

# **EXHIBIT 17**

**15.15A0      CHAPTER 15A**  
**U.S. 31 and M-45 AREA OVERLAY ZONE**

**15.15A1      SECTION    15A.01      FINDINGS AND STATEMENT OF PURPOSE**

U.S. 31 is a state highway that serves as the primary north-south arterial through the Township and M-45 serves a similar function for east-west travel. The primary function of the highways is to accommodate relatively high volumes of traffic as a link between Grand Rapids, Grand Valley, Holland, Grand Haven, Muskegon and other destinations along the west Michigan coast. The corridor also provides access to a number of commercial, industrial and residential uses in the Township. The purpose of the U.S. 31 and M-45 Overlay Zone is to promote a balance between the various functions of this corridor and the preservation of its natural characteristics.

This special zoning district was developed following specific evaluation and planning for the corridor through the Township's Master Land Use Plan Update, and thereafter in a subarea plan titled the U.S. 31/M-45 Corridor Study. The zoning regulations herein are based on analysis of trends along the U.S. 31/M-45 corridors, recommendations in the Township's planning documents and findings along other corridors in Michigan and nationally.

The Township finds that special comprehensive standards are needed along the U.S. 31 and M-45 corridors based upon the following findings:

1. The combination of roadway design, traffic speeds, traffic volumes, traffic crashes and other characteristics necessitate special access standards.
2. Studies by transportation organizations in Michigan and nationally have found a direct correlation between the number of access points and the number of crashes.
3. The standards of this district are based upon considerable research and recommendations by the Michigan Department of Transportation ("MDOT").
4. Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction, which disrupts businesses.
5. Growth and development resulting in increased demand upon natural resources has had the effect of encroaching upon, despoiling and/or eliminating many of the woodlands, trees and associated forms of vegetation. These resources, if preserved and maintained in an undisturbed and natural condition, provide air quality protection, maintenance of water quality, reduction of flood surges and soil erosion,

and protection of vital wildlife habitat. In addition, these resources provide important aesthetic, ecological, recreational and economic benefits to existing and future residents of the Township and must, therefore, be protected.

6. Trees and woodland systems are essential components to the general welfare of the Township, providing natural beauty, natural character, recreational opportunities and wildlife habitat.
7. Protecting woodlands, and reproductive and regenerating capabilities of trees and woodland systems maintains this heritage for existing and future Township residents.
8. The protection of such natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the Constitution of the State of Michigan and the Michigan Environmental Protection Act of 1970, M.C.L. 324.1701 et seq.
9. Building design and architecture is an important aesthetic consideration for the future image of the Township. Architectural guidelines are necessary to ensure building design is consistent with the intended character of the area, but such guidelines must be flexible to encourage creativity.

Specifically the Overlay Zone is intended to:

1. Accommodate a variety of uses permitted by the underlying zoning, but ensure such uses are designed to achieve an attractive built and natural environment.
2. Provide architectural and site design standards that are more demanding than required elsewhere in the Township in order to promote harmonious development and complement the natural characteristics in the western sections of the Township.
3. Promote public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.
4. Ensure safe access by emergency vehicles.
5. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
6. Preserve the capacity along U.S. 31/M-45 and other roads in the Overlay Zone by limiting and controlling the number and location of driveways, and requiring alternate means of access through shared driveways, service drives, and access via cross streets.

7. Reduce the number and severity of crashes by improving traffic operations and safety.
8. Require coordinated access among adjacent lands where possible.
9. Provide landowners with reasonable access, although the access may be restricted to a shared driveway, service drive, or via a side street, or the number and location of access points may not be the arrangement most desired by the landowner or applicant.
10. Require demonstration that prior to approval of any land divisions, the resultant parcels are accessible through compliance with the access standards herein.
11. Preserve woodlands, view sheds, and other natural features along the corridor.
12. Ensure that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.
13. Implement the goals expressed in the U.S. 31/M-45 Corridor Study.
14. Establish uniform standards to ensure fair and equal application.
15. Address situations where existing development within the Overlay Zone does not conform with the standards of this chapter.
16. Promote a more coordinated development review process with the Michigan Department of Transportation and the Ottawa County Road Commission.
17. Support development along the corridor that is consistent with the growth in the Township and national design standards by reviewing this chapter of the Zoning Ordinance annually. This annual review will be initiated by the Planning Commission and/or the township planner and the Planning Commission will report any findings and/or recommendations for amendment to the Board of Trustees.

