

ARTICLE 9.00 – SUPPLEMENTAL REGULATIONS

Section 9.01 Access Management

A. Number of Driveways

1. Access for an individual lot or for contiguous lots under the same ownership shall consist of either a single two-way driveway or a paired driveway system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.
2. For developments that can demonstrate that their combined driveway approach volumes (entering and exiting) will exceed 3,000 during an average day (or will be used by 300 vehicles during the peak hour of traffic for either the street or the use), and lacking access to a secondary street, a second driveway may be allowed along the major street provided that the additional driveway can meet the spacing requirements.
3. For a lot with frontage exceeding 300 feet, or where a lot has frontage on at least two streets, an additional driveway may be allowed, provided that a traffic analysis is submitted by the applicant showing that conditions warrant an additional driveway and that all driveways meet the spacing requirements.
4. Certain developments generate enough traffic to warrant consideration of an additional driveway to reduce delays for exiting motorists. Where possible, these second access points should be located on a side street, shared with adjacent uses or designed for right turn-in, right-turn-out only movements.

Development characteristics that warrant consideration of an additional driveway are as follows:

- a. family developments with over 500 units
- b. grocery store of over 30,000 square feet (GFA)
- c. a shopping center with over 40,000 square feet (GFA)
- d. a hotel or motel with over 400 rooms

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- e. industrial developments with over 300,000 square feet (GFA) or 350 employees (although a secondary entrance for trucks should be allowed)
- f. warehouses of over 750,000 square feet (GFA) or 350 employees
- g. a mobile home park with over 600 units
- h. general office building of 150,000 square feet (GFA) or 500 employees
- i. medical office building of 60,000 square feet (GFA) or 200 employees
- j. fast food restaurant of over 6,000 square feet (GFA)
- k. sit-down restaurant of over 20,000 square feet (GFA)

B. Driveway Spacing

1. Driveway spacing will be based on posted speed limits along the property frontage as indicated in the following table:

<i>Posted Speed Limit (MPH)</i>	<i>Recommended Driveway Spacing (FT)</i>
30	125
35	150
40	185
45	230
50	275
55	350
Measured Centerline to Centerline	

2. If the amount of street frontage is not sufficient to meet these criteria, the driveway shall be constructed adjacent to the property line furthest from the intersection.
3. In order to minimize left turn conflicts, driveways shall be offset a minimum of 150 feet, measured centerline to centerline, or aligned with those across the street.
4. Where lots have frontage or access on more than one roadway, access shall be provided from the lesser traveled street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for nonresidential traffic, access onto the main roadway will be considered.

5. In the case of expansion, alteration or redesign of an existing development where existing driveways do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the driveway may be required.

C. Shared Access

Shared access between lots through frontage roads, rear service drives, alleys and shared drives, or driveway placement or closure of an existing driveway so as to facilitate future shared access between lots, shall be encouraged where feasible and appropriate.

Section 9.02 *Division of Land*

No division of land will be allowed that does not comply with the applicable area, width, depth and frontage requirements set forth in this Ordinance. All lots shall be provided the requisite frontage and individual access on a public street, except as otherwise allowed by this Ordinance.

Section 9.03 *Dwellings*

- A. A dwelling shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located and have a core living area with a minimum dimension of 20 feet by 20 feet within the principal portion of the building having exterior wall construction, excluding porches, breezeways, garages, etc. which are accessory to the principal structure, and also shall have a minimum width across the front, the side and rear elevations of at least 24 continuous feet of exterior wall.
- B. A dwelling shall comply in all respects with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Township Building Code, then and in that event such federal or state standards or regulations shall apply.
- C. No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with applicable ordinances and laws.
- D. In case an existing single family dwelling has been partially or totally destroyed by fire or an act of God, the Zoning Board of Appeals shall have the authority, following a duly noticed public hearing, to permit the residents of such dwelling to be temporarily housed, for a period of not to exceed six (6) months, within a mobile home or equally suitable

facility located upon the same site of the damaged residence while said residence is being rebuilt, subject to a water supply and sanitary sewer disposal system being available upon the site and have received approval by the Van Buren County Health Department. The Zoning Board of Appeals is authorized to permit up to two (2) three (3)-month extensions beyond the initial six (6)-month period provided that, in the opinion of the Zoning Board of Appeals, there is sufficient evidence of reasonable progress being made in rebuilding the damaged residence.

Section 9.04 *Essential Services*

Essential services, as defined in Article 2.00, shall be permitted as authorized by law and other ordinances in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance; provided that electric transmission substations (supply voltage over 46KV) and gas transmission regulator stations (supply pressure over 400 PSIG) shall be subject to the provisions of this Ordinance; and further provided that appropriate permits will be obtained for all construction. Fees will be charged for substations, regulator buildings and auxiliary buildings but not for those elements directly associated with distribution or transmission systems

Section 9.05 *Fences and Walls*

- A. Fences within a rear or side yard of a lot in a residential district shall not be greater than six (6) feet in height.
- B. Fences within a required front yard of a lot in a residential district shall not be greater than four (4) feet in height.
- C. No fence having more than 50 percent of its surface of solid construction, which obstructs through visibility, shall be greater than three (3) feet in height where said fence may obstruct the necessary view of motorists and interfere with traffic safety.
- D. No fence shall encroach upon the shoulder of the roadway, which would impede necessary snow removal

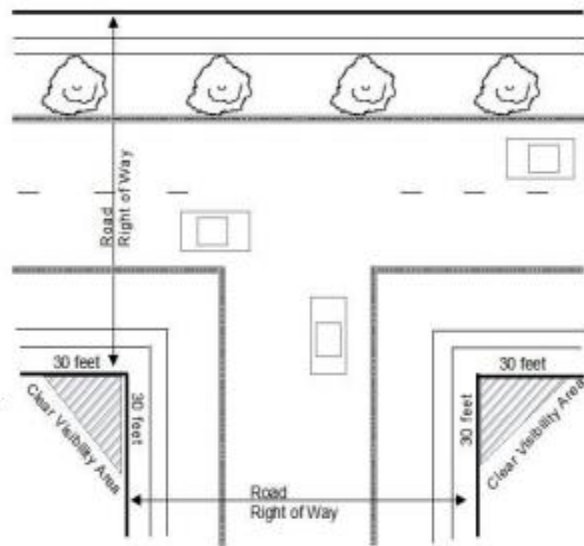
Section 9.06 *Grades and Runoff*

- A. No premises shall be filled or graded so as to discharge surface water runoff onto abutting premises.

