

## **ARTICLE 3 GENERAL PROVISIONS**

### **3.01 ACCESS TO A STREET**

All lots must abut on a street or road for an uninterrupted distance equal to or greater than the minimum lot width specified for the district in which it is located. For a lot abutting the end turnaround area of a cul-de-sac or an outside angle of a sharply curved road, the minimum road frontage will be 50 feet, provided the lot width at the required setback meets the minimum lot width requirements of the district in which it is located.

### **3.02 ACCESSORY STRUCTURES AND BUILDINGS**

- A. Accessory structures and buildings are prohibited on any lot without a legal principal use or structure.
- B. Where accessory structures and buildings are attached to a main building, they are subject to and must conform to all regulations of this ordinance applicable to such main buildings.
- C. Accessory structures and buildings must comply in all respects with the requirements of this ordinance applicable to the allowed principal building.
- D. Detached accessory structures and buildings must not be located closer than 5 feet to the rear lot line. For waterfront lots, detached accessory structures and buildings must not be closer than 50 feet to the water's edge and not occupy more than 30 percent of the rear yard space. Pump houses may be located within 50 feet of the water's edge if they do not exceed 3 feet in height. Detached accessory structures and buildings cannot be closer to any side lot line than the principal building is allowed. (Amended 03-08-04)
- E. The distance between a detached accessory structure or building and any principal building cannot be less than 10 feet. Accessory structures and buildings are considered attached to a principal building when they are connected by a solidly covered breeze way, portico, colonnade, or similar architectural device.
- F. Mobile homes, semitrailer, or other similar containers will not be allowed for use as a storage and/or accessory structure or building.
- G. Accessory structures and buildings shall not be erected in any required front setback area, except for garages on waterfront lots. A garage (for the parking of

motor vehicles), but no other type of accessory structure, may be constructed, erected and placed in the required street front setback area of any waterfront lot provided that the garage is located not less than 10 feet from the street right-of-way line and maintains the side yard setback. (Amended 03-08-04)

H. No accessory structure shall be used for dwelling purposes.

### **3.03 ACCESSORY USES**

In any zoning district, accessory uses are allowed only when incidental to an allowed use located on the same lot. Accessory uses shall not involve the conduct of any business, trade, or industry, other than a home occupation in accordance with this ordinance.

### **3.04 ANIMALS AND FOWL**

A. Residential districts: No animals or fowl other than customary household pets (small animals) may be housed in accessory structures within 50 feet of any adjoining property. Such animals must be kept under sanitary conditions and in sanitary enclosures.

B. All districts:

1. Large animals are allowed on lot of 3 acres or larger at the rate of one animal maximum up to 5 acres. Large animals are allowed on a lot of 5 acres or larger at a rate of two animals and one animal for each additional acre thereof.

(amended October 12, 2011)

2. The keeping of any animals not considered domestic large or small animals shall only be permitted if conducted in full compliance with applicable State Law.

C. Animal (large)

A domesticated animal over three (3) feet in height (such as a horse, cow, pony, goat, sheep or similar animals), or smaller animal such as a pig.

Animal (small)

A domestic animal under three (3) feet in height typically held as a pet, such as a dog, cat and similar animal.

### **3.05 BASEMENT DWELLINGS**

The use of any basement as a dwelling is prohibited. Any dwelling without a full floor above grade level will be considered a basement dwelling. No person, firm, or corporation will be allowed to construct or occupy, for any purposes whatsoever, a building that does not have at least one story above ground level.

### **3.06 COMMERCIAL VEHICLES**

Storage of commercial vehicles exceeding a rated capacity of 2.5 tons is prohibited in all residential districts. Overnight parking of such vehicles may be allowed in residential districts upon issuance of a special land use permit. Permit may be denied if there is a dwelling within 100 feet.

### **3.07 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, AND ODORS**

Every use will be so conducted and operated that it is not obnoxious or dangerous due to heat, glare, fumes, odors, dust, noise, or vibration beyond the lot on which the use is located.

