hearing on January 6. There is very little information in the form of public records to share with you at this time. The only public records I have in my possession in this regard are the materials relating to the processing of the legal notice for the January 6 Zoning Board proceedings. A copy of these materials is enclosed. However, it is possible that the Zoning Board briefly discussed this proposal at a previous meeting, to decide whether to put the text amendment proposal up for a public hearing. By copying this letter to John Schipper I am requesting that he provide you with copies of the minutes for any such Zoning Board meetings.

Your letter will certainly be brought to the attention of the Zoning Board at the public hearing January 6, but we feel it may be helpful at this time to provide you with some additional information about the matter scheduled for consideration at that time.

As you know, the January 6 public hearing and meeting before the Township Zoning Board is to consider whether the Zoning Ordinance should be amended so as to provide for certain earth material activities in the I-1 Industrial District, as a "special exception use". The designation of a land use as a "special exception use" in a zoning district is a recognition that the use

Mrs. Stella Mills
January 4, 1993
Page 2

has unique characteristics which might cause it to be incompatible with the other uses allowed in the zoning district without proper controls and limitations. Where a use is recognized by a zoning ordinance as a special exception use in a particular zoning district, that use is nevertheless not allowed on specific property unless and until the Zoning Board determines, after a public hearing on the particular situation, whether the land use can be undertaken on that property in complete compliance with the various conditions and controls established in the Zoning Ordinance for all special exception uses, generally, and also in compliance with the standards established in the Zoning Ordinance for the particular land use.

Thus, this is really a two step process. The first step is to determine whether a land use, by its nature, may be appropriate in a particular zoning district, as a special exception use. This is the step of the process with which the January 6 Zoning Board public hearing/meeting is concerned: determining whether earth removal activities are, by their general nature, sufficiently consistent with the other land uses allowed in the I-1 Industrial zoning district to be recognized as an allowed use in that zone, as a special exception use. The approval of such a text change does not indicate, one way or another, whether it is possible for earth removal uses to be undertaken on a particular piece of property in compliance with the various conditions and limitations. That brings us to the second step of the process.

If it is determined that it is appropriate to change the text of the Zoning Ordinance so as to recognize earth removal activities as a potentially appropriate land use on some I-1 zoned property (by designating that use as a special exception use), then the next step is for the property owner to make application to the Township for special exception use approval for earth removal activities on that particular piece of property. As indicated above, this requires an evaluation of whether the pertinent conditions and limitations in the Zoning Ordinance can be met with respect to that particular land use on that particular property. If the required conditions and limitations can be met, then state law indicates that the special exception use must be approved. If the conditions and limitations cannot be met then the request for special exception use approval would generally be denied. By the way, the Zoning Board's decision on a special exception use request for a particular piece of property is also required to be preceded by a public hearing. Notice of such a public hearing would be published in the newspaper, and the law also requires that a copy of the public hearing notice be sent to property owners within 300 feet of the subject property.


Mrs. Stella Mills
January 4, 1993
Page 3

Thus, at the January 6 public hearing the issue before the Zoning Board is not whether a particular piece of property is appropriate to be used for earth removal activities. The issue before the Zoning Board on January 6 is whether, more generally speaking, the Zoning Ordinance should be amended to designate earth removal activities as a land use which could possibly be allowed somewhere on I-1 zoned property. The propriety of that type of land use on any particular piece of property is not properly considered at the January 6 proceedings.

I hope this information will be helpful to you as you participate in the consideration of this matter. I encourage you to attend the January 6 public hearing and to express your views about the proposed text amendment.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jlh

Enclosures

c: John Schipper
Georgia Kraai
Bert Schipper

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**MARTIN TOWNSHIP ZONING ORDINANCE
(Ordinance No. 30, as amended)
Adopted Date: September 10, 1986
Effective Date: September 24, 1986**

**REVISED THROUGH ORDINANCE NO. 43
ADOPTED OCTOBER 14, 1992
EFFECTIVE OCTOBER 21, 1992**

APPENDIX A

CLASSIFICATION OF LANDS

1. Section 1, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District and the "C-2" General Business District.

"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.

"C-2" General Business District: The portion of the northeast quarter of Section 1 that runs along 124th Avenue from the center of 124th Avenue south, to a depth of 233 feet, and also Lots 25 - 26 of the Martha Lapham Lakeview lots estates; also

Beginning 40 feet west of the north quarter post of Section 1, thence west 300 feet, thence south 575 feet, thence east 300 feet, thence north 575 feet to the place of beginning, consisting of approximately 4 acres; also

Beginning 340 feet west of the north quarter post of Section 1, thence west 230 feet, thence south 575 feet, thence east 230 feet, thence north 575 feet to the place of beginning, consisting of approximately 3 acres.

2. Section 2, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.

3. Section 3, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 3.

4. Section 4, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 4.

5. Section 5, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.

6. Section 6, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.

7. Section 7, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 7.

8. Section 8, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 8.

9. Section 9, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.

10. Section 10, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 10.

11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.

"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.

"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.

17. Section 17, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.

18. Section 18, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Veau property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.

19. Section 19, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District (and except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.

"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.

"C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.

20. Section 20, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.

21. Section 21, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.

22. Section 22, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 22.

23. Section 23, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.

24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.

30. Section 30, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.

"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.

"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.

31. Section 31, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.

"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.

"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.

32. Section 32, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.

"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.

33. Section 33, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.

34. Section 34, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 34.

35. Section 35, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.

"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.

36. Section 36, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.

"C-2" General Business District: The south quarter of Section 36.

(Revised October 1992)

MARTIN TOWNSHIP LAND USE PLAN

The Martin Township Land Use Plan consists of a land use plan map and this brief textual summary of the nature and characteristics of Martin Township. The land use plan, and the Martin Township Zoning Ordinance based thereon, are designed to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

Martin Township lies east of Allegan and north of Plainwell. US-131 runs along the western edge of the Township and Gun Lake just enters the northeast corner of the Township. Land uses in the Township are mostly agricultural and rural residential. There are small concentrations of residential uses in Shelbyville, Hooper and around Gun Lake and Lake Sixteen. The only large commercial use in the Township is the "US-131 Dragway", which is a heavy traffic generator during periods of operation.

The population in Martin Township in 1980, including the Village of Martin, was around 2,300 people. A projected population of around 2,600 people has been established for the year 1990. The Village of Martin has adopted and administers its own zoning ordinance.

There are no major influences on future growth in Martin Township. US-131 Dragway draws many people-but is isolated from the rest of the Township by the expressway. Gun Lake is a development attraction but most of its attraction is in Wayland Township and Barry County. The Village of Martin may attract some growth, but since it lacks large employment sources, it probably will not be a significant influence. The three small lakes - Lake Sixteen, Fenner Lake and Pratt Lake - have limited potential for future development. The two US-131 interchanges in the Township both provide attractive sites for highway oriented commercial business. Although the paved county primary and local road system is not extensive, it does provide convenient access to most of the Township.

The general concept and goal of this plan is to direct future growth into planned service centers in and around the community center and conserve agricultural and rural open space areas through the adoption and implementation of these developmental guidelines:

1. Prime Agricultural Areas

Goal: Preserve and maintain prime agricultural land in bona fide agricultural uses only.

2. Rural Estates and Open Space Areas

Goal: Encourage single family home sites on large lots and selected land sites only.

3. Residential

Goal: Direct future intensive residential developments into and around community service centers.

4. Commercial

Goal: Encourage future commercial uses to locate in major community service centers with full public utilities.

5. Industrial

Goal: Encourage future intensive industrial uses into major community service centers with full public utilities and away from residential and prime agricultural areas.

The following is a sectional listing of all of the land areas in Martin Township (not including the Village of Martin), setting forth the current zoning designation of such lands, and noting planning proposals for certain areas, all in relation to the guidelines set forth in this land use plan:

1. Section 1, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.

"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.

Planning proposal: Rezone to "C-2" General Business District the northeast quarter of Section 1; also beginning 40 feet west of the north quarter post of Section 1, thence west 530 feet, thence south 575 feet, thence east 530 feet, thence north 575 feet to the place of beginning, consisting of approximately 7 acres.

2. Section 2, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.

3. Section 3, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 3.

4. Section 4, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 4.

5. Section 5, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.

Planning Proposal: Rezone to "I-1" Industrial District the west one-eighth of Section 5.

6. Section 6, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.

7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.

16. Section 16, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.

"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.

"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.

17. Section 17, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.

Planning Proposal: Rezone to "I-1" Industrial District the northwest quarter of the southwest quarter of Section 17.

18. Section 18, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Vean property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.

Planning Proposal: Rezone to "R-1" Rural Estates District that land along the east border of Section 18 from the Consumers Power right-of-way to 10th Street.

19. Section 19, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District (and except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.

"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.

"C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.

Planning Proposal: Rezone to "R-1" Rural Estates District that land between the Consumers Power right-of-way and 10th Street in the southeast quarter of the northeast quarter of Section 19.

20. Section 20, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.

Planning Proposal: Rezone to "R-1" Rural Estates District the northeast quarter of the southeast quarter of Section 20.

21. Section 21, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.

Planning Proposal: Rezone to "R-1" Rural Estates District that land in Section 21 on the east side of 6th Street from 116th Avenue north to the jog in the road, with a property depth of 217.8 feet.

Planning Proposal: Rezone to "C-2" General Business District that land in the northwest quarter of Section 21 along the east side of 8th Street north from the east-west half section line to the east-west quarter section line, then east three-quarters of the way to the north-south half section line, excluding that land considered part of the cemetery.

22. Section 22, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 22.

23. Section 23, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.

24. Section 24, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 24.

25. Section 25, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 25.

26. Section 26, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 26.

27. Section 27, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 27.

28. Section 28, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.

29. Section 29, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.

"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.

Planning Proposal: Rezone to "I-1" Industrial District that property in Section 29 along the west side of the railroad tracks right-of-way from 114th Avenue north to the Martin Village limits to a depth of 500 feet; also that land in Section 29 along the east side of the railroad tracks right-of-way, east to the north-south quarter section line and north from 114th Avenue to the Martin Village limits.

30. Section 30, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.

"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.

"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.

31. Section 31, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.

"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.

"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.

32. Section 32, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.

"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.

33. Section 33, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.

34. Section 34, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 34.

35. Section 35, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.

"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.

36. Section 36, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.

"C-2" General Business District: The south quarter of Section 36.

COPY

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
300 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1977
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN H. LOHRSTORFER
EILEEN W. WICKLUND
THOMAS M. CANNY

TELEPHONE
616-392-4300
TELECOPIER
616-392-2040

December 8, 1992

Mr. John Schipper
Secretary, Martin Township
1849 11th Street
Martin, MI 49070

Re: Materials for January 6, 1993
Zoning Board Public
Hearing/Meeting

Dear John:

Enclosed are various materials pertaining to the Zoning Board public hearing/meeting scheduled for January 6, 1993.

Firstly, I have enclosed the original legal Notice for you to use to make the copies necessary for the required mailings and posting.

Secondly, I am enclosing an Affidavit of Posting for you to complete after posting a copy of the Notice at the Township Hall. The Notice may be posted at your earliest convenience, but in any event at least 18 hours before the scheduled time of the public hearing/meeting. The completed Affidavit of Posting (with attached copy of Notice) should be filed with the Township records concerning this matter.

Thirdly, I am enclosing an Affidavit of Service of Notice pertaining to the utilities and railroads. Please mail copies of the Notice to the public utilities and railroads as referenced in the Affidavit at least 20 days before the date of the public hearing/meeting. The completed Affidavit with your attached mailing list (and attached copy of Notice) should then be filed with the Township records concerning this matter.

Fourthly, I am enclosing a copy of my letter to the Penasee Globe arranging for the required newspaper publications of the Notice.

Fifthly, I am enclosing a copy of the tentative text of the proposed text amendments, which you are required by law to have available for public examination.


Mr. John Schipper
December 8, 1992
Page 2

Finally, please arrange to have the existing Zoning Ordinance, Zoning Map and Land Use Plan Text and Map available for public examination at the Township offices from and after the first publication of the legal Notice and up to and including the time of the public hearing/meeting, as referenced in the Notice and as required by law.

Please give me a call if you have any questions or problems.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.



Craig A. Rolfe

CAR:jlh

Enclosures

c: Bert Schipper
Georgia Kraai

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING
ON ZONING ORDINANCE TEXT AMENDMENT

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Wednesday, January 6, 1993 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of Section 12.3 of the Martin Township Zoning Ordinance so as to add a new subsection 5 designating the "Removal and processing of topsoil, sand, gravel, or other such materials or earth materials, in accordance with Section 4.27 of this Ordinance" as a special exception use in the "I-1" Industrial District.

2. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendment(s), and the Martin Township Zoning Ordinance/Map/Land Use Plan may be obtained by contacting the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be obtained at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

Martin Township will provide necessary reasonable auxiliary aids and services at the meeting/hearing to individuals with disabilities, such as signers for the hearing impaired and audiotapes of printed materials being considered, upon reasonable notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township Clerk.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103

Martin Township Board
By: Georgia Kraai, Clerk

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

AFFIDAVIT OF POSTING

STATE OF MICHIGAN)
 ss
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that on _____, I conspicuously posted at the Martin Township Hall a true and correct copy of the attached Notice of Public Hearing/Meeting of the Zoning Board of Martin Township, stating the time, place and date of such proceedings to be January 6, 1993, at 7:30 p.m., to be held at the Martin Township Hall, said time of posting being at least 18 hours prior to the public hearing/meeting.

John Schipper

Subscribed and sworn to before me on _____.

*, Notary Public
Allegan County, Michigan
My Commission Expires: _____

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

AFFIDAVIT OF SERVICE OF NOTICE

STATE OF MICHIGAN)
 ss
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that I served a true and correct copy of the attached Notice of Zoning Public Hearing and Meeting scheduled for January 6, 1993 upon the following public utilities and railroads, as directed by the Supervisor of the Township of Martin;

1. Conrail
2. Consumers Power Company
3. O & A Electric Company
4. Michigan Bell Telephone Company
5. AT & T
6. Wolverine Power Supply Cooperative, Inc.
7. Michigan Gas Utilities
8. Tri-City Cable

by placing the copies in envelopes addressed as shown on the attached mailing list, with postage prepaid thereon, sealing the envelopes and mailing the same, First Class mail, from a United States post office box in Martin, Michigan on _____.

John Schipper

Subscribed and sworn to before me on _____.

 , Notary Public
Allegan County, Michigan
My Commission Expires: _____

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
300 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
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KENNETH C. SPARKS
CRAG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
THOMAS M. CANNY

TELEPHONE
616-382-4500
TELECOPIER
616-382-2040

December 8, 1992

Penasee Globe
Wayland, MI 49344

Re: Publication of Zoning
Notice for Martin Township

Ladies:

Enclosed please find a Martin Township Notice of Zoning
Public Hearing and Meeting for publication in the Penasee Globe
on:

Wednesday, December 16, 1992

Wednesday, December 30, 1992

Please forward two Affidavits of the publication to this
office, and send one Affidavit and your bill for the publication
to the Martin Township Clerk: Georgia Kraai, 1399 10th Street,
Martin, MI 49070.

Thank you for your attention to this request.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jlh
Enclosure

c: Mr. John Schipper
Mrs. Georgia Kraai

TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD
PUBLIC HEARING/MEETING ON JANUARY 6, 1993

1. Amend Section 12.3 of the Martin Township Zoning Ordinance, designating the various special exception uses allowed in the "I-1" Industrial District of Martin Township, so as to add a new subsection 5 designating a new such special exception use reading as follows:

"5. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance."

Gravel Pit

Disadvantages

1. affect on property value
at least 20% less
2. dust
3. noise
4. Truck traffic
thru town
5. damage to roads
6. drinking water
7. No tax benefit
mobile equipment
8. 1 pit opens more
will follow
9. gravel pits are hard
to regulate
10. mined land is good
for _____?
11. gravel pits go against
the industrial zoning
ordinance

Advantages

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

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KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHSTORFER
EILEEN W. WICKLUND
CAROL L.J. KUSTOLES

TELEPHONE
616-362-4500

TELECOMER
616-362-2040

June 14, 1991

Mr. John Schipper
1849 11th Street
Martin, MI 49070

Re: Tentative Text of Site Plan Review Provisions

Dear John:

Following up on our telephone conversation of June 12, 1991 I have made the necessary style, form and substantive changes in the site plan review provisions from the Schoolcraft Township Zoning Ordinance, with these revised provisions now set-up as proposed Section 4.28 of the Martin Township Zoning Ordinance.

It is my understanding that the Zoning Board will be reviewing this tentative text at its convenience, and will perhaps schedule these zoning ordinance amendments for the required public hearing at a later date. Please let me know when I can provide any further assistance in this regard, or if any further revisions are necessary prior to a public hearing.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:klm

Enclosures

c: Bert Schipper
Georgia Kraai

P.S. Most of the stylistic changes involved changing "Planning Commission" to "Zoning Board". I think I have caught all of these but if you find any that I missed please do let me know so I can make the correction and send you out a new document for distributing to the Zoning Board members.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend the Martin Township Zoning Ordinance so as to add a new Section 4.28 relating to site plan review; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN
ORDAINS:

SECTION I

AMENDMENT TO ADD NEW SECTION 4.28
PERTAINING TO SITE PLAN REVIEW

The Martin Township Zoning Ordinance is hereby amended so as to add a new Section 4.28, reading as follows:

4.28 SITE PLAN REVIEW

1. - Purpose: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Zoning Board in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

2. - Scope: The Building Inspector shall not issue a building permit for the construction of any of the following buildings, structures or uses until a site plan has been submitted to, and approved by, the Zoning Board in accordance with this section:

- A. Mobile home parks.
- B. Industrial buildings or developments.
- C. Multi-family dwellings.
- D. All office and commercial buildings and developments.
- E. Special exception use applications.
- F. Churches.
- G. Planned unit developments, including site condominium projects.

3. - Sketch Plan Review: Preliminary sketches of site and development plans may be submitted to the Zoning Board. The purpose of the sketch stage is to allow discussion between the developer and the Zoning Board as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:

- A. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
- B. Legal description of the property.
- C. Drawings showing tentative plans.

4. - Formal Site Plan Review: All formal site plan review applications shall include, in addition to A and B above, the following:

- A. The date, north arrow and scale [the scale shall be not less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more].

- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines.
- C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking spaces (including basis of calculation), loading and unloading areas and recreation areas, etc.
- E. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
- F. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
- G. The name and address of the property owner or petitioner.
- H. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- I. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
- J. Location of all fire hydrants.
- K. Lot size (basis of calculation), setbacks, trailer pads, patios, and complete park layout for mobile home parks.
- L. Size and location of all surface drainage facilities.
- M. Property survey by registered surveyor.
- N. Existing and proposed contour shall be shown on all site plans [two (2) foot intervals, minimum].
- O. Elevations and floor plans for all buildings and the location of all buildings on the property.

- P. A description of the land use and activities proposed in sufficient detail to indicate the effects of same in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
- Q. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
- R. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- S. Any other information deemed necessary by the Zoning Board.
- T. The Zoning Board may waive any of the above enumerated requirements whenever the Zoning Board determines that such requirement is not necessary for a specific site plan due to the fact that:
- (1) The Zoning Board finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
 - (2) The Zoning Board finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non-monetary nature in carrying out the strict letter of the condition, and the Zoning Board finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.

5. - Submittal: The site plan and all related information specified above shall be presented to the Zoning Board Chairman in eight (8) copies by the property owner or petitioner. Copies shall be distributed to the following parties for review and information:

- A. Seven (7) copies to the Zoning Board.
- B. One (1) copy to the Township Building Inspector.

6. - Approval

- A. The Zoning Board shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and after allowing reasonable time as determined by the Zoning Board for receipt from and for consideration of comments and recommendations from the Building Inspector.

- B. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Zoning Board upon a finding that:

- (1) The proposed use will not have a harmful effect on the surrounding neighborhood development. Fencing, walls and/or landscaping may be required as a screening device to minimize adverse affects upon surrounding development.
- (2) There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- (3) The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties.
- (4) The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.

- (5) The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. shall be retained where they afford a barrier or buffer between adjoining properties being put to different use.
- (6) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

C. Security Deposit:

- (1) To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Zoning Board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Zoning Board, covering one hundred twenty-five percent (125%) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.
- (2) The Zoning Board shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Zoning Board based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.

- (3) If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Zoning Board shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
- (4) As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Zoning Board to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

7. - Modifications: Any modifications of the site plan desired by the Township shall be so stated in writing to the applicant. Site plan approval may then be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Zoning Board. If any part of the approved site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must first be obtained from the Zoning Board of Appeals. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have the signature of the Zoning Board Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chairman of the Zoning Board of Appeals.

8. - Disposition: If approval is granted by the Zoning Board, the following conditions shall apply:

- A. In those instances in which platting is required by law, the owner or owners shall thereafter submit preliminary and final plats for the proposed development for approval in compliance with Acts 288, Public Acts of 1967, as amended, and with all Ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the Township Board.

- B. Such plats shall be in strict conformity with the approved site plan, the conditions attached thereto, and the provisions of this Ordinance.

9. - Fee: Any application for site plan approval shall be accompanied by a fee as may be determined from time to time by the Township Board.

10. - Revocation: Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Zoning Board shall give the applicant notice of intention to revoke such approval at least ten (10) days prior to review by the Zoning Board. After conclusion of such review, the Zoning Board may revoke its approval of the development if the Zoning Board feels that a violation in fact exists and has not been remedied prior to such hearing.

11. - Term of Approval: The site plan approval shall be valid for a period of one (1) year. One (1) six-month time extension may be granted after complete review of the application by the Zoning Board and the Building Inspector. At the end of the six-month extension, if no building permit has been obtained and on-site development actually begun, the site plan approval becomes void, and the developer shall submit a new application for approval.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township



This week...

DO YOU HAVE VISION PROBLEMS? Can't see well enough to read a book, to sign your name? Do you need a closer look at a plat map or a cross-stitch pattern? Well, Hendra Public Library has the answer for you. A vision amplifier magnifies by 200 percent so those with very poor eyesight to see things they've not been able to see for years. It even allows persons to view again sign checks or other legal papers. The new device was suggested as a gift by Wayland Lions Club member Bob Cook, and funded through a \$1,000 grant from the Allegan Foundation obtained by the local Lions club. Librarian Linda Manderville said, "The machine has many, many uses and makes life good for people." Manderville authored the grant as a Lions member. Donations by Wayland VFW and Auxiliary, and the Wayland American Legion also contributed to the \$1,700 purchase cost. Manderville expressed her appreciation to the local clubs and pointed out that the new house is planned for Dec. 13 from 11:30 p.m. when residents can try out the new vision amplifier.

Next week...

This column is a regular feature in the Penassee Globe, offering a spot where civic groups and charitable organizations may announce meetings, activities, special projects, bazaars, etc. Commercial notices are placed in the regular advertising section of the paper.

Items for publication should be submitted seven days in advance of Wednesday's publication date.

For more information, please call the Penassee Globe at 752-2271.

THURSDAY, NOVEMBER 28

THANKSGIVING DAY
A PROGRAM OF THANKS at Christ Memorial Church, 595 Graafschap Rd., Holland. Join Lynnelle Pierce, Randy Bouwer, Ade & Sharon VanHouten, plus the Holland Area Youth Chorale in a program of thanks. Sponsored by Watson Glen Ministries for abused teens.

SATURDAY, NOVEMBER 30

BUGGY DAY AT HENIKA LIBRARY - Hear about a very hungry caterpillar and make a pair of buggy eyes. Open to all preschoolers to third graders. One-half hour programs. 10 a.m.
DORR'S HOLIDAY PARADE 1 p.m. starting at the American Legion Hall. Buggy rides all day, refreshments served at the fire station throughout the day. Beginning at 5:30 p.m. is a Christmas Walk, Caroling, Candlelighting ceremony, and a visit from Santa.

MONDAY, DECEMBER 2

WAYLAND CITY COUNCIL meets at 7:30 p.m. at city hall, 160 W. Superior St., Wayland.
ALLEGAN CO. PARKS & RECREATION COMMISSION meets at 8:30 a.m. at the Allegan Co. Building annex, 108 Chestnut St., Wayland.
WAYLAND TOWNSHIP BOARD meets at 7:30 p.m. at the township hall on 129th Street in Bradley.
WAYLAND ATHLETIC BOOSTERS meets at 7 p.m. Wayland Community Education building, 316 Pearl St.
MONTREY TOWNSHIP BOARD meets at 8 p.m., Community Building on corner of 130th and 30th.

TUESDAY, DECEMBER 3

ORANGEVILLE TOWNSHIP BOARD meets at 7:30 p.m., Township Hall, Boulter Road, Orangeville.
LADIES LIBRARY CLUB meets at Hendra Public Library. Christmas program by Helen Gambee. Bring gift for the nursing home.
HAM DINNER by Wayland VFW, at the hall on South Main Street, 6 p.m.

WEDNESDAY, DECEMBER 4

GLSA meets at 4 p.m. at 12588 Marsh Road, Shelbyville.
FLU VACCINATIONS 9 a.m. until noon, Dorr Township Hall, 18th Street.

THURSDAY, DECEMBER 5

DORR TOWNSHIP BOARD meets at 7:30 p.m. at the Township Hall, 1807-142nd Ave.
WATSON TOWNSHIP BOARD meets at 7:30 p.m., Township Hall, 1897-108th Ave.

SATURDAY, DECEMBER 7

WAYLAND CHRISTMAS PARADE, beginning at 11 a.m.

SUNDAY, DECEMBER 8

1991 HOLIDAY HOME TOUR sponsored by the Allegan General Hospital Service League, from 11 a.m. to 5 p.m. Tickets \$6 available from AGH's Marketing Dept. and McFarland's Jewelers or the hospital's general store. Lighting of the Trees of Life at 5 p.m. in the hospital yard.

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MARTIN TOWNSHIP ZONING BOARD ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON ZONING ORDINANCE TEXT AMENDMENT (S) AND SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Wednesday, December 4, 1991 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of the Martin Township Zoning Ordinance so as to add a new subsection 1B to Section 6.3 relating to the special exception uses in the Agricultural zoning district, so as to allow as a special exception use in that zone 'custom race car chassis assembly, including minor fabrication, and sales of high performance automotive parts'.
2. The request of Jeff Covey 2643 Oakleigh, Middleville, Michigan for a special exception use permit to operate the type of facility proposed for inclusion in the Zoning Ordinance pursuant to item number 1 above, on property located at 362 118th Avenue, Martin, Michigan, in Martin Township. (Note: consideration and any approval of this special exception use request is completely conditional on eventual Township Board approval of the Zoning Ordinance text amendment referenced in item number 1 above).
3. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendment (s), and more information about the special exception use request, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be obtained by contacting the Secretary of the Zoning Board: John Schipper, 1849 11th street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until including the day of the hearing/meeting, and further may be obtained at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment (s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103
Martin Township Board
By: Georgia Kraal, Clerk

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING AND MEETING ON
SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 6, 1990 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton st. in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing and meeting include, in brief, the following:

1. The request by 4-L Farms Inc. for a special exception use permit at 1904 second street in Martin Township for a potato chip testing station and Ag-related sales.
2. The request by 4-L Farms Inc. for a special exception use permit at 111 112th ave. in Martin Township for sales of Ag. products.
3. The request by Mr. Stan Leep for a special exception use permit at 1785 second street in Martin Township for sales of Ag-related equipment and supplies.
4. The request by Mr. Terry Smit for a special exception use permit at 1125 122nd ave. in Martin Township for sales of feed and Ag. products.
5. Such other and further matters as may properly come before the Zoning Board at the public hearing and meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1675 11th Street, Martin, MI 49070 at any time prior to the public hearing/meeting, and may further be submitted to the Zoning Board at said hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined at the residence of the Secretary of the Zoning Board at such times as may be arranged in advance, and may further be examined at the hearing/meeting.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
616/672-7010

Martin Township Board
By: Mrs. Georgia Kraai, Clerk

Martin Township Zoning Board
Quarterly Meeting, March 20, 1990

The Martin Township Zoning Board held its quarterly meeting on March 20, 1990 at the Martin Township Community Building. Board members present were MacVean, Brenner, Evers, DeYoung and Schipper.

Chairman DeYoung called the meeting to order at 7:35 p.m. The secretary then read the minutes from the meeting on 12/05/89. Motion made by member Evers, to accept the minutes as read. Support by member MacVean. Motion carried. The main item of business was the request for special exception use permits that were presented at the public hearing on 3/06/90 at which the zoning board did not have a quorum present which presented the need for the meeting on this date. The secretary then read the minutes from the public hearing on 3/06/90.

The first request was by 4-L Farms Inc. for a special exception use permit in an Ag Zoning District for a potato chip testing station and sales of Ag related farm products at the property which is described as: The South 300 ft. of the East 300 ft. of the East 3/4 of the NorthEast 1/4 of Section 14, T2N, R11W. Motion was made by member Evers, with support by member Brenner, that the request be approved subject to the following conditions:

1. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.
2. All such activities or business shall at all times be conducted and operated so as to comply with Section 13.1 (Special Exception Use Standards), and all other applicable provisions of the Martin Township Zoning Ordinance.
3. The Martin Township Zoning Board does administratively reserve the right of annual review of compliance.

No other comments were brought forth from the public hearing. Roll call vote on the motion, Evers-Aye, MacVean-Aye, Brenner-Aye, DeYoung-Aye, and Schipper-Aye. Motion Carried.

The second request by 4-L Farms for a special exception use permit at 111 112th ave. in Martin Township was determined by the board, to not be needed as the property was already in a commercial type zone.

The next request was by Mr. Stan Leep for a special exception use permit in an Ag Zoning District for sales and service of Farm Machinery and Ag-related supplies, at the property which is described as: A parcel of land commencing at a point on the West line of Section 24, at a point 58 Rods South of the NorthWest corner as a place of beginning, then East 33 rods, then South approximately 22½ rods to center of first East and West drainage ditch lying South thereof, then Westerly along center line of drainage ditch to West section line, then North approximately 22½ rods to P.O.B. of T 2 N, R 11 W. Motion was made by member Brenner, with support by member Evers, that the request be approved subject to the following conditions:

1. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat

condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.

2. Stockpiling of any materials shall not be allowed above the height of eight feet or above the height of the containing fence or screen.
3. All such activities or business shall at all times be conducted and operated so as to comply with Section 13.1 (Special Exception Use Standards), and all other applicable provisions of the Martin Township Zoning Ordinance.
4. The Martin Township Zoning Board does administratively reserve the right of annual review of compliance.

Some discussion then commenced as board members voiced their concern that this type of business could turn into an equipment junkyard if not properly maintained, but it was noted that if the conditions of this permit were not met then the permit would be revoked. No other comments from the public hearing were brought forth. Roll call vote on the motion; Evers-Aye, MacVean-Aye, Brenner-Aye, DeYoung-Aye, and Schipper-Aye. Motion Carried.

The next request was by Mr. Terry Smit for a special exception use permit for sales of feed and Ag products at 1125 122nd ave. which is on a parcel of land described as: The East 1/2 of the SouthWest 1/4, also the West 1/2 of the SouthWest 1/4 of the SouthEast 1/4 of Section 6, T2N R11W. Motion was made by member Evers, with support from member MacVean, that the request be approved subject to the following conditions:

1. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.
2. All such activities or business shall at all times be conducted and operated so as to comply with Section 13.1 (Special Exception Use Standards), and all other applicable provisions of the Martin Township Zoning Ordinance.
3. The Martin Township Zoning Board does administratively reserve the right of annual review of compliance.

No other comments were brought forth from the public hearing. Roll call vote on the motion, Evers-Aye, MacVean-Aye, Brenner-Aye, DeYoung-Aye, and Schipper-Aye. Motion Carried.

In other business it was noted by the secretary that the township attorney was to prepare the notices for the public hearing to amend the zoning ordinance because of the statutory mandate to provide for family day care facilities and homes as permitted uses in the Ag, R-1, R-2, and R-3 zoning districts. This meeting is scheduled for June 5, 1990.

Motion to adjourn by member Evers, All support. Meeting adjourned 8:50 p.m.

John Schipper, Secretary
Martin Township Zoning Board

Martin Township Zoning Board
Public Hearing, March 6, 1990

The Martin Township Zoning Board held a public hearing at the Martin Town Hall on March 6, 1990. The hearing was opened at 7:30 p.m. Board members present were DeYoung, Brenner, and Schipper. Also present were a few members from the community.

The secretary then individually read through each of the requests being made for a special exception use permit. After each request was read the chairman asked for comments on the request. None were made concerning any of the requests. It was also noted that no comments were received prior to the hearing concerning any of the requests.

One of the members from the audience thought that these type of requests should be treated as variances instead of exceptions as the general public usually doesn't respond well to exceptions to zoning. The board members thought that maybe the wording was a little misleading but our zoning ordinance says that a variance deals primarily with dimensional type problems and this deals with types of uses in a zoning district,

No other comments were made pertaining to this matter. Since the zoning board did not have a quorum present the regular meeting was rescheduled for Tuesday March 20, 1990 at 7:30 p.m. at the town hall. Public Hearing was adjourned at 7:55 p.m.

John Schipper, Secretary
Martin Township Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

STATE OF MICHIGAN)
 : SS AFFIDAVIT OF MAILING OF NOTICE
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that on the 22 day of February, 1980, I mailed a true and correct copy of the attached Notice of Public Hearing/Meeting of the Zoning Board of Martin Township for March-6, 1980, to the owner(s) of each property proposed for rezoning consideration in said Notice, to the applicant(s) for said rezoning, to all persons to whom any real property is assessed within 300 feet of any property proposed in said Notice for rezoning consideration as shown on the last assessment role of the Township, and to the occupants of all single-family and two-family dwellings located within 300 feet of any property therein proposed for rezoning consideration, all as shown on the attached list, by properly addressing an envelope to each person or to "occupant" where a tenants name was not known, placing a copy of the Notice in each envelope, and sealing the envelopes and mailing the same, First Class Mail, with postage fully prepaid, from a United States Post Office box in Martin, Michigan, all in accordance with MCLA 125.284.

John Schipper
John Schipper

⁹⁰ Subscribed and sworn to before me this 20th day of February, 1980.

Sandra K. Raab
Sandra K. Raab
Notary Public

Allegan County, Michigan
My Commission Expires:
SANDRA K. RAAB
Notary Public, Allegan County, Michigan
My Commission Expires February 24, 1990

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING AND MEETING ON
SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 6, 1990 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton st. in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing and meeting include, in brief, the following:

1. The request by 4-L Farms Inc. for a special exception use permit at 1904 second street in Martin Township for a potato chip testing station and Ag-related sales.

2. The request by 4-L Farms Inc. for a special exception use permit at 111 112th ave. in Martin Township for sales of Ag. products.

3. The request by Mr. Stan Leep for a special exception use permit at 1785 second street in Martin Township for sales of Ag-related equipment and supplies.

4. The request by Mr. Terry Smit for a special exception use permit at 1125 122nd ave. in Martin Township for sales of feed and Ag. products.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing and meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1675 11th Street, Martin, MI 49070 at any time prior to the public hearing/meeting, and may further be submitted to the Zoning Board at said hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined at the residence of the Secretary of the Zoning Board at such times as may be arranged in advance, and may further be examined at the hearing/meeting.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
616/672-7010

Martin Township Board
By: Mrs. Georgia Kraal, Clerk

State of Michigan, County of Allegan

In the Matter of MARTIN TOWNSHIP/PUBLIC NOTICE/HEARING ZONING BOARD 3/6/90
COUNTY OF ALLEGAN—ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Peninsula/Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to-wit:

Feb. 21 _____ A.D. 19⁹⁰ _____ A.D. 19 _____
_____ A.D. 19 _____ A.D. 19 _____
_____ A.D. 19 _____ A.D. 19 _____



Subscribed and sworn before me this twenty-fifth
day of February A.D. 19⁹⁰.