- B. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- C. Leaching ponds, retention or detention basins, or other similar storm water management methods may be required to adequately retain storm water on site.
- D. Storm water management systems should be designed to:
 - 1. Incorporate and/or use natural drainage systems existing on the site;
 - 2. Protect the surrounding natural environment;
 - 3. Retain the natural retention and storage capacity of any wetland or waterway; and
 - 4. Not increase flooding or the possibility of polluting surface water or groundwater.

Section 9.07 Intersection Visibility

A. On any corner lot in any district, no fence, wall, or other structure, including plantings and signs, shall obstruct vision between the heights of two (2) feet and 10 feet within the triangular area formed by the intersecting street right-of-way lines and a street line intersecting them at points which are on said right-of-way lines and 30 feet distant from their point of intersection. Such heights of clear vision area shall be measured from the elevation of the street centerlines at the point of intersection.



B. No fence, wall, or other structure, including plantings and signs, shall obstruct vision between the heights of two (2) feet and 10 feet from a driveway or other entrance or exit onto a public or private road. Such heights of clear vision shall be measured from the elevation of the street center line within 10 feet of the public or private road.

Section 9.08 *Keeping of Animals*

- A. The keeping of not more than four (4) domestic household pets that are six (6) months of age or older is permitted as an accessory use in any zoning classification.
- B. Any land, building or structure where more than four (4) domestic household pets that are six (6) months of age or older are boarded, housed or bred for commercial purposes shall be considered a kennel.
- C. The non-farm keeping of farm animals or livestock is allowed as an accessory use within the CSV, AGR and ARR Districts, but only where conditions of maintenance do not cause one or more of the following:
 - 1. Unpleasant odors sufficiently strong to be readily discernible upon adjacent property for any period in excess of 24 hours.
 - 2. Noise sufficiently loud to penetrate indoors upon the property of others for any continuous period in excess of 30 minutes.
 - 3. Flies, insects, or rodents to be attracted to the place where said animals are kept and are thereafter permitted to multiply and escape upon adjoining property.
 - 4. Said animals or any refuse therefrom are permitted to trespass or be carried upon adjacent property.

Section 9.09 *Lot - Building Relationships*

- A. Limitations on All Land and Structures
 - 1. No building or structure shall hereafter be erected, razed, altered or moved, nor shall any building or premises hereafter be used for any purpose other than is allowed in the district in which said building or premises are located.
 - 2. Every building hereinafter erected shall be located on a lot as herein defined; and, except as herein provided, there shall be not more than one (1) single-family dwelling or two-family dwelling on any one lot.
 - 3. Every principal building shall be built upon a lot with frontage upon a public street or approved private road, except that any one (1) lot of record created before the effective date of this Ordinance without any frontage on a public street or private road but provided with a right-of-way of no less than 66 feet wide, may be granted a building permit providing all other requirements of this Ordinance can be met.

4. Where a single lot is divided by a public street or private road, the divided portions of the lot shall be treated as a single lot in the application of the use limitations of the District. The divided portions of the lot shall be treated as separate lots in the application of lot coverage, setback, and yard area requirements.

B. Limitations on Height

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building or structure is located, except the height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, communication towers/antennas (except as otherwise specifically regulated in this Ordinance), wind energy system structures (except as otherwise specifically regulated in this Ordinance), domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, barns, silos, bulkheads and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the building inspector such may be deemed to interfere with aerial navigation or constitute a fire hazard. Such features, however, shall not exceed in total coverage 20 percent of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the Zoning Board of Appeals by the building inspector.

C. Limitations on Area

1. No building shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the district in which such buildings or open space is located, except as otherwise specifically provided.
2. No required yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as a required yard or open space for any other building.
3. Any lot as defined herein, which was legally recorded at the time of adoption of this Ordinance, and which was a buildable lot under the Zoning Ordinance in effect immediately prior to the adoption of this Ordinance, shall be deemed a buildable lot even though it may have less than the minimum area (and/or frontage/width) requirements, subject to the following:
 - a. Where two (2) or more contiguous lots or portions of lots are in single ownership, and such lots/portions of lots do not individually comply with the minimum requirements for the district in which they are located, such lots/portions of lots shall be grouped together for zoning purposes sufficient to create a single conforming buildable "zoning lot" (or, as applicable, a single less nonconforming zoning lot). Once a "zoning lot" is created it may not be separated into individual

lots or portions of lots for zoning purposes unless all remaining and subsequent lots or portions of lots are conforming with all zoning ordinance requirements including minimum area (and/or frontage/width).

- b. Where two or more contiguous lots or portions of lots are in single ownership, but are not required by the preceding paragraph to be grouped together for zoning purposes, the owner of such lots/portions of lots may nevertheless choose to group such lots/portions of lots together to create a larger “zoning lot”.
- c. No lot area or other required space shall be divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by the expansion or acquisition of public rights-of-way for a street, road or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

Section 9.10 *Lot Requirements*

No building shall be constructed, placed, or moved upon an unplatted lot with any of the following:

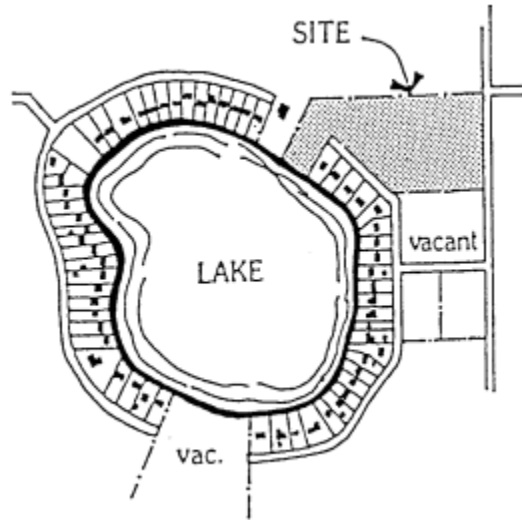
- A. Less than the applicable minimum lot frontage/lot width required pursuant to Article 6.00 of this Ordinance.
- B. Less than the applicable minimum lot area required pursuant to Article 6.00 of this Ordinance.
- C. A depth of greater than four (4) times the width of the lot; provided that this depth-to-width limitation shall not apply to a lot larger than 10 acres, or to the remainder of a parent parcel or parent tract retained by the proprietor (as determined under the State Land Division Act and the Paw Paw Township Land Division Ordinance).