### **3.08 CORNER LOTS**

Any yard that adjoins a street right-of-way on two intersecting streets must meet the front yard requirements on both streets of the district in which it is located.

### **3.09 DOUBLE FRONTAGE OR THROUGH LOTS**

Any yard that adjoins a street right-of-way or lots having a frontage on two nonintersecting streets must meet the front yard requirements on both streets.

### **3.10 DRIVEWAYS**

An approved driveway permit must be obtained from the state highway department or the county road commission and submitted to the zoning administrator before the issuance of a zoning permit.

### **3.11 DWELLING REQUIREMENTS**

Every dwelling shall:

- A. Have a minimum floor area of 1,000 square feet.
- B. Comply with the minimum requirements of this ordinance for the zone in which it is located.
- C. Have minimum width across any front, side, or rear elevation of 24 feet for its entire length in its original design without additions and excluding attached garages, carports or porches. (amended February 6, 2009)
- D. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction that are different from those imposed by the current local ordinance standards, such federal or state standard or regulation will apply.
- E. Foundations and Setup Installation *(amended July 27, 2007)*
  - 1. The perimeter of all dwellings must have a permanent perimeter foundation.
  - 2. When the dwelling is a mobile home or manufactured home such dwelling shall be installed:
    - a. Pursuant to the manufacturer's setup instructions and be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
    - b. Be installed with the wheels removed, if a dwelling is a mobile home as defined herein.
    - c. There will be no exposed towing mechanism, undercarriage, or chassis.
    - d. The perimeter of the mobile home will have a permanent perimeter foundation or footing similar to that used for onsite built housing.
- F. Connected to public or private sewer and water supply facilities approved by the county health department.
- G. Be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of at least 6 inches on all sides or, alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
- H. Have at least two exterior doors with the second one being in either the rear or side of the dwelling and contain permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

- I. The roof must have a pitch of at least 2.5 feet double pitch.
- J. The compatibility of design and appearance will be determined in the first instance by the zoning administrator upon review of the plans submitted for a particular dwelling. Determination of compatibility will be based upon the standards set forth in this section, as well as character, design, and appearance of one or more residential dwellings located outside mobile home parks throughout the township. The foregoing will 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.
- K. Contain no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a permanent foundation.
- L. Comply with all pertinent building and fire codes. For mobile homes, all construction and all plumbing, electrical apparatus, and insulation will 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, as may be amended. Additionally, all dwellings will meet or exceed all applicable roof snow load and strength requirements.
- M. The foregoing standards will not apply to a mobile home in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance.

### **3.12 EARTH MOVING**

Earth moving affecting areas greater than 2 acres, or any filling of land, affecting an area greater than 2 acres, will require review and approval of a site plan by the planning commission according to this ordinance. Site plan review will be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables. Once a site plan has been approved by the planning commission, the zoning administrator will issue an earth moving permit that will be valid for 12 months. Earth moving permits may be renewed by the zoning administrator for one additional 12-month period, providing all of the conditions of the approved site plan are met. In addition, topsoil or sand may be moved from one part of a lot to another if it is demonstrated that this activity will not cause a sand blow, stagnant water pools, bogs, or any other type or kind of possible future injury to adjoining properties.

*(amended May 9, 2007)*

### **3.13 ESSENTIAL SERVICES**

It will be lawful for public utilities, municipal departments, or commissions to erect, construct, alter, or maintain underground or overhead gas, electrical, steam, or water distribution or transmission systems, collection, communication supply or disposal systems, including poles and towers, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police equipment, and accessories in connection therewith including buildings, reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for the public health, safety, and general welfare, in any zone, area, or use district of the township if the erection or construction of any or all above-grade construction consisting of necessary buildings and structures therefore will be within the public right-of-way.

### **3.14 GOVERNMENTAL COMPLIANCE WITH ZONING REGULATIONS**

The provisions of this ordinance will be applicable to and enforceable against the township itself and all other governmental agencies and units, federal, state, or local.