Catherine M. Heringer
Notary Public, Barry County, Michigan
Acting in Allegan County

My Commission Expires Sept. 20 A.D. 19⁹²

*Notary Public, Barry County, Mi.
Acting in Allegan County
My Commission Expires
September 20, 1992*



THREE WAYLAND JUNIOR HIGH school students were local winners in the America & Me essay contest. First place honors went to Melissa Keil, right, who will have her name engraved on a plaque for permanent display in the school. Earning second place honors was Shannon Spencer, center, and coming in third was Erin Marsh.

Local trio 'America & Me' essay winners

by Pat Staley

Three Wayland Junior High School students are local winners in the 21st annual "America and Me" essay contest. Melissa Keil, Shannon Spencer and Erin Marsh all received award certificates for their achievement.

Keil placed first; Spencer, second; and Marsh, third in the contest sponsored by Farm Bureau Insurance.

Keil's entry now advances to state competition where ten of the top essays will

be selected. Winners in that contest will be announced in May. A banquet will be held in Lansing to honor the victors, who will be awarded plaques and U.S. savings bonds valued from \$500 to \$1,000.

A team of finalist judges, which includes Gov. James Blanchard and Lt. Gov. Martha Griffiths, will determine the top statewide winners.

Several thousand eighth grade students from almost 500 Michigan schools participated in the 1989-90 contest. The topic of this year's competition was "America and Me—How We Will Work Together."

until smooth. Blend in flour mixture; stir in cereal and raisins. Drop by tablespoons, 2 inches apart, onto lightly greased baking sheets. Bake at 350° F for 8 to 11 minutes or until lightly browned. Cool slightly. Remove from baking sheets; cool on wire rack.

Makes 3 dozen cookies.

PEANUT BUTTER RAISIN BARS

1/2 cup firmly packed light brown sugar
1/2 cup corn syrup
1/2 cup chunky peanut butter
2 cups shredded wheat, coarsely crushed
3/4 cup seedless raisins

In large saucepan, over medium heat, stir together brown sugar and corn syrup until sugar dissolves. Remove from heat; blend in peanut butter. Stir in cereal and raisins until well coated. Press into lightly greased 8x8x2-inch baking pan. Cool until firm. Cut into 24 bars. Store in airtight container.

Chef's Choice

CONTINUED FROM PAGE 11

CHEWY COFFEE JUMBLES

1 1/2 cups all-purpose flour
3 tablespoons instant coffee granules
1 teaspoon baking soda
1/2 cup margarine, softened
1/2 cup sugar
1/2 cup honey
1/2 cup cholesterol-free egg product
1 teaspoon vanilla extract
4 shredded biscuits or 1 1/2 cups shredded wheat, finely crushed
3/4 cup seedless raisins

Mix flour, instant coffee and baking soda; set aside.

With electric mixer at medium speed, beat margarine and sugar until creamy. Beat in honey, egg product and vanilla

MARTIN TOWNSHIP ZONING BOARD ALLEGAN COUNTY, MICHIGAN

— NOTICE —

OF ZONING PUBLIC HEARING AND MEETING ON SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 6, 1990 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton St. in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing and meeting include, in brief, the following:

1. The request by 4-L Farms Inc. for a special exception use permit at 1904 Second Street in Martin Township for a potato chip testing station and Ag-related sales.
2. The request by 4-L Farms Inc. for a special exception use permit at 111 112th Ave., in Martin Township for sales of Ag. products.
3. The request by Mr. Stan Leep for a special exception use permit at 1785 Second Street in Martin Township for sales of Ag-related equipment and supplies.
4. The request by Mr. Terry Smit for a special exception use permit at 1125 122nd Ave., in Martin Township for sales of feed and Ag. products.
5. Such other and further matters as may properly come before the Zoning Board at the public hearing and meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1675 11th Street, Martin, MI 49070 at any time prior to the public hearing/meeting, and may further be submitted to the Zoning Board at said hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined at the residence of the Secretary of the Zoning Board at such times as may be arranged in advance, and may further be examined at the hearing/meeting.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
616/672-7010

Martin Township Board
By: Mrs. Georgia Kraai, Clerk

M 2/21 (Legal-4)

NOTICE

Hopkins Township BOARD OF REVIEW

Monday & Tuesday
March 12 & 13, 1990

9:00 a.m. to 12 Noon and
1:00 to 4:00 p.m.

HOPKINS TOWNSHIP HALL LIBRARY ANNEX

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in the Township of Hopkins are: Agricultural, 1.09746; Commercial, 1.02775; Industrial, 1.04688; Residential, 1.11434.

Or protest by letter made out to Hopkins Township Supervisor, 1960 - 128th Ave., Hopkins, MI 49328.

Bill Punches,
Supervisor

— NOTICE —

WATSON TOWNSHIP PROPERTY OWNERS

1990 BOARD OF REVIEW
WILL MEET
ON THE FOLLOWING DATES:

March 6, 1990

5 p.m. - Organizational Meeting

March 12, 1990

9 a.m. to 12 Noon and 1 p.m. to 4 p.m.

March 13, 1990

1 p.m. to 4 p.m. and 6 p.m. to 9 p.m.

for the purpose of hearing appeals
on assessments at:

WATSON TOWNSHIP HALL
1895 118th Ave.

Catherine Pardee, Clerk

W-7 28 (Legal-4)

NOTICE

Township of Martin 1990 Board of Review

To all township taxpayers: The 1990 Board of Review for the Township of Martin will meet at the Martin Township Hall on March 6 and 7 (organizational days).

Monday, March 12

9:00 a.m. to Noon and 1:00 to 4:00 p.m.

Tuesday, March 13

8 a.m. to Noon and 7:00 p.m. to 9:00 p.m.

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in the Township of Martin are: Agricultural, 1.02628; Commercial, 1.06028; Industrial, .84988; Residential, 1.08833.

You may call for an appointment if you desire -672-5408.

Property assessment records may be reviewed by appointment.

Andrew Leep,
Martin Township
Supervisor, Assessor

W-14

THURS. NIGHT BINGO
 First Time - Sept. 7
 (Then every Thurs. Night)
CALEDOONIA AMERICAN
 LEGION POST 308
 Cherry Valley, Caladonia 49016

BINGO
 Our American Legion, Post 127
 ★ **MONDAY NIGHT** ★
 Early Bird - 5:30 p.m.

BINGO
 Sunday afternoon, 3 pm
 Wayland VFW,
 S. Main Street

MONTEREY TOWNSHIP PLANNING COMMISSION

— NOTICE — OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held on Monday, March 19, 1990, at 7:00 p.m. at the Monterey Community Building at the corner of 30th Street and 130th Avenue, Monterey Township, Allegan County, Michigan, to consider a request submitted by Dandel Orchards, of 2860 127th Ave., Allegan, MI 49010, (legal description on record) for a re-zoning of their property from Agricultural to Rural Estates in Section 27, T3N, R13W, Monterey Township, Allegan County, Michigan.

The further purpose of this meeting will be to consider the request of Bruce & Gary Weick of 220 Selby Street, P.O. Box 41, Hopkins, MI 49328, (legal description on record) for a re-zoning of their property from Rural Estates to Low Density Residential in Section 34, T3N, R13W, Monterey Township, Allegan County, Michigan.

Also such other and further matters as may come before said public hearing.

PLEASE TAKE FURTHER NOTICE that the Monterey Township Planning Commission hereby specifically reserves the right to recommend changes in the zoning ordinance other than as proposed herein.

Questions, comments or requests to review any zoning ordinances, maps or other related documents may be directed to:

MONTEREY TOWNSHIP PLANNING COMMISSION
 by: Earl Collier, Chairman
 2674 - 127th Ave.
 Route #5
 Allegan, MI 49010
 (616) 793-3378

Coming March 5th & 7th

LAND & LAKE HOMES

Local information about real estate,
 home financing, and home improvement

A SPECIAL SUPPLEMENT TO...




Advertising Information: 616-792-2271

Mailed to over 21,000 Homes in
 the desirable and growing communities
 between Grand Rapids and Kalamazoo



SEMI-FINALISTS in the Class B state debate competitions on Feb. 14 included the Wayland team. From left, the debaters are Matt Fletcher, forensics director Denise King, James Doane and Branden Wallace. The finish were in Noon. The state Class B champion was East Grand Rapids. Three hundred students from 55 high schools debated whether or not the federal government should adopt a nationwide policy to decrease overcrowding in prisons and jails in the United States.

Yesteryears

A Look Into Our Past...

YESTERYEARS
 100 Years Ago
 February 27, 1890

Two entertainments next week.
 Great is the railroad talk at Allegan.
 George Ward has opened a barber shop at Martin.
 The Wayland Charter election occurs on the 31st of March.
 Hein Lankeet of Allegan started yesterday for a trip to Mexico for his health.
 Several of our town's people are discussing the question of emigrating to Tallapoosa, GA., to better their condition.

Prof. F.A. Bacon, principal of the Middleville Union School, has purchased the Republican of that place of Horace Watkins. Success to the new management.

February 19, 1915
 75 Years Ago

There will be no school Monday and Tuesday on account of the Teacher's Institute.
 The Primary children celebrated Lincoln's birthday and Valentine's Day last Friday afternoon.
 The Seniors and Sophomores are making a thorough review of arithmetic.
 Beatrice Brog has a new piano.
 Ollie Hendrixma will work his father's farm the coming year.

H.W. Curie and J.E. Adams attended the Auto Show in Grand Rapids Tuesday. Birney Barber is at Byron Center taking the place of A. Pray in the depot for a few days.
 Seth Conrad has been suffering from sunec poisoning for a few days.
 Deputy Sheriff Delbert Fortney of Grand Haven was here Tuesday night and arrested Bert Hunt, on a charge of deserting his wife. Bert says there is nothing to it.

50 Years Ago
 February 23, 1940

There will be no third term presidential announcements today, we are sure.
 Freezing nights and thawing daytimes will soon bring activity to the sugar camps in this vicinity.
 Roads are in unusually good condition for this time of year.
 Plenty of snow on the ground is good for the wheat and should enable the farmers to get at their spring work early, because of the small amount of frost on the ground.
 Mrs. Orpha Herrington of Hopkins has opened a new beauty shop in the Hilbert building, formerly occupied by Vivian's Beauty Shoppe, on West Superior Street. New equipment has been installed, the interior decorated, and is now open for business.

1 YEAR WARRANTY!

1986 FORD MUSTANG
 Auto, air, cruise, cabs., dark blue, 34,000 miles.
\$6,995

1986 PONTIAC G800
 Air, auto, cruise.
\$5,995

1984 BUICK SKYLARK
 Auto, air, cruise.
\$5,750

1988 FORD ESCORT WAGON
 Automatic.
\$3,495

1988 VOLKSWAGEN GOLF
 GTI, 30,000 miles.
\$5,750

BROADMOOR MOTOR SALES
 "Specializing in Quality Pre-Owned Cars"
 8090 Broadmoor S.E.,
 60th Street and East Building
 Al Payer (616) 698-2565

NOTICE

WAYLAND TOWNSHIP BOARD OF REVIEW

Organizational Day March 8 in preparation for hearings to be held

Monday, March 12
 9 a.m. - 12 noon & 1 - 4:30 p.m.
Tuesday, March 13
 1 - 4:30 p.m. & 6 - 8 p.m.

Wayland Township Hall

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in Wayland Township are Agricultural, 1.08787; Commercial, 1.03542; Industrial, 1.01917; Residential, 1.12669.

Erwin Doublestein,
 Supervisor
 Phyllis DeGlopper,
 Assessor

W-777

WAYLAND PRINTING, INC.
P.O. BOX 445
WAYLAND, MA 02384

John Schipper
1675 11th St.
Marion, MA 019070

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
AFFIDAVIT OF POSTING


STATE OF MICHIGAN)
 SS
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that on the 22 day of February, 1988, I conspicuously posted at the Martin Township Hall a true and correct copy of the attached Notice of Public Hearing/Meeting of the Zoning Board of Martin Township, stating the time, place and date of such proceedings to be March 6, 1988, at 7:30 p.m., to be held at the Martin Township Hall, said time of posting being at least 18 hours prior to the public hearing/meeting.



John Schipper

Subscribed and sworn to before me this 22nd day of February, 1988.



Notary Public
Allegan County, Michigan
My Commission Expires:

SANDRA K. RCELOF
Notary Public, Allegan County, Michigan
My Commission Expires February 24, 1990

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING AND MEETING ON
SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 6, 1990 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton st. in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing and meeting include, in brief, the following:

1. The request by 4-L Farms Inc. for a special exception use permit at 1904 second street in Martin Township for a potato chip testing station and Ag-related sales.

2. The request by 4-L Farms Inc. for a special exception use permit at 111 112th ave. in Martin Township for sales of Ag. products.

3. The request by Mr. Stan Leep for a special exception use permit at 1785 second street in Martin Township for sales of Ag-related equipment and supplies.

4. The request by Mr. Terry Smit for a special exception use permit at 1125 122nd ave. in Martin Township for sales of feed and Ag. products.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing and meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1675 11th Street, Martin, MI 49070 at any time prior to the public hearing/meeting, and may further be submitted to the Zoning Board at said hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined at the residence of the Secretary of the Zoning Board at such times as may be arranged in advance, and may further be examined at the hearing/meeting.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
616/672-7010

Martin Township Board
By: Mrs. Georgia Kraai, Clerk

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON
ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/meeting on Tuesday, June 6, 1989 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of Section 10.2 of the Martin Township Zoning Ordinance so as to add a new subsection 10 designating "governmental administration or service buildings" as permitted uses in the "C-1" Neighborhood Business District of the Township.

2. The amendment of Section 10.2 of the Martin Township Zoning Ordinance so as to revise existing subsection 1 to allow in the "C-1" Neighborhood Business District any of the non-residential uses designated as allowed uses in the "R-2" Low Density Residential District or the "R-3" Medium Density Residential and Mobile Home Park District, whether designated as permitted uses or special exception uses.

3. The amendment of Section 11.2 of the Martin Township Zoning Ordinance so as to revise existing subsection 1 to allow in the "C-2" General Business District all uses designated as allowed uses in the "C-1" Neighborhood Business District, whether designated as permitted uses or special exception uses.

4. The proposed amendment of the Martin Township Zoning Map, and Appendix A of the Martin Township Zoning Ordinance, so as to rezone the north 1/2 of the northeast 1/4 of land Section 1 of the Township from the existing "R-3" Medium Density Residential and Mobile Home Park District to the "C-2" General Business District or the "C-1" Neighborhood Business District.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendments, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Township Attorneys, Bauckham, Reed, Sparks, Rolfe & Thomsen, P.C., 500 Park Building, 132 W. South Street, Kalamazoo, MI 49007, 616/382-4500 and may also be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103


Martin Township Board
By: Georgia Kraai, Clerk

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

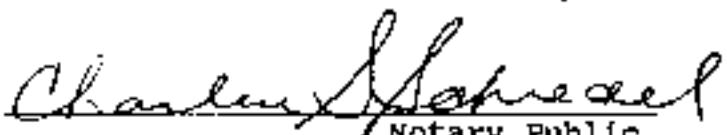
STATE OF MICHIGAN)
 : as AFFIDAVIT OF MAILING OF NOTICE
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that on the 17 day of May, 1989, I mailed a true and correct copy of the attached Notice of Public Hearing/Meeting of the Zoning Board of Martin Township for June 6, 1989, to the owner(s) of each property proposed for rezoning consideration in said Notice, to the applicant(s) for said rezoning, to all persons to whom any real property is assessed within 300 feet of any property proposed in said Notice for rezoning consideration as shown on the last assessment role of the Township, and to the occupants of all single-family and two-family dwellings located within 300 feet of any property therein proposed for rezoning consideration, all as shown on the attached list, by properly addressing an envelope to each person or to "occupant" where a tenants name was not known, placing a copy of the Notice in each envelope, and sealing the envelopes and mailing the same, First Class Mail, with postage fully prepaid, from a United States Post Office box in Martin, Michigan, all in accordance with MCLA 125.284.



John Schipper

Subscribed and sworn to before me this 17 day of May, 1989.



Notary Public
Allegan County, Michigan
My Commission Expires:

CHARLENE S. SCHIEDEL
Notary Public, Allegan County, Michigan
My Commission Expires October 16, 1989

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

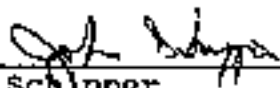
AFFIDAVIT OF SERVICE OF NOTICE

STATE OF MICHIGAN)
 ss
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that I served a true and correct copy of the attached Notice of Zoning Public Hearing and Meeting scheduled for June 6, 1989 upon the following public utilities and railroads, as directed by the Supervisor of the Township of Martin;

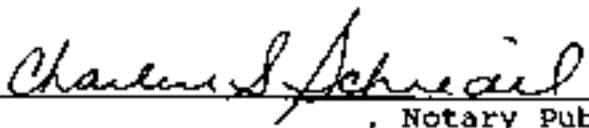
1. Conrail
2. Consumers Power Company
3. O & A Electric Company
4. Michigan Bell Telephone Company
5. AT & T
6. Wolverine Power Supply Cooperative, Inc.
7. Michigan Gas Utilities
8. Tri-City Cable

by placing the copies in envelopes addressed as shown on the attached mailing list, with postage prepaid thereon, sealing the envelopes and mailing the same, First Class mail, from a United States post office box in Martin, Michigan on the 17 day of May, 1989.



John Schipper

Subscribed and sworn to before me this 17 day of May, 1989.



Notary Public
Allegan County, Michigan
My Commission Expires:

CHARLENE S SCHIEDEL
Notary Public, Allegan County, Michigan
My Commission Expires October 16, 1989

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON
ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/meeting on Tuesday, June 6, 1989 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of Section 10.2 of the Martin Township Zoning Ordinance so as to add a new subsection 30 designating "governmental administration or service buildings" as permitted uses in the "C-1" Neighborhood Business District of the Township.

2. The amendment of Section 10.2 of the Martin Township Zoning Ordinance so as to revise existing subsection 1 to allow in the "C-1" Neighborhood Business District any of the non-residential uses designated as allowed uses in the "R-2" Low Density Residential District or the "R-3" Medium Density Residential and Mobile Home Park District, whether designated as permitted uses or special exception uses.

3. The amendment of Section 11.2 of the Martin Township Zoning Ordinance so as to revise existing subsection 1 to allow in the "C-2" General Business District all uses designated as allowed uses in the "C-1" Neighborhood Business District, whether designated as permitted uses or special exception uses.

4. The proposed amendment of the Martin Township Zoning Map, and Appendix A of the Martin Township Zoning Ordinance, so as to rezone the north 1/2 of the northeast 1/4 of land Section 1 of the Township from the existing "R-3" Medium Density Residential and Mobile Home Park District to the "C-2" General Business District or the "C-1" Neighborhood Business District.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendments, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Township Attorneys, Bauckham, Reed, Sparks, Rolfe & Thomsen, P.C., 500 Park Building, 132 W. South Street, Kalamazoo, MI 49007, 616/382-4500 and may also be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103

Martin Township Board
By: Georgia Kraai, Clerk

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY P. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA R. MASON
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500
—
TELECOPIER
616-382-2040

March 20, 1989

Mr. John Schipper
Secretary, Martin Township
1849 11th Street
Martin, MI 49070

Re: Materials for April 18, 1989
Zoning Board Public
Hearing/Meeting

Dear John:

Enclosed are various materials pertaining to the Zoning Board public hearing/meeting scheduled for April 18, 1989.

Firstly, I have enclosed the original legal Notice for you to use to make the copies necessary for the required mailings and posting.

Secondly, I am enclosing an Affidavit of Posting for you to complete after posting a copy of the Notice at the Township Hall. The Notice may be posted at your earliest convenience, but in any event at least 18 hours before the scheduled time of the public hearing/meeting. The completed Affidavit of Posting (with attached copy of Notice) should be filed with the Township records concerning this matter.

Thirdly, I am enclosing an Affidavit of Service of Notice pertaining to the utilities and railroads. Please mail copies of the Notice to the public utilities and railroads as referenced in the Affidavit at least 20 days before the date of the public hearing/meeting. The completed Affidavit with your attached mailing list (and attached copy of Notice) should then be filed with the Township records concerning this matter.

Fourthly, I am enclosing a copy of my letter to the Wayland Globe arranging for the required newspaper publications of the Notice.

Mr. John Schipper
March 20, 1989
Page 2

Fifthly, I am enclosing a copy of the tentative text of the proposed text amendments, which you are required by law to have available for public examination.

Finally, please arrange to have the existing Zoning Ordinance, Zoning Map and Land Use Plan Text and Map available for public examination at the Township offices from and after the first publication of the legal Notice and up to and including the time of the public hearing/meeting, as referenced in the Notice and as required by law.

Please give me a call if you have any questions or problems.

Sincerely,

BAUCKHAM, REED, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb

Enclosures

c: Andrew Loop
Georgia Kraai

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON
ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Tuesday, April 18, 1989, at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of Section 4.5, subsection 2, of the Martin Township Zoning Ordinance so as to provide that all dwellings shall have a minimum width of 20 feet for the entire length of the dwelling.

2. The amendment of Section 6.3 of the Martin Township Zoning Ordinance so as to add a new subsection 16 designating agriculture-related sales or service businesses as special exception uses in the "AG" Agricultural District of the Township, subject to certain conditions and limitations.

3. The amendment of Section 7.3 of the Martin Township Zoning Ordinance so as to add a new subsection 8 designating agricultural-related sales or service businesses as special exception uses in the "R-1" Rural Estates District of the Township, subject to certain conditions and limitations.

4. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendments, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Township Attorneys, Bauckham, Reed, Sparks, Rolfe & Thomsen, P.C., 500 Park Building, 132 W. South Street, Kalamazoo, MI 49007, 616/382-4500 and may also be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103

Martin Township Board
By: Georgia Kraai, Clerk

TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD
PUBLIC HEARING/MEETING ON APRIL 18, 1989

1. Amend Section 4.5 of the Martin Township Zoning Ordinance, pertaining to dwelling standards, so as to revise subsection 2 of same to read as follows:

"It shall have a minimum width or depth of 20 feet for the entire length of the dwelling;"

2. Amend Section 6.3 of the Martin Township Zoning Ordinance designating the various special exception uses allowed in the "AG" Agricultural zoning district of Martin Township so as to add a new such special exception use at subsection 16, reading as follows:

"16. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals."

3. Amend Section 7.3 of the Martin Township Zoning Ordinance designating the various special exception uses allowed in the "R-1" Rural Estates zoning district of Martin Township so as to add a new such special exception use at subsection 8, reading as follows:

"8. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals."

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA B. MASON
GILLEN W. WICKLUND
CAROL L.J. MUSTOLES

TELEPHONE
616-332-4500
—
TELECOPIER
616-332-2040

March 20, 1989

Wayland Globe
Wayland, MI 49344

Re: Publication of Zoning
Notice for Martin Township

Ladies:

Enclosed please find a Martin Township Notice of Zoning
Public Hearing and Meeting for publication in the Wayland Globe
on:

Wednesday, March 29, 1989

Wednesday, April 12, 1989

Please forward two Affidavits of the publication to this
office, and your bill for the publication to the Martin Township
Clerk: Georgia Kraai, 1399 10th Street, Martin, MI 49070.

Thank you for your attention to this request.

Sincerely,

BAUCKHAM, REED, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb
Enclosure

cc: Mr. John Schipper
Georgia Kraai
Andrew Leep

COPY TO ROBERT BOYLE

Nov. 11, 1987

Motion by Fenner, supported by Sipple, to pay bill for Fireworks upon receipt receiving same. Roll-call aye

" Motion by Sipple, supported by Fenner, to amend Martin Twp zoning Ordinance as follows: Amend appendix A/Classification of Land, and to remove from the existing R-3 Medium Density Residential and Mobile Home Park District to "C-2 General Bus. District" the 4 property in lots 27-28-29-30 of the Lapham Tabernacle Plat in Section 1 of Martin Twp. Roll-call aye "

The above motion is a true and exact copy of a motion offered at our regular Board Meeting held Nov. 11, 1987.

Ayes

Jack Sipple
Gerald Fenner
LaVerne Young
Andy Leep

Nays--None

LaVerne Young
LaVerne Young
Martin Twp. Clerk

copy I send to Robert Boyle
4381 Bluff Lagoon
Shelby 49844

11-13-87

copy to Robert Boyle

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD September 4, 1987

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map:

Amendment of Appendix A/Classification of Lands of Martin Township Zoning Ordinance/Map so as to come from existing "R-3" Medium Density Residential to "C-2" General Business that property in Lots 27, 28, 29, 30 of Latham Lakeview Plat in Section 1, (T2N, R11W) of Martin Township.

MARTIN TOWNSHIP ZONING BOARD

By: *John Dubison*
Zoning Board Secretary

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~) the same for consideration by the Martin Township Board, subject to the following:

Approved, unanimously, on Sept. 15, 1987

Dated: 9/15/87

ALLEGAN COUNTY PLANNING COMMISSION

By: *Lynd B. Fleming*
Lynd B. Fleming, Secretary

ACTION BY TOWNSHIP BOARD:

- Enacted
- Denied
- Referred back to Zoning Board

sent copy to Robert Boyle

Copy to Robert Boyle
11-13-87



COUNTY OF ALLEGAN

PLANNING COMMISSION

LYNN B. FLEMING, Recording Secretary
108 Chestnut St., County Building Annex
Phone 673-8471, Ext. 377
TINUS VANDER WOUDE, Chairman

ALLEGAN COUNTY PLANNING COMMISSION MINUTES - SEPTEMBER 15, 1987

1. Call to order - 2:30 P.M.
2. Members presents: Anderson, Brower, Chado, Hansen, Kammeraad, Maxwell, Nielsen, Vander Woude, and Recording Secretary Fleming.
Members absent: Brakus, Cornell, and Whitney.
3. Minutes of the August 10, 1987 meeting were presented and approved with the following correction made, as requested by Gun Plain Township Planning Commission: Item # 14 - "\$200.00 for rezoning requests."

STANDING COMMITTEE REPORTS:

4. Allegan County Promotional Alliance - Vander Woude
Four new members have been elected to the Executive Board.
5. Recreation/Tourism Advisory Council - Hanson
The Pioneer Picnic was held in August and considered the greatest success to-date.
6. Board of Commissioners - Nielsen, Kammeraad
The County Board went on record disapproving the raising of State Park Fees; appointed an Emergency Planning Commission for Right To Know; rescinded action of July 27th which was a Resolution in regard to dams which asked for an Environmental Impact Statement from DNR regarding the PCB level in the lake as a result of their destruction of dams in the Kalamazoo River.
7. Dept. of Public Works - Fleming, Sec.
Two-thirds of the pipe has been installed for the Lake Dexter Water System project; the base has been poured for the water storage tank which is expected to be erected this fall. The Fennville Water System project is moving slowly ahead.
8. Park Commission - Fleming, Sec.
An offer has been received and being considered to develop the ball diamonds at Littlejohn Lake for softball league use. It has been learned that the County Parks Rules will have to be made a County Ordinance to allow enforcement by the Sheriff Department.
9. Region B - Vander Woude
No report.

10. Resource Recovery - Nielsen
Director, Mary Jones, will be performing in the Community Tent at the County Fair this year as opposed to renting booth space as has been done in past years. The Allegan Recycling Station will have to be moved from the Industrial Park and a new location found. Mary will take responsibility for updating the County Solid Waste Plan for presentation to the Solid Waste Committee.
11. Allegan/Ottawa Community Growth Alliance - Vander Woude
No report.
12. Ground Water Quality Committee
The organizational meeting will be held Wednesday, Sept. 18.

NEW BUSINESS:

13. The Board of Commissioners granted a request by Trowbridge Township to waive County Planning Commission review of the proposed zoning amendment which would allow the Township to build township buildings on land in Trowbridge Township zoned Agricultural.
14. Clyde Township Zoning Ordinance 23 - Nielsen
An ordinance to regulate the setting of fires, and to provide penalties for the violation thereof, and to provide a method for the collection of costs and expenses of the township caused by the setting of fires; approved by Township Planning Commission. A motion by Nielsen, supported by Maxwell to approve the action of the Clyde Township Planning Commission. Motion carried unanimously.
15. Martin Township Zoning Ordinance Amendment - Whitney
Secretary Fleming read Martin Township's request to amend Appendix A/Classification of Lands, and to rezone from the existing R-3 Medium Density Residential and Mobile Home Park District to C-2 General Business District that property in Lots 27, 28, 29, and 30, of the Lapham Lakeview Plat in Section 1. Approved by Martin Township Planning Commission. A motion was made by Maxwell and supported by Brower to approve the action of the Martin Township Planning Commission. Motion carried unanimously.
16. Laketown Township Zoning Ordinance Amendment - Hanson
A proposed amendment to Chapter 10, Sec. 20.01, which would increase the members on the Zoning Board of Appeals from the present four to five members was approved by the Township Planning Commission. A motion was made by Kommerod and supported by Anderson to approve the action of the Laketown Township Planning Commission. Motion carried unanimously.
17. Monterey Township Zoning Ordinance Amendment - Hanson
A request to rezone, from Agricultural to Rural Estate; SE 1/4 SE 1/4 except the S 208.71 ft of the E 208.71 ft, also except the N 10 Acres, Sec. 2. Approved by Township

Planning Commission. A motion to approve the action of the Monterey Township Planning Commission was made by Hanson and supported by Kammeraad. Motion carried unanimously.


18. Fillmore Township Zoning Ordinance Amendment - Brower
Request to rezone from Agricultural to Commercial: part of the SW 1/4 Sec. 29, beginning at a point on the south line of Section 29, West 231 ft. of the S 1/4 corner thence north 620 ft. thence west 450 ft., thence south 620 ft., thence east to job. Approved by Township Planning Commission. A motion was made by Brower and supported by Chada to approve the action of the Fillmore Township Planning Commission. Motion carried.

OLD BUSINESS:

19. Planning & Zoning Workshop - 1987
Discussion led to the following decisions:
- a) The program will be devoted to answering questions and addressing topics presented by the audience to a panel.
 - b) Date: October 29th or November 30th.
 - c) Place: Allegan County Intermediate School Building, if available.
 - d) Registration Fee: \$10.00
 - e) Letter and Registration Forms mailed to local Governmental Units, Press Releases sent to news media.
 - e) Panelists suggested: Ken Detloff, Mark Wycof, John Bauckhem, Robert Hotelling.

There being no further business a motion to adjourn was made by Chada and supported by Hanson. Motion carried.

Tinus Vander Woude
Chairman


Lynn B. Fleming
Recording Secretary

THE NEXT REGULAR MEETING OF THE ALLEGAN COUNTY PLANNING COMMISSION
WILL BE HELD OCTOBER 5, 1987 AT 2:30 P.M. IN THE OFFICES OF THE
ALLEGAN COUNTY BUILDING ANNEX, 108 CHESTNUT ST., ALLEGAN, MICHIGAN

BAUCKHAN, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.

**ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007**

HARRY F. SMITH 1808-1872
JOHN H. BAUCKHAN
RICHARD D. REED
RICHARD L. LANG
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER

May 11, 1987

AREA CODE 616
TELEPHONE
382-4800

*ZONING - JAGER
MAY 24*

Mr. John Schipper
Secretary, Martin Township
1849 11th Street
Martin, MI 49070

Re: Notices for May 26, 1987
Zoning Board Public Hearing/
Meeting

Dear John:

NOTICE HT B. BOARD

Enclosed please find the original of the Notice of Zoning Public Hearing/Meeting for the Zoning Board proceedings to be held May 26, 1987. A copy of the Notice must be posted at the Township Hall at least 18 hours before the time scheduled for the proceedings. After posting the Notice please complete the enclosed Affidavit of Posting accordingly and return either the original or a copy of the completed Affidavit to me for my file.

I am also enclosing an Affidavit of Mailing for you to complete after mailing a copy of the Notice to the applicants, the owners of the property, if different than the applicants, and to all persons to whom any real property is assessed within 300 feet of the boundaries of the property, and to the occupants of all structures located within 300 feet of the property. The Notices must be mailed at least 5 days before the hearing/meeting date, but not more than 15 days prior to that date. Please attach to this Affidavit a list of the names and addresses to which the Notice was mailed.

I have arranged for the required publication of the Notice in the Wayland Globe, and have enclosed a copy of my letter to the Globe for your file.

It is my understanding that my attendance will not be required at the May 26 proceedings. Please be sure that the minutes of the proceedings reference the applicable section of the Zoning Ordinance designating the proposed use as a special

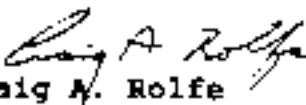
Mr. John Schipper
May 11, 1987
Page Two

exception use in the relevant zoning district. Please also take a refresher look at Article XIII of the Zoning Ordinance and ensure that the minutes of the proceedings adequately reference the consideration of and compliance with the various standards and other provisions spelled out therein for special exception use matters.

As usual, if you have any questions or problems please give me a call.

Sincerely,

BAUCKREAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR/jmw

cc: LaVerne Young
Andy Leap

BAUCKHAM, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
300 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1808-1072
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER

May 7, 1987

BD APPEALS
MAY 27

AREA CODE 616
TELEPHONE
366-4800

Wayland Globe
Wayland, MI 49344

Re: Publication of Zoning
Notice for Martin Township

Ladies:

NOTICE AT E. BOARD

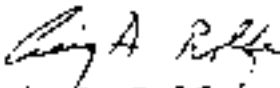
Enclosed please find a Martin Township Notice of Zoning Public Hearing and Meeting for publication in the Wayland Globe on Wednesday, May 20, 1987.

Please forward two Affidavits of the publication to this office, and your bill for the publication to the Martin Township Clerk: Mr. LaVerne Young, 981 Lee Street, Martin, MI 49070.

Thank you for your attention to this request.

Sincerely,

BAUCKHAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR/jaw

cc: Mr. John Schipper
Mr. LaVerne Young

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING AND MEETING ON
SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Tuesday, May 26, 1987 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The request of Ken and Barb Jager for a special exception use permit, as provided in the Martin Township Zoning Ordinance, to conduct an adult foster care facility or similar facility providing care for more than 6 persons on a parcel of land located at 2234 7th Street, Shelbyville, MI 49344 in Section 4 of Martin Township.
2. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at said hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Township Attorneys, Bauckham, Reed, Lang, Sparks, Rolfe & Thomsen, P.C., 500 Park Building, 132 W. South Street, Kalamazoo, MI 49007, 616/382-4500, and may also be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (616/672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this Notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
616/672-5103

Martin Township Board
By: LaVerne Young, Clerk

ORD. # 33
MADE CHANGES

CHANGES IN ORD # 30 EFFECTIVE 9-24-86
.. EFFECTIVE MAY 27, '87

- E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:
No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

*Changes on ordinance
to replace pages on 3 ring binder*

8
CHANGES - EFFECTIVE MAY 27, '87 : PM, #33

✓ IN ORD ADOPTED 9-10-86
EFFECTIVE 9-24-86 = ORD.#30

- E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:
No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

- 9
6. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
 - D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
 - E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:

No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.

- 70
6. Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.
 7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

- 8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:

No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:

- A. Single family dwelling: 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
- B. Two family dwelling: 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.

2. Minimum lot width:

- A. Single family dwelling: 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.

- 12
- B. Two family dwelling: 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - 3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
 - 4. Minimum front yard: 30 feet.
 - 5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
 - 6. Minimum side yard: 10 feet.
 - 7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.

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ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

- 9.1 STATEMENT OF PURPOSE: This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.
- 9.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Multi-family dwellings.
 4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
 6. Signs in accordance with Article XIV of this Ordinance.
- 9.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.
1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site, subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
- 9.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

NOTICE

The family of Dr. Anthony D'Amico is pleased to announce that it has located an excellent young chiropractor, Dr. Robert L. Harrison, who was previously practicing in Lowell, Michigan, and wishes to continue in the footsteps of Dr. D'Amico. Regular office hours will continue in the Byron Center office under Dr. Harrison's direction.