Section 9.11 *Non-Public Waterfront Access Lots*

No waterfront lot in any zoning district shall be used as an access lot unless it complies with all of the following requirements:

- A. An access lot shall have a minimum waterway frontage, a minimum lot width, a minimum road frontage, and a minimum lot area corresponding to the minimum waterway frontage, lot width, road frontage, and lot area requirements for a lot in the zoning district in which the access lot is situated.

B. An access lot providing waterway access to more than one access lot beneficiary shall have a minimum lot depth of at least 75 feet and at least an additional 50 feet of waterway frontage, lot width, and road frontage for each additional access lot beneficiary.



C. Waterway frontage shall be measured by a straight line which connects the boundaries of the access lot that extend from the waterway frontage at the points where they intersect the high water line. Areas consisting of swamp, bog, marsh, or other type of wetland, as commonly defined, shall not be counted towards the minimum waterway frontage required herein, but may be used to meet minimum buffer strip requirements.

D. An access lot providing access to two (2) or more access lot beneficiaries shall include a buffer strip on each side of the access lot, parallel with each boundary that extends from the waterway frontage. Each buffer strip shall have a minimum width for the entire depth of the access lot corresponding with the amount of minimum side yard setback required for a principal building in the zoning district in which the access lot is situated.

E. No building or structure of any kind other than fencing shall be constructed or erected upon a required buffer strip. Required buffer strips shall not be used for any motorized vehicular traffic, parking, boat ramps or for storage purposes (including junk, waste or garbage) or other development purpose of any kind, and shall be preserved to provide a natural barrier between the usable portion of an access lot and adjacent lots.

F. No portion of any dock shall be located within the minimum side setback area required for the zoning district in which the access lot is situated, as measured from the boundaries of the lot as projected into a waterway.

G. Adequate off-street parking for each access lot beneficiary shall be provided on each access lot.

H. Site plan review shall be required for all access lots providing access to more than one (1) access lot beneficiary.

I. An access lot created as part of a plat or condominium development shall be dedicated at the time of recording of the plat/condominium for use solely by the

owners/occupants of lots contained within the plat/condominium, or a specified lesser number thereof, consistent with all applicable laws and ordinances.

Section 9.12 *Off-Street Parking and Loading*

- A. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all the occupants, employees and patrons of said property.
- B. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for single family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
- C. Parking space shall be provided in the manner and location herein specified:
 - 1. No parking area, parking space or loading space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within 300 feet of the proposed or existing uses for which such parking will be available.
 - 2. Parking of motor vehicles in residential zones shall be limited to passenger vehicles, motor homes, and not more than one (1) commercial vehicle of the light delivery type not exceeding 8,500 pounds of gross vehicle weight (weight of vehicle and load capacity). The parking of any other type of commercial vehicle, including semi-tractor trailers or their related cabs, or busses, except for busses parked on school property, is prohibited on premises in any residential zone; except commercial vehicles used for lawful agricultural production.
 - 3. Off-street parking or storage of vehicles, motor homes, boats, snowmobiles, camping trailers or any similar equipment shall be prohibited in the required setback areas between buildings and the abutting public or private street line or lines in all areas where residences or buildings are located within 200 feet of one another zoned in a residential district classification, except for such parking within private driveways not exceeding 25 feet in width located within such setback areas, provided such driveways are for the principal purpose of access to a garage or entryway to a dwelling.
- D. Requirements for all parking spaces and parking lots in all districts other than single and two-family are as follows:

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1. Each automobile parking space shall be not less than 180 square feet nor less than nine (9) feet wide exclusive of driveway and aisle space.
 2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be hard surfaced with a pavement having asphalt or concrete binder, or other approved surface.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be subject to compliance with the outdoor lighting standards set forth in Section 19.13.
 4. No parking space shall be closer than five (5) feet from the property line.
 5. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four (4) feet or more than eight (8) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
 6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited.
 7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. Loading and unloading shall be conducted in side or rear area of building only.
 8. Requirements for the provisions of parking facilities with respect to two (2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, providing that the number of spaces designated is not less than the sum of individual requirements and provided further, that the specifications in regard to locations, plan, etc. are complied with.
 9. The number of parking spaces required for land or buildings used for two (2) or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this Section; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use.
- E. Minimum required parking space, except where a greater number of parking spaces may be required, depending upon individual circumstances, in order to comply with Section 9.12.A.
1. Dwellings, including single and two family and multiple – two (2) parking spaces per dwelling unit.

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2. Doctors, dentists, and other similar professions – one (1) parking space for each 20 square feet of floor area in waiting room plus one (1) space for each examining room, dental chair or similar use area, and one (1) for each employee.
3. Office buildings – one (1) parking space for each 150 square feet of floor space utilized for workspace of employees.
4. Retail stores, supermarkets, department stores, personnel service shops and shopping centers – one (1) parking space for each 100 square feet area in the basement and on the first floor used for retail sales, and one (1) space for each 150 square feet of floor area on the second floor used for retail sales, and one (1) space for each 300 square feet of floor area on the third floor used for retail sales, and one (1) space for each 400 square feet on any additional floor used for retail sales.
5. Furniture or appliance store, wholesale establishments or equipment sales and service – two (2) parking spaces plus one (1) additional space for each 300 square feet of floor area over 1000 square feet.
6. Industrial uses – one (1) parking space for each employee plus five (5) additional spaces.
7. Libraries, museums and post offices – one (1) parking space for each 100 square feet of floor area.
8. Bowling alleys – five (5) parking spaces for each alley.
9. Motels and tourist homes – one (1) parking space for each separate unit.
10. Theaters, auditoriums, stadiums and churches – one (1) parking space for each three (3) seats.
11. Dance halls, assembly halls and convention halls without fixed seats – one (1) parking space for each 100 square feet of floor area if to be used for dancing or assembly.
12. Restaurants and night clubs – one (1) parking space for each 100 square feet of floor area or out-of-doors area used to serve customers.
13. Schools; private or public elementary and junior high schools—one (1) parking space for each employee normally engaged in or about the building grounds. Senior high schools and institutions of higher learning – one (1) parking space for each employee normally engaged in or about the building or grounds and one (1) additional space for each five (5) students enrolled in the institution, plus providing sufficient spaces for any event that might be scheduled.