### **3.15 HEALTH DEPARTMENT APPROVAL**

No permit will be issued for the construction of a building or structure on a lot, which is not served by both public water and sewer facilities unless its water supply and/or sewage disposal facilities, comply with the rules and regulations governing waste and sewage disposal of Allegan County.

### **3.16 HEIGHT EXCEPTIONS**

Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, roof top housing for mechanical appurtenances, parapet walls not exceeding four feet in height and communications towers which do not exceed 50 feet in height are exempt from height regulations in all zoning districts. These exemptions will be allowed as additions to existing buildings and structures provided the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

### **3.17 HOME OCCUPATION**

- A. Subject to the exception set forth in subsection B below, a home occupation shall be allowable as a Special Land Use in the R-1, R-2, R-3 and R-4 zoning districts

subject to the following conditions and limitations:

1. Only immediate members of the family residing on the premises can be engaged in such occupation.
2. The home occupation shall be conducted entirely within the dwelling, permitted garage (attached or unattached) and/or accessory building. There shall be no outside display or storage in connection with the home occupation.
3. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall not use an area exceeding 30% of the main floor area of the dwelling unit. Not more than 50% or 1,000 square feet, whichever is less, of the permitted garage or permitted accessory structure may be used in the conduct of the home occupation. The use of the garage or permitted accessory structure in the home occupation shall not result in the displacement and outside placement of equipment and materials (e.g. lawn mower, snow blower, garden equipment, recreation equipment, etc.) normally stored in said garage or permanent accessory building.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, mounted flat on the wall of the main building, or placed by the road, but not in the right-of-way.
5. No equipment or process will be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family home. No equipment or process will be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.
6. The home occupation shall not require any type of special construction beyond that customarily associated with a single-family dwelling.
7. The home occupation shall not involve the storage or use of any materials for which there is a high risk of flammability.
8. A home occupation receiving Special Land Use permit approval

may not be materially changed in size or nature without receiving further Special Land Use approval from the Planning Commission.

- B. A home occupation that meets all of the criteria for a home occupation set forth in subsection A above, that is not conducted in whole or in part in a detached garage or accessory building, that does not occupy more than 25% of the main floor area of the dwelling, and that does not involve any physical presence at the residence by customers or business associates not residing in the dwelling shall be allowed as a permitted accessory use and shall not be deemed a home occupation requiring a Special Land Use permit. *[amended 8-9-06]*

### **3.18 PUBLIC AND INSTITUTIONAL USES**

Institutional or public uses, as a special land use, may be located in any district upon approval by the planning commission as provided in this ordinance.

### **3.19 LOT AREA OR SPACE REQUIRED**

No lot or lots in common ownership and no court, parking area, or other space may be reduced to less than the minimum required under this ordinance. No lot or other area may be further reduced if already less than the minimum. No portion of an existing lot can be sold if the lot created does not meet the area and dimension requirements of the district in which it is located.

*(3.20 deleted and replaced May 9, 2007)*

### **3.20 MAN-MADE PONDS**

Man-made ponds (not naturally occurring) may be located in the AR-1@, AR-2@ and AR-3@ zoning districts only provided they meet the following requirements:

- A. Before any excavation is started, property owners must submit a Zoning Permit application to the Zoning Administrator and pay the required fees.
- B. Application must include proof of ownership of property and a diagram drawn to scale showing the location of the pond and buildings and structures located on the property.
- C. Existing (at the time of adoption of this provision) ponds and their uses may continue.
- D. Any changes in the configuration or use of existing ponds may only be made in conformance with provisions of this Zoning Ordinance.
- E. Ponds may require inspection prior to construction and upon completion.