Mrs. D'Amico & Dr. Harrison invite all current and former patients to stop in and meet Dr. Harrison.

MARTIN TOWNSHIP ZONING BOARD

Allegan County, Michigan

Notice of Public Hearing and Meeting on Zoning Ordinance Text Amendments

To: The Residents and Property Owners of the Township of Martin, Allegan County, Michigan, and All Other Interested Persons:

Please Take Notice that the Martin Township Zoning Board will hold a public hearing and meeting on **Tuesday, March 17, 1987, at 7:30 o'clock p.m.** at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

Please Take Notice that the items to be considered at this public hearing include, in brief, the following:

1. The amendment of Section 6.3 of the Martin Township Zoning Ordinance so as to add a new subsection 15 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "AG" Agricultural District of the Township, subject to certain conditions and limitations.

2. The amendment of Section 7.3 of the Martin Township Zoning Ordinance so as to add a new subsection 7 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "R-1" Rural Estates District of the Township subject to certain conditions and limitations.

3. The amendment of Section 8.3 of the Martin Township Zoning Ordinance so as to add a new subsection 8 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "R-2" Low Density Residential District of the Township subject to certain conditions and limitations.

4. The amendment of Section 9.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the "R-3" Medium Density Residential and Mobile Home Park District of the Township so as to change existing subsection 4 to read as follows:

"Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities."

5. Such other and further matters as may properly come before the Zoning Board at this public hearing.

Please Take Further Notice that any persons who have an interest in the Township or other persons interested therein, or their duly authorized representatives or agents may appear at this hearing and be heard as to any matters that may properly come before the Zoning Board.

Please Take Further Notice that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070, at any time prior to this hearing.

Please Take Further Notice that the complete text of the proposed amendments, and the zoning ordinance and map, may be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103), at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of said hearing/meeting, and further may be examined at said hearing/meeting.

Martin Township Zoning Board

By: John Schipper, Secretary

1849 11th Street

Martin, MI 49070

(616)672-5103

Martin Township Board

By: LaVerne Young, Clerk



THE Neighborhood KITCHEN

with Margaret DeGroot

Last week we received a request for Sweden House Bread Pudding from Ann Minzee of Wayland. She wrote that she found it several years ago in a former recipe column, but since then has lost or misplaced it.

Several readers saved that recipe, printed below. Thanks for bringing them in.

I was almost raised on bread pudding. Growing up during the Depression years took a lot of stretching to feed 12 children. My mother baked all the bread for our table. We never knew what "store bought" bread tasted like.

Living on a farm, we usually had milk and eggs; combined with the bread scraps, Mother would bake large pans of bread pudding. Sometimes she'd add raisins, apples and top it with meringue, which made it extra special.

Often when we came home from country school (walking two miles), our snack would be a square of cold bread pudding. I am still fond of it. Following are several versions of an old favorite.

Sweden House Bread Pudding

4 eggs
2 cups milk
1 cup sugar
1 cup boiling water
1 tsp vanilla
6 slices bread
1/4 cup raisins
cinnamon

Beat eggs until running smooth. Add milk and beat well. Dissolve sugar in boiling water; add to egg mixture. Add vanilla and beat. Dice bread and place in loaf pan. Add raisins and pour egg mixture over all to soak bread. Sprinkle with cinnamon. Place in pan of warm water and bake in preheated 350°F oven for 1-1 1/2 hours until firm.

Bread Pudding

2 cups milk
2 tbsps butter
2 cups dry bread cubes
1/2 cup sugar
2 eggs, slightly beaten
1 tsp cinnamon
1 tsp vanilla
1/4 tsp salt
1/2 cup raisins

Scald milk, add butter. Pour over bread cubes. Soak about 5 minutes. Add sugar, slightly beaten eggs, cinnamon, vanilla, salt and raisins. Pour into buttered 9x11-inch baking dish or casserole. Set the dish into a pan of hot water. Bake in 350°F oven for 1 hour and 15 minutes or until knife comes out clean.

Raisin Meringue Bread Pudding

2 cups milk
2 cups dry bread cubes
1/4 cup brown sugar
1/4 cup white sugar
1/4 tsp salt
2 tbsps melted butter

1 tsp cinnamon
1 tsp vanilla
2 beaten egg yolks
1/2 cup raisins, light or dark
1 apple, pared and chopped

Scald milk, pour over bread cubes. Add sugars, salt, melted butter, cinnamon, vanilla, beaten egg yolks, raisins and chopped apple. Toss to blend. Pour into a buttered 1 1/2-qt casserole or 9x11-inch baking dish. Set dish in shallow pan of water. Bake in 350°F oven 1 hour. Remove from oven, spread with meringue. Then bake about 10 minutes longer or until meringue is lightly browned.

Meringue

2 egg whites
1/4 tsp salt
3 tbsps sugar
1/2 tsp vanilla

Beat egg whites and salt until soft peaks form. Gradually add sugar until stiff peaks form. Add vanilla. Spread on baked bread pudding. Return to oven.

Chocolate Bread Pudding

1/2 cup cocoa
1/2 cup sugar
1/2 tsp salt
2 eggs, beaten
1 1/2 tps vanilla
2 cups milk
6 slices white bread

Remove crusts from bread and cube the rest. Set aside. Combine cocoa, sugar and salt; add eggs and vanilla. Scald the milk and add cubed bread. Stir to moisten. Add to the chocolate mixture. Mix and pour into buttered 1 1/2-qt casserole. Place in a pan of hot water and bake in 350°F oven for 50-60 minutes or until set. Serve with cream or whipped topping.

Caramel Bread Pudding

2 tbsps butter
1 cup packed brown sugar
6 slices white bread, cubed
6 eggs
1/2 cup packed brown sugar
1 12-oz can evaporated milk
1/2 cup water
1 tsp vanilla
1/8 tsp salt

Generously butter shallow 1 1/2-qt baking dish. Dot bottom with remaining butter. Sprinkle 1 cup brown sugar over bottom. Top with bread cubes. Beat eggs with wire whisk. Stir in 1/2 cup brown sugar, evaporated milk, water, vanilla and salt. Pour over bread cubes (Do not stir.). Place baking dish in larger pan. Pour hot water into pan 1 inch deep. Bake in 325°F oven 50 minutes or until knife comes out clean. Serve warm or cold.

To share a recipe or search out a long-lost favorite, write to The Neighborhood Kitchen, C/o The Globe, P.O. Box 445, Wayland, MI 49348.

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NOTICE

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Monday, March 16, 1987

until 2:00 p.m.

Saturday, April 4, 1987

at City Hall H.A. Stull,
City Clerk

Wayland's Grigsby advances to regional wrestling competition



WILDCAT HEAVYWEIGHT Rob Grigsby was the sole Wayland grappler to qualify for the regional meet this Saturday at Delton. Grigsby placed second in his class last Saturday during district competition.

Heavyweight wrestler Rob Grigsby will represent Wayland Saturday at the state regional wrestling competition at Delton.

Grigsby earned the spot last Saturday by placing second in the district competition at Lakewood High School.

In his first match of the day, Grigsby pinned Hudsonville's Jim VanderKolk at 53 seconds, and disposed of West Catholic's Stan Truskosky at 36 seconds. Grigsby moved into the finals with a pin at 1:40 over Brian Gorby of Ionia.

In the finals, Grigsby lost to last year's state runner-up, Lowell's Jim Johnson by pin at 3:14.

Overall, the Wildcats placed 11th in the district with 36 points. John Whitley at 112 and Troy Schalb at 155 both bowed out early to the top seeded grapplers, while Tim Graves at 98 and Mark Troy at 128 bowed to the second seeded fighters.

Todd Kunst at 167 and Tom Klump at 132 each won one match before bowing out, while Kevin Kotrba at 119, Frank Pagan at 138, Jim Britton at 145 and Ken Klump at 185 all fell in their first matches.

Foul trouble helps Cat cagers bury themselves at FHN game

Jerry Czarniecki and Ron Burmanica combined for a meager four points in the first half Friday at the Wildcats buried themselves at Forest Hills Northern.

Both the players got into early foul trouble in the 67-52 loss, taking the inside game away and opening things up for the Huskies.

"Forest Hills hit everything they throw up in the first half," said Wayland Coach Cliff Sage. "We got down by 18 at the half, and had our chances to climb back in, but they kept us out of it."

The difference in the first half, besides being in foul trouble, was that Forest Hills hit the free throws they were given. They sank 21 in the first half.

Forest Hills also banged the boards fiercely with the tallest Cats on the bench. They grabbed 51 to Wayland's 36.

"We are a little bigger than them, but they really hit the boards," Sage said.

Roger Meyerink led the team scoring with 11 points, while Czarniecki added 10, as did Mike Salisbury, who Sage said deserves some credit for his play of late.

"Mike has scored in double figures the last four games," Sage said. "He's accepted his role as point guard and has done a nice job in running the offense, yet he's still scoring."

Despite Salisbury's play, the Cats need the inside power Czarniecki provides. He led the team rebounding with six, but is averaging 11 per game on the year.

"Forest Hills is a good team," Sage said, "but we buried ourselves Friday."

JUNIOR VARSITY

Brian Medendorp could do no wrong last Friday in leading the Cat jayvees to a 88-52 win over Forest Hills Northern, according to Coach Scott Hall.

Medendorp grabbed 18 rebounds and scored 12 points, and played his best game of the year by far, Hall said.

"Brian has improved to the point

where he's playing unreal basketball," Hall said. "He's getting more and more confidence, and that is helping the team confidence."

Hall said his team is peaking at this point, and wishes there were more than just two games left.

Hall also noted that Elmer Straub kept the Cats in the first half of the game with 13 of his 19 points, but the team as a whole compiled a balanced scoring attack.

Willie Barker, just pulled up from the freshman squad, pumped in 12 points, while Rick Dunkle added 10 and Dan Ainsworth scored nine, and Todd Tiglerman four.

Besides Medendorp's rebounding total, Ainsworth grabbed 10 caroms, and Barker six as the Cat team total soared to 45.

"We really dominated the boards," Hall said. "It was an excellent game, and was nearly mistake-free."

Wayland moved up to a 5-13 overall record with the win.

FRESHMEN

With Barker on the jayvee squad, the freshman lose about 20 points a game, according to Coach Tom Dunkle, whose team bowed to Forest Hills Northern 55-53 Friday.

Dunkle noted that the rest of his team responded well, however, but just didn't have enough to take control of the game.

Dave Farley, who Dunkle said has come a long way this year, stepped in to score 18 points, 18 of which came in the first half Friday.

"They doubled him in the second half, but other players came through well," Dunkle said.

"I was really pleased with Dave's play," Dunkle said. "He's the most improved player the last couple weeks."

With Farley shut down, Jeff Kazanowski scored 13 points, while Rick Merzen, who holds a school freshman record of 37 points in one game, added five.

Wayland's last frosh game of the year was slated for Tuesday. They entered that game with a 7-9 overall record.

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MARTIN TOWNSHIP ZONING BOARD

Allegan County, Michigan

Notice of Public Hearing and Meeting on Zoning Ordinance Text Amendments

To: The Residents and Property Owners of the Township of Martin, Allegan County, Michigan, and All Other Interested Persons:

Please Take Notice that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 17, 1987, at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

Please Take Notice that the items to be considered at this public hearing include, in brief, the following:

1. The amendment of Section 6.3 of the Martin Township Zoning Ordinance so as to add a new subsection 15 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "AG" Agricultural District of the Township, subject to certain conditions and limitations.
2. The amendment of Section 7.3 of the Martin Township Zoning Ordinance so as to add a new subsection 7 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "R-1" Rural Estates District of the Township subject to certain conditions and limitations.
3. The amendment of Section 8.3 of the Martin Township Zoning Ordinance so as to add a new subsection 8 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "R-2" Low Density Residential District of the Township subject to certain conditions and limitations.
4. The amendment of Section 9.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the "R-3" Medium Density Residential and Mobile Home Park District of the Township so as to change existing subsection 4 to read as follows:
"Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities."

5. Such other and further matters as may properly come before the Zoning Board at this public hearing.

Please Take Further Notice that any persons who have an interest in the Township or other persons interested therein, or their duly authorized representatives or agents may appear at this hearing and be heard as to any matters that may properly come before the Zoning Board.

Please Take Further Notice that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070, at any time prior to this hearing.

Please Take Further Notice that the complete text of the proposed amendments, and the zoning ordinance and map, may be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103), at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until including the day of said hearing/meeting, and further may be examined at said hearing/meeting.

Martin Township Zoning Board
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616)672-5103
Martin Township Board
By: LaVerne Young, Clerk

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84.5p

Hopkins coach amazed at his team's victory Friday night

One of the hardest jobs for a coach to accomplish is to get the team to peak at just the right time. For high school basketball teams, the mountaintop should be in sight right about now, with March Madness looming in the very near future.

Hopkins Coach Scott Palczewski has accomplished that task, if Friday night's big win over Grand Rapids Baptist was any indication. The win gave the Vikings new hope as the "second season" approaches, and that is good for the team.

It will indeed be good for the team to forget the 14 games that were lost this year. Past records mean nothing once the tourney starts. And past performances will mean nothing if the team can hold onto its consistency.

"I was amazed," Palczewski said after the 61-48 parents' night victory. "We played our most consistent game of the year, and they really amazed me with how well they could play."

Baptist defeated the Vikings by a point in overtime earlier in the year, but Friday was Hopkins' night from the get-go.

Showing nice inside movement without the ball, the Vikings jumped off to an 8-0 lead before going up 16-8 after the first frame.

Good rebounding kept the lead intact at the half, and cold Baptist shooting, along with three and four shots at the bucket for Hopkins, obviously frustrated the Mustangs.

The Vikings slowed the tempo a bit in the final stanza, and the way his team worked the ball inside pleased Palczewski.

"I wanted them to go through their paces," the coach said. "We needed to control the ball and look for the layup."

When the layup wasn't there, Hopkins didn't lose much. Ray Rifenberg was hot from all parts of the floor, and sustained his fire en route to a team-high 20 points.

"We're starting to peak," Palczewski said. "We're playing as well as we've played all year."

With Alan Smith starting to come back strongly, the Vikings get a little boost inside. Smith scored 11 points and snatched 10 rebounds. Jack Pogodzinski also scored 11 points in a fine performance, while Mike Mooney grabbed 10 boards and scored nine points.

Hopkins will seek to fine-tune the squad with two more games before March Madness begins.

Last Tuesday, the Vikings were downed by a state-ranked Martin squad 76-53.

Smith scored 18 and grabbed six rebounds to pace the Vikings, but Martin outscored Hopkins 26-8 in the third frame to ice the victory.

Clipper Matt Blanchard scored 18 points in that contest, followed by Bob Merrill with 12 and Chad Kraal with 10.

Besides Smith, Hopkins got 12 points from Rifenberg and 10 from Mooney.

JUNIOR VARSITY

Hopkins' jayvees did a good job against Baptist Friday night, according to Coach Tom MacArthur, but it was not quite enough to upend the tough Mustangs.

"I have to give Baptist credit," MacArthur said of the 61-54 loss. "They are the best team we've faced this year, and while we played a good game, they played better."

Dale Kraft pumped in 15 points for Hopkins in the loss, followed by Mike Rynearson with 14 points, five assists and five steals. Kraft also snatched eight rebounds, as did Kris Knobloch, who added eight points.

Last Tuesday, the Viking jayvees upended Martin 68-53 with a balanced scoring attack.

Knobloch and Casey Pogodzinski each scored 13 points in the win, while Rynearson and Kraft added 12 each. Curtis Channels carded 10 points, followed by Joe Beck with six and Jon Tew with two.

"It was a close game," MacArthur said. "We came out stronger in the second half, and we created some turnovers with good defense and were able to capitalize on it."

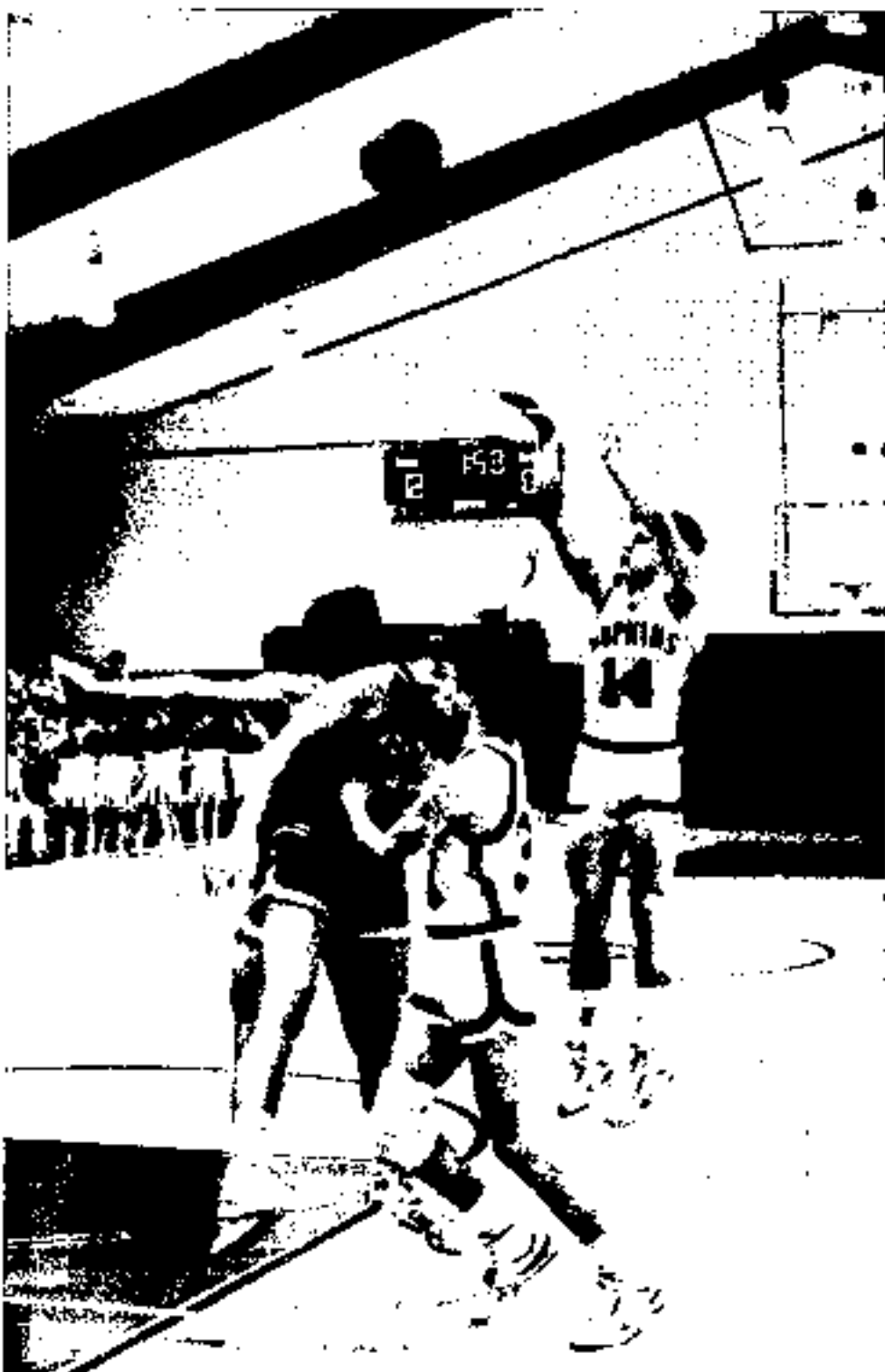
Hopkins also got good rebounding balance, with Channels grabbing eight caroms and Knobloch seven. Kraft snatched six boards, while Beck added five.

Hopkins moved to a 12-6 season mark with two games left, while Martin stood at 5-13.

FRESHMEN

The Viking frosh finished the year with a 5-9 record after dropping the final two games of the year.

"Overall, we showed improvement



MUSCLING FOR POSITION inside, Hopkins cager Alan Smith proved he could be forceful Friday night, as his Grand Rapids Baptist air-born opponent found. Smith got inside for 10 rebounds, while outside shooter Ray Rifenberg, 14, scored 20 points in the 61-48 Viking win.

and did well," said Coach Jim Balding. "There were a couple of games we could have won, but the second half of the year we played better."

Evidence of that statement is shown by the Viking 41-40 loss Friday to Grand Rapids Baptist, which defeated Hopkins by 27 the first half of the year.

"We came back well in the fourth quarter," Balding said. "Ford Ablett scored 13 points in the fourth, and we had a last second shot stop on the rim."

Ablett ended the game with 22

points, while Jeff Gilder added nine. Gilder also pulled down 11 rebounds, and Mike Diekevers grabbed six. Randy Welek scored eight points.

Last Tuesday, the Vikings were upended by Martin's frosh 39-32 despite Ablett's 16 points. Gilder added nine points and got nine rebounds, while Butch Misner snatched five boards.

Martin was paced to the win by J. J. Goodrich with 16 points and Dominie Shook with 10.

NOTICE

Township Of Wayland BOARD OF REVIEW

March 10, 1987

9:00-12:00 & 1:00-4:00

March 11

1:00-4:00 & 6:00-8:00

Wayland Township Hall

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in Wayland Township are Agricultural, .90337; Commercial, 1.01359; Industrial, 1.00301; Residential, 1.06451.

Erwin Doubfesteln, Supervisor

NOTICE

Township Of Salem BOARD OF REVIEW

Monday & Tuesday

March 9 & 10, 1987

9:00-12:00 & 1:00-4:00

Salem Township Hall

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in Salem Township are Agricultural, .83857; Commercial, 1.00061; Industrial, .99266; Residential, 1.00041.

Bob Jones, Supervisor

NOTICE

DORR TOWNSHIP BOARD OF REVIEW

March 9, 1987

1 p.m. to 4 p.m., 5 p.m. to 8 p.m.

March 10, 1987

9:00 a.m. to 12 noon
and 1:00 to 4:00 p.m.

AT DORR TOWNSHIP HALL

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in Dorr Twp. are Agricultural, .87467; Commercial, .99246; Industrial, 1.00000; Residential, 1.05397.

Donald Kaczanowski, Supervisor

MARTIN TOWNSHIP LAND USE PLAN

The Martin Township Land Use Plan consists of a land use plan map and this brief textual summary of the nature and characteristics of Martin Township. The land use plan, and the Martin Township Zoning Ordinance based thereon, are designed to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

Martin Township lies east of Abegan and north of Plainwell. US-131 runs along the western edge of the Township and Gun Lake just enters the northeast corner of the Township. Land uses in the Township are mostly agricultural and rural residential. There are small concentrations of residential uses in Shelbyville, Hooper and around Gun Lake and Lake Sixteen. The only large commercial use in the Township is the "US-131 Dragway", which is a heavy traffic generator during periods of operation.

The population in Martin Township in 1980, including the Village of Martin, was around 2,300 people. A projected population of around 2,600 people has been established for the year 1990. The Village of Martin has adopted and administers its own zoning ordinance.

There are no major influences on future growth in Martin Township. US 131 Dragway draws many people but is isolated from the rest of the Township by the expressway. Gun Lake is a development attraction but most of its attraction is in Wayland Township and Barry County. The Village of Martin may attract some growth, but since it lacks large employment sources, it probably will not be a significant influence. The three small lakes - Lake Sixteen, Fenner Lake and Pratt Lake - have limited potential for future development. The two US-131 interchanges in the Township both provide attractive sites for highway oriented commercial business. Although the paved county primary and local road system is not extensive, it does provide convenient access to most of the Township.

The general concept and goal of this plan is to direct future growth into planned service centers in and around the community center and conserve agricultural and rural open space areas through the adoption and implementation of these development guidelines:

1. **Prime Agricultural Areas**
Goal: Preserve and maintain prime agricultural land in bona fide agricultural uses only.
2. **Rural Estates and Open Space Areas**
Goal: Encourage single family home sites on large lots and selected land sites only.
3. **Residential**
Goal: Direct future intensive residential developments into and around community service centers.
4. **Commercial**
Goal: Encourage future commercial uses to locate in major community service centers with full public utilities.
5. **Industrial**
Goal: Encourage future intensive industrial uses into major community service centers with full public utilities and away from residential and prime agricultural areas.

The following is a sectional listing of all of the land areas in Martin Township (not including the Village of Martin), setting forth the current zoning designation of such lands, and noting planning proposals for certain areas, all in relation to the guidelines set forth in this land use plan:

1. Section 1, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.
"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.
Planning proposal: Rezone to "C-2" General Business District the northeast quarter of Section 1.
2. Section 2, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District. "I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.
3. Section 3, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 3.
4. Section 4, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 4.
5. Section 5, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.
Planning Proposal: Rezone to "I-1" Industrial District the west one-eighth of Section 5.
6. Section 6, Town 2 North, Range 11 West

- "AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.
- "C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.
7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
 8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
 9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.
 10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
 11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
 12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
 13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
 14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
 15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 119th Avenue, thence east 634 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 6th Street.
 16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.
"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.
"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.
 17. Section 17, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.
Planning Proposal: Rezone to "I-1" Industrial District the northwest quarter of the southwest quarter of Section 17.
 18. Section 18, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moorad property where it joins the Mac Vaen property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.
Planning Proposal: Rezone to "R-1" Rural Estates District that land along the east border of Section 18 from the Consumers Power right-of-way to 10th Street.
 19. Section 19, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District (and except for that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter

- of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.
- "R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.
- "C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.
- Planning Proposal: Rezone to "R-1" Rural Estates District that land between the Consumers Power right-of-way and 10th Street in the southeast quarter of the northeast quarter of Section 19.
20. Section 20, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.
Planning Proposal: Rezone to "R-1" Rural Estates District the northeast quarter of the southeast quarter of Section 20.
 21. Section 21, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.
Planning Proposal: Rezone to "R-1" Rural Estates District that land in Section 21 on the east side of 8th Street from 116th Avenue north to the jog in the road, with a property depth of 217.8 feet.
Planning Proposal: Rezone to "C-2" General Business District that land in the northwest quarter of Section 21 along the east side of 8th Street north from the east-west half section line to the east-west quarter section line, then east three-quarters of the way to the north-south half section line, excluding that land considered part of the cemetery.
 22. Section 22, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 22.
 23. Section 23, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
 24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
 25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
 26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
 27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
 28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
 29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies west of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
Planning Proposal: Rezone to "I-1" Industrial District that property in Section 29 along the west side of the railroad tracks right-of-way from 114th Avenue north to the Martin Village limits to a depth of 500 feet; also that land in Section 29 along the east side of the railroad tracks right-of-way, east to the north-south quarter section line and north from 114th Avenue to the Martin Village limits.

30. Section 30, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
 "R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.
 "R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.
 "C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest

quarter of Section 30.
 31. Section 31, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.
 "R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.
 "C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.
 32. Section 32, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.
 "R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.
 33. Section 33, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 792 feet, thence east 166 feet, thence south 792 feet, thence west 166 feet to point of beginning.
 34. Section 34, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 34.
 35. Section 35, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.
 "C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.
 36. Section 36, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.
 "C-2" General Business District: The south quarter of Section 36.

MARTIN TOWNSHIP ALLEGAN COUNTY MICHIGAN

MARTIN TOWNSHIP ZONING ORDINANCE (ORDINANCE NO. 30)

ADOPTED DATE SEPTEMBER 10, 1986 - EFFECTIVE DATE SEPTEMBER 24, 1986

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sions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of Act 184 of the Public Acts of 1949, as amended.

THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

ARTICLE I SHORT TITLE, PURPOSE AND SCOPE

1.1 **SHORT TITLE.** This Ordinance shall be known and may be cited as the "Martin Township Zoning Ordinance."

1.2 **PURPOSE.** This Ordinance is based upon the Martin Township Comprehensive Land Use Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general land appropriate trend and character of land, building and population development.

1.3 **SCOPE AND INTERPRETATION.** This Ordinance shall not repeal, abrogate, 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 covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

ARTICLE II CONSTRUCTION OF LANGUAGE

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either or", the conjunction shall be interpreted as follows:
 A. "And" indicates that all the connected items, condi-

tions, provisions or events shall apply; and,

B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

3. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard meaning.

ARTICLE III DEFINITIONS

3.1 **DEFINITIONS.** For the purpose of interpreting and enforcing this Ordinance the following definitions shall apply unless otherwise specifically stated to the contrary:

1. **Accessory Building or Structure:** A building or structure on the same premises with a main building, and of a nature customarily incidental and subordinate to the main building. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.

2. **Accessory Use:** A use customarily, naturally or normally incidental and subordinate to a principal use on the same premises.

3. **Agriculture Production:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.

4. **Alley:** A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.

5. **Alteration, Structural:** Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders, and any substantial change in the roof of any building, and any addition to diminution of or change in use or conversion of a structure or building, or the removal of a building or structure from one location to another.

6. **Automotive Repair Shop:** A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.

A. **Automotive Repair, Major:** General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

B. **Automotive Repair, Minor:** Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons capacity; provided, however, there is excluded any repair or work included in the definition of A above.

7. **Automotive Service Station:** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.

8. **Basement:** A portion of a building which is partially or

MARTIN TOWNSHIP ZONING ORDINANCE
 ORDINANCE NO. 30
 ADOPTED: SEPTEMBER 10, 1986
 EFFECTIVE: SEPTEMBER 24, 1986

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Martin; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; to prescribe penalties for the violation of the provi-

wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.

9. Board or Township Board; The Marin Township Board.

10. Board of Appeals or Zoning Board of Appeals: The Marin Township Zoning Board of Appeals.

11. Boarding House or Rooming House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.

12. Building: An independent structure which is constructed or erected having a roof supported by columns, walls, or other supports, and which is used or intended for use for the shelter or enclosure of persons, animals, or personal property, or carrying on of business activities or other similar uses. This term includes both temporary and permanent structures, and tents, sheds, garages, stables, greenhouses, or other accessory structures.

13. Building Code/Township Building Code: The nationally recognized model building, construction, plumbing and electrical codes duly adopted by the Marin Township Board.

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

15. Building Inspector: The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.

16. Building or Structure Setback: The measurement from the property line or street right-of-way line to the nearest point of the main wall of a building or structure, including porches but not including steps.

17. Building/Occupancy Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.

18. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for.

19. County Board; The Allegan County Board of Commissioners.

20. Dwelling or Residence: A building, mobile home, premanufactured or pre-cut dwelling structure designed and used for the complete living accommodations of a single family, but not including a travel trailer, automobile chassis, tent or portable building. In case of mixed occupancy where a building is occupied in part as a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy-saving earth sheltered homes which are either: Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run; or, constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.4 of this ordinance.

A. Dwelling, Multi-Family: A building containing three or more dwelling units designed for residential use.

B. Dwelling, Private: A building occupied by but one family alone.

C. Dwelling, Single-Family: A building containing not more than one dwelling unit designed for residential use.

D. Dwelling, Two-Family: A dwelling containing not more than two separate dwelling units designed for residential use.

E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities for not more than one family having cooking facilities.

21. Family: One or more persons related by blood or marriage or adoption including those related as foster children and servants, occupying a dwelling unit and living as a single, non-profit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, society, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary as resort-seasonal in character or nature.

22. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation), and subject to the conditions and limitations set forth at Section 14.2 of this ordinance.

23. Farm: Any parcel of land which is primarily used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.

24. Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

25. Filling: The depositing or dumping of any matter onto or into the ground, except residue from common household gardening and general farm care.

26. Floor Area:

A. Floor Area, Gross: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

B. Floor Area, Net or Usable: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the interior faces of the exterior walls, not including the basement area.

27. Garage, Private: A garage with capacity for not more than three vehicles, for parking and storage only.

28. Garage, Public: Any building or premises used for parking, housing or care of more than three vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

29. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially uneven ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

30. Home Occupation: Any gainful occupation or activity carried on in a residential dwelling unit as a use incidental and subordinate to the principal residential use of the dwelling unit, and subject to the conditions and limitations set forth in Section 4.20 of this ordinance.

31. Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practically unusable for the purposes for which the product was manufactured or designed.

32. Junk-Salvage Yard: Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.

33. Kennel: Any lot or premises on which five or more dogs or cats are kept either permanently, or temporarily boarded for persons other than the owner, or on which five or more dogs or cats are kept for commercial breeding purposes. All kennels shall comply with all applicable Township, County and State regulations.

34. Lot: A parcel of land adjoining a dedicated public street or a perpetual recorded private street, but exclusive of any adjoining street right of way or any legal easement, and separated from other parcels by legal description, deed or subdivision plat. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. The latter parcel is then often referred to as a "Zoning Lot".

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

B. Lot Area, Gross: The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Board.

C. Lot, Depth: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.

D. Lot, Corner: A lot situated at the intersection of two (2) or more streets.

E. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.

F. Lot, Interior: A lot other than a corner lot with one (1) lot line fronting on a street.

G. Lot, Lake: A lot having frontage directly upon a natural or man-made lake, river, pond, or other impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

H. Lot, Lines: Any line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot.

I. Lot Line, Front: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Zoning Compliance Permit.

J. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.

K. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

L. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Allegan County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.

M. Lot, Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

35. Mobile Home: A transportable structure which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained

in the structure. A recreational vehicle, as defined herein, is not a mobile home.

36. Mobile Home Park: A parcel of land upon which three or more mobile homes are located for continual residential, non-recreational use (also known as a trailer court or trailer coach park).

37. Mobile Home Site or Lot: A plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.

38. Modular, Prefab, Pre-cut and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

39. Motel: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

40. Motor Vehicle: Every vehicle which is self-propelled.

41. Non-Conforming Use, Building or Lot of Record:

A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

B. Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. set-backs, height, lot coverage, parking) of this ordinance in the zoning district in which it is located.

C. Non-Conforming Lot of Record: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).

42. Occupancy Load: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

43. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

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

45. Principal or Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

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

47. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.

48. Quarry Excavation: Any breaking of the ground to hollow out by cutting or digging or removing any earth matter, except common household gardening and general farm care.

49. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging.

This term includes folding campers, truckmounted campers, travel trailers, and motor homes, but does not include mobile homes.

50. Recreational Vehicle Parks: A family recreational oriented facility for the overnight or short term (not to exceed 15 days consecutively) use of travelers.

51. Roadside Market Stand: A permanent or temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

52. Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.

53. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.

A. Sign, Accessory: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

B. Sign, Area Surface: The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

C. Sign, Billboard: Any structure, or any portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

D. Sign, Business: Any structure, or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

E. Sign, Identifying: Any structure on the same premises it identifies which serves only (1) to tell the name or

use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to list the name or address of an apartment house, hotel, or motel; or (3) only to inform the public as to the use of a parking lot.

F. Sign, Nameplate: A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

G. Sign, Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

H. Sign, Real Estate: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

54. Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

A. Street, Major: A street or highway so designated on the Major Road Plan of the Allegan County Master Plan and which is designed and intended to carry heavy traffic volumes.

B. Street, Minor or Local: A dedicated public way or recorded private street affording access to abutting properties, and designed primarily to serve immediate neighborhood needs.

55. Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care residuals.

56. Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

A. Story, Basement: Shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in this same building, including the family of the same.

B. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches.

C. Story, Mezzanine: May be counted as a story if it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

57. Structure: Anything except a building, constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

58. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

59. Tourist Home: A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in his home for compensation, inanity for transients.

60. Township: Martin Township, Allegan County, Michigan.

61. Variance: A modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

62. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level.

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

B. Yard, Rear: An open space extending across the full width of a lot, the depth of which is the distance between the rear wall of the main building or structure and the rear lot line or street right-of-way line.

C. Yard, Side: An open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of the main building or structure.

63. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.

64. Zoning Board or Township Zoning Board: The Martin Township Zoning Board.

ARTICLE IV GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless expressly made applicable to only specific zoning districts.

4.1 ZONING EFFECTS ALL STRUCTURES AND LAND

AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.

The provisions of this Ordinance and the Township Building Code shall be applicable to the Township itself and all other federal, state or local governmental agencies and units.