14. Marinas and other enterprises shall provide one (1) parking space for each boat slip in addition to the required parking for retail sales and service areas.
15. Hospitals, sanitariums or similar institution – one (1) parking space for every two (2) beds.

Section 9.13 *Outdoor Lighting*

A. Purpose

The purpose of this Section is to regulate the placement and arrangement of outdoor lighting within the Township. These regulations are intended to:

1. Protect the public health, safety, and general welfare;
2. Enable the fair and consistent enforcement of these regulations;
3. Control light spillover and glare;
4. Encourage lighting systems which conserve energy and costs;
5. Preserve community character;
6. Provide for nighttime safety, utility, security, and productivity;
7. Minimize the detrimental effect of outdoor lighting on crops, trees, wildlife, and astronomical observations by the general public.

B. Objectives

Outdoor lighting shall be arranged in the following manner:

1. To avoid any light spillover onto any adjacent premises and public streets;
2. So that light from any illuminated source shall be so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable to surrounding areas;
3. To control illumination of vertical architectural surfaces;
4. To control spillover of wasted light into the night sky.

C. Outdoor Lighting Standards

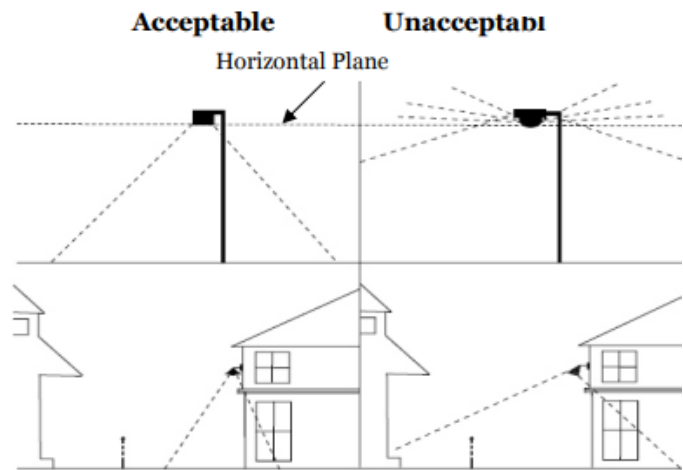
All outdoor lighting upon any premises, regardless of zoning classification, shall be subject to the following conditions and limitations:

1. Site and area lighting. Site and area lighting shall be designed such that light levels do not exceed 0.5 footcandles at any point along the perimeter of the property where adjacent to residential zones or residential uses. Light levels shall not exceed 1.0 footcandle at any point along the perimeter of the property where adjacent to commercial or industrial zones or uses, where the Planning Commission determines during site plan review that the higher light levels are consistent with the purpose and intent of this section.

2. Pole mounted lighting. Pole mounted light fixtures used for site and area lighting shall be subject to the following requirements:

a. Pole mounted lighting with a pole height of five (5) feet or less shall not exceed 175 watts per fixture regardless of lamp type. The light shall be so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable to surrounding areas.

b. Pole mounted lighting with a pole height greater than 15 feet and not exceeding 25 feet in height shall include only sharp cutoff fixtures. Such lighting shall not exceed 400 watts per fixture;



c. Pole mounted lighting with a pole height exceeding 25 feet shall include only sharp cutoff fixtures and shall be subject to site plan approval. Such lighting shall not exceed 400 watts per fixture.

d. Public and private street lighting shall be reviewed by the Zoning Administrator for compliance with the purpose of this Section and shall be consistent with the lighting permitted by subsections a., b., and c. above.

3. Building mounted lighting. Building mounted lighting shall include only sharp cutoff fixtures and shall not exceed 175 watts per fixture regardless of lamp type. Said

lighting shall not exceed a 20 foot mounting height, as measured from the average grade at the building foundation. Typical residential light fixtures on residential buildings and associated accessory buildings not to include flood lights or security lights, are exempt from the sharp cut off fixture requirement when mounted at a height of eight (8) feet or less.

4. Building exterior lighting. The illumination of building exteriors shall not exceed the recommended footcandle levels set forth by the Illuminating Engineering Society of North America (IES), not to exceed 20 footcandles. Light fixtures used for the sole purpose of illuminating a building façade may be up to 400 watts per fixture and shall not exceed a mounting height of 15 feet, as measured from the average grade at the building foundation. Light generated from said fixtures shall be appropriately shaded, shielded or directed so that no light is emitted beyond the building façade.
5. Landscaping lighting. Landscape light fixtures, including ground lighting for signs, flag poles and statues, shall not exceed 175 watts per fixture and shall be appropriately shaded, shielded or directed to eliminate glare onto any portion of any adjacent highway or premises, and may not spillover into the night sky. National and State flag illumination is exempted but encouraged to use lighting designed consistent with the purpose of this Section.
6. Blinking, flashing, and temporary lighting. There shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes. Beacon and/or search lights shall not be permitted except for public safety purposes. Temporary seasonal/ holiday lighting is not prohibited by this subsection.
7. Site lighting plan. A site lighting plan shall be submitted for uses requiring site plan review and shall provide the following information:
 - a. proposed location on premises of all outdoor light fixtures;
 - b. description of illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g. fixture type, mounting height, wattage);
 - c. an isofootcandle plan;
 - d. illumination level data for all building, vertical architectural and landscape lighting proposed.
8. Reduced lighting. For uses requiring site plan review, lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction occurs.