**15.15A2 SECTION 15A.02 DEFINITIONS**

1. Construction Zone: The exact size and placement of construction zones will be determined by the Planning Commission or the Zoning Administrator during the plan review permits and construction process, but will include, at a minimum, the following areas:
  - A. The building footprint(s) plus a maximum area of twenty five feet (25') surrounding the footprint(s) and a twenty foot (20') wide

utility driveway access for all principal building(s) on the property.

- B. Road rights-of-way, and utility easements.
  - C. Designated area that must incur regulated tree losses due to engineering requirements such as, but not limited to utilities, swales, site grading, stormwater systems approved, paved areas or other regulatory requirements.
2. Diameter Breast Height (d.b.h.): The diameter in inches of a tree measured at four and one-half (4 1/2) feet above the existing grade.
  3. Heritage Tree: A heritage tree shall include any tree known to have significance because of its size, location, and/or memorial or historic value as designated by the Township or the State, not excluding other cognizant authorities. If staff and the developer are unable to agree upon whether a tree should be classified as a “heritage tree”, the Planning Commission shall make a determination on classifying any tree as a “heritage tree” after reviewing information from staff and/or the developer.
  4. Landmark Tree: A tree, of size and/or species listed below and found to be in good health/condition.

The following based on their species and horticultural qualities are considered Landmark trees.

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>	<u>d.b.h.</u>
<b>All Trees</b>		<b>24"</b>
American Hornbeam	Ostrya Virginiana	8"
Arborvitae	Thyja	18"
Beech, (American)	Fagur grandifolia	18"
Beech, (Blue)	Carpinus caroliniana	8"
Birch	Betula	18"
Black walnut	Juglan nigra	20"
Cedar, (Red)	Juniperus virginiana	12"
Chestnut	Castanea	10"
Crabapple/hawthorne	Malus/crataegus	12"
Dogwood, (Flowering)	Cornus florida	8"
Fir	Abies	18"
Ginkgo	Ginkgo	18"
Hemlock	Tsuga	18"
Hickory	Carya	18"
Kentucky Coffeetree	Gymnocladus dioicus	18"
Larch/Tamarack	Larix	12"
London plane/Sycamore	Platanus	18"
Maple	Acer	18"
Oak	Quercus	18"

Redbud	Cercis canadensis	8"
Sassafras	Sassafras albidum	15"
Serviceberry	Amelan chier	8"
<i>Spruce</i>	<i>Picea</i>	18"
Sweetgum	Liquid amber styraciflua	16"
Tulip poplar	Liriodendrom tulipifera	18"
White pine	Pinus Strobus	18"
Wild Cherry	Prunus	18"
Witch hazel	Hamamelis virginiana	8"

5. Protected Area: Area between the trunk of any protected tree extending 10 feet beyond the drip line of the tree canopy.
6. Protected Tree: Any heritage tree, landmark tree or any tree of eight (8) inches or greater d.b.h.

**15.15A3 SECTION 15A.03 APPLICABILITY**

1. Except as otherwise provided in this Section, the regulations herein apply to all lands contained within the area illustrated as the U.S. 31/M-45 Overlay Zone on the Zoning Map, and specifically delineated in Section 15A.14, which lists all parcels, as listed in the Township's property records, on the effective date of the Ordinance adding this Chapter, that are wholly or partially included in the Overlay Zone.
2. Agricultural uses and single-family dwellings are exempt from these Overlay Zone regulations, unless the property upon which they exist is planned, pursuant to the Master Plan, for office/service, commercial, industrial or planned unit development. (ord. no. 380 eff. July 25, 2003)
3. Sites in the Overlay Zone that do not have frontage along U.S. 31 or M-45 are exempt from the dimensional standards of Section 15A.08. In those cases, the applicable dimensional standards of the underlying zoning district shall apply. All other standards of the Overlay Zone shall be applied.
4. Where the standards of this Overlay Zone are more restrictive, as determined by the Zoning Administrator, such standards replace those that apply to the underlying zoning district outside the Overlay Zone. For example, if the underlying zoning district illustrated on the Township Zoning Map is C-1, the uses listed as permitted in Section 15.02 are permitted for that lot, but the access, landscaping, setbacks, freestanding signs and building architecture must comply with this Overlay Zone.
5. No land division shall be approved within this Overlay Zone unless compliance with the transportation access spacing standards herein is

demonstrated.