4.2 RESTORING UNSAFE BUILDINGS: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.

4.3 BUILDING PERMITS: No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the Township Building Code and the regulations set forth in this Ordinance including, but not limited to, the following:

- 1. An application for a building permit shall be in writing and upon duplicate printed forms furnished by the Township. Each application shall include such reasonable information as may be requested by the Building Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, the following information:
A. The location and actual dimensions of the lot or premises to which the permit is to apply.
B. The kind of buildings or structures to which the permit is to apply.
C. The width of all abutting streets.
D. The area, size and location of all buildings or structures to which the permit is to apply.
E. The type of use to be made of the building or structure to which the permit is to apply.
F. The use of buildings or structures on adjoining lands.
G. The estimated cost of the building or structure.

The Building Inspector, at his discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

The Building Permit requirement of this Section shall not apply to non-dwelling farm buildings and structures in the "AG" Agricultural District, nor to construction or alteration of buildings and structures involving a cost or value of \$1,000 or less, in any zoning district. Builders of such non-dwelling farm buildings and structures shall, however, obtain a Building Approval Card from the Zoning Administrator, indicating that the building or structure will comply with all setback and location requirements imposed by this ordinance. A fee for a Building Approval Card may be established by the Township Board.

2. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises; but shall not be required for accessory buildings or structures erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building.

3. Within 10 days after the receipt of an application for a building permit the Building Inspector shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance and the Township Building Code; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. The permit or the written reason(s) of cause(s) for denial shall be transmitted to the owner or the owner's agent.

4. A building permit issued by the Building Inspector is non-transferable, and must be obtained before any work, excavation, construction, erection, alteration or movement is commenced.

5. A building permit for which all construction work has not been completed within one year from the date of its issuance shall expire automatically, but may, upon application, be renewable once for an additional one year term on payment of an additional fee equal to one-half of the original permit fee.

6. No building permit shall be issued where the construction or other activity for which a building permit is required involves a building or land use designated as a special exception use in the applicable use district provisions of this Ordinance, unless the owner or owner's agent has first obtained the authorization of the Township Zoning Board for such special exception use.

7. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein, and which is to be located on a lot which is not served by both public water and sewer facilities, if its water supply and/or sewer disposal facilities does not comply with the rules and regulations of Allegan County and any other government authority governing waste and sewage disposal.

8. The Building Inspector may revoke and cancel any building permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, the Township Building Code, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be provided to the permit holder by securely posting same on the premises; and no further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

4.4 CERTIFICATES OF COMPLIANCE AND USE: No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof has made arrangements with the Building Inspector for a final inspection, upon completion of all work, and is issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance and the Township Building Code.

4.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of the zone district in which it is located, and shall have a minimum floor to ceiling height of 7.6 feet;

2. It shall have a minimum width or depth of 20 feet for at least 20 feet of the length of the longest side of the dwelling;

3. The dwelling and all additions or rooms or other areas shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, and constructed with similar quality workmanship and of 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, the mobile home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended.

4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and any wheels shall be removed. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.

5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department;

6. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same;

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

7. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

8. The dwelling and all additions or rooms or other areas 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 mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

9. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in any ordinance of the Township pertaining to such parks.

4.6 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements, and otherwise complies with this Ordinance.

4.7 PRINCIPAL USE: No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, and the "R-2" Low Density Residential District; or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District.

4.8 ACCESSORY USE: Accessory uses incidental only to a permitted use are allowed in any zoning district when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise allowed as provided in this Ordinance.

4.9 ACCESSORY BUILDING OR STRUCTURE:

1. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings and structures

shall be compatible with and similar to the principal building.

2. Accessory buildings and structures shall not be located closer than five feet to the rear lot line or closer than 40 feet to the water's edge in the case of a waterfront lot (except that pump-houses may be located within 40 feet of the water's edge if they do not exceed three feet in height); shall not occupy more than 20% of any required rear yard space; and shall not be closer to any side lot line or front lot line than the principal building is permitted.

3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.

4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.

5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estates or "R-2" Low Density Residential zoning district.

4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.

4.11 SETBACKS FOR STRUCTURES ADJACENT TO STREETS: Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Martin Township Land Use Plan", as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

- 1. Major County Primary - 100 feet
- 2. Minor County Primary - 80 feet
- 3. Collector Streets - 66 feet

4.12 MINIMUM PUBLIC STREET FRONTAGE: Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

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

4.14 TEMPORARY USES OR STRUCTURES:

1. Upon application, the Zoning Administrator may issue a permit for the temporary residential use of a dwelling failing to comply with the dwelling standards set forth at Section 4.5 of this ordinance, provided that such a temporary use permit may be issued only for a period of not to exceed one year, and an extension of not to exceed six months, if all the following conditions are determined to exist at the time of the determination on the initial application or request for extension thereof:

A. The applicant for the temporary use permit has submitted plans for, and received, a building permit for the construction or reconstruction of a permanent dwelling upon the same premises conforming with the dwelling standards set forth at Section 4.5 of this ordinance;

B. The temporary dwelling is connected to a water supply and septic tank system complying with the requirements of the local health department;

C. All yard and setback requirements of the applicable zoning district are met;

D. The temporary dwelling has at least 475 square feet of useable floor area, and complies with all pertinent construction and fire codes;

E. The location of the proposed dwelling will not interfere with or substantially hinder any existing or likely potential future farming operations or activity within the immediate area;

F. The Township, County and school district have the present and future ability to provide adequate vehicular access, schools, public safety, public sewers, and other necessary public services at a level comparable to that provided to other dwellings in the surrounding area;

G. The temporary dwelling shall not have a substantially detrimental effect on adjacent properties and the surrounding neighborhood, with regard to property values, aesthetics, or otherwise.

H. An extension of the permit may be approved by the Zoning Administrator, upon request, for a period of not to exceed six months, only if the Zoning Administrator determines that the conditions set forth hereinabove were complied with throughout the duration of the initial permit, that the construction of the permanent dwelling upon the premises was pursued with due diligence during the initial period of the permit and, in consultation with the Building Inspector, that within the requested period of extension that construction of the permanent dwelling will likely be completed and an occupancy permit issued for same.

The temporary use permit shall be subject to revocation if construction or reconstruction of the permanent dwelling has not commenced within 90 days after issuance of the building permit for said dwelling, or if any of the conditions set forth hereinabove are at any point not complied with.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction

materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.

3. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

4. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:

A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.

B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.

C. Such a recreational vehicle or tent may not be situated upon any parcel or occupied for more than 30 days, calculated cumulatively, within any calendar year.

D. Such a recreational vehicle or tent may not be leased or rented to the occupants.

E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.

F. Such a recreational vehicle or tent must be stored neatly or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

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

4.16 ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.

2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

4.17 DOUBLE FRONTAGE AND CORNER LOTS: Buildings on lots having frontage on two intersecting streets (corner lots) or non-intersecting streets (double frontage lots) shall comply with the front yard requirements on both such streets.

4.18 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone, other than a commercial zoning district where no yard space is required, no fence, structure or planting (except deciduous trees which is over 30 inches in height) shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.

4.19 HOME OCCUPATIONS: A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein;

2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners;

3. The dwelling shall not have any exterior evidence, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling;

4. The occupation shall be clearly incidental and secondary to the residential use of the building.

5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot; and,

6. The home occupation shall not utilize more than 35% of the gross floor area in the single unit dwelling.

4.20 FAMILY BUSINESSES: A family business, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.

2. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage areas shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties.

3. There shall be no expansion of the business facilities without the prior approval of the Zoning Board.

4. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

5. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.

6. The business shall be located on the same parcel with the family's residence.

7. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.

8. The Zoning Board may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted. The Zoning Board may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

4.21 ROADSIDE MARKET STANDS: A roadside market stand, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All products offered for sale shall be agricultural products or goods produced on the premises upon which the roadside market stand is located.

2. The gross floor area of a building or structure used as a roadside market stand shall be at least 150 square feet, but shall not exceed 600 square feet. The height of the building or structure shall not exceed one story.

3. The building or structure shall be located at least 150 feet from any pre-existing dwellings located upon adjoining properties under different ownership.

4. The building or structure shall be located at least 50 feet from the nearest traveled portion of the roadway.

5. An off-street parking area shall be established and maintained sufficient to provide adequate parking facilities for the roadside market stand, and prevent traffic congestion or hazards which could result from the roadside market stand.

6. Suitable containers for rubbish shall be placed on the premises for use by customers of the roadside market stand, and such containers shall be maintained and periodically emptied so as to prevent unnecessary odors.

7. All roadside market stands shall be operated at such times and in such a manner so as to not create a detrimental effect on adjoining properties and the surrounding neighborhood.

4.22 KENNELS: A kennel, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All kennels shall be operated in conformance with all applicable county and state regulations.

2. For dog kennels, the minimum lot size shall be two acres for the first three dogs, and an additional one acre for each three additional dogs.

3. Kennel buildings or structures, animal runs, and/or exercise areas shall be located at least 150 feet from any pre-existing dwelling, or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

4. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated so as to prevent traffic congestion as a result of the kennel.

5. The nature and character of buildings and structures utilized for kennel activities shall be aesthetically compatible with the principal use of the premises upon which the kennel is located, and with the principal uses of adjoining properties.

6. Kennel facilities shall be subject to such other conditions and limitations as the Zoning Board shall deem necessary, in the specific circumstances at issue, to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations.

4.23 CHURCHES AND PARISH HOUSES, PUBLIC AND PAROCHIAL SCHOOLS AND EDUCATIONAL INSTITUTIONS, AND OTHER SIMILAR USES OWNED AND OPERATED BY A GOVERNMENTAL AGENCY OR NON-PROFIT ORGANIZATION: A church and parish house, public and parochial school and educational institution, and other similar use owned and operated by a governmental agency or nonprofit organization, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The minimum lot area upon which a church or school may be constructed shall be two acres.

2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.

3. The off-street parking area required by Section 15.1 of this ordinance shall not be located within the required front yard setback area.

4. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided beyond the minimum setback requirements.

4.24 AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR SHOPS: An automotive service station and automotive repair shop, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot shall be located so that it is at least 500 feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital, or residential district boundary.

2. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance.

3. No drive or curb opening shall be located within 25 feet

of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.

4. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.

5. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

6. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

7. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

8. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.

9. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.

11. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Zoning Board and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.

12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

13. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Zoning Board to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

4.25 JUNK/SALVAGE YARDS: A junk/salvage yard, where allowed shall be operated in accordance with all of the following conditions and limitations:

1. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.

2. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Zoning Board, and shall not be open for business or conducted on Sundays or holidays.

3. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.

4. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.

5. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.

6. The setback requirements for all industrial uses shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection 1 herein, same shall not be located within the setback area.

7. All such activities or business shall be currently licensed by the State of Michigan.

8. All such activities or business shall at all times be conducted and operated so as to comply with Section 4.15 of this ordinance, and all other applicable provisions of this ordinance not specifically referenced in this Section 4.10.

4.26 DRIVE-IN THEATERS: A drive-in theater, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot location shall be such that at least one property line abuts a major street, and shall be at least 500 feet from any residentially zoned area or residentially used premises.

2. The premises shall be enclosed with a solid screen fence of at least seven feet in height.

3. All points of entrance or exit shall be located at least 250 feet from any street or road intersection as measured to the nearest intersection right-of-way line.

4. Sufficient space shall be provided on the premises for 50 waiting vehicles to stand at the entrance to the facility.

5. The theater screen shall not face, directly or obliquely, by less than a 75° angle, a major street or any residentially zoned or used area.

4.27 REMOVAL AND PROCESSING OF TOP SOIL,

SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS: Removal and processing of top soil, gravel or other such minerals or earth materials, where allowed, shall be operated in accordance with all of the following conditions and limitations.

1. Earth removal operations shall not cause a safety hazard, create erosion problems, or alter the ground water table of the area;

2. Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or swampy areas;

3. Earth removal operations shall not cause a permanent adverse effect to the environment, the natural topography, and any natural resource, other than the earth materials involved;

4. Earth removal operations shall not cause traffic congestion, and all trucks or other vehicles shall be directed away from residential streets and shall utilize county primary roads whenever possible;

5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any persons having reason to be within the area of activity;

6. No storage, or truck or other vehicle or equipment parking or storage shall be located within 50 feet of any adjacent property, or within 200 feet of any adjacent residence.

7. All earth removal operations shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property;

8. As the earth materials are being removed, the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30° slope and the contour be caused to blend as nearly as possible with the natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion;

9. The Zoning Board may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

ARTICLE V

CLASSIFICATION AND USE DISTRICTS

5.1 ZONE DISTRICTS: The Township of Martin is hereby divided into the following zoning districts:

- 1. AG Agricultural District
- 2. R-1 Rural Estate District
- 3. R-2 Low Density Residential District
- 4. R-3 Medium Density Residential District
- 5. C-1 Neighborhood Business District
- 6. C-2 General Business District
- 7. I-1 Industrial District

5.2 USE DISTRICT BOUNDARIES AND ZONING MAP:

The locations and boundaries of the zoning districts are hereby established as set forth in Appendix A of this ordinance (Classification of Land), and as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Martin Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

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

3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.

4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds shall be construed as moving with the shoreline or lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.

6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

ARTICLE VI

AG AGRICULTURAL DISTRICT

6.1 STATEMENT OF PURPOSE: This zoning district is intended for large tracts of land used or preserved for farming, animal husbandry, dairying, horticultural, or other agricultural activities, and may include large vacant areas, fallow land and wooded areas.

6.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary

facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.

2. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.

3. Riding stables, where horses are boarded and/or rented.

4. Single family dwellings.

5. Parks, public recreational areas or golf courses.

6. Home occupations, in accordance with Section 4.19 of this Ordinance.

7. Churches and parish houses, public and parochial schools and educational institutions and other publicly owned and operated community buildings, structures or uses, in accordance with Section 4.23 of this Ordinance.

8. Cemeteries.

9. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.

10. Signs in accordance with Article XIV of this Ordinance.

6.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.

2. Recreational vehicle campgrounds.

3. Horse or dog racing tracks.

4. Slaughter houses and meat processing facilities.

5. Family businesses, in accordance with Section 4.20 of this Ordinance.

6. Two family dwellings.

7. Roadside stands, in accordance with Section 4.21 of this Ordinance.

8. Funeral parlors and mortuaries.

9. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.

10. Survival games or similar paramilitary recreational activities.

11. Conservation/skate shooting clubs or similar activities.

12. BMX, motorcycle, go-kart racetracks or similar activities.

13. Commercial communication towers.

14. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.

B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.

C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.

D. The effect of any increased density on the surrounding neighborhood caused by the intended use.

E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.

2. Minimum lot width: 165 feet.

3. Minimum usable floor area per dwelling unit: 820 square feet.

4. Minimum front yard: 50 feet.

5. Minimum rear yard: 50 feet.

6. Minimum side yard: 20 feet.

7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

ARTICLE VII

R-1 RURAL ESTATES DISTRICT

7.1 STATEMENT OF PURPOSE: This zoning district is intended for large rural residential estates and farming.

7.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses.

1. Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms, not including temporary housing for migratory workers.

2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.

3. Single family dwellings.

4. Home occupations, in accordance with Section 4.19 of this Ordinance.

5. Parks and public recreational areas.

6. Cemeteries.

7. Signs in accordance with Article XIV of this Ordinance.

7.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.

2. Roadside stands, in accordance with Section 4.21 of this Ordinance.

3. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.

- 4. Family business, in accordance with Section 4.20 of this Ordinance.
- 5. Funeral parlors and mortuaries.
- 6. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
 - D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
 - E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 1 acre.
- 2. Minimum lot width: 165 feet.
- 3. Minimum usable floor area per dwelling unit: 820 square feet.
- 4. Minimum front yard: 50 feet.
- 5. Minimum rear yard: 50 feet.
- 6. Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.
- 7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance

ARTICLE VIII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

8.1 STATEMENT AND PURPOSE: This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.

8.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Single family dwellings.
 - 2. Two family dwellings.
 - 3. Home occupations, in accordance with Section 4.19 of this Ordinance.
 - 4. Signs in accordance with Article XIV of this Ordinance.
- 8.3 SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.
- 1. Private and public schools, libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization, in accordance with Section 4.23 of this Ordinance.
 - 2. Parks, playgrounds and community centers owned and operated by a governmental agency or a non-profit commercial organization.
 - 3. Governmental administration or service buildings.
 - 4. Churches, in accordance with Section 4.23 of this Ordinance.
 - 5. Family business, in accordance with Section 4.20 of this Ordinance.
 - 6. Funeral parlors and mortuaries.
 - 7. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
 - D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
 - E. The availability of adequate off-street parking for the intended use.
- Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area:
 - A. Single family dwelling: 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. Two family dwelling: 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
- 2. Minimum lot width:
 - A. Single family dwelling: 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Two family dwelling: 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.

- 3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
- 4. Minimum front yard: 30 feet.
- 5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
- 6. Minimum side yard: 10 feet.
- 7. Maximum building or structure height: the lesser of 35 feet or 2 1/2 building stories.

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

9.1 STATEMENT OF PURPOSE: This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.

9.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Single family dwellings.
- 2. Two family dwellings.
- 3. Multi-family dwellings.
- 4. Nursing homes, senior citizen housing and similar convalescent or group housing.
- 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
- 6. Signs in accordance with Article XIV of this Ordinance.

9.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
- 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

9.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area:
 - A. Single family dwelling (not in mobile home park): 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. Two family dwelling (not in mobile home park): 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
 - D. Multi-family dwelling (not in mobile home park): 4,500 square feet for lots served with public sewer and water; 10,000 square feet for lots not served with public water and sewer.
 - E. All other allowed uses: 15,000 square feet.
- 2. Minimum lot width:
 - A. Single family dwelling (not in mobile home park): 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. Two family dwelling (not in mobile home park): 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - D. Multi-family dwelling (not in mobile home park): 100 feet for lots served with public sewer and water; 100 feet for lots not served with public water and sewer.
 - E. All other allowed uses: 100 feet.
- 3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling (not in mobile home park): 820 square feet.
 - B. Single family dwelling (in mobile home park): In accordance with the regulations of the Michigan Mobile Home Commission.
 - C. Two family dwelling: 720 square feet.
 - D. Multi-family dwelling: 660 square feet for one bedroom unit; 750 square feet for two bedroom unit; 900 square feet for three bedroom unit; additional 100 square feet for each additional bedroom.
- 4. Minimum front yard:
 - A. All allowed uses (not in mobile home park): 30 feet.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
- 5. Minimum rear yard:
 - A. All allowed uses (not in mobile home park): 25 feet; 50 feet for lakefront lots.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
- 6. Minimum side yard:
 - A. Single family dwelling (not in mobile home park): 10 feet.
 - B. Two family dwellings (not in mobile home park): 10 feet.
 - C. Multi-family dwellings: 20 feet.
 - D. Uses allowed in mobile home parks: In accordance with the Michigan Mobile Home Commission.
 - E. All other allowed uses: 20 feet.
- 7. Maximum building or structure height: the lesser of 35 feet or 2 1/2 building stories.

ARTICLE X

C-1 NEIGHBORHOOD BUSINESS DISTRICT

10.1 STATEMENT OF PURPOSE: This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.

10.2 PERMITTED USES: Land, buildings, and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Any non-residential permitted use in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district.
- 2. Bakery goods stores.
- 3. Banks, loan and/or finance offices.
- 4. Barber or beauty shop.
- 5. Book, stationery or gift store.
- 6. Candy store, soda fountain and/or ice cream store.
- 7. Clothes cleaning and/or laundry pick-up station.
- 8. Clothing and dry goods store.
- 9. Delicatessen store.
- 10. Dress shop.
- 11. Drug store.
- 12. Florist and gift shop without nursery.
- 13. Funeral parlor or mortuary.
- 14. Grocery store and meat market.
- 15. Hardware store.
- 16. Household appliance store.
- 17. Jewelry store.
- 18. Laundromats.
- 19. Liquor store including beer and wine sales.
- 20. Nursery school and day nurseries.
- 21. Paint and wallpaper store.
- 22. Parking lots.
- 23. Photography shops and studios.
- 24. Radio and television store.
- 25. Restaurants and/or cafes without dancing, floor shows or drive-in service.
- 26. Shoe repair shop.
- 27. Tailor and/or dress maker.
- 28. Variety store.
- 29. Signs in accordance with Article XIV of this Ordinance.

10.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Automotive service stations, including minor auto repair shop facilities, in accordance with Section 4.24 of this Ordinance.
- 2. Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, and which do not involve any manufacturing activities or the treatment of articles or materials.
- 3. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
- B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed use on light and air circulation of adjoining properties.
- D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

10.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 15,000 square feet.
- 2. Minimum lot width: 100 feet.
- 3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 60% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
- 4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
- 5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
- 6. Maximum building or structure height: 35 feet.

10.5 OTHER GENERAL REQUIREMENTS: All business, service or processing activities, except parking, associated with any permitted use or special exception use in this zoning district, shall be conducted entirely within a completely enclosed building.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

11.1 STATEMENT OF PURPOSE: This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

11.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. All uses permitted in the C-1 district.
2. Ambulance services.
3. Amusement enterprises.
4. Antique shop, provided all articles for sale are displayed or stored within the shop.
5. Automotive and other vehicle sales.
6. Automotive repair shop or garage, including major repair operations.
7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
8. Bank, loan and finance offices including drive-in branches.
9. Bowling alley, including bars and restaurant.
10. Bus station and travel agency.
11. Business or trade school.
12. Car wash facility.
13. Catering service, delicatessen and confectionery store.
14. Clinic - dental and medical including laboratory.
15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.
16. Crating and packing service.
17. Dance studio and photographic studio.
18. Diaper, linen and towel supply service.
19. Dry cleaning and laundry - custom and self-service.
20. Eating place - including grill or "drive-in" restaurant.
21. Electrical supplies - wholesale and storage.
22. Exterminator service.
23. Factory and mill supplies.
24. Florist and gift shop including nursery.
25. Frozen food locker.
26. Funeral parlor or mortuary.
27. Hotels and motels.
28. Juice box and vending machine service and distribution.
29. Laboratory - medical or dental.
30. Liquor store.
31. Locksmiths.
32. Lodge hall, private clubs, veterans' clubs.
33. Malt beverage, liquor and wine distribution.
34. Marina.
35. Offices.
36. Office machines, sales and service.
37. Office supply store.
38. Ornamental iron work and fence service.
39. Parcel delivery station.
40. Pet shop, not including treatment or boarding of animals.
41. Printing and publishing including processes related thereto.
42. Professional studio.
43. Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.
44. Radio and TV sales and repair shops.
45. Broadcasting studios.
46. Resale shops including "auction houses".
47. Resort including seasonal cabins.
48. Shoe repair.
49. Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.
50. Special tools and gauges - checking and service.
51. Taxidermist.
52. Theater, indoor.
53. Trade schools.
54. Travel agencies.
55. Warehousing and storage structures.
56. Wholesale sales facilities.
57. Any other retail business or service establishment of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
58. Signs in accordance with Article XIV of this Ordinance.

11.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Commercial communication towers.
2. Bar, cocktail lounge or nightclub.
3. Theater, drive-in, in accordance with Section 4.28 of this Ordinance.
4. Landing and take-off areas for rotor craft.
5. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.

B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

C. The effect of the proposed use on light and air circulation of adjoining properties.

D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-

MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setbacks shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. Maximum building or structure height: 35 feet.

ARTICLE XII

I-1 INDUSTRIAL DISTRICT

12.1 STATEMENT OF PURPOSE: This district permits compounding, assembling, or treatment of articles or materials, this district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.

12.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
2. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
3. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
4. Petroleum storage located at least 500 feet from any residentially zoned property.
5. Automotive repair shops, in accordance with Section 4.24 of this Ordinance.
6. Bottling plants and dairies.
7. Car wash facilities.
8. Contractor yards.
9. Crating and packing service.
10. Dry cleaning and laundry.
11. Machine shop.
12. Printing shop.
13. Sign painting and servicing shops.
14. Taxidermist.
15. Warehouses and storage buildings.
16. Wholesale sales facilities.

Note: All the above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining residential properties.

17. Landing and take-off areas for rotor crafts and airports.
18. Parking lots.
19. Commercial communication towers.
20. Other light industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
21. Signs in accordance with Article XIV of this Ordinance.

12.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Drive-in theaters, in accordance with Section 4.26 of this Ordinance.
2. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
3. Other industrial uses, subject to consideration and satisfactory provision for the following, where applicable:
 - A. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph A above and the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood.
 - C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above.
 - D. Utilities, with reference to locations, availability, and compatibility.
 - E. Screening and buffering, with reference to type, dimensions, and character.
 - F. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties.

border properties.

G. Required yards and other open spaces.

H. General compatibility with adjacent properties and the surrounding neighborhood.

4. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
- B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed use on light and air circulation of adjoining properties.
- D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

12.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: 50 feet.
4. Minimum rear yard: 50 feet.
5. Minimum side yard: 10 feet where the side yard abuts the side of a lot in the industrial zone; 50 feet in all other cases.
6. Maximum building or structure height: The lesser of 45 feet or three building stories.

ARTICLE XIII

SPECIAL EXCEPTION USES
GENERAL PROVISIONS

13.1 SPECIAL EXCEPTION STANDARDS: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

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

With this in mind, a Special Exception Use is not allowed to be engaged in within the particular zone in which it is listed unless and until the Township Zoning Board, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board determines as follows:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely effect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this Ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely effect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board's judgment, be met at all times by the applicant;
9. The specific requirements, conditions and limitations applicable to particular uses as set forth in Article IV of this ordinance can and will, in the Board's judgment, be complied with at all times.

13.2 SPECIAL EXCEPTION PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Board and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. The Township Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the Special Exception Use Permit shall at all times be on the applicant.
3. Following such hearing, said Zoning Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Board in its decision and shall be filed with the Zoning Administrator of the Township.

Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the com-

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munty as a whole; shall constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or activity; shall be consistent with the intent and purpose of the zoning ordinance; shall be designed to insure compatibility with adjacent uses of land and the natural environment; and shall be designed to insure that public services and facilities affected by a proposed land use or activity be capable of accommodating increased service and facility loads caused by the land use or activity.

4. The Township Zoning Board shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Zoning Board after a hearing upon application of any aggrieved party.

5. The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Board shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. Violation thereof at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.

6. Any property which is the subject of a Special Exception Use Permit which has not been used for a period of six months, without just cause being shown, which is beyond the control of the owner and which is acceptable to the Township Zoning Board for the purposes for which such Special Exception Use Permit was granted, shall thereafter be required to be used for only permitted uses set forth in the particular zoning classification and the permit for such Special Exception Use shall be deemed terminated by abandonment.

ARTICLE XIV
SIGNS

14.1 Signs in the AG, R-1, R-2 and R-3 Districts: In the Ag, R-1, R-2 and R-3 districts, the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.

14.2 Signs in the C-1 District: In the C-1 district the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.

14.3 Signs in the C-2 District: In the C-2 district the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 120 square feet in area.

14.4 Signs in the I-1 District: In the I-1 district the following signs are allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 300 square feet in area.

14.5 General Provisions and Requirements: The following provisions and requirements shall be applicable to signs in all zoning districts, unless stated to the contrary:

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

2. Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.

3. All signs shall be maintained in good condition and repair, subject to the provisions of Article XVII pertaining to nonconforming structures.

4. No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the zoning administrator or building inspector.

5. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.

14.6 Exempted Signs: The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

- 1. Highway signs erected by the State of Michigan, County of Allegan or the Township.
2. Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
3. Directional signs erected in conjunction with private off-street parking areas, provided any such sign does not exceed four square feet in area and is limited to traffic control functions only.
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
5. Placards posted to control or prohibit hunting within the Township.
6. Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50% or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.
7. One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings.

B. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.

9. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.

10. Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.

11. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Township Board or other governmental body with jurisdiction over the matter. In considering such authorization, the Board shall consider the following factors:

- A. The size, character and nature of the display or sign.
B. The duration or time period during which the display or sign will be utilized.
C. The purpose(s) for which the sign display is to be erected.
D. The arrangements made for the removal of the sign or display after the termination of its usefulness.
E. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
F. Whether or not the sign or display will constitute a traffic hazard.
G. The effect of the sign or display on the surrounding neighborhood.

ARTICLE XV

PARKING AND LOADING SPACES

15.1 GENERAL: In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

Table with 2 columns: Use, Minimum Parking Spaces Required. Lists various building types and their corresponding parking requirements.

B. Business offices and/or research laboratories and/or similar uses. One for each employee on the maximum shift or peak employment period.

C. Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related but not necessarily connected to a manufacturing or industrial building. One for each three employees on the maximum shift or peak employment period.

D. Other uses not specifically mentioned. In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.

E. Mixed uses in the same building. In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

15.2 JOINT USE OF FACILITIES: Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

15.3 LOCATION OF FACILITIES: Off-street parking facilities shall be located as hereafter specified:

1. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.

2. For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within 300 feet walking distance, as measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

15.4 SIZE OF PARKING SPACE: Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles and shall be a minimum of 10 feet in width.

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

1. The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any Residential or Agricultural zoning district by a greenbelt 10 feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season; or other suitable screening device.

2. The parking lot and its driveway shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash and debris.

3. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.

4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.

5. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.

6. No part of any public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way.

15.6 OFF-STREET LOADING SPACES: For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and off-street loading spaces in relation to floor areas as follows:

- 1. Up to 20,000 square feet - one space.
2. 20,000 or more but less than 50,000 square feet - two spaces; and
3. One additional space for each additional 60,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any Residential zoning district.

ARTICLE XVI

NONCONFORMING USES, BUILDINGS OR STRUCTURES

16.1 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any...

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

16.2 EXPANSION: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use, and such extensions or enlargements are authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether the extension or enlargement will substantially extend the probable duration of such nonconforming use, and whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

16.3 RESTORATION AND REPAIR: All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 1/2 of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds 1/2 of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use, and whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.

16.4 CHANGE OR DISCONTINUANCE: The nonconforming use of a building or structure or of any land or premises shall not be:

1. Re-established after discontinuance, vacancy, lack of operation or otherwise unused for a period of six months;
2. Re-established after it has been changed to a conforming use;
3. Changed to any other nonconforming use, unless the Zoning Board determines that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

16.5 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE: Any building or structure shall be considered existing and lawful and for purposes of Section 17.1 to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefor, if required, and a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

16.8 UNLAWFUL USE NOT AUTHORIZED: Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

ARTICLE XVII

ZONING BOARD

17.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board, consisting of not less than four nor more than seven members, constituted and appointed as provided by said Act.

17.2 JURISDICTION AND POWERS: The Zoning Board shall have all powers and jurisdiction granted by Public Act 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear requests for special land uses, and approve, deny, or approve with conditions, such special exception use requests, in accordance with Article XIII of this ordinance, and any other applicable provision of this ordinance.

2. The jurisdiction and power to hear and act upon requests for amendment of the text of this ordinance, or an amendment of the zoning map (rezoning), or an amendment of the land use plan, pursuant to Article XXI of this ordinance.

17.3 MEETINGS: The Zoning Board shall hold at least two regular meetings annually, at which any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Board. Additional meetings may be held at other times as the Zoning Board deems necessary for the efficient conduct of its business. All meetings shall be open to the public, unless properly closed in accordance with law.

17.4 FEES: Upon filing of an application to the Zoning Board for a special exception use permit, or for a rezoning or amendment to the text of the zoning ordinance, zoning map, or land use plan, or other matter properly heard before the Zoning Board, the applicant shall pay a fee as established by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, and the change shall take effect 30 days after adoption of such change.

17.5 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The Zoning Board may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 184 of 1943, as amended.

17.6 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board shall keep minutes of Zoning Board proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

ARTICLE XVIII

ZONING BOARD OF APPEALS

18.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act.

18.2 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
3. The jurisdiction and power to authorize, upon appeal and subject to Sections 18.3-18.5 of this Article, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

18.3 VARIANCES: Subject to the provisions of Section 18.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after public hearing, shall have the power to decide applications for dimension variances in the following situations:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the Municipality in carrying out of the provisions of this ordinance; or
2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulties or would cause undue hardship; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or
3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.

18.4 VARIANCE STANDARDS AND CONDITIONS:

1. Standards: No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:
 - A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or
 - B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or

C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

2. Conditions: The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

1. That the condition or limitation is 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 associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and
2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and
3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

18.6 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).

18.8 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board of Appeals shall elect a chairman and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 184 of 1943, as amended.

18.7 MEETINGS: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.

18.8 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board of Appeals shall keep minutes of the proceedings of the Zoning Board of Appeals showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board of Appeals. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

18.9 FEES: Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

19.1 ZONING ADMINISTRATION: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

19.2 ZONING ADMINISTRATOR: The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the position of Zoning Administrator, the applicant must be generally informed of the provisions of this Ordinance, have a general knowledge of the building arts and trades, and be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

ARTICLE XX

VIOLATION AND PENALTIES

20.1 PENALTIES: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term of provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Allegan County jail for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. Further, the foregoing penalties shall not preclude the Township from commencing a civil suit and seeking injunctive relief and any such other appropriate relief as may be provided by law, either before, during or after a criminal prosecution for violation of this Ordinance.

20.2 AUTHORITY TO COMMENCE LEGAL ACTION:

The duly authorized attorney for the Township, the Township Supervisor or the Zoning Administrator/Ordinance Enforcement Officer may institute such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this Ordinance.

ARTICLE XXI

AMENDMENT OF ORDINANCE

21.1 INITIATION OF AMENDMENTS: Amendments to this Ordinance may be initiated by the Zoning Board or Township Board by Resolution, or by any interested person or persons by petition to the Township Board.

21.2 AMENDMENT PETITION PROCEDURE: All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board, and shall be accompanied by such amendment application fee as may be established by the Martin Township Board; no action shall be taken on any amendment request until such fee is paid in full. Such petitions shall include the following:

- 1. The petitioner's name, address, and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
2. The nature and effect of the proposed amendment.
3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned.
4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
21.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 184 of 1943, as amended.

ARTICLE XXII

MISCELLANEOUS PROVISIONS

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

22.2 REPEAL: This Ordinance shall be deemed an amendment to the existing Martin Township Zoning Ordinance which was effective March 17, 1978, and supercedes and replaces the existing Martin Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

22.3 EFFECTIVE DATE: This Ordinance was approved by the Township Board and will take immediate effect on September 24, 1986.

22.4 ADMINISTRATIVE LIABILITY: No officer, agent, employee, or member of the Zoning Board, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

APPENDIX A CLASSIFICATION OF LANDS

- 1. Section 1, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.
"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.
2. Section 2, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.
3. Section 3, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 3.
4. Section 4, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 4.
5. Section 5, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.
6. Section 6, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 6, except that

- part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.
7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.66 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.
"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.
"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.
17. Section 17, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.
18. Section 18, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moore property where it joins the Mac Veas property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.
19. Section 19, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District land except for that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 680 feet and with a depth of 200 feet.
"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.
20. Section 20, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 20, except that

- part located within the "R-2" Low Density Residential District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.
21. Section 21, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.
22. Section 22, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 22.
23. Section 23, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
30. Section 30, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.
"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.
"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.
31. Section 31, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.
"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.
"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.
32. Section 32, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.
"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.
33. Section 33, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 782 feet, thence east 185 feet, thence south 782 feet, thence west 185 feet to point of beginning.
34. Section 34, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 34.
35. Section 35, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.
"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.
36. Section 36, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.
"C-2" General Business District: The south quarter of Section 36.