Section 9.14 *Permits*

- A. Building Permits and Construction Codes. See the Paw Paw Township Construction Code Ordinance and the therein referenced constructions codes for regulations applicable to building permits, occupancy permits, and other regulations applicable to the construction and occupancy of buildings and other structures.
- B. Zoning Compliance Permits. No building or structure which is hereafter constructed, enlarged, altered, moved or reconstructed shall be occupied or otherwise used, in whole or in part, until a zoning compliance permit has been issued by the Zoning Administrator, certifying that the location of the building or structure, and the intended use thereof, is in compliance with the provisions of this Ordinance.

Section 9.15 *Private Roads*

- A. A private road shall be located upon a 66 foot right-of-way/easement. The Township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.
- B. A private road shall be maintained by parties who have an ownership interest in the private road. Maintenance responsibilities shall be specified in a deed restriction. The private road shall be maintained to the minimum standards of the State Fire Code.
- C. Private roads shall be constructed to Van Buren County Road Commission standards, except a private road shall have a driving surface with a minimum width of 20 feet, exclusive of parking area.
- D. A permit from the Zoning Administrator is required before any construction of any private road may begin. A permit application shall consist of the following:
 - 1. An engineered site plan with cross-sections and profile.
 - 2. The seal of the engineer who prepared the plan.
 - 3. Van Buren County Soil Erosion and Sedimentation Control permit.
 - 4. Van Buren County Road Commission or Michigan Department of Transportation permit to connect to a public road.
 - 5. If applicable, any required permits from the Michigan Department of Environmental Quality.

6. A complete Zoning Permit Application and any applicable fees.
- E. Construction of a private road shall be certified in writing by a licensed civil engineer or surveyor and such certificate shall accompany the maintenance agreement and be submitted to the Township Clerk and approved by the Township Zoning Administrator prior to the creation of any dependent lots.

Section 9.16 *Refuse Disposal*

- A. The outdoor storage and accumulation of junk, discarded material, building materials, metal, or solid waste of any kind is hereby prohibited, except in approved and authorized outdoor trash containers or dumpsters.
- B. Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the following:
 1. The placement of the container shall be subject to site plan review.
 2. Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
 3. All containers shall rest on a concrete pad.
 4. A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
 5. The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.

Section 9.17 *Screening*

Screening shall be required where a proposed use shares a common lot line with an adjacent district as set forth in Table 9.17 A. and landscaped in accordance with Table 9.17 B.

**Table 9.17 A.
Buffer Zone Requirements**

<i>Proposed Use</i>	<i>Adjacent to LD or WFR District</i>	<i>Adjacent to VE or MHR District</i>	<i>Adjacent to Commercial or Industrial District</i>	<i>Adjacent to CSV, AGR, or ARR District</i>
Agricultural	None	None	None	None
Single Family and Two Family Residential	None	None	None	None
Multiple Family Residential	B	None	C	C
Mobile Home Park	B	None	C	C
Commercial	D	C	C	C
Industrial	A	A	C	B
Public/Recreational/Institutional	None	None	None	None
Planned Unit Development	Determined during PUD plan approval	Determined during PUD plan approval	Determined during PUD plan approval	Determined during PUD plan approval

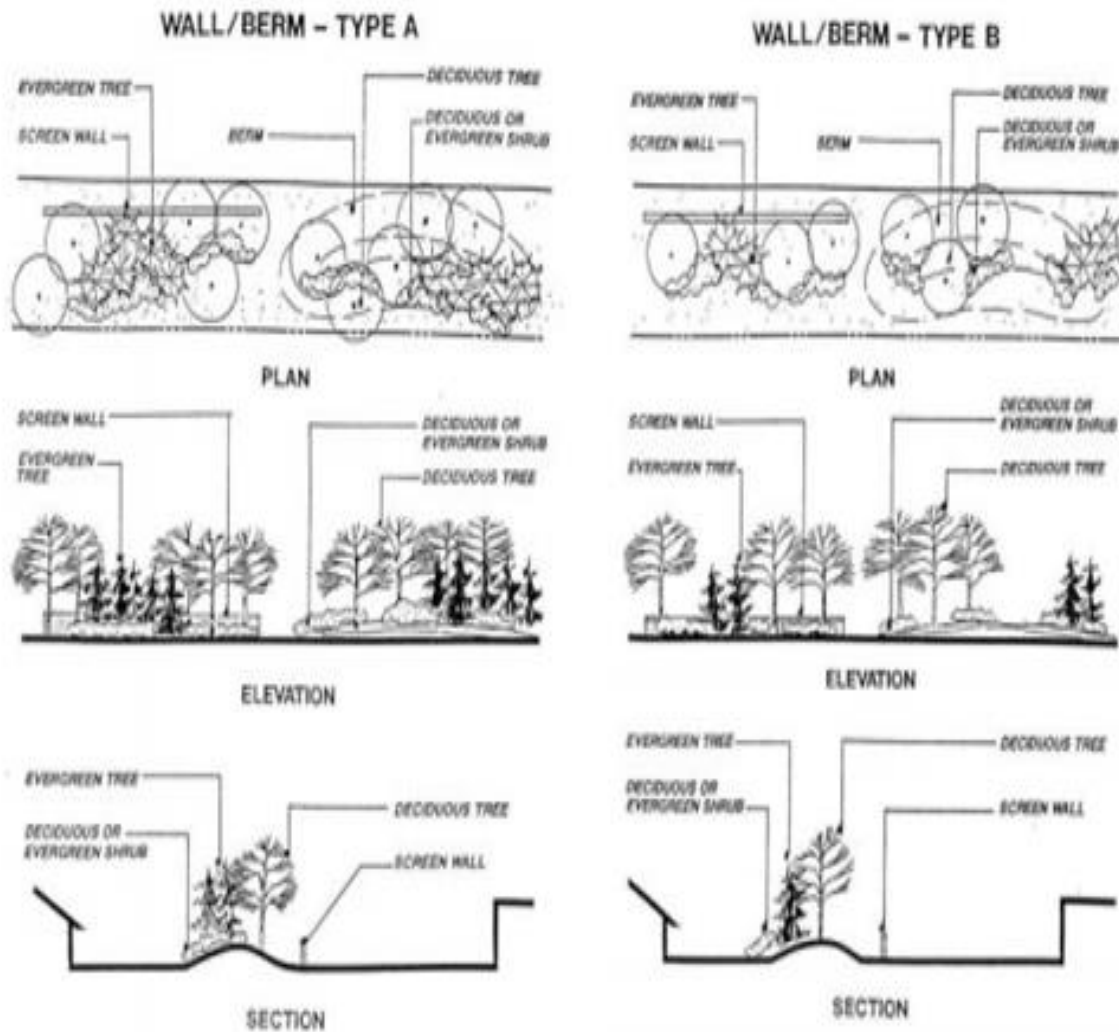
**Table 9.17 B.
Description of Required Buffer Zones**