6. The Michigan Department of Transportation or the Ottawa County Road Commission, as applicable, has jurisdiction within the highway's right-of-way, while the Township has the authority for land use and site plan decisions along the frontage. This special set of zoning standards was created to help ensure a collaborative process between the MDOT, County and Township in decisions on access within the U.S. 31/M-45 Overlay Zone Area, and to implement the recommendations of the U.S. 31/M-45 Corridor Study and site design standards applicable to this area.
7. Proposed PUD's within the Overlay Zone shall generally be consistent with the standards herein, but may be modified by the Township based upon the specifics of the particular site and proposed use(s).

GRAND HAVEN CHARTER TOWNSHIP  
ZONING ORDINANCE

**15.15A3A SECTION 15A.03A APPLICABILITY MATRIX**

The standards described or referenced in this Ordinance apply to both new and existing development as listed or exempted in the following table for all Lots in the U.S. 31/M-45 Overlay Zone. All development in the U.S. 31/M-45 Overlay Zone shall require full compliance with all applicable regulations including reviews, approvals, and permits from the Planning Commission prior to the start of any project or land disturbance.

	Lands caping Improvements	Access Management Improvements	Archite- ctural Improvements	Woodla- nd Protecti- on	Discr- etion- ary Impr- ovements*	Full Com- plia- nce
<b>Parking Area Expansion (5% or greater increase in spaces)</b>						
Any New or Expanded Parking Area	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	
<b>Existing Development</b>						
Change in Use-Minor**	<b>X</b>	<b>X</b>			<b>X</b>	
Change in Use-Major***	<b>X</b>	<b>X</b>	<b>X***</b>		<b>X</b>	
Reoccupation of Principal Building after Extended Vacancy (Greater than 180 consecutive days)	<b>X</b>	<b>X</b>			<b>X</b>	
Alteration of Existing Principal Building (When site plan review is required)	<b>X</b>	<b>X</b>	<b>X (For expanded portion)</b>	<b>X (For expanded portion)</b>	<b>X</b>	
Renovation Due to Disaster (fire, flood, tornado, etc.)			<b>X****</b>		<b>X</b>	
<b>New Construction</b>						
New Construction (Including tear down redevelopments)	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>

\* The Planning Commission may have discretion in required improvements based upon the circumstances of the property. In determining whether to impose discretionary improvements of the Overlay Zone, the Planning Commission shall determine whether those improvements are reasonably necessary to ensure compliance with the standards of Section 19.05 for Special Land Uses.

\*\* A minor change in use occurs when one permitted land use is replaced by a different permitted land use.

\*\*\* A major change in use occurs when one permitted land use is replaced by a special land use, a special land use is replaced by a different special land use, or the property is rezoned to allow for a different permitted or special land use.

\*\*\*\* See Sections 15A.11.3.R, 15A.12.4.C, and 15A.13.1.F

X = Compliance with regulations required.

No X = Compliance not required.

**15.15A4 SECTION 15A.04 USES PERMITTED**

Permitted and special land uses within the Overlay Zone shall be as regulated in the underlying zoning district (as designated on the Zoning Map) with the following additional provisions:

1. To ensure adequate information is provided to evaluate the impact on traffic operations, any permitted use that can be expected to generate 50 peak hour directional trips or 100 peak hour trips (in and out) or 1000 trips during a typical day shall be classified as a special land use. Calculations of trips shall be based on the most recent edition of Trip Generation published by the Institute of Transportation Engineers. The applicant shall be responsible for providing the traffic calculations for review. Where no information is provided, the Township shall make the determination. (A guideline that lists typical sizes for various uses where the thresholds are met is available from the Township.)
2. Any site that provides more than the minimum parking required shall be considered a special land use.
3. The use and site design shall comply with the standards of this section and other applicable regulations of the Overlay Zone.
4. Removal of more than 25% of any PROTECTED trees outside of the construction zone as defined by Section 15.A.02.1 following the effective date of the Ordinance adding this Chapter shall require a Special Land Use permit.
5. Replacement of any overhead utility lines shall require a separate special land use permit.
6. For special land uses, the following standards shall be considered along with those listed in Section 15A.05:
  - A. The building and site design will complement the existing and desired character within the Overlay Zone.
  - B. Existing views to natural areas, woodlands and other natural features, will be preserved to the extent practical as deemed by the Planning Commission.
  - C. The number of access points will be restricted to the fewest needed to allow motorists reasonable access to the site.
  - D. Access spacing from intersections, other driveways, and any median crossovers will meet the standards within the Overlay Zone, and will meet the standards of the applicable road agency

(MDOT or the Ottawa County Road Commission), and will be the maximum practical.