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**MARTIN TOWNSHIP ZONING ORDINANCE
(Ordinance No. 30, as amended)
Adopted Date: September 10, 1986
Effective Date: September 24, 1986**

**REVISED THROUGH ORDINANCE NO. 38,
ADOPTED AUGUST 13, 1990,
EFFECTIVE AUGUST 22, 1990**

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MARTIN TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 30

ADOPTED: September 10, 1986

EFFECTIVE: September 24, 1986

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Martin; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; to prescribe penalties for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

ARTICLE I

SHORT TITLE, PURPOSE AND SCOPE

- 1.1 SHORT TITLE. This Ordinance shall be known and may be cited as the "Martin Township Zoning Ordinance".
- 1.2 PURPOSE. This Ordinance is based upon the Martin Township Comprehensive Land Use Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning

district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

- 1.3 SCOPE AND INTERPRETATION. This Ordinance shall not repeal, abrogate, 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 covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

ARTICLE II

CONSTRUCTION OF LANGUAGE

- 2.1 The following rules of construction apply to the text of this Ordinance:
1. The particular shall control the general.
 2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
 5. A "building" or "structure" includes any part thereof.
 6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
 7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either or", the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, conditions, provisions or events shall apply; and,
 - B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 9. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard meaning.

ARTICLE III

DEFINITIONS

3.1 DEFINITIONS. For the purpose of interpreting and enforcing this Ordinance the following definitions shall apply unless otherwise specifically stated to the contrary:

1. Accessory Building or Structure: A building or structure on the same premises with a main building, and of a nature customarily incidental and subordinate to the main building. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.
2. Accessory Use: A use customarily, naturally or normally incidental and subordinate to a principal use on the same premises.
3. Agriculture Production: .The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.
4. Alley: A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
5. Alteration, Structural: Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders, and any substantial change in the roof of any building, and any addition to diminution of or change in use or conversion of a structure or building, or the removal of a building or structure from one location to another.
6. Automotive Repair Shop: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.

- A. Automotive Repair, Major: General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.
- B. Automotive Repair, Minor: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons capacity; provided, however, there is excluded any repair or work included in the definition of A above.
7. Automotive Service Station: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.
8. Basement: A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.
9. Board or Township Board: The Martin Township Board.
10. Board of Appeals or Zoning Board of Appeals: The Martin Township Zoning Board of Appeals.
11. Boarding House or Rooming House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.
12. Building: An independent structure which is constructed or erected having a roof supported by columns, walls, or other supports, and which is used or intended for use for the shelter or enclosure of persons, animals, or personal property, or carrying on

of business activities or other similar uses. This term includes both temporary and permanent structures, and tents, sheds, garages, stables, greenhouses, or other accessory structures.

13. Building Code/Township Building Code: The nationally recognized model building, construction, plumbing and electrical code(s) duly adopted by the Martin Township Board.
14. Building Height: The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
15. Building Inspector: The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.
16. Building or Structure Setback: The measurement from the property line or street right-of-way line to the nearest point of the main wall of a building or structure, including porches but not including steps.
17. Building/Occupancy Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.
18. Child Day Care Home (Family). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
19. Child Day Care Home (Group). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

20. Child Day Care Center or Child Care Center. A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center or Child Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center or Child Care Center shall not, however, include any of the following:
- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
 - (2) A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
21. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for.
22. County Board: The Allegan County Board of Commissioners.
23. Dwelling or Residence: A building, mobile home, pre-manufactured or precut dwelling structure designed and used for the complete living accommodations of a single family, but not including a travel trailer, automobile chassis, tent or portable building. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy-saving earth sheltered homes which are either: Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run, or, constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.5 of this ordinance.

- A. Dwelling, Multi-Family: A building containing three or more dwelling units designed for residential use.
 - B. Dwelling, Private: A building occupied by but one family alone.
 - C. Dwelling, Single Family: A building containing not more than one dwelling unit designed for residential use.
 - D. Dwelling, Two-Family: A dwelling containing not more than two separate dwelling units designed for residential use.
 - E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities for not more than one family having cooking facilities.
24. Family: One or more persons related by blood or marriage or adoption including those related as foster children and servants, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary as resort-seasonal in character or nature.

25. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation), and subject to the conditions and limitations set forth at Section 4.20 of this ordinance.
26. Farm. Any parcel of land which is primarily used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.
27. Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
28. Filling: The depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.
29. Floor Area:
 - A. Floor Area, Gross: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.
 - B. Floor Area, Net or Usable: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the interior faces of the exterior walls, not including the basement area.
30. Garage, Private: A garage with capacity for not more than three vehicles, for parking and storage only.
31. Garage, Public: Any building or premises used for parking, housing or care of more than three vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
32. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

33. Home Occupation: Any gainful occupation or activity carried on in a residential dwelling unit as a use incidental and subordinate to the principal residential use of the dwelling unit, and subject to the conditions and limitations set forth in Section 4.19 of this ordinance.
34. Junk. Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.
35. Junk-Salvage Yard: Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.
36. Kennel. Any lot or premises on which five or more dogs or cats are kept either permanently, or temporarily boarded for persons other than the owner, or on which five or more dogs or cats are kept for commercial breeding purposes. All kennels shall comply with all applicable Township, County and State regulations.
37. Lot. A parcel of land adjoining a dedicated public street or a perpetual recorded private street, but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plot. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. The latter parcel is then often referred to as a "Zoning Lot".
- A. Lot Area, Net: The total horizontal area within the lot lines of a lot.
- B. Lot Area, Gross: The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Board.

- C. Lot, Depth: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.
- D. Lot, Corner: A lot situated at the intersection of two (2) or more streets.
- E. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- F. Lot, Interior: A lot other than a corner lot with one (1) lot line fronting on a street.
- G. Lot, Lake: A lot having frontage directly upon a natural or man-made lake, river, pond, or other impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.
- H. Lot, Lines: Any line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot.
- I. Lot Line, Front: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Zoning Compliance Permit.
- J. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.

- K. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- L. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Allegan County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.
- M. Lot, Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.
38. Mobile Home: A transportable structure which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained in the structure. A recreational vehicle, as defined herein, is not a mobile home.
39. Mobile Home Park: A parcel of land upon which three or more mobile homes are located for continual residential, non-recreational use (also known as a trailer court or trailer coach park).
40. Mobile Home Site or Lot: A plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.
41. Modular, Prefab, Pre-cut and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.
42. Motel: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

43. Motor Vehicle: Every vehicle which is self-propelled.
44. Non-Conforming Use, Building or Lot of Record:
- A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
 - B. Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of the ordinance or amendment thereto, and which does not conform to the provisions (e.g. setback, height, lot coverage, parking) of the ordinance in the zoning district in which it is located.
 - C. Non-Conforming Lot of Record: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).
45. Occupancy Load: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.
46. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.
47. Parking Area, Space or Lot: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.
48. Principal or Main Building: A building in which is conducted the principal use of the lot upon which it is situated.
49. Principal or Main Use: The primary or predominant use of a lot.
50. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.

51. Quarry Excavation: Any breaking of the ground to hollow out by cutting or digging or removing any earth matter, except common household gardening and general farm care.
52. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term includes folding campers, truckmounted campers, travel trailers, and motor homes, but does not include mobile homes.
53. Recreational Vehicle Parks: A family recreational oriented facility for the overnight or short term (not to exceed 15 days consecutively) use of travelers.
54. Roadside Market Stand: A permanent or temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.
55. Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.
56. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.
 - A. Sign, Accessory: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
 - B. Sign, Area Surface: The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

- C. Sign. Billboard: Any structure, or any portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- D. Sign. Business: Any structure, or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or product primarily sold, manufactured, processed, or fabricated on such land.
- E. Sign. Identifying: Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motel; or (3) only to inform the public as to the use of a parking lot.
- F. Sign. Nameplate: A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- G. Sign. Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- H. Sign. Real Estate: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
57. Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care residuals.

58. Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.
- A. Story, Basement: Shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
 - B. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches.
 - C. Story, Mezzanine: May be counted as a story if it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
59. Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.
- A. Street, Major: A street or highway so designated on the Major Road Plan of the Allegan County Master Plan and which is designed and intended to carry heavy traffic volumes.
 - B. Street, Minor or Local: A dedicated public way or recorded private street affording access to abutting properties, and designed primarily to serve immediate neighborhood needs.
60. Structure: Anything except a building, constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

61. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.
62. Tourist Home: A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.
63. Township: Martin Township, Allegan County, Michigan.
64. Variance: A modification of the literal provision of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the individual property on which the variance is granted.
65. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level.
 - A. Yard, Front: An open space extending across the full width of a lot, the depth of which is the distance between the front wall of the main building or structure and the front property line, lot line, or street right-of-way line. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.
 - B. Yard, Rear: An open space extending across the full width of a lot, the depth of which is the distance between the rear wall of the main building or structure and the rear lot line or street right-of-way line.
 - C. Yard, Side: An open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of the main building or structure.

66. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.
67. Zoning Board or Township Zoning Board: The Martin Township Zoning Board.

ARTICLE IV

GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless expressly made applicable to only specific zoning districts.

- 4.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.

The provisions of this Ordinance and the Township Building Code shall be applicable to the Township itself and all other federal, state or local governmental agencies and units.

- 4.2 RESTORING UNSAFE BUILDINGS: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.

- 4.3 BUILDING PERMIT: No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the Township Building Code and the regulations set forth in this Ordinance including, but not limited to, the following:

1. An application for a building permit shall be in writing and upon duplicate printed forms furnished by the Township. Each application shall include such reasonable information as may be requested by the Building Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, the following information:
 - A. The location and actual dimensions of the lot or premise to which the permit is to apply.
 - B. The kind of buildings or structures to which the permit is to apply.
 - C. The width of all abutting streets.
 - D. The area, size and location of all buildings or structures to which the permit is to apply.
 - E. The type of use to be made of the building or structure to which the permit is to apply.

- F. The use of buildings or structures on adjoining lands.
- G. The estimated cost of the building or structure.

The Building Inspector, at his discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

The Building Permit requirement of this Section shall not apply to non-dwelling farm buildings and structures in the "AG" Agricultural District, nor to construction or alteration of buildings and structures involving a cost or value of \$1,000 or less, in any zoning district. Builders of such non-dwelling farm buildings and structures shall, however, obtain a Building Approval Card from the Zoning Administrator, indicating that the building or structure will comply with all setback and location requirements imposed by this ordinance. A fee for a Building Approval Card may be established by the Township Board.

- 2. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises; but shall not be required for accessory buildings or structures erected, moved, placed, reconstructed, extended, enlarged or altered at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building.
- 3. Within 10 days after the receipt of an application for a building permit the Building Inspector shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance and the Township Building Code; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. The permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or the owner's agent.
- 4. A building permit issued by the Building Inspector is nontransferable, and must be obtained before any work, excavation, construction, erection, alteration or movement is commenced.

5. A building permit for which all construction work has not been completed within one year from the date of its issuance shall expire automatically, but may, upon application, be renewable once for an additional one year term on payment of an additional fee equal to one-half of the original permit fee.
 6. No building permit shall be issued where the construction or other activity for which a building permit is required involves a building or land use designated as a special exception use in the applicable use district provisions of this Ordinance, unless the owner or owner's agent has first obtained the authorization of the Township Zoning Board for such special exception use.
 7. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein, and which is to be located on a lot which is not served by both public water and sewer facilities, if its water supply and/or sewer disposal facilities does not comply with the rules and regulations of Allegan County and any other government authority governing waste and sewage disposal.
 8. The Building Inspector may revoke and cancel any building permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, the Township Building Code, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be provided to the permit holder by securely posting same on the premises; and no further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.
- 4.4 CERTIFICATES OF COMPLIANCE AND USE: No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof has made arrangements with the Building Inspector for a final inspection, upon completion of all work, and is issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance and the Township Building Code.
- 4.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of the zone district in which it is located, and shall have a minimum floor to ceiling height of 7.5 feet.
2. It shall have a minimum width or depth of 20 feet for the entire length of the dwelling.
3. The dwelling and all additions or rooms or other areas shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, and constructed with similar quality workmanship and of 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, the mobile home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended.
4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and any wheels shall be removed. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.
5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

7. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
8. The dwelling and all additions or rooms or other areas 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 mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
9. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in any ordinance of the Township pertaining to such parks.

- 4.6 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements, and otherwise complies with this Ordinance.
- 4.7 PRINCIPAL USE: No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, and the "R-2" Low Density Residential District; or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District.
- 4.8 ACCESSORY USE: Accessory uses incidental only to a permitted use are allowed in any zoning district when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise allowed as provided in this Ordinance.
- 4.9 ACCESSORY BUILDING OR STRUCTURE:
1. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings and structures shall be compatible with and similar to the principal building.
 2. Accessory buildings and structures shall not be located closer than five feet to the rear lot line or closer than 40 feet to the water's edge in the case of a waterfront lot (except that pumphouses may be located within 40 feet of the water's edge if they do not exceed three feet in height); shall not occupy more than 30% of any required rear yard space; and shall not be closer to any side lot line or front lot line than the principal building is permitted.

3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
 4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.
 5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estate or "R-2" Low Density Residential zoning district.
- 4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.
- 4.11 SETBACKS FOR STRUCTURES ADJACENT TO STREETS: Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Martin Township Land Use Plan, as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.
1. Major County Primary - 100 feet
 2. Minor County Primary - 80 feet
 3. Collector Streets - 66 feet.
- 4.12 MINIMUM PUBLIC STREET FRONTAGE: Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

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

4.14 TEMPORARY USES OR STRUCTURES:

1. Upon application, the Zoning Administrator may issue a permit for the temporary residential use of a dwelling failing to comply with the dwelling standards set forth at Section 4.5 of this Ordinance, provided that such a temporary use permit may be issued only for a period of not to exceed one year, and an extension of not to exceed six months, if all the following conditions are determined to exist at the time of the determination on the initial application or request for extension thereof:

A. The applicant for the temporary use permit has submitted plans for, and received, a building permit for the construction or reconstruction of a permanent dwelling upon the same premises conforming with the dwelling standards set forth at Section 4.5 of this Ordinance.

B. The temporary dwelling is connected to a water supply and septic tank system complying with the requirements of the local health department.

C. All yard and setback requirements of the applicable zoning district are met.

D. The temporary dwelling has at least 475 square feet of usable floor area, and complies with all pertinent construction and fire codes.

E. The location of the proposed dwelling will not interfere with or substantially hinder any existing or likely potential future farming operations or activity within the immediate area.

F. The Township, County and school district have the present and future ability to provide adequate vehicular access, schools, public safety, public sewers, and other necessary public services at a level comparable to that provided to other dwellings in the surrounding area.

G. The temporary dwelling shall not have a substantially detrimental affect on adjacent properties and the surrounding neighborhood, with regard to property values, aesthetics, or otherwise.

H. An extension of the permit may be approved by the Zoning Administrator, upon request, for a period of not to exceed six months, only if the Zoning Administrator determines that the conditions set forth hereinabove were complied with throughout the duration of the initial permit, that the construction of the permanent dwelling upon the premises was pursued with due diligence during the initial period of the permit and, in consultation with the Building Inspector, that within the requested period of extension the construction of the permanent dwelling will likely be completed and an occupancy permit issued for same.

The temporary use permit shall be subject to revocation if construction or reconstruction of the permanent dwelling has not commenced within 90 days after issuance of the building permit for said dwelling, or if any of the conditions set forth hereinabove are at any point not complied with.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.
3. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and

shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

4. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:

A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.

B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.

C. Such a recreational vehicle or tent may not be situated upon any parcel or occupied for more than 30 days, calculated cumulatively, within any calendar year.

D. Such a recreational vehicle or tent may not be leased or rented to the occupants.

E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.

F. Such a recreational vehicle or tent must be stored neatly or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

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

- 4.16 ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants,

towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
 2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
- 4.17 DOUBLE FRONTAGE AND CORNER LOTS: Buildings on lots having frontage on two intersecting streets (corner lots) or nonintersecting streets (double frontage lots) shall comply with the front yard requirements on both such streets.
- 4.18 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone other than a commercial zoning district where no yard space is required, no fence, structure or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.
- 4.19 HOME OCCUPATIONS: A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein.
 2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners.
 3. The dwelling shall not have any exterior evidence, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling.

4. The occupation shall be clearly incidental and secondary to the residential use of the building.
5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot.
6. The home occupation shall not utilize more than 35% of the gross floor area in the single unit dwelling.

4.20 FAMILY BUSINESSES: A family business, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
2. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties.
3. There shall be no expansion of the business facilities without the prior approval of the Zoning Board.
4. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
5. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.
6. The business shall be located on the same parcel with the family's residence.
7. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.
8. The Zoning Board may limit the family business to a particular type of business; it may require the particular business to be operated only by the present

owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted. The Zoning Board may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

4.21 ROADSIDE MARKET STANDS: A roadside market stand, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All products offered for sale shall be agricultural products or goods produced on the premises upon which the roadside market stand is located.
2. The gross floor area of a building or structure used as a roadside market stand shall be at least 150 square feet, but shall not exceed 800 square feet. The height of the building or structure shall not exceed one story.
3. The building or structure shall be located at least 150 feet from any preexisting dwellings located upon adjoining properties under different ownership.
4. The building or structure shall be located at least 50 feet from the nearest traveled portion of the roadway.
5. An off-street parking area shall be established and maintained sufficient to provide adequate parking facilities for the roadside market stand, and prevent traffic congestion or hazards which could result from the roadside market stand.
6. Suitable containers for rubbish shall be placed on the premises for use by customers of the roadside market stand, and such containers shall be maintained and periodically emptied so as to prevent unnecessary odors.
7. All roadside market stands shall be operated at such times and in such a manner so as to not create a detrimental affect on adjoining properties and the surrounding neighborhood.

4.22 KENNELS: A kennel, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All kennels shall be operated in conformance with all applicable county and state regulations.

2. For dog kennels, the minimum lot size shall be two acres for the first three dogs, and an additional one acre for each three additional dogs.
3. Kennel buildings or structures, animal runs, and/or exercise areas shall be located at least 150 feet from any preexisting dwelling, or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
4. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated so as to prevent traffic congestion as a result of the kennel.
5. The nature and character of buildings and structures utilized for kennel activities shall be aesthetically compatible with the principal use of the premises upon which the kennel is located, and with the principal uses of adjoining properties.
6. Kennel facilities shall be subject to such other conditions and limitations as the Zoning Board shall deem necessary, in the specific circumstances at issue, to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations.

4.23 CHURCHES AND PARISH HOUSES, PUBLIC AND PAROCHIAL SCHOOLS AND EDUCATIONAL INSTITUTIONS, AND OTHER SIMILAR USES OWNED AND OPERATED BY A GOVERNMENTAL AGENCY OR NONPROFIT ORGANIZATION:

A church and parish house, public and parochial school and educational institution, and other similar use owned and operated by a governmental agency or nonprofit organization, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The minimum lot area upon which a church or school may be constructed shall be two acres.
2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
3. The off-street parking area required by Section 15.1 of this ordinance shall not be located within the required front yard setback area.
4. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided beyond the minimum setback requirements.

4.24 AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR SHOPS: An automotive service station and automotive repair shop, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot shall be located so that it is at least 500 feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital, or residential district boundary.
2. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance.
3. No drive or curb opening shall be located within 25 feet of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.
4. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
5. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
7. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
8. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
9. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by

affixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.
11. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Zoning Board and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.
12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
13. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Zoning Board to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

4.25 JUNK/SALVAGE YARDS: A junk/salvage yard, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.

2. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Zoning Board, and shall not be open for business or conducted on Sundays or holidays.
 3. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.
 4. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.
 5. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.
 6. The setback requirements for all industrial uses shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection 1 herein, same shall not be located within the setback area.
 7. All such activities or business shall be currently licensed by the State of Michigan.
 8. All such activities or business shall at all times be conducted and operated so as to comply with Section 4.15 of this ordinance, and all other applicable provisions of this ordinance not specifically referenced in this Section.
- 4.26 DRIVE-IN THEATERS: A drive-in theater, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. The lot location shall be such that at least one property line abuts a major street, and shall be at least 500 feet from any residentially zoned area or residentially used premises.
 2. The premises shall be enclosed with a solid screen fence of at least seven feet in height.
 3. All points of entrance or exit shall be located at least 250 feet from any street or road intersection as measured to the nearest intersection right-of-way line.

4. Sufficient space shall be provided on the premises for 50 waiting vehicles to stand at the entrance to the facility.
5. The theater screen shall not face, directly or obliquely, by less than a 75° angle, a major street or any residentially zoned or used area.

4.27 REMOVAL AND PROCESSING OF TOP SOIL, SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS: Removal and processing of top soil, gravel or other such minerals or earth materials, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. Earth removal operations shall not cause a safety hazard, create erosion problems, or alter the ground water table of the area.
2. Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or swampy areas.
3. Earth removal operations shall not cause a permanent adverse affect to the environment, the natural topography, and any natural resource, other than the earth materials involved.
4. Earth removal operations shall not cause traffic congestion, and all trucks or other vehicles shall be directed away from residential streets and shall utilize county primary roads whenever possible.
5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any persons having reason to be within the area of activity.
6. No storage, or truck or other vehicle or equipment parking or storage shall be located within 50 feet of any adjacent property, or within 200 feet of any adjacent residence.
7. All earth removal operations shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property.
8. As the earth materials are being removed, the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30° slope and the contour be caused to blend as nearly as possible with the

natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion.

9. The Zoning Board may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

4.28 SITE PLAN REVIEW

1. - Purpose: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Zoning Board in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

2. - Scope: The Building Inspector shall not issue a building permit for the construction of any of the following buildings, structures or uses until a site plan has been submitted to, and approved by, the Zoning Board in accordance with this section:

- A. Mobile home parks.
- B. Industrial buildings or developments.
- C. Multi-family dwellings.
- D. All office and commercial buildings and developments.
- E. Special exception use applications.
- F. Churches.

natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion.

9. The Zoning Board may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

ARTICLE V

CLASSIFICATION AND USE DISTRICTS

5.1 ZONE DISTRICTS: The Township of Martin is hereby divided into the following zoning districts:

1. AG Agricultural District
2. R-1 Rural Estate District
3. R-2 Low Density Residential District
4. R-3 Medium Density Residential District
5. C-1 Neighborhood Business District
6. C-2 General Business District
7. I-1 Industrial District

5.2 USE DISTRICT BOUNDARIES AND ZONING MAP: The locations and boundaries of the zoning districts are hereby established as set forth in Appendix A of this ordinance (Classification of Lands), and as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Martin Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

ARTICLE VI

AG AGRICULTURAL DISTRICT

- 6.1 STATEMENT OF PURPOSE: This zoning district is intended for large tracts of land used or preserved for farming, animal husbandry, dairying, horticultural, or other agricultural activities, and may include large vacant areas, fallow land and wooded areas.
- 6.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.
 2. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
 3. Riding stables, where horses are boarded and/or rented.
 4. Single family dwellings.
 5. Parks, public recreational areas or golf courses.
 6. Home occupations, in accordance with Section 4.19 of this Ordinance.
 7. Churches and parish houses, public and parochial schools and educational institutions and other publicly owned and operated community buildings, structures or uses, in accordance with Section 4.23 of this Ordinance.
 8. Cemeteries.
 9. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.
 10. Signs in accordance with Article XIV of this Ordinance.
 11. Child Day Care Home (Family).

6.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.
2. Recreational vehicle campgrounds.
3. Horse or dog racing tracks.
4. Slaughter houses and meat processing facilities.
5. Family businesses, in accordance with Section 4.20 of this Ordinance.
6. Two family dwellings.
7. Roadside stands, in accordance with Section 4.21 of this Ordinance.
8. Funeral parlors and mortuaries.
9. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
10. Survival games or similar paramilitary recreational activities.
11. Conservation/skeet shooting clubs or similar activities.
12. BMX, motorcycle, go-kart racetracks or similar activities.
13. Commercial communication towers.
14. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.

- C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The affect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

- 15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
- 16. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals.
- 17. Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):

- (1) Another state licensed group day care home;

- (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended ---MCLA 400.701 et seq);
- (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
- (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.
- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 1 acre.
- 2. Minimum lot width: 165 feet.
- 3. Minimum usable floor area per dwelling unit: 820 square feet.

4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.13 of this Ordinance.

ARTICLE VII

R-1 RURAL ESTATES DISTRICT

- 7.1 STATEMENT OF PURPOSE: This zoning district is intended for large rural residential estates and farming.
- 7.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms, not including temporary housing for migratory workers.
 2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
 3. Single family dwellings.
 4. Home occupations, in accordance with Section 4.19 of this Ordinance.
 5. Parks and public recreational areas.
 6. Cemeteries.
 7. Signs in accordance with Article XIV of this Ordinance.
 8. Child Day Care Home (Family).
- 7.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:
1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.
 2. Roadside stands, in accordance with Section 4.21 of this Ordinance.
 3. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.
 4. Family business, in accordance with Section 4.20 of this Ordinance.
 5. Funeral parlors and mortuaries.

6. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.
 - D. The affect of any increased density on the surrounding neighborhood caused by the intended use.
 - E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
8. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals.
9. Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 219, as amended ---MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.
- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.13 of this Ordinance.

ARTICLE VIII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

- 8.1 STATEMENT AND PURPOSE: This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.
- 8.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Home occupations, in accordance with Section 4.19 of this Ordinance.
 4. Signs in accordance with Article XIV of this Ordinance.
 5. Child Day Care Home (Family).
- 8.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:
1. Private and public schools, libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization, in accordance with Section 4.23 of this Ordinance.
 2. Parks, playgrounds and community centers owned and operated by a governmental agency or a non-profit commercial organization.
 3. Governmental administration or service buildings.
 4. Churches, in accordance with Section 4.23 of this Ordinance.
 5. Family business, in accordance with Section 4.20 of this Ordinance.
 6. Funeral parlors and mortuaries.
 7. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The affect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

- 8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
- 9. Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended ---MCLA 400.701 et seq);

(3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);

(4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.

C. It maintains the property consistent with the visible characteristics of the neighborhood.

D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.

E. It meets all applicable sign regulations set forth in this ordinance.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:

A. Single family dwelling: 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.

B. Two family dwelling: 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.

2. Minimum lot width:

- A. Single family dwelling: 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Two family dwelling: 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
3. Minimum usable floor area per dwelling unit:
- A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
4. Minimum front yard: 30 feet.
5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
6. Minimum side yard: 10 feet.
7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

- 9.1 STATEMENT OF PURPOSE: This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.
- 9.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Multi-family dwellings.
 4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
 6. Signs in accordance with Article XIV of this Ordinance.
 7. Child Day Care Home (Family).
- 9.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:
1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

9.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:

- A. Single family dwelling (not in mobile home park): 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
- B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
- C. Two family dwelling (not in mobile home park): 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
- D. Multi-family dwelling (not in mobile home park): 4,500 square feet for lots served with public sewer and water; 10,000 square feet for lots not served with public water and sewer.
- E. All other allowed uses: 15,000 square feet.

2. Minimum lot width:

- A. Single family dwelling (not in mobile home park): 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
- B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
- C. Two family dwelling (not in mobile home park): 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
- D. Multi-family dwelling (not in mobile home park): 100 feet for lots served with public sewer and water; 100 feet for lots not served with public water and sewer.
- E. All other allowed uses: 100 feet.

3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling (not in mobile home park): 820 square feet.
 - B. Single family dwelling (in mobile home park): In accordance with the regulations of the Michigan Mobile Home Commission.
 - C. Two family dwelling: 720 square feet.
 - D. Multi-family dwelling: 650 square feet for one bedroom unit; 750 square feet for two bedroom unit; 900 square feet for three bedroom unit; additional 100 square feet for each additional bedroom.
4. Minimum front yard:
 - A. All allowed uses (not in mobile home park): 30 feet.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
5. Minimum rear yard:
 - A. All allowed uses: (not in mobile home park): 25 feet; 50 feet for lakefront lots.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
6. Minimum side yard:
 - A. Single family dwelling (not in mobile home park): 10 feet.
 - B. Two family dwellings (not in mobile home park): 10 feet.
 - C. Multi-family dwellings: 20 feet.
 - D. Uses allowed in mobile home parks: In accordance with the Michigan Mobile Home Commission.
 - E. All other allowed uses: 20 feet.
7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.

ARTICLE X

C-1 NEIGHBORHOOD BUSINESS DISTRICT

- 10.1 STATEMENT OF PURPOSE: This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.
- 10.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Any non-residential use allowed in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district.
 2. Bakery goods store.
 3. Bank, loan and/or finance office.
 4. Barber or beauty shop.
 5. Book, stationery or gift store.
 6. Candy store, soda fountain and/or ice cream store.
 7. Clothes cleaning and/or laundry pick-up station.
 8. Clothing and dry goods store.
 9. Delicatessen store.
 10. Dress shop.
 11. Drug store.
 12. Florist and gift shop without nursery.
 13. Funeral parlor or mortuary.
 14. Grocery store and meat market.
 15. Hardware store.
 16. Household appliance store.
 17. Jewelry store.
 18. Laundromats.

19. Liquor store including beer and wine sales.
20. Child Day Care Center or Child Care Center.
21. Paint and wallpaper store.
22. Parking lots.
23. Photography shop and studio.
24. Radio and television store.
25. Restaurant and/or cafe without dancing, floor shows or drive-in service.
26. Shoe repair shop.
27. Tailor and/or dress maker.
28. Variety store.
29. Signs in accordance with Article XIV of this Ordinance.
30. Governmental administration or service buildings.

10.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Automotive service stations, including minor auto repair shop facilities, in accordance with Section 4.24 of this Ordinance.
2. Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, and which do not involve any manufacturing activities or the treatment of articles or materials.
3. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.

- B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
- C. The affect of the proposed use on light and air circulation of adjoining properties.
- D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

10.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.

6. Maximum building or structure height: 35 feet.

10.5 OTHER GENERAL REQUIREMENTS: All business, service or processing activities, except parking, associated with any permitted use or special exception use in this zoning district, shall be conducted entirely within a completely enclosed building.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

- 11.1 STATEMENT OF PURPOSE: This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.
- 11.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. All uses allowed in the C-1 Neighborhood Business district.
 2. Ambulance services.
 3. Amusement enterprises.
 4. Antique shop, provided all articles for sale are displayed or stored within the shop.
 5. Automotive and other vehicle sales.
 6. Automotive repair shop or garage, including major repair operations.
 7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
 8. Bank, loan and finance offices including drive-in branches.
 9. Bowling alley, including bars and restaurant.
 10. Bus station and travel agency.
 11. Business or trade school.
 12. Car wash facility.
 13. Catering service, delicatessen and confectionery store.
 14. Clinic - dental and medical including laboratory.
 15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.

16. Crating and packing service.
17. Dance studio and photographic studio.
18. Diaper, linen and towel supply service.
19. Dry cleaning and laundry - custom and self-service.
20. Eating place - including grill or "drive-in" restaurant.
21. Electrical supplies - wholesale and storage.
22. Exterminator service.
23. Factory and mill supplies.
24. Florist and gift shop including nursery.
25. Frozen food locker.
26. Funeral parlor or mortuary.
27. Hotels and motels.
28. Juke box and vending machine service and distribution.
29. Laboratory - medical or dental.
30. Liquor store.
31. Locksmith.
32. Lodge hall, private clubs, veterans' clubs.
33. Malt beverage, liquor and wine distribution.
34. Marinas.
35. Offices.
36. Office machines, sales and service.
37. Office supply store.
38. Ornamental iron work and fence service.
39. Parcel delivery station.
40. Pet shop, not including treatment or boarding of animals.

41. Printing and publishing including processes related thereto.
42. Professional studio.
43. Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.
44. Radio and TV sales and repair shops.
45. Broadcasting studios.
46. Resale shops including "auction houses".
47. Resort including seasonal cabins.
48. Shoe repair.
49. Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.
50. Special tools and gauges - checking and service.
51. Taxidermist.
52. Theater, indoor.
53. Trade schools.
54. Travel agencies.
55. Warehousing and storage structures.
56. Wholesale sales facilities.
57. Any other retail business or service establishment of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
58. Signs in accordance with Article XIV of this Ordinance.

11.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Commercial communication towers.
2. Bar, cocktail lounge or nightclub.

3. Theater, drive-in, in accordance with Section 4.26 of this Ordinance.
4. Landing and take-off areas for roto-craft.
5. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENT: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.

4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. Maximum building or structure height: 35 feet.

ARTICLE XII

I-1 INDUSTRIAL DISTRICT

- 12.1 STATEMENT OF PURPOSE: This district permits compounding, assembling, or treatment of articles or materials. This district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.
- 12.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
 2. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
 3. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
 4. Petroleum storage located at least 500 feet from any residentially zoned property.
 5. Automotive repair shops, in accordance with Section 4.24 of this ordinance.
 6. Bottling plants and dairies.
 7. Car wash facilities.
 8. Contractor yards.
 9. Crating and packing service.
 10. Dry cleaning and laundry.
 11. Machine shop.
 12. Printing shop.

13. Sign painting and servicing shops.
14. Taxidermist.
15. Warehouses and storage buildings.
16. Wholesale sales facilities.

Note: All the above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining residential properties.

17. Landing and take-off areas for roto craft and airports.
 18. Parking lots.
 19. Commercial communication towers.
 20. Other light industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
 21. Signs in accordance with Article XIV of this Ordinance.
- 12.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:
1. Drive-in theaters, in accordance with Section 4.26 of this Ordinance.
 2. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
 3. Other industrial uses, subject to consideration and satisfactory provision for the following, where applicable:
 - A. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.

- B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph A above and the economic, noise, glare, or odor affects of the use on adjoining properties and the surrounding neighborhood.
 - C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above.
 - D. Utilities, with reference to locations, availability, and compatibility.
 - E. Screening and buffering, with reference to type, dimensions, and character.
 - F. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic affect, and compatibility and harmony with adjoining and surrounding neighborhood properties.
 - G. Required yards and other open spaces.
 - H. General compatibility with adjacent properties and the surrounding neighborhood.
4. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

12.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: 50 feet.
4. Minimum rear yard: 50 feet.
5. Minimum side yard: 10 feet where the side yard abuts the side of a lot in the industrial zone; 50 feet in all other cases.
6. Maximum building or structure height: The lesser of 45 feet or three building stories.

ARTICLE XIII

SPECIAL EXCEPTION USES GENERAL PROVISIONS

- 13.1 SPECIAL EXCEPTION STANDARDS: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, a Special Exception Use is not allowed to be engaged in within the particular zone in which it is listed unless and until the Township Zoning Board, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board, determines as follows:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;

6. The use will not adversely affect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board's judgment, be met at all times by the applicant;
9. The specific requirements, conditions and limitations applicable to particular uses as set forth in Article IV of this ordinance can and will, in the Board's judgment, be complied with at all times.

13.2 SPECIAL EXCEPTION USE PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Board and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. The Township Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the Special Exception Use Permit shall at all times be on the applicant.
3. Following such hearing, said Zoning Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Board in its decision and shall be filed with the Zoning Administrator of the Township.

Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the community as a whole; shall constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; shall be consistent with the intent and purpose of the zoning ordinance; shall be designed to insure compatibility with adjacent uses of land and the natural environment; and shall be designed to insure that public services and facilities

affected by a proposed land use or activity be capable of accommodating increased service and facility loads caused by the land use or activity.

4. The Township Zoning Board shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Zoning Board after a hearing upon application of any aggrieved party.
5. The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Board shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. Violation thereof at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.
6. Any property which is the subject of a Special Exception Use Permit which has not been used for a period of six months (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Township Zoning Board) for the purposes for which such Special Exception Use Permit was granted, shall thereafter be required to be used for only permitted uses set forth in the particular zoning classification and the permit for such Special Exception Use shall be deemed terminated by abandonment.