- F. All excavation and reclamation must be completed within one year of the date of issuance of the Zoning Permit. If the project has not been completed within the year the applicant must apply for an extension with the Zoning Administrator and pay the required fees.
- G. The minimum required setback for ponds will be fifty (50) feet from any property line and from any public or private road.
- H. Ponds must meet the requirements of the Soil Erosion and Sedimentation Control Agency.
- I. All ponds, whether they are seasonally permanent or permanent year-around ponds, which are less than twenty-four inches deep at their deepest point or have an area of 225 square feet or less, shall be excluded from these regulations.  
(added May 9, 2007)

### **3.21 ONSITE SEWAGE TREATMENT FACILITIES**

If a proposed structure is not served by a public sewer, an approved septic system permit for the necessary onsite facilities must be obtained from the county health department.

Before the issuance of a zoning permit, the septic system permit must be submitted to the zoning administrator along with a diagram showing the location, dimensions, and size of the facility.

### **3.22 OUTDOOR GATHERINGS**

If applicable, all outdoor gatherings will comply with the provisions of the township ordinance on outdoor gatherings.

### **3.23 PRINCIPAL STRUCTURE OR USE**

In the R-1 and R-2 districts only one principal structure is allowed on a lot. In all zoning districts, only one principal use is allowed on a lot.

### **3.24 RECREATIONAL VEHICLES**

No recreational vehicle shall be located on any lot where there is no principal building. Recreational vehicles are prohibited in any required front setback area. The use of travel trailers, campers, and motor homes as dwelling units is prohibited.

### **3.25 REQUIRED SETBACK**

The required front setback will be measured from the right-of-way line, and required side

and rear setbacks will be measured from the property line, to the point of the parcel where a building or structure may be located.

*(3.25 deleted May 9, 2007, renumbered)*

### **3.26 REQUIRED SETBACK AREA**

Except as otherwise provided in this ordinance, structures may not be located within the required setback area. Steps may be located within the required front and rear setback area only. Porches and decks are considered a part of the building or structure and may not be located within the required setback area.

### **3.27 ROADS, PRIVATE**

A. Location permitted: Private roads are allowed in all districts in the township.

B. Private road construction permit application and approval:

1. The owner shall submit an application for a private road construction permit, with the application fee, to the planning commission. The application package will include a written description of the proposed development to be served, detailed site plans and construction plans as required in this ordinance, and a detailed description of how the costs of operation and maintenance will be apportioned and paid for by benefitting property owners.
2. In reviewing the application, the planning commission will consider the impact of the proposed development on adjacent properties, whether the health, safety, and general welfare of persons or property using or affected by the private road will be adequately protected and whether the precedent set by allowing the private road in the circumstances under consideration will adversely affect the long-term development policies of Clyde Township. An architect, engineer, or other person will be consulted if deemed necessary. If the planning commission approves the application, the building official will issue a private road construction permit to the owner upon payment of the required fee. No construction can begin on the private road or on adjacent properties that depend on the private road for access until the private road construction has been completed.

The owner will notify the township at least 72 hours before initiation of construction of the private road. During construction, the owner must allow the township to review construction progress for compliance with the approved site plan and construction drawings.

C. Site plans and construction plans: A site plan and construction plan will be prepared, according to this ordinance, showing the proposed location, adjacent properties, proposed street grades, drainage, and proposed improvements, sealed

and signed by a registered engineer or registered land surveyor and submitted to the planning commission as part of the private road construction permit application and approval.