<i>BUFFER ZONE</i>	<i>Minimum Width</i>	<i>Wall/Berm (a)</i>	<i>Minimum Plant Materials (b,c,d)</i>
A	50 feet	6 foot high continuous wall or 4 foot high berm	1 canopy tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the lot line, rounded upward
B	20 feet	6 foot high continuous wall or 3 foot high berm	1 canopy tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the lot line, rounded upward
C	10 feet	None Required	1 canopy or evergreen tree or 4 shrubs per each 20 linear feet along the lot line, rounded upward
D	10 feet	6 foot high continuous wall or 3 foot high berm	1 canopy or evergreen tree or 4 shrubs per each 20 linear feet along the lot line, rounded upward

Note: The Planning Commission may waive or reduce the above requirements in consideration of an equivalent buffer zone design or if an equivalent buffer is provided by 1) existing or planned parks or recreation areas; or 2) existing woodlands, topography or other natural conditions on the lot.

Footnotes:

- a. Berms shall have a maximum slope of 1 foot of vertical rise to 3 feet of horizontal distance (1:3) with a crest area at least 4 feet wide.
- b. Canopy trees shall have a minimum caliper of 2.5 inches at time of planting.
- c. Evergreen trees shall have a minimum height of 6 feet at time of planting.
- d. At least 50% of the shrubs shall be 24 inches tall at time of planting, with the remainder over 18 inches tall at time of planting.



Section 9.18 **Signs**

A. Purpose

The purpose of this Section is to establish regulations for all signs in all zoning districts within the Township in a manner consistent with the following purposes:

1. To protect and further the health, safety and welfare of Township residents, property owners and visitors.
2. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
3. To conserve and enhance community character and the Township's aesthetic environment.
4. To promote uniformity in the size, number and/or placement of signs within zoning districts.
5. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
6. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desire of business and nonbusiness uses to communicate by means of signs.

B. General Sign Regulations

1. Signs shall be allowed only in accordance with the provisions of this Section and any other applicable provisions of this Ordinance.
2. Signs shall be placed, constructed and erected in accordance with good construction practices and shall be maintained in good condition and repair.
3. Except as otherwise allowed by this Section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground or a building/structure by direct attachment to a rigid wall, frame or structure.

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4. Signs requiring electrical service shall be constructed and operated in compliance with the electrical code in effect within the Township.
5. Signs shall be placed only on private property except for lawful signs of governmental bodies or agencies. A sign shall not extend beyond any lot lines of the property on which it is located.
6. No sign or sign structure shall be placed, constructed or erected in any location or manner where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating light or flashing illumination resembling a police or emergency light shall be used on or in connection with any sign.
7. Signs may be illuminated; however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent street, or into the path of oncoming vehicles, or onto any adjacent premises. Sign illumination shall also be subject to the lighting standards in Section 9.13 – *Outdoor Lighting Standards*.

C. Prohibited Signs

The following signs are prohibited in all zoning districts:

Abandoned signs.
Inflatable signs and balloon signs, except as allowed by Subsection F.
Animated signs.
Banners and pennants, except as allowed by Subsection F.
Portable signs, except as allowed by Subsection F.
Roof signs.
Signs on vehicles not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising copy.
Signs with flashing, moving, oscillating or blinking lights, including window signs.
Swinging or moving signs.
Temporary signs, except as allowed by Subsection F.

D. Exempt Signs

The following signs are exempt from the provisions of this Section:

Barber poles, animated or not, which are appurtenant to the barber business and affixed directly to the wall of the exterior of the occupied space.
Decorative signs or displays used temporarily for holidays, patriotic occasions or public, governmental or charitable purposes or events.
Public signs.

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Memorial signs.
Nameplates, provided any such nameplate does not exceed 3 square feet in area and is located at a property entrance or wall of a principal residence.
Signs identifying buildings or sides designated as historical landmarks or centennial farms by state or federal agencies.
Signs posted to control or prohibit hunting/trespassing, or other legal postings
Window signs.

E. District Regulations

Signs shall be allowed only in accordance with this Section and other applicable provisions of this Ordinance.

	<i>Wall Signs</i>	<i>Freestanding Signs</i>	<i>Sign Area</i>	<i>Sign Height</i>	<i>Sign Setbacks</i>
CSV, AGR, ARR (for uses other than dwellings)	1 per building per street frontage	1 per parcel per street frontage	32 sq ft total; 24 sq ft max per sign	8 ft	½ the required building setback as measured from the abutting street right-of-way line
LDR, WFR (for uses other than dwellings)	1 per building per street frontage	1 per parcel per street frontage	32 sq ft total; 24 sq ft max per sign	8 ft	½ the required building setback as measured from the abutting street right-of-way line
MHR, VE, NCC (for uses other than dwellings)	1 per building per street frontage	1 per parcel per street frontage	50 sq ft total; 32 sq ft max per sign	15 ft	½ the required building setback as measured from the abutting street right-of-way line
GC - PUD (for uses other than dwellings)	1 per building per street frontage	1 per parcel per street frontage	80 sq ft total; 50 sq ft max per sign	15 ft	½ the required building setback as measured from the abutting street right-of-way line
HSC, HCI (for uses other than dwellings)	1 wall sign	1 freestanding sign	80 sq ft total sign area; 500 sq ft max per sign	15 ft	½ the required building setback as measured from the abutting street right-of-way line