ARTICLE XIV

SIGNS

- 14.1 Signs in the AG, R-1, R-2 and R-3 Districts: In the Ag, R-1, R-2 and R-3 districts, the following signs shall be allowed:
1. Real estate signs, not exceeding 10 square feet in area.
 2. Identifying signs, not exceeding 18 square feet in area.
 3. Nameplate signs, not exceeding one square foot in area.
- 14.2 Signs in the C-1 District: In the C-1 district the following signs shall be allowed:
1. Real estate signs, not exceeding 10 square feet in area.
 2. Identifying signs, not exceeding 18 square feet in area.
 3. Nameplate signs, not exceeding one square foot in area.
 4. Business signs, not exceeding 32 square feet in area.
- 14.3 Signs in the C-2 District: In the C-2 district the following signs shall be allowed:
1. Real estate signs, not exceeding 10 square feet in area.
 2. Identifying signs, not exceeding 18 square feet in area.
 3. Nameplate signs, not exceeding one square foot in area.
 4. Business signs, not exceeding 32 square feet in area.
 5. Billboards, not exceeding 120 square feet in area.
- 14.4 Signs in the I-1 District: In the I-1 district the following signs shall be allowed:
1. Real estate signs, not exceeding 10 square feet in area.
 2. Identifying signs, not exceeding 18 square feet in area.

3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 300 square feet in area.

14.5 General Provisions and Requirements: The following provisions and requirements shall be applicable to signs in all zoning districts, unless stated to the contrary:

1. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.
2. Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.
3. All signs shall be maintained in good condition and repair, subject to the provisions of Article XVI pertaining to nonconforming structures.
4. No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the zoning administrator or building inspector.
5. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.

14.6 Exempted Signs: The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

1. Highway signs erected by the State of Michigan, County of Allegan or the Township.
2. Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.

3. Directional signs erected in conjunction with private off-street parking areas, provided any such sign does not exceed four square feet in area and is limited to traffic control functions only.
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
5. Placards posted to control or prohibit hunting within the Township.
6. Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50% or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.
7. One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings.
8. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
9. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
10. Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.
11. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Township Board or other governmental body with jurisdiction over the matter. In considering such authorization, the Board shall consider the following factors:
 - A. The size, character and nature of the display or sign.
 - B. The duration or time period during which the display or sign will be utilized.
 - C. The purpose(s) for which the sign display is to be erected.

- D. The arrangements made for the removal of the sign or display after the termination of its usefulness.
- E. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
- F. Whether or not the sign or display will constitute a traffic hazard.
- G. The affect of the sign or display on the surrounding neighborhood.

ARTICLE XV

PARKING AND LOADING SPACES

15.1 GENERAL: In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
1. Dwellings	Two for each dwelling unit
2. Lodging, rooming and boarding houses	Two for each three guest rooms or each six beds for guests, whichever amount is greater
3. Private clubs and lodges	One for each five active members and one for each employee with a minimum of one for each 100 square feet of floor area
4. Hospitals, institutions and clinics	Two for each patient bed
5. Sanitariums or convalescent or nursing homes	One for each two beds
6. Homes for senior citizens	One for each three beds
7. Hotels	One for each two guest rooms
8. Motels and tourist homes	One for each sleeping room
9. Theaters, auditoriums and stadiums	One for each four seats, based on maximum seating capacity
10. Bowling alleys	Eight for each alley
11. Private, elementary and junior high schools	Two for each three employees normally engaged in or about the buildings and grounds plus one for each eight auditorium seats

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|-----|---|---|
| 12. | Senior high schools and institutions of higher learning | Two for each three employees normally engaged in or about the buildings and grounds, and one additional for each four enrolled students |
| 13. | Churches | One for each four seats in the main worship unit |
| 14. | Community center | One for each 100 square feet of assembly floor area |
| 15. | Libraries, museums and post office | One for each 100 square feet of floor area |
| 16. | Professional offices and buildings | One for each 200 square feet of floor area |
| 17. | Restaurants, grills, dining rooms, dairy bar, soda fountain | One for each two seats |
| 18. | Medical doctors office or dental clinic | Eight for each doctor plus one for each employee. |
| 19. | Banks, business offices and public buildings not specifically mentioned elsewhere | One for each 150 square feet of floor area |
| 20. | Funeral parlors or mortuaries | One for each 50 square feet of floor area used for services |
| 21. | Bars, cocktail lounges and night clubs | Two for each three seats but no less than 40 spaces in any event |
| 22. | Marinas | Two for each slip or mooring |
| 23. | "Drive-in" establishments | Eight for each 125 square feet of ground floor area |

24. Use groupings

A. Retail stores, supermarkets, department stores, personal service shops-general business

One for each 100 square feet of floor area in the basement and on the first floor used for retail sales and one for each 400 square feet of floor area on the second floor used for retail sales and one for each 600 square feet of floor area on the third floor used for retail sales, and one for each 800 square feet of floor area on any additional floors used for retail sales

B. Business offices and/or research laboratories and/or similar uses

One for each employee on the maximum shift or peak employment period

C. Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related but not necessarily connected to a manufacturing or industrial building

One for each three employees on the maximum shift or peak employment period

D. Other uses not specifically mentioned

In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply

E. Mixed uses in the same building

In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use

shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein

- 15.2 JOINT USE OF FACILITIES: Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.
- 15.3 LOCATION OF FACILITIES: Off-street parking facilities shall be located as hereafter specified:
1. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
 2. For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within 300 feet walking distance, as measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.
- 15.4 SIZE OF PARKING SPACE: Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall be a minimum of 10 feet in width.
- 15.5 REQUIREMENTS FOR PARKING AREAS: Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:
1. The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any Residential or Agricultural zoning district by a greenbelt 10 feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season; or other suitable screening device.

2. The parking lot and its driveway shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash and debris.
3. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
5. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
6. No part of any public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way.

15.6 OFF-STREET LOADING SPACES: For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and off-street loading spaces in relation to floor areas as follows:

1. Up to 20,000 square feet - one space.
2. 20,000 or more but less than 50,000 square feet - two spaces; and
3. One additional space for each additional 50,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any Residential zoning district.

ARTICLE XVI

NONCONFORMING USES, BUILDINGS OR STRUCTURES

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

16.2 EXPANSION: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use, and such extensions or enlargements are authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether the extension or enlargement will substantially extend the probable duration of such nonconforming use, and whether the extension or

enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

16.3 RESTORATION AND REPAIR: All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 1/2 of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds 1/2 of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use, and whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.

16.4 CHANGE OR DISCONTINUANCE: The nonconforming use of a building or structure or of any land or premises shall not be:

1. Reestablished after discontinuance, vacancy, lack of operation or otherwise unused for a period of six months.
2. Reestablished after it has been changed to a conforming use.
3. Changed to any other nonconforming use, unless the Zoning Board determines that such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

- 16.5 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE: Any building or structure shall be considered existing and lawful and for purposes of Section 16.1 to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore, if required, and a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
- 16.6 UNLAWFUL USE NOT AUTHORIZED: Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

ARTICLE XVII

ZONING BOARD

- 17.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board, consisting of not less than four nor more than seven members, constituted and appointed as provided by said Act.
- 17.2 JURISDICTION AND POWERS: The Zoning Board shall have all powers and jurisdiction granted by Public Act 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:
1. The jurisdiction and power to hear requests for special land uses, and approve, deny, or approve with conditions, such special exception use requests, in accordance with Article XIII of this ordinance, and any other applicable provision of this ordinance.
 2. The jurisdiction and power to hear and act upon requests for amendment of the text of this ordinance, or an amendment of the zoning map (rezoning), or an amendment of the land use plan, pursuant to Article XXI of this ordinance.
- 17.3 MEETINGS: The Zoning Board shall hold at least two regular meetings annually, at which any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Board. Additional meetings may be held at other times as the Zoning Board deems necessary for the efficient conduct of its business. All meetings shall be open to the public, unless properly closed in accordance with law.
- 17.4 FEES: Upon filing of an application to the Zoning Board for a special exception use permit, or for a rezoning or amendment to the text of the zoning ordinance, zoning map, or land use plan, or other matter properly heard before the Zoning Board, the applicant shall pay a fee as established by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, and the change shall take effect 30 days after adoption of such change.

- 17.5 ELECTION OF OFFICERS. ADOPTION OF RULES OF PROCEDURE: The Zoning Board shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The Zoning Board may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 184 of 1943, as amended.
- 17.6 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board shall keep minutes of Zoning Board proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

ARTICLE XVIII

ZONING BOARD OF APPEALS

- 18.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act.
- 18.2 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, and the following specific powers and jurisdiction:
1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
 2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
 3. The jurisdiction and power to authorize, upon appeal and subject to Sections 18.3-18.5 of this Article, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- 18.3 VARIANCES: Subject to the provisions of Section 18.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after public hearing, shall have the power to decide applications for dimension variances in the following situations:
1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in the carrying out of the provisions of this ordinance; or,

2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulties or would cause undue hardship; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or,
3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.

18.4 VARIANCE STANDARDS AND CONDITIONS:

1. **Standards:** No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:
 - A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or,
 - B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or,
 - C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

2. Conditions: The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

1. That the condition or limitation is 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 associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

- 18.5 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).
- 18.6 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board of Appeals shall elect a chairman and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 184 of 1943, as amended.

- 18.7 MEETINGS: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.
- 18.8 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board of Appeals shall keep minutes of the proceedings of the Zoning Board of Appeals showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board of Appeals. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.
- 18.9 FEES: Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

- 19.1 ZONING ADMINISTRATION: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.
- 19.2 ZONING ADMINISTRATOR: The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the position of Zoning Administrator, the applicant must be generally informed of the provisions of this Ordinance, have a general knowledge of the building arts and trades, and be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

ARTICLE XX

VIOLATION AND PENALTIES

- 20.1 PENALTIES: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Allegan County jail for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. Further, the foregoing penalties shall not preclude the Township from commencing a civil suit and seeking injunctive relief and any such other appropriate relief as may be provided by law, either before, during or after a criminal prosecution for violation of this Ordinance.
- 20.2 AUTHORITY TO COMMENCE LEGAL ACTION: The duly authorized attorney for the Township, the Township Supervisor or the Zoning Administrator/Ordinance Enforcement Officer may institute such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this Ordinance.

ARTICLE XXI

AMENDMENT OF ORDINANCE

- 21.1 INITIATION OF AMENDMENTS: Amendments to this Ordinance may be initiated by the Zoning Board or Township Board by resolution, or by any interested person or persons by petition to the Township Board.
- 21.2 AMENDMENT PETITION PROCEDURE: All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board, and shall be accompanied by such amendment application fee as may be established by the Martin Township Board; no action shall be taken on any amendment request until such fee is paid in full. Such petitions shall include the following:
1. The petitioner's name, address, and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
 2. The nature and affect of the proposed amendment.
 3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
 4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
- 21.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 184 of 1943, as amended.

ARTICLE XXII

MISCELLANEOUS PROVISIONS

- 22.1 SEVERABILITY: This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
- 22.2 REPEAL: This Ordinance shall be deemed an amendment to the existing Martin Township Zoning Ordinance which was effective March 17, 1976, and supersedes and replaces the existing Martin Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.
- 22.3 EFFECTIVE DATE: This Ordinance was approved by the Township Board on September 10, 1986 and is ordered to take immediate effect.
- 22.4 ADMINISTRATIVE LIABILITY: No officer, agent, employee, or member of the Zoning Board, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

APPENDIX A

CLASSIFICATION OF LANDS

1. Section 1, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District and the "C-2" General Business District.

"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.

"C-2" General Business District: The portion of the northeast quarter of Section 1 that runs along 124th Avenue from the center of 124th Avenue south, to a depth of 233 feet, and also Lots 25 - 26 of the Martha Lapham Lakeview lots estates.

2. Section 2, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.

3. Section 3, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 3.

4. Section 4, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 4.

5. Section 5, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.

6. Section 6, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.

7. Section 7, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 7.

8. Section 8, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 8.

9. Section 9, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.

10. Section 10, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 10.

11. Section 11, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 11.

12. Section 12, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 12.

13. Section 13, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 13.

14. Section 14, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 14.

15. Section 15, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.

16. Section 16, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.

"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.

"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.

17. Section 17, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.

18. Section 18, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Vean property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.

19. Section 19, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District (and except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.

"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.

"C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence

south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.

20. Section 20, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.

21. Section 21, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.

22. Section 22, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 22.

23. Section 23, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.

24. Section 24, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 24.

25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
30. Section 30, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.

"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.

"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.

31. Section 31, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.

"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.

"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.

32. Section 32, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.

"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.

33. Section 33, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.

34. Section 34, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 34.

35. Section 35, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.

"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.

36. Section 36, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.

"C-2" General Business District: The south quarter of Section 36.

3rd quarter safety eases Broncos past Wayland, 2-0

A bad snap flying over a Wayland punter's head and through the endzone for a safety was the only score in Friday night's varsity football game. The loss took place at Coopersville as the Broncos defeated the Wildcats 2-0.

"I believe we played an exceptional game, this is the team we lost 40-8 last year and it was our first shutout in two years," said Wildcat Coach Jeff Salisbury. "Seven of our starters were out and if we would have had a few of our regular guns in, the game would have been totally different. We had 15 defensive goals going into the game and we completed 11."

Things started to look up for Wayland midway through the first quarter when runningback Tom Tate got to the outside and went 85 yards before being pulled down from behind at the six yardline. But Wayland could not get the ball into the endzone after three straight passes fell incomplete. Wayland had two other chances to score in the contest driving to the 14 in the second quarter and to the 19 in the third, but both attempts were stopped by the Bronco defense.

In the third quarter the home team had driven to the 19, but the 'Cat defense held tight and forced them to turn over the ball. The Broncos then shut down Wayland three straight plays and forced them to punt, setting up the only points of the game.

The Wildcats defense held tight through the contest as they stopped the winners from scoring six times when they were inside the 20 yardline.

"Our field goal kicker is out, and we really believed that was the difference in the game," added coach Salisbury. "We were not intimidated by them at all and we should be ready for Hudsonville on Friday night as they and Coopersville are about the same caliber

of teams."

Tate had the best performance of any Wildcat running back so far this year as he picked up 88 yards on 12 carries. Mike Schaefer completed three of 15 passes for 48 yards, in his debut as quarterback, but saw pass after pass dropped by his receivers. Tim Henkel caught two for 35 yards and Dave Stallard pulled in one for 11 yards.

Defensive standouts according to Coach Salisbury were, Henkel at cornerback, Pat Caughlin at middle linebacker, and outside linebackers Todd Kunst and Jim Hooker.

The Wildcats, now 0-3 overall and 0-2 in the OK Gold, will be at home Friday night looking for their first win of the season against Hudsonville.

FRESHMEN ACTION

The Wayland freshmen football team played most of Thursday night's game on offense but could not find the end zone, or when they did, the play was nullified because of a penalty. At the final gun, the Wildcats lost to visiting Coopersville 12-0.

Wayland had two touchdowns called back because of penalties in the first half: a 29-yard and a 39-yard run by Rick Dunkle. Coopersville used two touchdowns to get by the 'Cats even though the Wayland squad was on offense most of the game.

The Wildcats had a total of 239 yards offense in the contest. Dunkle hit his second game of 100-or-more yards rushing when he carried for 147. Quarterback Rex Winger rushed for 32 and passed for 63 yards. Scott Marquard caught 50 yards in passes.

The freshmen, now 1-2 overall and 0-1 in the Gold, will travel to Hudsonville Thursday night for a contest with the Eagles.



Wildcat running back Tom Tate (20) breaks through the line in Friday night's 2-0 loss to Coopersville. Tate got outside on the play to run 85 yards before he was tackled at the six yard line.

NOTICE Martin Township, Allegan County, MI

To: The residents and property owners of Martin Township, Allegan County, Michigan, and any other interested persons.

PLEASE TAKE NOTICE that a new zoning ordinance regulating the development and use of land has been adopted by the Township Board of Martin Township at a regular meeting of the Board held September 10, 1986. The new Martin Township Zoning Ordinance repeals in its entirety the previous Martin Township Zoning Ordinance and any amendments thereto, and completely replaces the previous zoning ordinance and any amendments thereto.

PLEASE TAKE FURTHER NOTICE that a new zoning map and land use plan (text and map) were also adopted by the Martin Township Board at said September 10, 1986 regular meeting. The new Martin Township Zoning Map and Land Use Plan (text and map) repeals in their entirety any previous Martin Township Zoning Map and Land Use Plan, and any amendments to either, and completely replaces any previous zoning map and land use plan and any amendment to either.

PLEASE TAKE FURTHER NOTICE that the new Martin Township Zoning Ordinance, zoning map and land use plan (text and map) are effective immediately upon publication of this notice, and upon publication of said zoning ordinance.

PLEASE TAKE FURTHER NOTICE that the complete text of the new Martin Township Zoning Ordinance is published hereinafter, and additional copies of said new zoning ordinance, and land use plan (text) may be purchased or inspected at the Martin Township Hall located at 114 Templeton in the Village of Martin, or by contacting the Township Clerk LaVerne Young, at 981 Lee Street, Martin, Michigan 49070. (616) 672-5076, or by contacting the Secretary of the Zoning Board, John Schipper, 1849 11th Street, Martin, Michigan 49070. (616) 672-5103. The new zoning map and land use plan map may also be inspected at the Martin Township Hall, and by contacting Mr. Young or Mr. Schipper at any reasonable time.

LaVerne Young, Clerk
Martin Township
981 Lee Street
Martin, Michigan 49070
(616) 672-5076

HOPKINS HAPPENINGS

Marge Hodgson 793-7542

Ken and Alice Brenner served as hosts Sept. 6 to some of Alice's former classmates from Highland Park High School. Five couples visited and enjoyed a tour of the Brenner farm, as well as a day of feasting and reminiscing. Two of the couples stayed overnight in Grand Rapids, and Ken and Alice joined them for Sunday brunch and more remembering.

Happy birthday to Dolores Pichlik and Norma Henry, who share Sept. 17. Norma was Rose Trumbull's guest for lunch and a movie to celebrate.

Oct. 6 is the day to renew your membership in the Hopkins 4-H, or to sign up as a new member. Mary Arndt will be at home on that day to accept memberships, but please call her first at 793-5571. Enrollment is open to everyone. New leaders and parents are also urged to contact Mary as soon as possible.

Congratulations to Jeff and Vicky Van Dyke who are very proud new parents. Little Jeremy Jr., was born Saturday, Sept. 13. Vicky's parents, Casey and Jackie Lubberts, are equally happy about becoming first-time grand-parents.

Sheryl Whipple got into the spirit of the Allegan County Fair parade theme, "The Roaring 20s" by entering a four-

wheeled buggy pulled by a single black horse "Jet Star." Her three weeks of work restoring the buggy was rewarded with a 2nd place ribbon in the single horse classification.

Harold and Venila Hoffmaster recently took a 1-day trip to the Baldwin and White Cloud area to observe the flood damage, which they say was worse than shown on television. In Ludington, they stopped for a visit with former neighbors, Mr. and Mrs. Jim McCarthy, and their two boys. The group then toured the flood-damaged area around Hart and Pontwater, a sad sight according to Mrs. Hoffmaster.

Mr. and Mrs. Gaylord Caszatt, of Houston, Texas, were guests of Jim and Vivian Brinkert last week. Mr. Caszatt was superintendent of Hopkins Schools in the 1950's when Vivian started working there.

A tour to the old one-room schoolhouse brought back many happy memories. The couples also traveled to Indiana for dinner. The Brinkert's grandson, 5-year-old Benjamin, visited them over this weekend. Next week, Jim and Vivian are expecting more company, Mr. and Mrs. Eddie Arehart, formerly of Hopkins and now living in Houston, Texas.

MARTIN TOWNSHIP LAND USE PLAN

The Martin Township Land Use Plan consists of a land use plan map and this brief textual summary of the nature and characteristics of Martin Township. The land use plan, and the Martin Township Zoning Ordinance based thereon, are designed to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

Martin Township lies east of Allegan and north of Plainwell. US-131 runs along the western edge of the Township and Gun Lake just enters the northeast corner of the Township. Land uses in the Township are mostly agricultural and rural residential. There are small concentrations of residential uses in Shelbyville, Hooper and around Gun Lake and Lake Sixteen. The only large commercial use in the Township is the "US-131 Dragway", which is a heavy traffic generator during periods of operation.

The population in Martin Township in 1980, including the Village of Martin, was around 2,300 people. A projected population of around 2,600 people has been established for the year 1990. The Village of Martin has adopted and administers its own zoning ordinance.

There are no major influences on future growth in Martin Township. US-131 Dragway draws many people but is isolated from the rest of the Township by the expressway. Gun Lake is a development attraction but most of its attraction is in Wayland Township and Barry County. The Village of Martin may attract some growth, but since it lacks large employment sources, it probably will not be a significant influence. The three small lakes - Lake Sixteen, Fenner Lake and Pratt Lake - have limited potential for future development. The two US-131 interchanges in the Township both provide attractive sites for highway oriented commercial business. Although the paved county primary and local road system is not extensive, it does provide convenient access to most of the Township.

The general concept and goal of this plan is to direct future growth into planned service centers in and around the community center and conserve agricultural and rural open space areas through the adoption and implementation of these development guidelines:

1. **Prime Agricultural Areas**
Goal: Preserve and maintain prime agricultural land in bona fide agricultural uses only.
2. **Rural Estates and Open Space Areas**
Goal: Encourage single family home sites on large lots and selected land sites only.
3. **Residential**
Goal: Direct future intensive residential developments into and around community service centers.
4. **Commercial**
Goal: Encourage future commercial uses to locate in major community service centers with full public utilities.
5. **Industrial**
Goal: Encourage future intensive industrial uses into major community service centers with full public utilities and away from residential and prime agricultural areas.

The following is a sectional listing of all of the land areas in Martin Township (not including the Village of Martin), setting forth the current zoning designation of such lands, and noting planning proposals for certain areas, all in relation to the guidelines set forth in this land use plan:

1. Section 1, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.
"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.
Planning proposal: Rezone to "C-2" General Business District the northeast quarter of Section 1.
2. Section 2, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District. "I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.
3. Section 3, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 3.
4. Section 4, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 4.
5. Section 5, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.
Planning Proposal: Rezone to "I-1" Industrial District the west one-eighth of Section 5.
6. Section 6, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.

7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.88 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.
"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.
"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.
17. Section 17, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.
Planning Proposal: Rezone to "I-1" Industrial District the northwest quarter of the southwest quarter of Section 17.
18. Section 18, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Vaan property, then south along the west side of 10th Street for a distance of 1,600 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.
Planning Proposal: Rezone to "R-1" Rural Estates District that land along the east border of Section 18 from the Consumers Power right-of-way to 10th Street.
19. Section 19, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District land except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northwest quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter

of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.

"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.

"C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.

Planning Proposal: Rezone to "R-1" Rural Estates District that land between the Consumers Power right-of-way and 10th Street in the southwest quarter of the northeast quarter of Section 18.

20. Section 20, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District land except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.
Planning Proposal: Rezone to "R-1" Rural Estates District the northeast quarter of the southeast quarter of Section 20.
21. Section 21, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.
Planning Proposal: Rezone to "R-1" Rural Estates District that land in Section 21 on the east side of 8th Street from 116th Avenue north to the jog in the road, with a property depth of 217.8 feet.
Planning Proposal: Rezone to "C-2" General Business District that land in the northwest quarter of Section 21 along the east side of 8th Street north from the east-west half section line to the east-west quarter section line, then east three-quarters of the way to the north-south half section line, excluding that land considered part of the cemetery.
22. Section 22, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 22.
23. Section 23, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
Planning Proposal: Rezone to "I-1" Industrial District that property in Section 29 along the west side of the railroad tracks right-of-way from 114th Avenue north to the Martin Village limits to a depth of 500 feet; also that land in Section 29 along the east side of the railroad tracks right-of-way, east to the north-south quarter section line and north from 114th Avenue to the Martin Village limits.

30. Section 30, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
 "R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.
 "R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.
 "C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest

quarter of Section 30.
 31. Section 31, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.
 "R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.
 "C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.
 32. Section 32, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.
 "R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.
 33. Section 33, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33; thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.
 34. Section 34, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 34.
 35. Section 35, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.
 "C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.
 36. Section 36, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.
 "C-2" General Business District: The south quarter of Section 36.

MARTIN TOWNSHIP ALLEGAN COUNTY MICHIGAN

MARTIN TOWNSHIP ZONING ORDINANCE (ORDINANCE NO. 30)

ADOPTED DATE SEPTEMBER 10, 1986 - EFFECTIVE DATE SEPTEMBER 24, 1986

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ions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

**THE TOWNSHIP OF MARTIN,
 ALLEGAN COUNTY, MICHIGAN,
 ORDAINS:**

**ARTICLE I
 SHORT TITLE, PURPOSE AND SCOPE**

1.1 **SHORT TITLE.** This Ordinance shall be known and may be cited as the "Martin Township Zoning Ordinance."

1.2 **PURPOSE.** This Ordinance is based upon the Martin Township Comprehensive Land Use Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous use of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

1.3 **SCOPE AND INTERPRETATION.** This Ordinance shall not repeal, abrogate, 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 covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

**ARTICLE II
 CONSTRUCTION OF LANGUAGE**

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either or", the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, condi-

tions, provisions or events shall apply; and, B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

9. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard meaning.

**ARTICLE III
 DEFINITIONS**

3.1 **DEFINITIONS.** For the purpose of interpreting and enforcing this Ordinance the following definitions shall apply unless otherwise specifically stated to the contrary:

1. **Accessory Building or Structure:** A building or structure on the same premises with a main building, and of a nature customarily incidental and subordinate to the main building. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.
2. **Accessory Use:** A use customarily, naturally or normally incidental and subordinate to a principal use on the same premises.
3. **Agriculture Production:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.
4. **Alley:** A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
5. **Alteration, Structural:** Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders, and any substantial change in the roof of any building, and any addition to, diminution of or change in use or conversion of a structure or building, or the removal of a building or structure from one location to another.
6. **Automotive Repair Shop:** A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.
 - A. **Automotive Repair, Major:** General repair, rebuilding, or reconditioning of engines, or vehicles, collision service including body repair and frame straightening, painting or upholstery; or vehicle steam cleaning and undercoating.
 - B. **Automotive Repair, Minor:** Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tone capacity; provided, however, there is excluded any repair or work included in the definition of A above.
7. **Automotive Service Station:** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.
8. **Basement:** A portion of a building which is partially or

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ZONING ORD.

wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.

9. Board or Township Board: The Marsh Township Board.

10. Board of Appeals or Zoning Board of Appeals: The Marsh Township Zoning Board of Appeals.

11. Boarding House or Rooming House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.

12. Building: An independent structure which is constructed or erected having a roof supported by columns, walls, or other supports, and which is used or intended for use for the shelter or enclosure of persons, animals, or personal property, or carrying on of business activities or other similar uses. This term includes both temporary and permanent structures, and tents, sheds, garages, stables, greenhouses, or other accessory structures.

13. Building Code/Township Building Code: The nationally recognized model building, construction, plumbing and electrical codes duly adopted by the Marsh Township Board.

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

15. Building Inspector: The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.

16. Building or Structure Setback: The measurement from the property line or street right-of-way line to the nearest point of the main wall of a building or structure, including porches but not including steps.

17. Building/Occupancy Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.

18. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for.

19. County Board: The Allegan County Board of Commissioners.

20. Dwelling or Residence: A building, mobile home, premanufactured or pre-cut dwelling structure designed and used for the complete living accommodations of a single family, but not including a travel trailer, automobile chassis, tent or portable building. In case of mixed occupancy where a building is occupied in part as a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy-saving earth sheltered homes which are either: Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run; or, constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.4 of this ordinance.

A. Dwelling, Multi-Family: A building containing three or more dwelling units designed for residential use.

B. Dwelling, Private: A building occupied by but one family alone.

C. Dwelling, Single-Family: A building containing not more than one dwelling unit designed for residential use.

D. Dwelling, Two-Family: A dwelling containing not more than two separate dwelling units designed for residential use.

E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities for not more than one family having cooking facilities.

21. Family: One or more persons related by blood or marriage or adoption including those related as foster children and servants, occupying a dwelling unit and living as a single, non-profit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary as resort-seasonal in character or nature.

22. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation), and subject to the conditions and limitations set forth at Section 14.2 of this ordinance.

23. Farm: Any parcel of land which is primarily used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.

24. Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

25. Filling: The depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.

26. Floor Area:

A. Floor Area, Gross: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

B. Floor Area, Net or Usable: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the interior faces of the exterior walls, not including the basement area.

27. Garage, Private: A garage with capacity for not more than three vehicles, for parking and storage only.

28. Garage, Public: Any building or premises used for parking, housing or care of more than three vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

29. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially uneven ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

30. Home Occupation: Any gainful occupation or activity carried on in a residential dwelling unit as a use incidental and subordinate to the principal residential use of the dwelling unit, and subject to the conditions and limitations set forth in Section 4.20 of this ordinance.

31. Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practically unusable for the purposes for which the product was manufactured or designed.

32. Junk-Salvage Yard: Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.

33. Kennel: Any lot or premises on which five or more dogs or cats are kept either permanently, or temporarily boarded for persons other than the owner, or on which five or more dogs or cats are kept for commercial breeding purposes. All kennels shall comply with all applicable Township, County and State regulations.

34. Lot: A parcel of land adjoining a dedicated public street or a perpetual recorded private street, but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plot. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. The latter parcel is then often referred to as a "Zoning Lot".

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

B. Lot Area, Gross: The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Board.

C. Lot, Depth: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lot fronting on the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.

D. Lot, Corner: A lot situated at the intersection of two (2) or more streets.

E. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.

F. Lot, Interior: A lot other than a corner lot with one (1) lot line fronting on a street.

G. Lot, Lake: A lot having frontage directly upon a natural or man-made lake, river, pond, or other impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

H. Lot, Lines: Any line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot.

I. Lot Line, Front: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Zoning Compliance Permit.

J. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.

K. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

L. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Allegan County, or a lot or parcel described by notes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.

M. Lot, Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

35. Mobile Home: A transportable structure which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained

in the structure. A recreational vehicle, as defined herein, is not a mobile home.

36. Mobile Home Park: A parcel of land upon which three or more mobile homes are located for continual residential, non-recreational use (also known as a trailer court or trailer coach park).

37. Mobile Home Site or Lot: A plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.

38. Modular, Prefab, Pre-cut and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

39. Motel: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

40. Motor Vehicle: Every vehicle which is self-propelled.

41. Non-Conforming Use, Building or Lot of Record:
A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

B. Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. set-backs, height, lot coverage, parking) of this ordinance in the zoning district in which it is located.

C. Non-Conforming Lot of Record: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).

42. Occupancy Load: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

43. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

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

45. Principal or Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

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

47. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.

48. Quarry Excavation: Any breaking of the ground to hollow out by cutting or digging or removing any earth matter, except common household gardening and general farm care.

49. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging.

This term includes folding campers, truck-mounted campers, travel trailers, and motor homes, but does not include mobile homes.

50. Recreational Vehicle Parks: A family recreational oriented facility for the overnight or short term (not to exceed 15 days consecutively) use of travelers.

51. Roadside Market Stand: A permanent or temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

52. Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.

53. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.

A. Sign, Accessory: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

B. Sign, Area Surface: The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

C. Sign, Billboard: Any structure, or any portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

D. Sign, Business: Any structure, or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

E. Sign, Identifying: Any structure on the same premises it identifies which serves only (1) to tell the name or

use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motel; or (3) only to inform the public as to the use of a parking lot.

F. Sign, Nameplate: A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

G. Sign, Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

H. Sign, Real Estate: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

54. Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

A. Street, Major: A street or highway so designated on the Major Road Plan of the Allegan County Master Plan and which is designed and intended to carry heavy traffic volumes.

B. Street, Minor or Local: A dedicated public way or recorded private street affording access to abutting properties, and designed primarily to serve immediate neighborhood needs.

55. Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care residuals.

56. Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

A. Story, Basement: Shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

B. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches.

C. Story, Mezzanine: May be counted as a story if it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

57. Structure: Anything except a building, constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

58. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

59. Tourist Home: A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

60. Township: Martin Township, Allegan County, Michigan.

61. Variance: A modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

62. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level.

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

B. Yard, Rear: An open space extending across the full width of a lot, the depth of which is the distance between the rear wall of the main building or structure and the rear lot line or street right-of-way line.

C. Yard, Side: An open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of the main building or structure.

63. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.

64. Zoning Board or Township Zoning Board: The Martin Township Zoning Board.

ARTICLE IV GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless expressly made applicable to only specific zoning districts.

4.1 ZONING EFFECTS ALL STRUCTURES AND LAND

AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.

The provisions of this Ordinance and the Township Building Code shall be applicable to the Township itself and all other federal, state or local governmental agencies and units.

4.2 RESTORING UNSAFE BUILDINGS: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.

4.3 BUILDING PERMITS: No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the Township Building Code and the regulations set forth in this Ordinance including, but not limited to, the following:

1. An application for a building permit shall be in writing and upon duplicate printed forms furnished by the Township. Each application shall include such reasonable information as may be requested by the Building Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, the following information:

A. The location and actual dimensions of the lot or premises to which the permit is to apply.

B. The kind of buildings or structures to which the permit is to apply.

C. The width of all abutting streets.

D. The area, size and location of all buildings or structures to which the permit is to apply.

E. The type of use to be made of the building or structure to which the permit is to apply.

F. The use of buildings or structures on adjoining lands.

G. The estimated cost of the building or structure.

The Building Inspector, at his discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

The Building Permit requirement of this Section shall not apply to non-dwelling farm buildings and structures in the "AG" Agricultural District, nor to construction or alteration of buildings and structures involving a cost or value of \$1,000 or less, in any zoning district. Builders of such non-dwelling farm buildings and structures shall, however, obtain a Building Approval Card from the Zoning Administrator, indicating that the building or structure will comply with all setback and location requirements imposed by this ordinance. A fee for a Building Approval Card may be established by the Township Board.

2. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises; but shall not be required for accessory buildings or structures erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building.

3. Within 10 days after the receipt of an application for a building permit the Building Inspector shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance and the Township Building Code; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. The permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or the owner's agent.

4. A building permit issued by the Building Inspector is non-transferable, and must be obtained before any work, excavation, construction, erection, alteration or movement is commenced.

5. A building permit for which all construction work has not been completed within one year from the date of its issuance shall expire automatically, but may, upon application, be renewable once for an additional one year term on payment of an additional fee equal to one-half of the original permit fee.

6. No building permit shall be issued where the construction or other activity for which a building permit is required involves a building or land use designated as a special exception use in the applicable use district provisions of this Ordinance, unless the owner or owner's agent has first obtained the authorization of the Township Zoning Board for such special exception use.

7. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein, and which is to be located on a lot which is not served by both public water and sewer facilities, if its water supply and/or sewer disposal facilities does not comply with the rules and regulations of Allegan County and any other government authority governing waste and sewage disposal.

8. The Building Inspector may revoke and cancel any building permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, the Township Building Code, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be provided to the permit holder by securely posting same on the premises; and no further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

4.4 CERTIFICATES OF COMPLIANCE AND USE: No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof has made arrangements with the Building Inspector for a final inspection, upon completion of all work, and is issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance and the Township Building Code.

4.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of the zone district in which it is located, and shall have a minimum floor to ceiling height of 7.5 feet;

2. It shall have a minimum width or depth of 20 feet for at least 20 feet of the length of the longest side of the dwelling;

3. The dwelling and all additions or rooms or other areas shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, and constructed with similar quality workmanship and of 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, the mobile home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended.

4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and any wheels shall be removed. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.

5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department;

6. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same;

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

7. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

8. The dwelling and all additions or rooms or other areas 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 mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

9. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in any ordinance of the Township pertaining to such parks.

4.6 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements, and otherwise complies with this Ordinance.

4.7 PRINCIPAL USE: No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, and the "R-2" Low Density Residential District, or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District.

4.8 ACCESSORY USE: Accessory uses incidental only to a permitted use are allowed in any zoning district when located on the same lot, provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise allowed as provided in this Ordinance.

4.9 ACCESSORY BUILDING OR STRUCTURE: 1. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings and structures

Continued Next Page

shall be compatible with and similar to the principal building.