- E. Provision will be made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the Ottawa County Register of Deeds.
- F. Traffic impacts associated with the proposed use will be accommodated by the road system without degradation in the level of service below one grade (example from B to C) but in no case shall any movement(s) be projected at a level of service below D, unless improvements are being made to address the impacts.

**15.15A5 SECTION 15A.05 SUBMITTAL INFORMATION**

In addition to the submittal information required for site plan review in Section 23.06, the following shall be provided with any application for site plan or special land use review. The information listed in items 1-4 below shall be required with any request for a land division.

1. Existing access points within 500 feet of the frontage, on both sides of any adjoining roads, shall be shown on the site plan or on a separate plan sheet.
2. Information on sight distance. The applicant shall submit evidence indicating that the sight distance requirements of the MDOT or Ottawa County Road Commission, as applicable, are met. (This section may require profiles)
3. Dimensions between proposed and existing drives, intersections, and U.S. 31 median crossovers shall be shown.
4. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the Ottawa County Register of Deeds.
5. Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers) and all curb radii within the site.
6. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.

7. Traffic impact study. Submittal of a traffic impact study may be required for any special land use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by the MDOT and other Michigan transportation agencies.
8. Review coordination. The applicant shall provide correspondence that the proposal has been submitted to the MDOT or Ottawa County Road Commission for their information. Any correspondence from the MDOT and OCRC shall be considered during the site plan review process. The Township may request attendance at coordination meetings with representatives of the applicable road agency. An access permit shall not be requested from the road agency until a land division or site plan is approved by the Township. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the road agency.
9. Building elevations. Elevation drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides visible from an existing or proposed public street or visible to a residential district. Color renderings of the building shall be submitted for Planning Commission review and approval. Proposed materials and colors shall be specified on the plan and color chips or samples shall also be provided at the time of site plan review. These elevations, colors and materials shall be considered part of the approved site plan.
10. Existing woodland information. An inventory of all protected trees within ten (10) feet of the area proposed for construction or grading shall be provided. The Planning Commission may waive this requirement where large areas of the existing woodland will be preserved, where the applicant demonstrates through overlays on aerial photography or other means that the site has been designed to protect woodlands or where the applicant demonstrates that existing trees are of poor quality through an evaluation by a qualified forester or landscape architect. The applicant is encouraged to meet with the Planning Commission at a study session or with Township staff, to discuss the amount of woodland evaluation needed.
11. Woodland protection information. The site plan shall demonstrate the manner in which existing trees and other natural features will be protected during and following construction in accordance with Sec. 15A.09. Such methods shall include tree protection fencing placed around the protected

area, illustrated limits of grading during construction, and a demonstration that the requested site arrangement best preserves woodlands in comparison with alternative site plans.

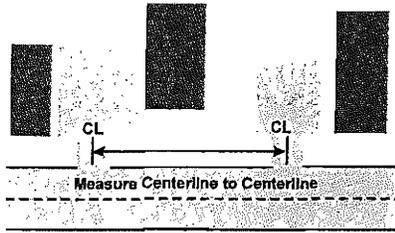
12. Sign Design Details. Information shall be given on all proposed signs, including details on the base materials and sign materials, and on landscaping around the base. Material used for all proposed signs (whether freestanding or ground) is acceptable only if found by the Planning Commission to be similar to or at least compatible with materials used for the principal building on the lot where the signs are located. (amend. by ord. no. 498 eff. August 21, 2011)
13. Parking Information. A parking study shall be required wherever requested parking or paved areas exceed the minimum required by this Ordinance.
14. Information of any parking lot deferment shall be provided.

**15.15A6 SECTION 15A.06 ACCESS STANDARDS**

Access points (not including driveways that serve a single family home, duplex, agricultural activity or essential service facility structure) shall meet the following standards. These standards are based on considerable research in Michigan and nationally, and were prepared concurrent with guidelines promoted by the MDOT.