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1. Minor Home Occupation/Major Home Occupation Signs. For the purpose of identification, one non-illuminated nameplate not exceeding four (4) square feet in area shall be permitted for a minor home occupation, and one non-illuminated nameplate not exceeding 12 square feet in area for a major home occupation. Such identification nameplate shall identify only the name and profession, vocation or trade of the person or persons operating the occupation. No other signs shall be utilized in connection with such home occupation.
2. Residential Development Signs. One sign shall be allowed at each entrance to a residential platted subdivision, site condominium or other residential development, not to exceed two signs per development. Each sign shall not exceed 25 square feet in area nor eight (8) feet in height, and shall not be located closer to any property line than one half (1/2) the distance of the required building setback.
3. Billboards. Billboards shall be allowed as a permitted use on properties located along I-94, M-40, M-51, and Red Arrow Highway, within the HSC and HCI Districts. The following standards shall apply:
 - a. Spacing
 - 1) No more than two (2) billboards may be located per linear mile of a single street or highway regardless of which side of the street or highway the billboards are located.
 - 2) Billboards shall be located a minimum of 1500 feet apart, as measured along the street or highway the billboards are located and including billboards on intersecting streets.
 - 3) No billboard shall be located within 300 feet of an existing residential, school, or church building.
 - 4) These spacing requirements shall not be limited to the boundaries of the Township where the subject roadway extends beyond the Township boundaries.
 - 5) No billboard shall be located on or over building roofs.
 - b. Setbacks
 - 1) Billboards may not be located less than 10 feet from the sideline of the property nor closer than one-half (1/2) of the required building setback distance from the abutting street or highway.

c. Size/Height

- 1) The total surface area of any billboard facing one direction shall not exceed 200 square feet.
- 2) Double-faced or back-to-back structures shall be considered as two (2) billboards pursuant to the spacing requirement in Section 9.18 E. 3.a.1. and exempt from the spacing requirement in Section 9.18 E.3.a.2.
- 3) Billboards shall not exceed 30 feet in height, as measured from the grade of the abutting street or highway.

d. All billboards shall comply with all applicable requirements and conditions of the Highway Advertising Act, P.A. 106 of 1972, as amended. Any signage prohibited by the Highway Advertising Act, P.X. 106 of 1972, as amended, is also prohibited within the Township.

4. Directional signs for public or quasi-public uses in all zoning districts. Signs used only for the purpose of directing persons to particular public or quasi-public uses are allowed. The following standards shall apply:
 - a. No sign shall exceed 10 square feet in area or project higher than six (6) feet above the grade of the abutting street.
 - b. There shall be no more than four (4) signs per individual use.
 - c. Signs shall be located so as not to confuse or obstruct the vision of traffic.

F. Temporary Signs

1. Temporary signs may be displayed within any residential district subject to the following standards: two (2) temporary signs shall be allowed for the first 100 feet of lot frontage plus an additional temporary sign for each additional 100 feet of lot frontage. Temporary signs shall not exceed 12 square feet in total area or four (4) feet in height per sign, and may not be placed in a prohibited sign area.
2. Temporary signs may be displayed within any commercial or industrial district subject to the following standards: two (2) temporary signs shall be allowed for the first 66 feet of lot frontage plus an additional temporary sign for each additional 30 feet of lot frontage. Temporary signs shall not exceed 32 square feet in total area or six (6) feet in height per sign, and may not be placed in a prohibited sign area.

G. Changeable Copy Signs

Any allowed sign may include a manual or electronic changeable copy sign or electronic graphic display sign, subject to compliance with the following requirements:

1. The area of a changeable copy sign or graphic display sign shall be included in the maximum sign area limitation. The area of a changeable copy sign or graphic display sign shall not exceed 50 percent of the maximum allowed sign area. Only one (1) changeable copy sign or graphic display sign shall be allowed per lot.
2. A changeable copy sign or graphic display sign shall not change its message more frequently than once every 12 seconds.
3. The message of a changeable copy sign shall, when changing, appear only in its entirety. The message shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.
4. A changeable copy sign shall not display full white copy between sunset and sunrise and otherwise shall not feature a brightness level deemed to be a distraction or injurious to the vision of motorists, as determined by the Township. The changeable copy sign shall be equipped with an ambient light sensor to regulate sign brightness.

H. Nonconforming Signs

1. Lawful Existing Signs. A permanent sign lawfully existing on (date of adoption) which does not fully comply with the provisions of this Ordinance shall be deemed a lawful nonconforming sign and may be allowed to remain if the sign is properly maintained and if it has no serious adverse effects on the public health, safety and general welfare.
2. Continuance of Nonconforming Signs.
 - a. A nonconforming sign shall not be enlarged or expanded in area, increased in height or changed to another nonconforming sign, in whole or in part.
 - b. A nonconforming sign shall not be structurally rebuilt or reconstructed so as to change the shape, size, type, placement or design of the structural elements of the sign; or in order to add illumination.
 - c. A nonconforming sign shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, whether on the same site or on another site.

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- d. A nonconforming sign shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the sign would cost more than 50 percent of the cost of an identical new sign. The Township shall require submission of reliable proof of such cost. If the cost of repair or replacement exceeds 50 percent of the cost of an identical new sign, the right to continue using the nonconforming sign shall terminate and the sign shall be brought into compliance with this Ordinance.
- e. A nonconforming sign may be altered or revised as follows: normal and usual maintenance; the replacement of landscaping below the base of the sign; the changing of the sign's background, letters, figures, graphics or other characters; or, the repair or replacement of electrical wiring or electrical devices.
- f. A sign related to a nonconforming use may be erected subject to compliance with the applicable provisions of this Ordinance for the zoning district in which the nonconforming use is located.