2. Accessory buildings and structures shall not be located closer than five feet to the rear lot line or closer than 40 feet to the water's edge in the case of a waterfront lot (except that pumphouses may be located within 40 feet of the water's edge if they do not exceed three feet in height); shall not occupy more than 30% of any required rear yard space; and shall not be closer to any side lot line or front lot line than the principal building is permitted.

3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solely covered by a breezeway, portico, covered colonnade or similar architectural device.

4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.

5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estates or "R-2" Low Density Residential zoning district.

4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.

4.11 SETBACKS FOR STRUCTURES ADJACENT TO STREETS: Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Martin Township Land Use Plan", as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

- 1. Major County Primary - 100 feet
- 2. Minor County Primary - 80 feet
- 3. Collector Streets - 60 feet -

4.12 MINIMUM PUBLIC STREET FRONTAGE: Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical apparatuses, and television and radio reception and transmission antennas and towers which do not exceed fifty feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

4.14 TEMPORARY USES OR STRUCTURES:

1. Upon application, the Zoning Administrator may issue a permit for the temporary residential use of a dwelling failing to comply with the dwelling standards set forth at Section 4.5 of this ordinance, provided that such a temporary use permit may be issued only for a period of not to exceed one year, and an extension of not to exceed six months, if all the following conditions are determined to exist at the time of the determination on the initial application or request for extension thereof:

- A. The applicant for the temporary use permit has submitted plans for, and received, a building permit for the construction or reconstruction of a permanent dwelling upon the same premises conforming with the dwelling standards set forth at Section 4.5 of this ordinance;
- B. The temporary dwelling is connected to a water supply and septic tank system complying with the requirements of the local health department;
- C. All yard and setback requirements of the applicable zoning district are met;
- D. The temporary dwelling has at least 475 square feet of usable floor area, and complies with all pertinent construction and fire codes;
- E. The location of the proposed dwelling will not interfere with or substantially hinder any existing or likely potential future farming operations or activity within the immediate area;
- F. The Township, County and school district have the present and future ability to provide adequate vehicular access, schools, public safety, public sewers, and other necessary public services at a level comparable to that provided to other dwellings in the surrounding area;
- G. The temporary dwelling shall not have a substantially detrimental effect on adjacent properties and the surrounding neighborhood, with regard to property values, aesthetics, or otherwise.

H. An extension of the permit may be approved by the Zoning Administrator, upon request, for a period of not to exceed six months, only if the Zoning Administrator determines that the conditions set forth hereinabove were complied with throughout the duration of the initial permit, that the construction of the permanent dwelling upon the premises was pursued with due diligence during the initial period of the permit and, in consultation with the Building Inspector, that within the requested period of extension that construction of the permanent dwelling will likely be completed and an occupancy permit issued for same.

The temporary use permit shall be subject to revocation if construction or reconstruction of the permanent dwelling has not commenced within 90 days after issuance of the building permit for said dwelling, or if any of the conditions set forth hereinabove are at any point not complied with.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction

materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.

3. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

4. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:

- A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.
- B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
- C. Such a recreational vehicle or tent may not be situated upon any parcel or occupied for more than 30 days, calculated cumulatively, within any calendar year.
- D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
- E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.
- F. Such a recreational vehicle or tent must be stored neatly or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

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

4.16 ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- 1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
- 2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

4.17 DOUBLE FRONTAGE AND CORNER LOTS: Buildings on lots having frontage on two intersecting streets (corner lots) or non-intersecting streets (double frontage lots) shall comply with the front yard requirements on both such streets.

4.18 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone, other than a commercial zoning district where no yard space is required, no fence, structure or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.

4.19 HOME OCCUPATIONS: A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein;
- 2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners;
- 3. The dwelling shall not have any exterior evidence, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling;
- 4. The occupation shall be clearly incidental and secondary to the residential use of the building;
- 5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot; and,
- 6. The home occupation shall not utilize more than 35% of the gross floor area in the single unit dwelling.

4.20 FAMILY BUSINESSES: A family business, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
- 2. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties.
- 3. There shall be no expansion of the business facilities without the prior approval of the Zoning Board.

4. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

5. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.

6. The business shall be located on the same parcel with the family's residence.

7. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.

8. The Zoning Board may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted. The Zoning Board may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

4.21 ROADSIDE MARKET STANDS: A roadside market stand, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All products offered for sale shall be agricultural products or goods produced on the premises upon which the roadside market stand is located.
- 2. The gross floor area of a building or structure used as a roadside market stand shall be at least 150 square feet, but shall not exceed 800 square feet. The height of the building or structure shall not exceed one story.
- 3. The building or structure shall be located at least 150 feet from any pre-existing dwellings located upon adjoining properties under different ownership.
- 4. The building or structure shall be located at least 50 feet from the nearest traveled portion of the roadway.
- 5. An off-street parking area shall be established and maintained sufficient to provide adequate parking facilities for the roadside market stand, and prevent traffic congestion or hazards which could result from the roadside market stand.
- 6. Suitable containers for rubbish shall be placed on the premises for use by customers of the roadside market stand, and such containers shall be maintained and periodically emptied so as to prevent unnecessary odors.
- 7. All roadside market stands shall be operated at such times and in such a manner so as to not create a detrimental effect on adjoining properties and the surrounding neighborhood.

4.22 KENNELS: A kennel, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All kennels shall be operated in conformance with all applicable county and state regulations.
- 2. For dog kennels, the minimum lot size shall be two acres for the first three dogs, and an additional one acre for each three additional dogs.
- 3. Kennel buildings or structures, animal runs, and/or exercise areas shall be located at least 150 feet from any pre-existing dwelling, or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- 4. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated so as to prevent traffic congestion as a result of the kennel.
- 5. The nature and character of buildings and structures utilized for kennel activities shall be aesthetically compatible with the principal use of the premises upon which the kennel is located, and with the principal uses of adjoining properties.
- 6. Kennel facilities shall be subject to such other conditions and limitations as the Zoning Board shall deem necessary, in the specific circumstances at issue, to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations.

4.23 CHURCHES AND PARISH HOUSES, PUBLIC AND PAROCHIAL SCHOOLS AND EDUCATIONAL INSTITUTIONS, AND OTHER SIMILAR USES OWNED AND OPERATED BY A GOVERNMENTAL AGENCY OR NON-PROFIT ORGANIZATION: A church and parish house, public and parochial school and educational institution, and other similar use owned and operated by a governmental agency or nonprofit organization, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. The minimum lot area upon which a church or school may be constructed shall be two acres.
- 2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
- 3. The off-street parking area required by Section 15.1 of this ordinance shall not be located within the required front yard setback area.
- 4. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided beyond the minimum setback requirements.

4.24 AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR SHOPS: An automotive service station and automotive repair shop, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. The lot shall be located so that it is at least 600 feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital, or residential district boundary.
- 2. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance.
- 3. No drive or curb opening shall be located within 25 feet

of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.

4. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.

5. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

6. The entire lot, including the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

7. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

8. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.

9. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by a fired curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.

11. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Zoning Board and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.

12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

13. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Zoning Board to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

4.25 JUNK/SALVAGE YARDS: A junk/salvage yard, where allowed shall be operated in accordance with all of the following conditions and limitations:

1. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.

2. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Zoning Board, and shall not be open for business or conducted on Sundays or holidays.

3. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.

4. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.

5. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.

6. The setback requirements for all industrial use shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection 1 herein, same shall not be located within the setback area.

7. All such activities or business shall be currently licensed by the State of Michigan.

8. All such activities or business shall at all times be conducted and operated so as to comply with Section 4.15 of this ordinance, and all other applicable provisions of this ordinance not specifically referenced in this Section 4.10.

4.26 DRIVE-IN THEATERS: A drive-in theater, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot location shall be such that at least one property line abuts a major street, and shall be at least 500 feet from any residentially zoned area or residentially used premises.

2. The premises shall be enclosed with a solid screen fence of at least seven feet in height.

3. All points of entrance or exit shall be located at least 250 feet from any street or road intersection as measured to the nearest intersection right-of-way line.

4. Sufficient space shall be provided on the premises for 50 waiting vehicles to stand at the entrance to the facility.

5. The theater screen shall not face, directly or obliquely, by less than a 75° angle, a major street or any residentially zoned or used area.

4.27 REMOVAL AND PROCESSING OF TOP SOIL,

SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS: Removal and processing of top soil, gravel or other such minerals or earth materials, where allowed, shall be operated in accordance with all of the following conditions and limitations.

1. Earth removal operations shall not cause a safety hazard, create erosion problems, or alter the ground water table of the area;

2. Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or swampy areas;

3. Earth removal operations shall not cause a permanent adverse effect to the environment, the natural topography, and any natural resources, other than the earth materials involved;

4. Earth removal operations shall not cause traffic congestion, and all trucks or other vehicles shall be directed away from residential streets and shall utilize county primary roads whenever possible;

5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any persons having reason to be within the area of activity;

6. No storage, or truck or other vehicle or equipment parking or storage shall be located within 50 feet of any adjacent property, or within 200 feet of any adjacent residence.

7. All earth removal operations shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property;

8. As the earth materials are being removed, the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30° slope and the contour be caused to blend as nearly as possible with the natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion;

9. The Zoning Board may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

ARTICLE V

CLASSIFICATION AND USE DISTRICTS

5.1 ZONE DISTRICTS: The Township of Martin is hereby divided into the following zoning districts:

- 1. AG Agricultural District
- 2. R-1 Rural Estate District
- 3. R-2 Low Density Residential District
- 4. R-3 Medium Density Residential District
- 5. C-1 Neighborhood Business District
- 6. C-2 General Business District
- 7. I-1 Industrial District

5.2 USE DISTRICT BOUNDARIES AND ZONING MAP:

The locations and boundaries of the zoning districts are hereby established as set forth in Appendix A of this ordinance (Classification of Lands), and as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Martin Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

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

3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.

4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.

6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereof.

ARTICLE VI

AG AGRICULTURAL DISTRICT

6.1 STATEMENT OF PURPOSE: This zoning district is intended for large tracts of land used or preserved for farming, animal husbandry, dairying, horticultural, or other agricultural activities, and may include large vacant areas, fallow land and wooded areas.

6.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary

facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.

2. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatches, blueberry and poultry farms.

3. Riding stables, where horses are boarded and/or rented.

4. Single family dwellings.

5. Parks, public recreational areas or golf courses.

6. Home occupations, in accordance with Section 4.19 of this Ordinance.

7. Churches and parish houses, public and parochial schools and educational institutions and other publicly owned and operated community buildings, structures or uses, in accordance with Section 4.23 of this Ordinance.

8. Cemeteries.

9. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.

10. Signs in accordance with Article XIV of this Ordinance.

6.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.

2. Recreational vehicle campgrounds.

3. Horse or dog racing tracks.

4. Slaughter houses and meat processing facilities.

5. Family businesses, in accordance with Section 4.20 of this Ordinance.

6. Two family dwellings.

7. Roadside stands, in accordance with Section 4.21 of this Ordinance.

8. Funeral parlors and mortuaries.

9. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.

10. Survival games or similar paramilitary recreational activities.

11. Conservation/skeet shooting clubs or similar activities.

12. BMX, motorcycle, go-kart racetracks or similar activities.

13. Commercial communication towers.

14. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.

B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.

C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.

D. The effect of any increased density on the surrounding neighborhood caused by the intended use.

E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 1 acre.
- 2. Minimum lot width: 165 feet.
- 3. Minimum usable floor area per dwelling unit: 820 square feet.

4. Minimum front yard: 50 feet.

5. Minimum rear yard: 50 feet.

6. Minimum side yard: 20 feet.

7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

ARTICLE VII

R-1 RURAL ESTATES DISTRICT

7.1 STATEMENT OF PURPOSE: This zoning district is intended for large rural residential estates and farming.

7.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses.

1. Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms, not including temporary housing for migratory workers.

2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.

3. Single family dwellings.

4. Home occupations, in accordance with Section 4.19 of this Ordinance.

5. Parks and public recreational areas.

6. Cemeteries.

7. Signs in accordance with Article XIV of this Ordinance.

7.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.

2. Roadside stands, in accordance with Section 4.21 of this Ordinance.

3. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.

4. Family business, in accordance with Section 4.20 of this Ordinance.

5. Funeral parlors and mortuaries.

6. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.

B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.

C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.

D. The effect of any increased density on the surrounding neighborhood caused by the intended use.

E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

ARTICLE VIII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

8.1 STATEMENT AND PURPOSE: This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.

8.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. Single family dwellings.
2. Two family dwellings.
3. Home occupations, in accordance with Section 4.19 of this Ordinance.
4. Signs in accordance with Article XIV of this Ordinance.

8.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Private and public schools, libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization, in accordance with Section 4.23 of this Ordinance.
2. Parks, playgrounds and community centers owned and operated by a governmental agency or a non-profit commercial organization.
3. Governmental administration or service buildings.
4. Churches, in accordance with Section 4.23 of this Ordinance.
5. Family business, in accordance with Section 4.20 of this Ordinance.
6. Funeral parlors and mortuaries.
7. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.

B. The effect of the proposed single family dwelling use on adjoining properties and the surrounding neighborhood.

C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.

D. The effect of any increased density on the surrounding neighborhood caused by the intended use.

E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:
 - A. Single family dwelling: 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. Two family dwelling: 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
2. Minimum lot width:
 - A. Single family dwelling: 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Two family dwelling: 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.

3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
4. Minimum front yard: 30 feet.
5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
6. Minimum side yard: 10 feet.
7. Maximum building or structure height: the lesser of 35 feet or 2 1/2 building stories.

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

9.1 STATEMENT OF PURPOSE: This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.

9.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. Single family dwellings.
2. Two family dwellings.
3. Multi-family dwellings.
4. Nursing homes, senior citizen housing and similar convalescent or group housing.
5. Home occupations, in accordance with Section 4.19 of this Ordinance.
6. Signs in accordance with Article XIV of this Ordinance.

9.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

9.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:
 - A. Single family dwelling (not in mobile home park): 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. Two family dwelling (not in mobile home park): 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
 - D. Multi-family dwelling (not in mobile home park): 4,500 square feet for lots served with public water and sewer; 10,000 square feet for lots not served with public water and sewer.
 - E. All other allowed uses: 15,000 square feet.
2. Minimum lot width:
 - A. Single family dwelling (not in mobile home park): 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. Two family dwelling (not in mobile home park): 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - D. Multi-family dwelling (not in mobile home park): 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - E. All other allowed uses: 100 feet.
3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling (not in mobile home park): 820 square feet.
 - B. Single family dwelling (in mobile home park): In accordance with the regulations of the Michigan Mobile Home Commission.
 - C. Two family dwelling: 720 square feet.
 - D. Multi-family dwelling: 650 square feet for one bedroom unit; 750 square feet for two bedroom unit; 900 square feet for three bedroom unit; additional 100 square feet for each additional bedroom.
4. Minimum front yard:
 - A. All allowed uses (not in mobile home park): 30 feet.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
5. Minimum rear yard:
 - A. All allowed uses (not in mobile home park): 25 feet; 50 feet for lakefront lots.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
6. Minimum side yard:
 - A. Single family dwelling (not in mobile home park): 10 feet.
 - B. Two family dwellings (not in mobile home park): 10 feet.
 - C. Multi-family dwellings: 20 feet.
 - D. Uses allowed in mobile home parks: In accordance with the Michigan Mobile Home Commission.
 - E. All other allowed uses: 20 feet.
7. Maximum building or structure height: the lesser of 35 feet or 2 1/2 building stories.

ARTICLE X

C-1 NEIGHBORHOOD BUSINESS DISTRICT

10.1 STATEMENT OF PURPOSE: This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.

10.2 PERMITTED USES: Land, buildings, and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. Any non-residential permitted use in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park districts.
2. Bakery goods stores.
3. Banks, loan and/or finance offices.
4. Barber or beauty shop.
5. Book, stationery or gift store.
6. Candy store, soda fountain and/or ice cream store.
7. Clothes cleaning and/or laundry pick-up station.
8. Clothing and dry goods store.
9. Delicatessen store.
10. Dress shop.
11. Drug store.
12. Florist and gift shop without nursery.
13. Funeral parlor or mortuary.
14. Grocery store and meat market.
15. Hardware store.
16. Household appliance store.
17. Jewelry store.
18. Laundromat.
19. Liquor store including beer and wine sales.
20. Nursery school and day nurseries.
21. Paint and wallpaper store.
22. Parking lots.
23. Photography shops and studios.
24. Radio and television store.
25. Restaurants and/or cafes without dancing, floor shows or drive-in service.
26. Shoe repair shop.
27. Tailor and/or dress maker.
28. Variety store.
29. Signs in accordance with Article XIV of this Ordinance.

10.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Automotive service stations, including minor auto repair shop facilities, in accordance with Section 4.24 of this Ordinance.
2. Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, and which do not involve any manufacturing activities or the treatment of articles or materials.

3. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
- B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed use on light and air circulation of adjoining properties.
- D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

10.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 60 feet.
4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. Maximum building or structure height: 35 feet.

10.5 OTHER GENERAL REQUIREMENTS: All business, service or processing activities, except parking, associated with any permitted use or special exception use in this zoning district, shall be conducted entirely within a completely enclosed building.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

11.1 STATEMENT OF PURPOSE: This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

11.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. All uses permitted in the C-1 district.
2. Ambulance services.
3. Amusement enterprises.
4. Antique shop, provided all articles for sale are displayed or stored within the shop.
5. Automotive and other vehicle sales.
6. Automotive repair shop or garage, including major repair operations.
7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
8. Bank, loan and finance offices including drive-in branches.
9. Bowling alley, including bars and restaurant.
10. Bus station and travel agency.
11. Business or trade school.
12. Car wash facility.
13. Catering service, delicatessen and confectionery store.
14. Clinic - dental and medical including laboratory.
15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.
16. Crating and packing service.
17. Dance studio and photographic studio.
18. Diaper, linen and towel supply service.
19. Dry cleaning and laundry - custom and self-service.
20. Eating place - including grill or "drive-in" restaurant.
21. Electrical supplies - wholesale and storage.
22. Exterminator service.
23. Factory and mill supplies.
24. Florist and gift shop including nursery.
25. Frozen food locker.
26. Funeral parlor or mortuary.
27. Hotels and motels.
28. Juke box and vending machine service and distribution.
29. Laboratory - medical or dental.
30. Liquor store.
31. Locksmiths.
32. Lodge hall, private clubs, veterans' clubs.
33. Malt beverage, liquor and wine distribution.
34. Marinas.
35. Offices.
36. Office machines, sales and service.
37. Office supply store.
38. Ornamental iron work and fence service.
39. Parcel delivery station.
40. Pet shop, not including treatment or boarding of animals.
41. Printing and publishing including processes related thereto.
42. Professional studio.
43. Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.
44. Radio and TV sales and repair shops.
45. Broadcasting studios.
46. Retail shops including "auction houses".
47. Resort, including seasonal cabins.
48. Shoe repair.
49. Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.
50. Special tools and gauges - checking and service.
51. Taddemist.
52. Theater, indoor.
53. Trade schools.
54. Travel agencies.
55. Warehousing and storage structures.
56. Wholesale sales facilities.
57. Any other retail business or service establishment of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
58. Signs in accordance with Article XIV of this Ordinance.

11.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Commercial communication towers.
2. Bar, cocktail lounge or nightclub.
3. Theater, drive-in, in accordance with Section 4.26 of this Ordinance.
4. Landing and take-off area for roto craft.
5. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed use on light and air circulation of adjoining properties.
 - D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-

MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 60% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 60 feet.
4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setbacks shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. Maximum building or structure height: 35 feet.

ARTICLE XII

I-1 INDUSTRIAL DISTRICT

12.1 STATEMENT OF PURPOSE: This district permits compounding, assembling, or treatment of articles or materials, this district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.

12.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
 2. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
 3. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
 4. Petroleum storage located at least 500 feet from any residentially zoned property.
 5. Automotive repair shops, in accordance with Section 4.24 of this Ordinance.
 6. Bottling plants and dairies.
 7. Car wash facilities.
 8. Contractor yards.
 9. Crating and packing service.
 10. Dry cleaning and laundry.
 11. Machine shop.
 12. Printing shop.
 13. Sign painting and servicing shops.
 14. Taxidermist.
 15. Warehouses and storage buildings.
 16. Wholesale sales facilities.
- Note: All the above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining residential properties.
17. Landing and take-off areas for roto crafts and airports.
 18. Parking lots.
 19. Commercial communication towers.
 20. Other light industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
 21. Signs in accordance with Article XIV of this Ordinance.

12.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Drive-in theaters, in accordance with Section 4.26 of this Ordinance.
2. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
3. Other industrial uses, subject to consideration and satisfactory provision for the following, where applicable:
 - A. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophes.
 - B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph A above and the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood.
 - C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above.
 - D. Utilities, with reference to locations, availability, and compatibility.
 - E. Screening and buffering, with reference to type, dimensions, and character.
 - F. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties.

borderhood properties.

- G. Required yards and other open spaces.
- H. General compatibility with adjacent properties and the surrounding neighborhood.
4. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed use on light and air circulation of adjoining properties.
 - D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

12.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: 50 feet.
4. Minimum rear yard: 50 feet.
5. Minimum side yard: 10 feet where the side yard abuts the side of a lot in the industrial zone; 50 feet in all other cases.
6. Maximum building or structure height: The lesser of 45 feet or three building stories.

ARTICLE XIII

SPECIAL EXCEPTION USES GENERAL PROVISIONS

13.1 SPECIAL EXCEPTION STANDARDS: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

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

With this in mind, a Special Exception Use is not allowed to be engaged in within the particular zone in which it is listed unless and until the Township Zoning Board, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board determines as follows:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely effect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this Ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely affect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board's judgment, be met at all times by the applicant;
9. The specific requirements, conditions and limitations applicable to particular uses as set forth in Article IV of this ordinance can and will, in the Board's judgment, be complied with at all times.

13.2 SPECIAL EXCEPTION PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Board and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. The Township Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the Special Exception Use Permit shall at all times be on the applicant.
3. Following such hearing, said Zoning Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Board in its decision and shall be filed with the Zoning Administrator of the Township.

Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the com-

munity as a whole; shall constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; shall be consistent with the intent and purpose of the zoning ordinance; shall be designed to insure compatibility with adjacent uses of land and the natural environment; and shall be designed to insure that public services and facilities affected by a proposed land use or activity be capable of accommodating increased service and facility loads caused by the land use or activity.

4. The Township Zoning Board shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Zoning Board after a hearing upon application of any aggrieved party.

5. The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Board shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. Violation thereof at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.

6. Any property which is the subject of a Special Exception Use Permit which has not been used for a period of six months (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Township Zoning Board) for the purposes for which such Special Exception Use Permit was granted, shall thereafter be required to be used for only permitted uses set forth in the particular zoning classification and the permit for such Special Exception Use shall be deemed terminated by abandonment.

ARTICLE XIV

SIGNS

14.1 Signs in the AG, R-1, R-2 and R-3 Districts: In the Ag, R-1, R-2 and R-3 districts, the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.

14.2 Signs in the C-1 District: In the C-1 district the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.

14.3 Signs in the C-2 District: In the C-2 district the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 120 square feet in area.

14.4 Signs in the I-1 District: In the I-1 district the following signs are allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 300 square feet in area.

14.5 General Provisions and Requirements: The following provisions and requirements shall be applicable to signs in all zoning districts, unless stated to the contrary:

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

2. Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.

3. All signs shall be maintained in good condition and repair, subject to the provisions of Article XVII pertaining to nonconforming structures.

4. No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the zoning administrator or building inspector.

5. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.

14.6 Exempted Signs: The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

- 1. Highway signs erected by the State of Michigan, County of Allegan or the Township.
2. Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings;
3. Directional signs erected in conjunction with private off-street parking areas, provided any such sign does not exceed four square feet in area and is limited to traffic control functions only;
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
5. Placards posted to control or prohibit hunting within the Township.
6. Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50% or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.
7. One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings.

8. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.

9. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.

10. Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.

11. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Township Board or other governmental body with jurisdiction over the matter. In considering such authorization, the Board shall consider the following factors:

- A. The size, character and nature of the display or sign.
B. The duration or time period during which the display or sign will be utilized.
C. The purposes for which the sign display is to be erected.
D. The arrangements made for the removal of the sign or display after the termination of its usefulness.
E. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
F. Whether or not the sign or display will constitute a traffic hazard.
G. The effect of the sign or display on the surrounding neighborhood.

ARTICLE XV

PARKING AND LOADING SPACES

15.1 GENERAL: In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

Table with 2 columns: Use, Minimum Parking Spaces Required. Lists various uses like Dwellings, Lodging, Private clubs, Hospitals, etc. with corresponding parking requirements.

B. Business offices and/or research laboratories and/or similar uses. One for each employee on the maximum shift or peak employment period.

C. Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related but not necessarily connected to a manufacturing or industrial building. One for each three employees on the maximum shift or peak employment period.

D. Other uses not specifically mentioned. In the case of buildings which are used for uses not specifically mentioned, these provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.

E. Mixed uses in the same building. In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

15.2 JOINT USE OF FACILITIES: Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

15.3 LOCATION OF FACILITIES: Off-street parking facilities shall be located as hereafter specified:

1. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.

2. For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within 300 feet walking distance, as measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

15.4 SIZE OF PARKING SPACE: Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall be a minimum of 10 feet in width.

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

1. The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any Residential or Agricultural zoning district by a greenbelt 10 feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season; or other suitable screening device.

2. The parking lot and its driveway shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash and debris.

3. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.

4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.

5. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.

6. No part of any public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way.

15.6 OFF-STREET LOADING SPACES: For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and off-street loading spaces in relation to floor areas as follows:

- 1. Up to 20,000 square feet - one space.
2. 20,000 or more but less than 50,000 square feet - two spaces; and
3. One additional space for each additional 50,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any Residential zoning district.

ARTICLE XVI

NONCONFORMING USES, BUILDINGS OR STRUCTURES

16.1 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any

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

16.2 EXPANSION: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use, and such extensions or enlargements are authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether the extension or enlargement will substantially extend the probable duration of such nonconforming use, and whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

16.3 RESTORATION AND REPAIR: All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 1/3 of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds 1/3 of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use, and whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.

16.4 CHANGE OR DISCONTINUANCE: The nonconforming use of a building or structure or of any land or premises shall not be:

- 1. Re-established after discontinuance, vacancy, lack of operation or otherwise unused for a period of six months.
- 2. Re-established after it has been changed to a conforming use.
- 3. Changed to any other nonconforming use, unless the Zoning Board determines that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

16.5 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE: Any building or structure shall be considered existing and lawful and for purposes of Section 17.1 to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore, if required, and a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

16.6 UNLAWFUL USE NOT AUTHORIZED: Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

ARTICLE XVII

ZONING BOARD

17.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board, consisting of not less than four nor more than seven members, constituted and appointed as provided by said Act.

17.2 JURISDICTION AND POWERS: The Zoning Board shall have all powers and jurisdiction granted by Public Act 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear requests for special land uses, and approve, deny, or approve with conditions, such special exception use requests, in accordance with Article XIII of this ordinance, and any other applicable provision of this ordinance.

2. The jurisdiction and power to hear and act upon requests for amendment of the text of this ordinance, or an amendment of the zoning map (rezoning), or an amendment of the land use plan, pursuant to Article XXI of this ordinance.

17.3 MEETINGS: The Zoning Board shall hold at least two regular meetings annually, at which any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Board. Additional meetings may be held at other times as the Zoning Board deems necessary for the efficient conduct of its business. All meetings shall be open to the public, unless properly closed in accordance with law.

17.4 FEES: Upon filing of an application to the Zoning Board for a special exception use permit, or for a rezoning or amendment to the text of the zoning ordinance, zoning map, or land use plan, or other matter properly heard before the Zoning Board, the applicant shall pay a fee as established by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, and the change shall take effect 30 days after adoption of such change.

17.5 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The Zoning Board may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 184 of 1943, as amended.

17.6 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board shall keep minutes of Zoning Board proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

ARTICLE XVIII

ZONING BOARD OF APPEALS

18.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act.

18.2 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.

3. The jurisdiction and power to authorize, upon appeal and subject to Sections 18.3-18.5 of this Article, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

18.3 VARIANCES: Subject to the provisions of Section 18.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after public hearing, shall have the power to decide applications for dimension variances in the following situations:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in carrying out of the provisions of this ordinance; or

2. Where it is alleged that by reason of the exceptional narrowness, shallowness of shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulties or would cause undue hardship; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or

3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed; public safety secured and substantial justice done.

18.4 VARIANCE STANDARDS AND CONDITIONS:

1. Standards: No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:

A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or

B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or,

C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

2. Conditions: The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

1. That the condition or limitation is 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 associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,

2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are affected by the proposed variance; and,

3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

18.5 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).

18.6 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board of Appeals shall elect a chairman and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 184 of 1943, as amended.

18.7 MEETINGS: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.

18.8 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board of Appeals shall keep minutes of the proceedings of the Zoning Board of Appeals showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board of Appeals. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

18.9 FEES: Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

19.1 ZONING ADMINISTRATION: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

19.2 ZONING ADMINISTRATOR: The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the position of Zoning Administrator, the applicant must be generally informed of the provisions of this Ordinance, have a general knowledge of the building arts and trades, and be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

ARTICLE XX

VIOLATION AND PENALTIES

20.1 PENALTIES: Any building or structure which is erected, moved, placed, reconstructed, taxed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term of provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Allegan County jail for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. Further, the foregoing penalties shall not preclude the Township from commencing a civil suit and seeking injunctive relief and any such other appropriate relief as may be provided by law, either before, during or after a criminal prosecution for violation of this Ordinance.

20.2 AUTHORITY TO COMMENCE LEGAL ACTION:

The duly authorized attorney for the Township, the Township Supervisor or the Zoning Administrator/Ordinance Enforcement Officer may institute such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this Ordinance.

ARTICLE XXI

AMENDMENT OF ORDINANCE

21.1 INITIATION OF AMENDMENTS: Amendments to this Ordinance may be initiated by the Zoning Board or Township Board by Resolution, or by any interested person or persons by petition to the Township Board.

21.2 AMENDMENT PETITION PROCEDURE: All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board, and shall be accompanied by such amendment application fee as may be established by the Martin Township Board; no action shall be taken on any amendment request until such fee is paid in full. Such petitions shall include the following:

- 1. The petitioner's name, address, and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
2. The nature and effect of the proposed amendment.
3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all adjoining lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned.
4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

21.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 184 of 1943, as amended.

ARTICLE XXII

MISCELLANEOUS PROVISIONS

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

22.2 REPEAL: This Ordinance shall be deemed an amendment to the existing Martin Township Zoning Ordinance which was effective March 17, 1976, and supersedes and replaces the existing Martin Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

22.3 EFFECTIVE DATE: This Ordinance was approved by the Township Board and will take immediate effect on September 24, 1986.

22.4 ADMINISTRATIVE LIABILITY: No officer, agent, employee, or member of the Zoning Board, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

APPENDIX A CLASSIFICATION OF LANDS

- 1. Section 1, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.
"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.
2. Section 2, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.
3. Section 3, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 3.
4. Section 4, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 4.
5. Section 5, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.
6. Section 6, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 6, except that

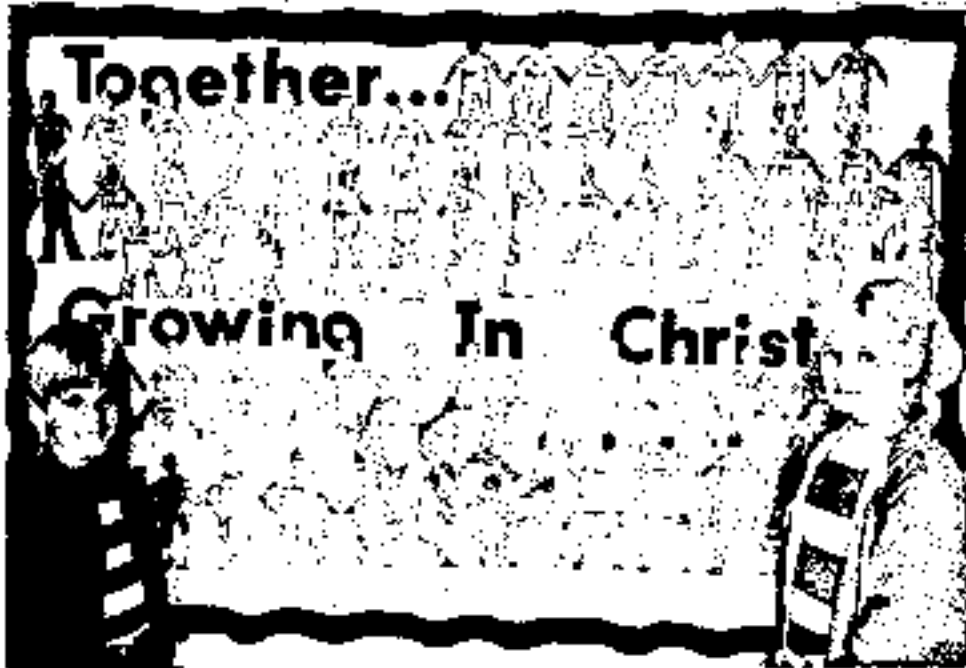
part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.

- 7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 8.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 118th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 118th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.
"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northwest quarter of Section 16.
"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.
17. Section 17, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.
18. Section 18, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Veas property, then south along the west side of 10th Street for a distance of 1,600 feet, then west 183 feet, then north 1,600 feet, then east 183 feet to the point of beginning.
19. Section 19, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District land except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 680 feet and with a depth of 200 feet.
"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.
20. Section 20, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 20, except that

part located within the "R-2" Low Density Residential District land except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.

- "R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.
21. Section 21, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.
22. Section 22, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 22.
23. Section 23, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District land except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
30. Section 30, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.
"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.
"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.
31. Section 31, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.
"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.
"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.
32. Section 32, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.
"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.
33. Section 33, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southwest quarter of Section 33, thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.
34. Section 34, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 34.
35. Section 35, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.
"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.
36. Section 36, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.
"C-2" General Business District: The south quarter of Section 36.



Craig Smith, third grade, left, and Shert Potter, fifth grade, check out the bulletin board which greeted the 185 students of Moline Christian School on the first day of school. Mrs. Sneller, fifth grade teacher, put together the bulletin board which included each student by name and also stated the goal for the 1981-82 school year.

MOLINE MUSINGS

Mrs. Carol Smith, 702-2221

The Smiths have been on vacation so the news in this column is not as current as could be.

The Ken Smiths traveled to upper Michigan to spend a long weekend at Mullet Lake. Since rain is not good for sitting on the beach or swimming they traveled to the upper peninsula to see the sights there. At the Soo Locks they met Nancy Smith and her family. The next day they took a cruise down the Tauquanon River to the Falls. The weather cleared for all these activities. A Sunday evening vesper cruise under the Mackinaw Bridge proved very inspirational.

Northern Michigan was a vacation attraction for several Molinites this summer. Sam and Margaret Tjepkema toured around Lake Superior and also visited various sites in the upper Michigan area.

John and Linda Bouterse and family toured Mackinac Island recently. We understand Julie had a hard time finding her way around there. Glad you made it home OK, Julie!

R. W. Willard DeVries and family enjoyed a vacation visiting in the state of Washington. Made the trip home safely and upon arrival here, Margaret broke her leg. Some people will do anything to lengthen their vacations!

Dave VanderWoude broke both of his wrists when he fell from a roof while at work. He is doing as well as can be expected and glad to have escaped more serious injuries.

Randy Smith had a rather abrupt end to his summer job when he injured his leg in a work related accident. He is able to be about and is recovering nicely.

Gary and Mary Vandenberg enjoyed having many of their friends and relatives come to their open house to help them celebrate their

25th wedding anniversary. A special guest, their new grandson, was present and completed five generations of family at the party. Congratulations to John and Rita Wychers in the birth of a second son whom they have named Corey James. He arrived on September 2.