- D. Final private road use permit: Upon completion of construction, the township will complete a final review of the private road improvement to check compliance with the approved site plan and construction plans. The owner will correct any deficiencies identified during either an interim or final review. The applicant's engineer will provide a signed statement to the township certifying that the road has been constructed according to approved plans. The final private road use permit may be issued to the owner upon final review and approval of the completed private road improvement by the Township Board. Zoning permits for construction on properties served by the private road will not be issued until the final private road use permit has been issued.
- E. Maintenance and repair: Maintenance, repair, and liability for private roads are the responsibility of property owners adjacent to the private road and not the responsibility or liability of the township. The developer will establish, by appropriate deed provisions, an association responsible for road maintenance and repair that has the authority to apportion and collect the cost of maintenance and repair from benefiting property owners.
- F. Design standards for roads: Private roads must meet the following design standards:
  - 1. All private roads will have a minimum 66-foot-wide right-of-way easement granted to the adjacent property owners.
  - 2. The layout of private roads in respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, street signs, horizontal curves, and curb openings at intersecting streets, etc., will conform to the Allegan County Road Commission standards for platted streets.
  - 3. The construction of the roadway will conform to the Allegan County Road Commission standards for a local road 22 feet wide with a 7-inch gravel base (MDSH, 22A), 7-foot-wide grass shoulders, and other current county road commission requirements. Ditches will outlet into a cross culvert or drainage course.

In impervious soils (clay or other unsuitable material), a 12-inch sand subbase, graded parallel to the road surface (extending into the front ditch slope), will be constructed. The road surface must have continuous hard surfacing of paved concrete or bituminous.

4. Culverts will be placed at all natural drainage courses or other waterways. Culvert sizes and grades will be determined using the Allegan County Road Commission storm runoff calculations formula. Materials for culverts will conform to their requirements.
5. All cul-de-sacs must end with turnarounds having a right-of-way radius of 50 feet and a paved turning radius of 20 feet.
6. All drainage must be approved by the Allegan County Drain Commission.

### **3.28 SATELLITE DISH AND ANTENNA**

No satellite dish or other antenna will be located in a required front yard.

### **3.29 SWIMMING POOLS**

Swimming pools may be installed in any district as an accessory use. All pools must meet the following conditions:

- A. Pools may be installed in the side or rear yards of a lot in residential districts. Motels and hotels may install pools in the front yard. All setback requirements must be met.
- B. A good quality fence not less than 4 feet in height will be required. The support posts thereof will be constructed in a permanent manner and in a way that lasts for the duration of such pool. Such posts shall be spaced at intervals of not more than 8 feet. The fence shall entirely enclose the pool.
- C. Every gate or other opening in the fence will be designed and maintained to prevent entry of persons except as authorized by the owner.
- D. The inlet of the water supply system will be above the overflow level of the pool and fitted with an antisiphon device.
- E. Such pool will be chemically treated sufficiently to maintain bacterial standards established by the provisions of the Department of Health relating to public swimming pools.

### **3.30 TEMPORARY STRUCTURES**

- A. Upon application, the zoning administrator may issue a permit for a temporary construction office or yard for construction materials and/or equipment, which is both incidental and necessary to construction at the site where located. Each

temporary structure permit will be valid for a period of not more than six months. A temporary structure permit may be renewed by the zoning administrator for one additional six-month period or less at the same location if such building or yard is still incidental and necessary to construction on the site where located.

- B. Upon application, the zoning administrator will 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 temporary structure permit will specify the location of the office and area and be valid for a period of not more than six calendar months. A temporary structure permit may 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.
- C. The zoning administrator may issue a permit for temporary occupancy or use of a mobile home constructed to 1976 HUD specifications outside an approved and licensed mobile home park under the following situations:
  - 1. For use as a temporary dwelling for the occupants of a dwelling damaged by fire or storm.
  - 2. For use as a temporary dwelling during the construction of a new permanent dwelling on the same parcel if a zoning permit has been issued for the permanent dwelling before the issuance of the temporary structure permit for the mobile home.
  - 3. The temporary structure permit will not be issued unless the following requirements are met:
    - a. The mobile home trailer has a water system and septic tank system that meets the requirements of the Allegan County Health Department. A certificate from said department showing such compliance will be filed with the zoning administrator before any use or occupancy is made of a mobile home trailer.
    - b. The mobile home trailer must be placed on a cement slab or supported by cement piers or blocking to form a foundation for the trailer frame. The mobile home trailer frame will be anchored and blocked as approved by the building inspector.
    - c. The period allowed by the temporary structure permit will not exceed six months and may be renewed for the same unit or location for an additional six months.
  - 4. The fee to be paid for the issuance of a temporary structure permit for a

mobile home will be established by the township Board. If a permit is allowed to be renewed, an additional fee will be collected.