I. Abandoned Signs

Any sign that the Township determines to be abandoned, as defined by Article 2.00, shall be removed by the owner of the property on which the sign is located. If the property owner cannot be found, the Township may remove the sign and recover from said owner the full costs of removing and disposing of the sign.

J. Sign Permits

- 1. Sign permit required. No sign shall be erected, constructed, relocated or altered, unless specifically exempted by this Ordinance, until a sign permit has been obtained from the Township. A sign permit shall require payment of a fee as established by resolution of the Township Board.
- 2. Application. Application for a sign permit shall be made to the Township and shall be reviewed in accordance with the following procedures:
 - a. Required information. A sign permit application shall be completed and accompanied by detailed drawings that demonstrate the design, structure, dimensions and location of each sign. A single application and permit may include multiple signs on the same lot.
 - b. Issuance or rejection. A completed sign permit application shall be reviewed by the Township for compliance with the requirements of this Ordinance. A sign permit application that complies with this Ordinance will be issued a sign permit. A sign permit application that fails to comply with this Ordinance will be rejected and the applicant so notified.

K. Violations

1. It is a violation of this Ordinance to install, create, erect or maintain any sign that does not fully comply with the requirements of this Ordinance.
2. Each sign installed, created, erected or maintained in violation of this Ordinance is considered a separate violation when applying the penalty portions of this Ordinance.

Section 9.19 Swimming Pools

- A. A private or public swimming pool shall be considered a structure for purposes of this Ordinance and shall therefore require issuance of a permit.
- B. All ground level swimming pools shall be enclosed by a fence, wall or other structure which shall be at least four (4) feet in height as measured from the outside. Any opening under the fence shall be not more than four (4) inches in height. Any fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is self-closing and latching type with the latch on the pool side of the gate. Said entranceway shall lead to the shallow end of the pool. If the entire premise is enclosed by a fence or wall this requirement may be waived.
- C. Above ground swimming pools need not be fenced, provided that the steps and pool entrance are secured by a self-closing and latching gate with the latch on the pool side of the gate.

Section 9.20 Temporary Buildings for Nonresidential Use

Temporary buildings for non-residential use incidental to construction work shall be permitted. Said use shall not be in conflict with public health, safety, and welfare regulations. The temporary building(s) and all debris shall be removed within 15 days after completion or abandonment of the work.

Section 9.21 Waterfront Regulations

- A. Waterfront lots shall have continuous waterway frontage that is not less than the minimum lot width and road frontage requirement for the zoning district in which the lot is situated. Waterway frontage shall be measured by a straight line which connects the boundaries of the lot that extend from the waterway frontage at the points where they intersect the high water line.

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- B. The front lot line of a waterfront lot shall be that portion of the lot abutting the waterway. The rear lot line of a waterfront lot shall be that portion of the lot immediately adjacent to the street right-of-way.
- C. Notwithstanding the generally applicable setback requirements specified elsewhere in this Ordinance, all dwellings or other principal buildings and accessory buildings, including any alteration of existing such buildings, on any waterfront lot shall at a minimum be set back from the high water line of the waterway the greater of:
 - 1. 50 feet; or
 - 2. The average setback of existing, legally constructed dwellings or other principal buildings immediately adjacent to the lot at the time of application for a building permit.
- D. For purposes of this Section the term “normal high-water line” shall mean the mark or line that is ascertainable by a visible inspection to identify the highest line where the water/normal wave action and beach type soils/vegetation are distinct from the soils and vegetation of the shore of the waterway. Where necessary the Zoning Administrator shall determine the normal high-water line.
- E. These setback requirements are intended to facilitate reasonable consistency of horizontal sight lines with respect to the development of waterfront lots, based on the average setback of existing adjacent development, but subject in each instance to a minimum setback of 50 feet from the high water line.
- F. All dwellings and any other principal buildings or accessory buildings shall at a minimum be setback 50 feet from any Flood Hazard Area boundary as shown on the Flood Insurance Rate Map for Paw Paw Township issued by the Federal Emergency Management Agency and from any wetland as defined by Part 303 of Public Act 451 of 1994, as amended.
- G. The required minimum rear yard setback for principal buildings located on waterfront lots shall be the same as the minimum front yard setback requirement for the zoning district in which the lot is situated.
- H. The required minimum rear yard setback for accessory buildings located on waterfront lots shall be a minimum of 25 feet from the abutting road right-of-way.
- I. Boathouse and Dock Regulations.
 - 1. Boathouses shall not be permitted to be placed over any waterway or within the minimum required front, side or rear yard area within any district.

2. Docks, as defined in this Ordinance, are permitted on any lake or other waterway, subject to the following conditions and limitations:
 - a. No permanent dock shall hereafter be constructed or modified into a waterway until a zoning compliance permit has been issued by the Zoning Administrator, certifying that the dock is in compliance with the provisions of this Ordinance. Said permanent dock must be in compliance with any State regulations or permitting.
 - b. The length of any dock shall not be greater than the average length of the nearest docks on either side of the proposed dock.
 - c. No dock shall extend from the shoreline of any waterway, other than a lake, to within 10 feet of the center of the waterway.
 - d. No portion of any dock shall be located within the minimum side setback area required for the zoning district in which the lot is situated, as measured from the boundaries of the lot as projected into the waterway.
- J. See Section 9.11 for additional requirements applicable to access lots providing waterway access for one (1) or more access lot beneficiaries.

Section 9.22 *Water Supply and Wastewater Disposal*

Every building, permanent or temporary, hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling (year round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall be provided with safe and sanitary water supply and waste disposal systems. The written approval of such facilities by the applicable State or County agency shall be filed with the Township.

Section 9.23 *Yard Encroachments*

The yard requirements (setbacks) of all districts are subject to the following permitted encroachments:

- A. Structures having a height of 18 inches or less above ground level may project into a required yard.
- B. Stairways leading to an abutting waterfront area (including any stairway landings not exceeding 50 square feet in area) may project into the required front yard

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- C. Enclosed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.
- D. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into any yard a maximum of 24 inches.
- E. Unenclosed and unroofed fire escapes, outside stairways and balconies, may project not more than five (5) feet into the required front and rear yards and three (3) feet into required side yards.