Cal and Judy Idema spent the Labor Day weekend camping.

Jim and Betty VanderWoude joined Bob and Marie Vandenberg for a camping holiday weekend.

Did everyone see our local "T.V. stars" Don and Judy Chappell were featured on a local segment of the Jerry Lewis Telethon on Labor Day. They presented a check for \$1200 for Muscular Dystrophy earned in activities held in Wayland recently. Congratulations on a job well done.

Al and Hattie VanderWoude and Fern and Onnie Brink traveled to northern Michigan on Thursday and plan to include in their trip their annual trek across the Mackinaw Bridge on Labor Day.

Other Moline residents aiming to take the annual Labor Day walk across the Mackinaw Bridge are: Fran and Les DeHaan, John and Nellie Glupker, Cris and Lena Vandenberg, and the Arnie Groenevelts.

Dennis and Sheryl Alwood are spending a few weeks with relatives in the area while on leave from the navy. Dennis is stationed in Florida. Sheryl is the former Sheryl Vandenberg.

For those of you who have been following this column to see if Duane Door has returned home from the hospital... He has!... two weeks ago. Glad to hear you are back on the mend, Duane.

Walter Steiger Dies Unexpectedly At Home

Walter S. Steiger, age 74, Wayland, passed away unexpectedly at his home Tuesday morning.

Mr. Steiger was employed in the photographic department by the Detroit Free Press until his retirement in 1970. He is survived by his wife, Katherine. Services were held Thursday afternoon at the Archer-Hampel Funeral Home, with Reverend Richard Barker officiating. Burial was in Elmwood Cemetery.

Short Illness Takes Willard A. Wolff

A short illness claimed Willard A. Wolff at age 81. The Wayland man passed away Wednesday afternoon at Grand Rapids Osteopathic Hospital.

He is survived by his children and their spouses: Clara and Laura Seplinski of Wayland, Robert and Sharon Wolf of Osago, Ray and Geraldine Clary of Martin, Donald and Mary Wolf of Hopkins, David and Joyce Hunter of Saranac; eight grandchildren, one great-grandchild.

Services were held Saturday morning at the Archer-Hampel Funeral Home, with Floyd Jackson officiating. Burial was in Germond Cemetery, Wayland.

Mother of Wayland Woman Passed Away

The mother of Mrs. Herm Herrera of Wayland passed away Friday, September 4.

Mrs. Hattie Verburg, of Grandville, was 81. Surviving are her other children, Harold Verburg, Mrs. Clifford Norden of Kentwood, Mrs. Peter Chumma of Grandville, Mrs. Vern Johnson of Holland and Barbara Verburg; 14 grandchildren; 20 great-grandchildren; a sister, Mrs. Bertha Olds of Grand Rapids.

Services for Mrs. Verburg were held Tuesday at 11 a.m. at the Hanley Christian Reformed Church in Grandville, with Rev. Wesley Timmer officiating. Interment was in Grandville Cemetery.

Dorr Man's Brother Died Unexpectedly

James W. Frary, brother of Patrick Frary of Dorr, passed away unexpectedly Thursday, September 3. The Wyoming man was 34.

Surviving are his wife, Sylvia; three sons, James W., Jared Wade, Kenneth Ivan; a daughter, Mary Lynn; his mother, Mrs. Robert Goodwin of Michigan City, Indiana, one other brother, Robert Frary of Wyoming; three sisters, Mrs. William West, Mrs. Ronald Schwanke both of Michigan City, Indiana, Mrs. Katherine Westrate of Grand Rapids; several nieces, nephews, aunts, uncles and cousins.

Services were held Saturday at the Vanderpool-Stegenga Funeral Chapel, 3131 S. Division, with the Rev. Wayne Benson officiating. Interment was in Chapel Hill Memorial Gardens.

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To Residents Of The Township Of Martin

Please Take Notice That The
Martin Township Planning Commission
Will Hold A

PUBLIC HEARING

September 21, 1981 at 7:30 p.m.

on a proposed amendment to the Township Zoning Ordinance. The hearing will be held at the Martin Township Hall.

The proposed amendment establishes standards to be met by mobile homes not located in licensed trailer parks.

The proposal would amend Section 3, 12 of the Ordinance by adding a category:

(D) Premanufacture - A building, mobile home, pre-manufactured, or pre-cut dwelling designed to be used for the complete living accommodations of a single family.

The amendment further proposes that the minimum living area be 720 sq. ft. for one and two bedroom units and an additional 150 sq. ft. for each bedroom beyond two; a floor to ceiling height of 7.5 feet, firm attachment to a solid foundation not less in area than the perimeter of the dwelling; provide for storage capability equal to 10 per cent of the floor area; a roof drainage system; and that the design of the dwelling be aesthetically compatible with other residence in the neighborhood and that there be no exposed towing mechanism, undercarriage or chassis.

A complete copy of the proposed amendment is available for examination at the Martin Township Library.

Robert Brandon,
Chairman

To The Residents Of The Village of Martin The Martin Village Commission

On
JULY 13, 1981

adopted amendments to Section 3:04, Article 3, and Section 4:04, Article 4, to permit multi-family housing meeting the following minimum requirements: one bedroom units, 650 sq. ft. of floor space; two bedroom units, 750 sq. ft.; additional bedrooms an additional 100 sq. ft. per additional bedroom.


The Village commission also rezoned Lot 72 from Agricultural to R2 Residential classification.

Said changes in the Zoning Ordinance will be effective with the publication of this notice.

Mary Beth Porter,
Martin Village Clerk

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SHELBYVILLE United Meth.
 Gerald I. Welch, Pastor
SUNDAY:
 9:45 a.m. Sunday School
 11:00 a.m. Morning Worship

BURNIPS WESLEYAN CH.
 Burnip, Mich.
 Rev. Wm. Osborne, Pastor
SUNDAY:
 11:00 a.m. Sunday School
 11:00 a.m. Worship
 6:45 p.m. Youth Service
 7:30 p.m. Evening Service
WEDNESDAY:
 8:00 p.m. Prayer Service

EAST MARTIN CHR. REF.
 Gilmer Compean, Pastor
SUNDAY:
 9:30 a.m. Morning Worship
 10:50 a.m. Sunday School
 7:15 p.m. Evening Worship
SATURDAY:
 10:00-11:00 a.m. Bible Club for children and adults.

MARTIN REFORMED
 Rev. Marvin Meeter
SUNDAY:
 10:00 a.m. Morning Worship
 11:20 a.m. Sunday School
 6:45 p.m. Jr. Youth
 7:30 p.m. Evening Worship
WEDNESDAY:
 7:00 p.m. Sr. Youth
 7:30 p.m. Family Night

BURNIPS WESLEYAN CH.
 Burnip, Mich.
 Rev. Wm. Osborne, Pastor
SUNDAY:
 10:00 a.m. Sunday School
 11:00 a.m. Worship
 6:45 p.m. Youth Service
 7:30 p.m. Evening Service
WEDNESDAY:
 8:00 p.m. Prayer Service

SACRED HEART MISSION
 Watson Township
 Rev. Dennis Boylan, pastor
 8:30 a.m. Sundays
 8:00 p.m. Holy Days

ST. STANISLAUS CHURCH
 Rev. Dennis Boylan, pastor
 7:30 p.m. Saturday Mass
 9:00 a.m. Sunday Mass
 11:00 a.m. Sunday Mass
 Daily Mass-See bulletin
CONFESSIONS:
 Saturdays 5-6 p.m.
 After all masses

S.S. CYRIL & METHODIUS
 Rev. Father Joseph Thachet
 5:00 p.m. Saturday
 8:00 p.m. Sunday
 11:00 a.m. Sunday
 9:00 Daily Masses
 11:00 Holy Days

ST. TERESE CATHOLIC
 Wayland, Rev. Charles Fischer
MASSSES:
 8:00 p.m. Saturday
 8:30, 10:00, 11:30 a.m. Sunday
 9:00 a.m. Weekdays
 11:00 a.m. Friday
 8:30, 12:10, 7:30 Holy Days
CONFESSIONS:
 4:00-4:45, 7:00 until all are heard Saturday

ST. PETER LUTHERAN
 Don, Rev. Stephen Olio
 9:45 a.m. Sunday School
 9:45 a.m. Worship Service
 9:55 a.m. Bible Class
 10:45 a.m. Worship Service

HOPKINS FIRST BAPTIST
SUNDAY:
 James Owens, Pastor
 10:00 a.m. Sunday School
 11:00 a.m. Morning Worship
 8:00 p.m. Evening Service
WEDNESDAY:
 7:00 p.m. Prayer and Bible Study

CHURCH OF GOD
 100th St., S.E.
 (Between Eastern & Kalamazoo)
 Rev. Don Turner, pastor
 877-4371
 10 a.m. Sunday School
 11:00 a.m. Morning Worship
 8:00 p.m. Evening Service
 "Come! Help us grow"

MOLINE BEREAN BIBLE
 Rev. Timothy Conkin, Pastor
SUNDAY:
 10:00 a.m. Morning Worship
 11:15 a.m. Sunday School
 7:30 p.m. Evening Worship
WEDNESDAY:
 8:00 p.m. Prayer meeting

CHURCH OF CHRIST
 Bradley
 LeVonne Lussenden, Pastor
SUNDAY:
 10:00 a.m. Sunday School
 11:00 a.m. Church

CALVARY BAPTIST CHURCH
 Baker Elementary School
 Gym
 Co-pastors Ron Cooper and John Lindsay
 10:00 a.m. Services

WAYLAND CALVARY
 Rev. Kenneth McGee
SUNDAY:
 9:45 a.m. Morning Worship
 11:00 a.m. Sunday School
 8:00 p.m. Jai Cadote, Jr. & Sr. Young People
 7:00 p.m. Evening Service
WEDNESDAY:
 6:45 p.m. AWANA
 7:30 p.m. Bible Study
 Prayer, Family Night

GREEN LAKE CALVARY
 Rev. Wm. Kirkade, Pastor
SUNDAY:
 10:00 a.m. Morning Worship
 11:10 a.m. Sunday School
 6:00 p.m. Evening Worship
 Evening Drive-In Service
 7:00 p.m. (June-1st Sun. in Sept.)
WEDNESDAY: Family hour
 8:30-8:30 p.m. AWANA & Child Evangelism (Oct.-May)
 7:30-8:30 p.m. Adult Bible Study and Word of Life Clubs.

ST. PAUL LUTHERAN
 Hopkins, Rev. D. Westendorf
 9:30 a.m. Sunday School
 10:45 a.m. Worship Service

MARTIN UNITED METH.
 Rev. Gerald Welsh
SUNDAY:
 9:30 a.m. Morning Worship
 10:30 a.m. Church School
 7:30 p.m. Jr. & Sr. Youth
WEDNESDAY:
 7:00 p.m. Jr. Choir prac
 7:45 p.m. Adult Choir prac

MOLINE BAPTIST CHURCH
 4428 Chappell, 877 4843
 Rev. Steven DeKok, pastor
SUNDAY:
 9:45 a.m. Morning Worship
 11:00 a.m. Sunday School
 7:00 p.m. Evening Worship
WEDNESDAY:
 7:00 p.m. Adult Prayer-Bible Study
 Nursery provided at all services

UNITED CHURCH OF WAYLAND
 Rev. Rebecca Kutz Marks
 Rev. Charles Kutz Marks, co-pastors.
 9:45 a.m. Church School
 11:00 a.m. Worship
 Christian Church (Disciples of Christ)
 United Church of Christ (Congregational)

DORR BAPTIST CHURCH
 1504 - 142nd Street
 Richard Helderop, Pastor
SUNDAY:
 10:00 a.m. Sunday School
 11:00 a.m. Morning Worship
 8:00 p.m. Evening Service
 5:00 p.m. Young People
WEDNESDAY:
 7:00 p.m. Hour Power

TRINITY LUTHERAN
 Rev. Daniel Westendorf
SUNDAY:
 10:00 a.m. Sunday School and Bible Class
 8:00 a.m. Worship Service

MOLINE CHRISTIAN REF.
 Rev. Ward H. DeVries
 4341 Chappel Ave. Moline
 877-4703
 9:30 a.m. Morning Worship
 10:45 a.m. Sunday School
 6:00 p.m. Evening Worship

WAYLAND CHRISTIAN REF.
 Hubert Speik, Pastor
SUNDAY:
 9:30 a.m. Church School
 10:30 a.m. Morning Worship
 8:00 p.m. Evening Worship

DORR CHRISTIAN REF.
 Rev. Gy Voortman
SUNDAY:
 10:00 a.m. Morning Worship
 11:15 a.m. Sunday School
 7:00 p.m. Evening Worship

HOPKINS COMMUNITY REFORMED CHURCH
 Rev. Dirk J. Kramer, Pastor
SUNDAY:
 9:45 a.m. Sunday School
 11:00 a.m. Morning Worship
 7:00 p.m. Evening Worship

ASSEMBLY OF GOD
 Pastor R.L. Gary
 3610 Garden Street, Wayland
 9:45 a.m. Sunday School
 11:00 a.m. Morning Worship
 8:00 p.m. Evening Worship
 7:00 p.m. Wed. Prayer & Bible Study

HOPKINS UNITED METHODIST CHURCH
 Rev. David G. Knapp, Pastor
SUNDAY:
 9:45 a.m. Church School
 11:00 a.m. Morning Worship

ST. FRANCIS OF ASSISI
 Episcopal Church of Orangeville
SUNDAY:
 8:00 a.m. Mass
 9:00 a.m. Church School
 10:00 a.m. Family Eucharist
 10:00 a.m. Nursery
 Midweek services as announced
 Kurt Fish, Vicar 664-4345

REFORMED CHURCH OF CORINTH
 58 - 100th St S.W.
 Byron Center
 Jim Goldschmieding, Pastor
 8:30 a.m. Morning Worship
 9:45 a.m. Sunday School
 10:50 a.m. Morning Worship
 8:00 p.m. Evening Worship
 7:15 p.m. Wednesday Family Night

WATSON CORNERS CHURCH OF GOD
 Pastor Rev. Tommy Crank
 Services Saturday night at 7 p.m.
SUNDAY:
 10:00 a.m. Sunday School
 11:00 a.m. Worship Service
 6:00 p.m. Worship Service
WEDNESDAY:
 7:00 p.m. Young People Endeavor

MONTEREY METHODIST
 Rev. Wesley E. Smith
SUNDAY:
 10:00 a.m. Sunday School
 11:00 a.m. Morning Worship

WAYLAND FREE METH.
 602 W. Superior St.
 Rev. Joseph Noon
SUNDAY:
 10:00 a.m. Sunday School
 11:00 a.m. Morning Worship
 7:00 p.m. Evening Worship
WEDNESDAY:
 7:00 p.m. Family Night

YANKEE SPRINGS CHURCH
 Rev. John Boers
 South of Gun Lake Rd.
SUNDAY:
 10:00 a.m. Morning Service
 11:00 a.m. Sunday School
 7:30 p.m. Evening Service
TUESDAY:
 7-8 p.m. Youth Meeting
WEDNESDAY:
 7:45-8:45 Prayer Meeting and Bible Study

ORANGEVILLE BAPTIST
 R No. 3, Plainwell
 Dan Johnson, pastor
SUNDAY:
 9:45 a.m. Sunday School
 11:00 a.m. Morning Worship
 6:00 p.m. Evening Service
WEDNESDAY:
 8:30 p.m. Family night service

UNITED METHODIST SALEM INDIAN MISSION
 Rev. Lewis Church, Pastor
 10:00 a.m. Sunday Service
 11:00 a.m. Sunday School
WEDNESDAY:
 7:30 p.m. Prayer meeting

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 Richard Dix, Pastor
 792-2540 793-7484
SUNDAY:
 9:45 a.m. Sunday School
 11:00 a.m. Morning Worship
 8:00 p.m. Evening Service
 7:15 Youth Fellowship
WEDNESDAY:
 7:00 p.m. Family Night
 Bible Study & Prayer
 Children's meetings
 Nursery is provided at all services

SOUTH MONTEREY UNITED METHODIST CHURCH
 Rev. David G. Knapp, Pastor
SUNDAY:
 9:30 a.m. Morning Worship
 10:45 a.m. Church School

LEIGHTON UNITED METH.
 Corner of 142nd and 2nd
 Rev. Dick McClain
SUNDAY:
 10:00 a.m. Worship
 11:00 a.m. School of the Church
 7:00 p.m. Evening Worship
WEDNESDAY:
 7:30 p.m. Mid-week Service for all ages

HOPKINS BIBLE CHURCH
 corner of Baker & Jefferson Sts
 Non-denominational
 10:00 a.m. Family Bible Hl.
 11:00 a.m. Morning Service
 8:00 p.m. Evening Service
WEDNESDAY:
 7:00 p.m. Prayer Meeting

WAYLAND UNITED METH. SURDAY:
 9:30 a.m. Sunday School
 10:45 a.m. Morning Worship
 5:30 p.m. Youth Fellowship
THURSDAY:
 (2nd & 4th) Bible Study 7 p.m.
 Barter Free

UNITED METHODIST
 Bradley Indian Mission
 Rev. Lewis W. Church
 11:30 a.m. Sunday Service
 12:30 a.m. Sunday School

WATSON COMMUNITY BIBLE CHURCH
 Bob Single, Pastor
SUNDAY:
 9:45 a.m. Sunday School
 11:00 a.m. Morning Worship
 7:00 Evening Worship
WEDNESDAY:
 7:00 Prayer meeting
 Cottage prayer meetings in winter at 7:00 on Wed

WATSON CHURCH OF GOD
 (Pentecostal)
 Rev. Laura C. Yager
SUNDAY:
 10:00 a.m. Sunday School
 11:00 a.m. Morning Worship
 7:00 p.m. Evening Worship
SATURDAY:
 7:30 p.m. Evening Worship

FRIENDS OF JESUS MINISTRIES
 Full Gospel Fellowship
 at Green Lake School
SUNDAY:
 10 a.m.
 For information call Fluj Sakema
 878 1215
 Richard Beukema 792-9338
 Steve Loop 872 5782

CHURCH OF CHRIST
 (Wayland congregation)
 Presently meeting at Steeby School, 435 E. Superior Street.
 Minister: George Filipanski
 793-7543
 10:00 a.m. Worship
 11:00 a.m. Bible Study
 8:00 p.m. Evening Worship
 Mid-week Bible study
 Doug Kennedy 792-9541

ST MARY'S New Salem
 6:00 p.m. Saturday
 10:30 a.m. Sunday
VISITATION, North Door
 Rev. Michael Hazard
 8:30 a.m. Sunday
 Confessions before Masses

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF WAYLAND, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Wayland Township Ordinance No. 1 of 1981 was adopted by the Wayland Township Board at its regular meeting held September 8, 1981, said Ordinance to become effective on September 8, 1981.

WAYLAND TOWNSHIP ALLEGAN COUNTY, MICHIGAN ORDINANCE NO. 1 of 1981

ADOPTED: September 8, 1981
EFFECTIVE: September 8, 1981

An ordinance to amend the Wayland Township Zoning Ordinance, Section 4 pertaining to the zoning of land in Land Sections 8, 18 and 29; the amendment of Section 4 pertaining to family businesses as special exception uses in the "A" Agricultural District zoning classification; the amendment of the definition of "building" and the amendment of certain regulations in the "A" Agricultural District classification, "R-1" Residential District classification, "R-2" Residential District classification, Section 9C1 and Section 16-31 pertaining to mobile homes; and to repeal all parts or portions of ordinances which are in conflict herewith.

THE TOWNSHIP OF WAYLAND

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

The zoning map, which is a part of the zoning ordinance, as incorporated by Section 4 of the zoning ordinance, is hereby amended so as to rezone property as follows:

Land Section 8: Land described as the south 900 feet of the west 480 feet of the southwest quarter of the northwest quarter of Section 8, consisting of approximately 11 acres, is hereby rezoned from an "A" Agricultural zoning classification to an "R-2" Residential District (medium density) zoning classification.

Section 18: Property owned by Fred Schwartz (Fred's Country Store) which is located to the rear of Fred's Country Store and consisting of about 4.5 acres, extending from a point 143 feet westerly of 18th Street westerly to the property line (approximately 857 feet) and extending southerly to the quarter line of the Section, excluding the south 600 feet of the east 770 feet and excluding all property easterly of a line 143 feet west of 18th Street, together with a 17 foot wide access extending westerly from 18th Street to the subject property approximately 143 feet which access is approximately 16 feet northerly of Fred's Country Store building, from the present "C" Commercial District zoning classification to an "R-4" Residential Recreational District zoning classification.

Section 29: Property described as that part of the northeast quarter of Section 29 described as beginning at the intersection of the south line of said northeast quarter and the water's edge of Lake Geneva; thence easterly 200 feet along the south line of said northeast quarter; thence northerly 500 feet; thence north 10° 0' west 250 feet; thence north 30° 0' west 900 feet; thence north 30° 0' west 400 more or less to the north and south quarter line of said Section 29; thence southerly 200 feet more or less along the north and south quarter line of said Section to the water's edge of Lake Geneva; thence southerly 2,100 feet more or less along the water's edge of Lake Geneva to the place of beginning which is hereby rezoned from the present "A" Agricultural District zoning classification to an "R-1" Residential District zoning classification.

SECTION II

Section 6 entitled "A" Agricultural District zoning classification, subsection C-6 pertaining to family business as a special exception use is hereby amended so that subsection c shall have an additional sentence to read as follows:

"Business hours specified herein shall not prevent a family member from working on his or her personal property at the site during other hours."

SECTION III

The definition of "dwelling" is hereby amended to read as follows:

"Dwelling: A building, mobile home, pre-manufactured or pre-cut residential structure designed and used for the complete living accommodations of a family.

1. It complies with the minimum square footage requirements of Section 14, subsection 1 of this ordinance.

2. The dwelling shall have a core with a minimum width of twenty feet on all four sides.

3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required herein.

4. It does not have exposed wheels, towing mechanisms, undercarriage or chassis.

5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

6. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

7. The dwelling complies with all pertinent Building Codes and Fire Codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 2200, and as from time to time such standards may be amended.

8. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

The foregoing standards shall not apply to a mobile home located in a licensed



**THE NEWS
IN BRIEF**
The Wayland Globe 782-2271

Labor Day weekend guests of the Arnold Wilds were Mr. and Mrs. Dennis Boger and family of Bremen, Indiana and on Monday all the Wilds family gathered for dinner.

Miss Mary MacKenzie, daughter of the

William Hookers accompanied two other young women last week on a motor trip to California where they have employment. Mr. and Mrs. F.L. Hooker and Helen Hooker were hosts at a family gathering at their Gun Lake cottages on the Saturday of Labor Day weekend. This was a farewell party for the girls who left next day. Mary began her new job Monday. She is a counselor at the Family Life Center, a residential treatment center for adolescent boys in Petaluma. Phone calls en route and upon arrival reported a fine trip West.

To Residents Of The Township Of Martin

Please Take Notice That The
Martin Township Planning Commission
Will Hold A

PUBLIC HEARING

September 21, 1981 at 7:30 p.m.

on a proposed amendment to the Township Zoning Ordinance. The hearing will be held at the Martin Township Hall.

The proposed amendment establishes standards to be met by mobile homes not located in licensed trailer parks.

The proposal would amend Section 3, 12 of the Ordinance by adding a category:

(D) Pre-manufacture - A building, mobile home, pre-manufactured, or pre-cut dwelling designed to be used for the complete living accommodations of a single family.

The amendment further proposes that the minimum living area be 720 sq. ft. for one and two bedroom units and an additional 150 sq. ft. for each bedroom beyond two; a floor to ceiling height of 7.5 feet, firm attachment to a solid foundation not less in area than the perimeter of the dwelling; provide for storage capability equal to 10 per cent of the floor area; a roof drainage system; and that the design of the dwelling be aesthetically compatible with other residences in the neighborhood and that there be no exposed towing mechanism, undercarriage or chassis.

A complete copy of the proposed amendment is available for examination at the Martin Township Library.

Robert Brandon,
Chairman

mobile home park except to the extent required by state law or otherwise specifically required in the ordinance of the Township pertaining to such parks."

SECTION IV

The first paragraph of Section 8B1 of the Township Zoning Ordinance is hereby amended to read as follows:

"1. Single-family dwellings and the accessory structures and uses normally auxiliary thereto providing that all residences in the "A" Agricultural District classification shall be at least 500 feet from any other residence in the "A" Agricultural District classification."

SECTION V

Section 18B1 of the Township Zoning Ordinance is hereby amended to read as follows so as to eliminate the exclusion of mobile homes in the "R-1" Residential District classification:

"1. Private single family dwellings."

SECTION VI

Section 8B2 of the Township Zoning Ordinance is hereby amended to read as follows so as to eliminate the exclusion of mobile homes in the "R-2" Residential District classification:

"2. Private two-family dwellings."

SECTION VII

Section 9C1 of the Township Zoning Ordinance which did provide for the elimination of mobile homes outside of mobile home parks is hereby repealed and eliminated in full.

SECTION VIII

Section 16-31 of the zoning ordinance is hereby amended to read as follows:

"1. Mobile homes not qualifying as a "dwelling" as defined in this ordinance shall only be allowed in licensed mobile home parks, however, the Board of Appeals shall have the authority to allow such a mobile home to be placed temporarily upon agricultural or residential property for a period of up to six (6) months during which a permanent dwelling is being constructed on the same property, providing a building permit for the permanent dwelling has been issued. Such mobile home shall be constructed to adequate water and sanitary sewer facilities."

SECTION IX

This ordinance shall take effect on September 2, 1981. Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

HELEN GAMBEE, Township Clerk

Kathy Cooke Takes YFU Spanish Vacation

by Carol Smith

Kathy Cooke of Durr has had a unique summer vacation which she will not soon forget. The 17 year old daughter of Mr. and Mrs. Clifford Cooke spent two months in Spain with the Youth For Understanding Program.

YFU has a year program and a 2 month summer student exchange program. The aim of the unit is to promote good relations between nations and to generate an interest in the various cultures. High school aged young people spend time with a host family who are responsible for their board, food and entertainment. Several young folk from other countries have stayed in our readership area also in this cultural exchange.

Kathy, a senior at South Christian High School, had one year of Spanish which she found was a great help in communicating. She spoke the Spanish language most of the two month stay with the Santos family. The family, besides the mother and father, included a 17 year old son, Paco, and two 14 year old twin daughters, Pilar and Margarita.

It was definitely summer when the local visitor arrived for her visit and the Spanish people had settled into their vacation routines. Mr. Santos is a dentist in the city of Elche and his wife is a teacher of philosophy at the university. The entire summer was spent at their summer home in Santa Pola, 20 miles away on the eastern coast of Spain on the Mediterranean Sea.

Because of the vacation time, much of the activity the family engaged in was of the leisure time variety. It was not "early to bed, early to rise" during the summer in Spain for rarely did they go to bed before 1:00 a.m. and get up before 10:00 a.m. The life style is more relaxed there, Kathy noted. "Time is not as important there as it is here. When we were told 'we have to go now', we could always figure we had about 15 minutes more because someone always was not ready yet."

Mealtimes also were on less of a schedule because of the summertime. Breakfast was "fix-your own" whenever family members got up. Dinner during this season was served sit down family style around three or four o'clock. Supper could be a light meal served any time from nine to 11 p.m.

"We ate lots of rice in Spain," Kathy said, "but it wasn't the white rice that we eat here in the States." Usually it was cooked along with the meat or sauces. Chicken also was served often and the bread was purchased fresh every day from the bakery.

The Santos family did not do much traveling while Kathy was visiting there so most of her impressions were of the sea coast. Santa Pola is a vacation town for Spanish families and not too much tourism was evident there. She enjoyed swimming in the Mediterranean Sea which was just across the street from her summer home.

The dress codes were not relaxed in this area than in other parts of Spain. "We could wear shorts in Santa Pola" she explained while other YFU visitors who stayed in nor-

thern Spain could not do so. The girls wore skirts more there.

The young people did not have jobs and therefore did not have much money to spend. "It appeared one needs less money to survive the summer there than here. I spent much less money there than I would have back home," she said. Assisting Kathy in the money department was the fact that the dollar was gaining on the market while she was in Spain. The young people do not seem to take on responsibilities at an early age as they do in the States.

Movies cost only \$1, she went on to say. The young people do not drive because it is so expensive to get one's license, so they depend a great deal on the good bus service or either walk or ride bikes.

"It is normal for kids to hang around in groups at bars in Spain, Kathy recalled. But it doesn't have the same stigma it does back in the States. It is just something to do."

Dating is limited more to those who are serious about each other and considering marriage. It is very unusual for a couple to go steady at age 16 or 17. The average age for marriage for men is 28 and 23 for women.

One of the highlights of the local girl's trip was a fiesta held in Elche. Although the festivities went on for weeks the big day of celebration was August 13. Each city in Spain, which is largely Catholic, has a particular saint whom they honor at the fiestas. In the evening activities at Elche, there was a giant fireworks display. The symbol of the city is a palm tree and the fireworks took on the shape of that tree. Once the display began, the fireworks were supposed to explode once every five seconds for an hour which they really didn't do exactly she said. At midnight all the lights of the city are turned off and an enormous firework is sent up from the Cathedral and its splendor lights the entire city. Passion plays and midways are also part of the celebrations. An image of the city's saint, Dama De Elche, was a gift to Kathy from her host mother.

The attitude toward Americans was not as good as she thought it might be but she found she was soon accepted as a person and not necessarily as an American.

Although school was not in session while the SCHS senior visited, an exchange of school news found them to be quite different. While school starts approximately at the same time as here, 8:30-9:00 a.m., the similarities ends here. School is harder in Spain and once classes begin the students have no time to play, spending at least four hours a day on homework. There is a siesta time from one to three in the afternoon and then the students return to class from three to five. Students begin to take foreign languages at an early age in Spain. They have a choice between taking French or English as a mandatory language. One of Kathy's host sisters elected to take French and her other sister and brother took English which helped the local girl over the rough spots in her Spanish translations. Mr. and Mrs. Santos spoke very little English.

While the culture is a religious one, with Catholic the dominant religion, the people are not necessarily a practicing religious people. Each day of the year has its own saint which is important to young and old alike in Spain.

A three day orientation by the YFU counselors taught the American visitors some of the Spanish customs. One which Kathy found rather interesting was that Spaniards greet each other with a kiss on each cheek. Although she didn't really know the reason why, shoes were always worn in the house. She did observe that there wasn't as much carpeting in the homes as often seen here. Another thing she noticed is that it was polite to eat with both hands leaning on the table and not like in the States where it is better to keep one hand in one's lap during meals.

Paco Santos returned to the States with Kathy and will spend a year with YFU in New Hampshire. He hopes to visit the Cooke family sometime during his stay in this country.

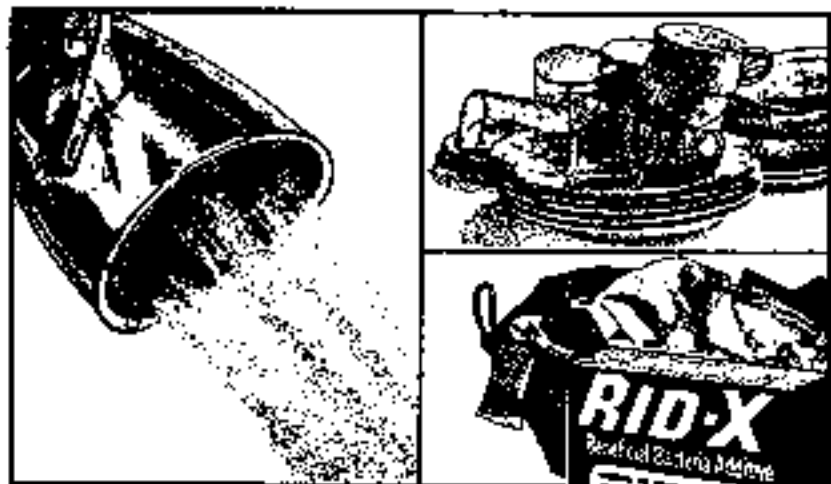
When questioned if she would have liked to have stayed a year in Spain instead of on the two month program with YFU, Kathy hesitated, voicing concern about becoming

homesick. Would she like to go back some day? No doubt about it! "I'd surely like to see the rest of Spain I didn't see when I go back," she smiled.



Kathy Cooke of Durr poses with memorabilia of her trip to Spain. These include posters, maps, comic books, a gift from her host family and other gifts for family members.


If you wash dishes, clothes or yourself, use RID-X in your septic system.



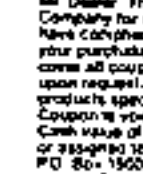
LESS THAN 65¢ A MONTH HELPS KEEP SEPTIC TANKS AND CESSPOOLS FROM BACKING UP AND BREAKING DOWN

Every time you do a wash, your detergent, soap and bleach wash away some of the bacteria your septic tank or cesspool needs to work. That can mean back up and break down. And costly repairs. Rid-X helps prevent all of that by putting back the bacteria. Rid-X and one extra flush of your toilet a month may be the only attention your septic system needs.

RID-X KEEPS YOUR SEPTIC SYSTEM IN ITS PLACE.

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Save 25¢ off you help save your septic tank or cesspool from back up and break down. Just redeem this coupon at your local supermarket or hardware store for 25¢ off on a box of RID-X.

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LHM one coupon per box. NH 11



Thursday morning Mrs. Fockler gave a program at the Kalamazoo County Extension Council. The occasion was the annual Kick-Off Day for 22 Extension Clubs in the Kalamazoo area. Mrs. Fockler's book review was "A Most Uncommon Union" by Elizabeth Dodds.

Mrs. Howard Tanner of Kalamazoo was the guest of her brother-in-law and sister, Mr. and Mrs. Harry Werners several days last week. The three spent Tuesday and Wednesday in Traverse City and Bellaire. A granddaughter, Miss Enally Hooker, and a friend were their dinner guests at their motel in Traverse City Tuesday evening. This was a birthday dinner for Mrs. Tanner. Breakfast guests next day were grandson David Hooker and a friend, on a vacation from Law School in East Lansing.

State of Michigan, County of Allegan

In the Matter of Martin Township-Zoning Ordinance Amendment

COUNTY OF ALLEGAN—ss.

To The Residents of
**MARTIN
TOWNSHIP**

The Martin Township Board of Trustees, October 14, 1981, adopted an amendment to the Township Zoning Ordinance establishing standards for mobile homes not located in licensed trailer parks.

Section 3.12 of Chapter III was amended by adding a paragraph (d) Pre-Manufactured Homes - a building, pre-manufactured or pre-cut designed for the complete living accommodations of a single family.

The amendment sets forth minimum floor space requirements, room heights, foundation specifications, construction requirements and that the structure be compatible with other residences in the neighborhood.

The amendment becomes effective with the publication of this notice.

LaVerne Young
Clerk, Martin Twp.

being duly sworn, says: I am
and Globe, a weekly newspaper
said county. The annexed is
which was published in said
dates, to-wit:

81 ----- A.D. 19

----- A.D. 19

----- A.D. 19

B. O. Hebray
for me this 10th

----- A.D. 19 81








L. Lee
Public, Allegan County, Michigan

July 12 A.D. 1981

BETTY L. LEE

Notary Public, Allegan County, Michigan
My Commission Expires July 12, 1982

MARTIN TOWNSHIP ZONING DISTRICTS

- | | | |
|--|---|---|
|  A-0 AGRICULTURAL DISTRICT |  M-1 MEDIUM DENSITY RESIDENTIAL DISTRICT |  G-1 GENERAL BUSINESS DISTRICT |
|  R-1 RURAL RESIDENTIAL DISTRICT |  N-1 NEIGHBORHOOD BUSINESS DISTRICT |  I-1 INDUSTRIAL DISTRICT |
|  L-1 LOW DENSITY RESIDENTIAL DISTRICT | | |

MARTIN

T.2N.-R.11W.