5. The temporary dwelling will be removed within 30 days of issuance of an occupancy permit for the permanent dwelling.
6. The zoning administrator will revoke the temporary structure permit if there is a violation of any of the requirements outlined in this section. If a permit is revoked, the unit must be vacated and removed from the property within 30 days, or it constitutes a violation of the ordinance and is subject to the penalties outlined in the Penalties article of this ordinance.
7. All yard and setback requirements must be met.
8. No additions will be allowed to temporary mobile homes.

### **3.31 TRAFFIC VISIBILITY ACROSS CORNERS**

No fence, structure, or planting over 30 inches in height will be planted or erected on the street side of a line drawn between two points, each being 20 feet from the intersection of the rights-of-way of two intersecting streets.

### **3.32 USES REQUIRING MORE THAN FOUR PARKING SPACES**

When more than four parking spaces are required by this ordinance for any principal use, a change of use, or an enlargement of an existing use, the zoning administrator will not issue a zoning permit until a site plan has been reviewed and approved by the planning commission.

### **3.33 WATERFRONT AND WETLAND WATER QUALITY SETBACKS**

(added April 10, 2010)

**A. Setback from shoreline or edge of wetland.** All waterfront lots or lots containing wetlands shall maintain a minimum setback for any permanent structure (dwelling unit, other principal building or an accessory building) from the ordinary high water mark and/or delineated wetland boundary as follows, which may be in excess of the minimum requirements of this Ordinance. Any person proposing to erect, install, move, or enlarge a permanent structure on a waterfront lot or lot containing a wetland is required to satisfy these minimum standards unless a greater setback is otherwise required elsewhere in this Ordinance:

1. Fifty (50) feet from the ordinary high water mark of an inland lake, river, stream, creek, or other watercourse.

2. Fifty (50) feet from the boundary or edge of a wetland, which is designated on the Township wetland map, as delineated on a professionally prepared survey completed by a certified professional submitted to Township and reviewed by Township staff, Michigan DEQ, and/or other professionals, as required.
3. Any other areas or setbacks as prescribed by MDEQ (as in Public Act 451 of 1994, as amended). The requirements in this provision are in compliance with Public Act 451 of 1994, as amended, the Natural Resources and Environmental Protection Act. Any development in these areas must also comply with the standards of this Act. If a greater setback or prohibition is required by the Natural Resources and Environmental Protection Act, another Act or standard of the State or County, or another part of this Ordinance, the greater setback or prohibition shall apply. Documentation of compliance with this Act and the requirements of the Michigan Department of Environmental Quality (MDEQ) and similar State and County agencies may be required prior to the issuance of a building permit. Similarly, issuance of a building permit by the Township shall not be construed as establishing compliance with the provisions of the Natural Resources and Environmental Protection Act or the requirements of any State or County agency, and such action shall not create liability on the part of Clyde Township, any official or employee thereof, or the MDEQ or other State or County agency for any damage to any structure that may result from locating near natural features.
4. Exception for Steep Banks. Where there is a steep bank along a water course or lake, a permanent structure may be constructed according to the following schedule: Where the bank height, at the bluff, is (a) feet as measured in vertical feet from the high water mark, the structure may locate no closer than (b) horizontal feet from the bluff or the high water mark, whichever is greater:

<u>Bank Height (a)</u>	<u>Setback from Bluff or High Water Mark (b)</u>
10	90
15	80
20	70
25	60

**B. Natural vegetative strip.** Within the required setback from a watercourse or wetland, a natural vegetation strip shall be maintained in its natural vegetative state, except for the clearing of dead or invasive plants and for the exempted activities and areas listed below. This restriction will help maintain a root and vegetative barrier to keep soil particles and nutrients from entering the watercourses and wetlands, while also helping to minimize water runoff.

1. Within this strip, a space of no greater than twenty-five (25) feet in width may be selectively trimmed and pruned to allow for the placement of

walkways, and /or for a view of the waterbody, with the approval of the Zoning Administrator. Any walkway constructed inside the strip shall be on the upland side and may be oriented perpendicular or parallel to the water line. A maximum of 15% of the total vegetative strip area may be cleared for this purpose. Because the intent of the native protective strip is water quality protection, porous materials such as wood chips or gravel shall be used for any trail construction.

2. The Zoning Administrator may allow limited clearing of the vegetation over and above this purpose only when required for construction of a permitted building or structure elsewhere on the site, provided that the land cleared is returned to a vegetative state, which is approximately the same quality and extent as that which existed prior to clearing.
3. Planting of native species in the required natural vegetative strip is encouraged, especially where exposed soils and steep slopes exist. A list of approved native species may be obtained from the Township. Invasive or destructive plant species (i.e. Eurasian milfoil, English ivy) shall not be permitted.
4. Exemptions. The following activities and areas are not subject to the natural vegetative strip
  - a. All waterfront lots without a wetland present. If the lot contains wetlands, the natural vegetation strip applies to the wetland area.
  - b. Agricultural operations that are conducted in conformance with best management practices (BMPs) as defined and prescribed by the Michigan Right to Farm Act, Public Act 93 of 1981 as amended.
  - c. The cleaning out, straightening, widening, deepening, or extending, consolidation, relocation, tiling, and connection of drains established under the provisions of the Michigan Drain Code, Public Act 40 of 1956, as amended.

**C. Permitted accessory uses and construction within required waterfront and wetland setback.**

1. Best management practices shall be employed so as to minimize disturbance of the natural terrain and vegetation during construction on waterfront lots. After construction, the lot, particularly within the wetland and waterfront setback area, should be restored to its prior conditions to the extent possible.
2. Accessory structures shall be subject to the policies and regulations of the MDEQ and other State and County agencies as well as the other requirements of this Ordinance.



3. A copy of the appropriate State or County permit, if necessary, must be on file in the Township office, prior to any construction that changes the shape of the shoreline or is located in a waterfront or wetland setback area, such as a dock, seawall, or pilings.

**D. More restrictive standards govern.** Regulations imposed in areas identified as erosion control districts or flood hazard districts in this Zoning Ordinance shall govern if such restrictions or regulations impose a higher standard or requirement. Likewise, if other federal, state, county or local standards are more restrictive, the more restrictive regulation will govern.

### 3.34 WETLANDS

- A. Wetlands are identified in the township official wetland map and regulated by the provisions of the Clyde Township Wetlands Ordinance and Part B below.
- B. Any activity that may adversely affect a wetland is subject to review and permit approval by the Michigan Department of Environmental Quality (MDEQ) pursuant to provisions of the Wetlands Protection, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.

### 3.35 SINGLE ON-SITE USE WIND ENERGY TOWERS (added April 30, 2010)

- A. The following shall apply only to a single Wind Energy Tower intended for on-site energy consumption within the property on which it is located. Water pumping and ornamental wind devices, which are not WES' shall be exempt from this Section so long as they do not exceed the height limitations and other provisions for permitted accessory structures of this ordinance.
- B. An On-Site Use Wind Energy System is intended to serve an individual property only. Tower heights not exceeding 80 feet shall be a permitted use in all zoning classifications subject to the following regulations:
  1. A Zoning Permit Application shall be submitted to the Zoning Administrator with a scaled site plan demonstrating compliance with these regulations:
  2. Property Setbacks. The distance between an On-Site Use WES and the owner's property lines (and road right-of-way lines) shall be at least the height of the wind energy system structure including the blade in its vertical position. There shall be no structures within the setback zone of the tower.

- a. A Small On-Site Use Structure Mounted Wind Energy System is exempt from this sub-section B2 so long as the structure upon which it is mounted is fully conforming as to setbacks and height.
  - b. A Small On-Site Use WES may be located upon a nonconforming structure so long as it is located on a portion of the structure that is conforming to all setback and height requirements of the zoning district in which it is located.
3. Construction Codes. Towers, and Interconnection Standards: On-Site Use WES including towers shall comply with all applicable state construction and electrical codes and building permit requirements. On-Site Use WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq). An interconnected On-Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.
  4. Safety. An On-Site Use WES shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wire anchors, the wires shall be clearly visible up to at least a height of at least six feet above the guy wire anchors. Clearance: The minimum vertical blade tip clearance from the ground (the highest point of grade level within 25 feet of the base of the tower) shall be 15 feet for a wind energy system employing a horizontal axis rotor. For Small On-Site Use Structure Mounted WES' the minimum blade tip clearance from any portion of a structure that is located within 25 feet of the Wind Energy System turbine blades shall be 10 feet.
  5. Shadow Flicker. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures within 500 feet and show measures that shall be taken to eliminate or mitigate the problems.
  6. Color. An On-Site Use WES shall be painted a non-obtrusive (i.e. white, beige or gray) color that is non-reflective. No striping of color or advertisements shall be visible on the blades or tower.
  7. Maintenance. An On-Site WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

- C. On-Site Use WES over 80 feet in height are subject to a Special Land Use Permit.

### **3.36 ANEMOMETER – MET Tower** (added April 30, 2010)

- A. A MET tower or anemometer may be permitted within all Zoning Classifications subject to the regulations and requirements of this section.
- B. For purposes of this section a MET Tower or Anemometer is a meteorological tower used for the measurement of wind speed.
- C. Application Requirements. An applicant for a MET Tower shall submit an application in accordance with the requirements of Section 3.36 of this Ordinance and shall also submit the following materials:
  - (1) A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.
  - (2) A description of the height of the MET tower and its design including cross section and elevation drawings and a diagram of how the tower will be anchored to the ground.
  - (3) An explanation of the purpose of the tower, the type, height and number of wind energy conversion systems anticipated to be proposed for installation on the site or nearby.
  - (4) A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.
  - (5) A description of the tower maintenance program.
  - (6) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District
  - (7) Security measures including emergency contact personnel.
  - (8) A site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the ZA - Planning Commission depending upon the size of the parcel. The site plan

shall contain at a minimum the following information unless specifically waived by the ZA - Planning Commission.

- (a) The date on which the site plan was prepared.
- (b) A north arrow and legal description of the property.
- (c) Property lines and dimensions of the parcel containing the tower, the height of the MET tower and its distance to all property lines.
- (d) Any buildings or structures existing on the site, and the use of the parcel.
- (e) The distance to the closest building on adjacent property.
- (f) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower
- (g) Guy wires, guy wire anchors and any other tower supporting structure or device.
- (h) Type and height of fencing to be installed around the tower or an equipment building.
- (i) Elevation drawings of any buildings designed to serve the tower.
- (j) Access road; width and construction standards.
- (k) Any lighting proposed to be located on the tower.

D. General Requirements. A MET tower shall comply with all of the following:

- (1) The tower shall be setback from all property lines a distance of not less than 1.1 times the height of the tower as measured from the base of the tower
- (2) All applicable state construction and electrical codes and local building permit requirements;
- (3) Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall

not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.

- (4) The Michigan Airport Zoning Act (Public Act 23 of 1950);
  - (5) The Michigan Tall Structures Act (Public Act 259 of 1959);
  - (6) A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the ZA -Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period.
  - (7) In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the ZA - Planning Commission.
- E. Review. The zoning administrator shall review the proposed MET tower according to the standards of Section 3.36. If there will be more than one MET, the Planning Commission shall review the proposed towers. The Commission may impose reasonable conditions at its approval of a MET tower in accordance with Section 3.36 herein including but not limited to a requirement that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site and a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.