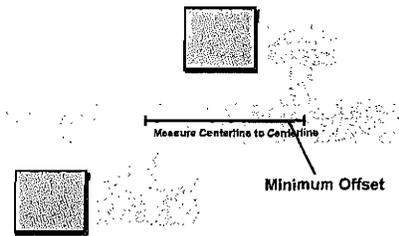
1. Each lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this district.
2. An additional driveway may be permitted by the Planning Commission upon finding the conditions A and B, or C and D, below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.
  - A. The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and
  - B. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future. OR:
  - C. A traffic impact study, prepared in accordance with accepted practices as described in this chapter, demonstrates the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000 respectively if the site has access to a traffic signal, and
  - D. The traffic study demonstrates the additional driveway will provide conditions for the motoring public and will not create

negative impacts on through traffic flow.



**Minimum Driveway Spacing Measurement**

3. Access points shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline as shown on the figure), based on the posted speed limit along the public street segment. Required spacing along U.S. 31 and M-45 is greater than other roadways to acknowledge MDOT access guidelines and that their primary function is to accommodate through traffic while the function of other roads is more balanced with access to properties.



**Minimum Offset Spacing**

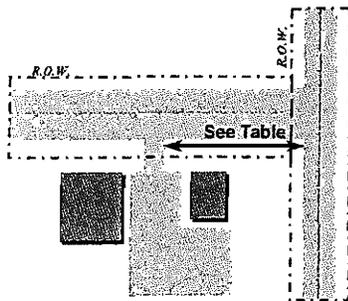
<u>Posted Speed limit</u>	<u>Along U.S. 31/M-45*</u>	<u>Along other Roadways*</u>
35 mph or less	245 ft.	150 ft.
40 mph	300 ft.	185 ft.
45 mph	350 ft.	230 ft.
50 mph	455 ft.	275 ft.
55 mph	455 ft.	350 ft.

(\*unless greater spacing is required by MDOT or required to meet other standards herein)

4. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
5. Access points along sections of U.S. 31 and M-45 with an existing or

planned median shall be located in consideration of existing or approved median crossovers in order to provide a sufficient length for weaving across travel lanes and storage within the median consistent with MDOT published standards. In some cases, existing median cuts may need to be redesigned to meet current design standards. The township supports MDOT policies to limit the number of median crossovers to maintain traffic flow and reduce the potential for accidents.

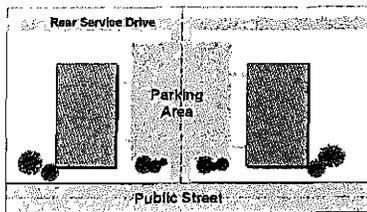
6. Access points along arterial roads without a median, such as M-45, shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline. The Planning Commission may reduce this to not less than 150 feet where each of the opposing access point generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist.



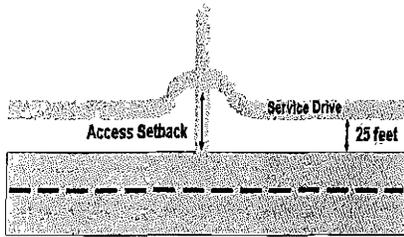
**Driveway Spacing from Intersections**

7. Minimum spacing of access points from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge as shown on the figure):

<u>Signalized locations: *</u>	
along U.S. 31/M-45	300 feet
along other public streets	200 feet
 <u>Unsignalized locations:</u>	
along U.S. 31/M-45	300 feet



**Rear Service Drive Design**



**Frontage Road Minimum Setbacks**

intersections with U.S. 31/M-45      300 feet  
other intersections                      150 feet

(\* Spacing shown for signalized intersections shall also be applied at intersections where MDOT indicates spacing and approach volumes may warrant a signal in the future.)

8. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.

Frontage roads or service drives shall be constructed in accordance with the following standards:

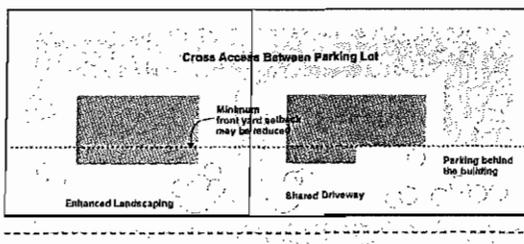
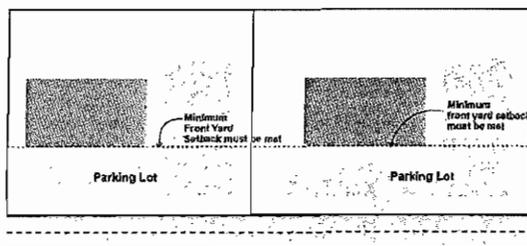
- A. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.
- B. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation
- C. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.

9. Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.
10. No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.

**15.15A7 SECTION 15A.07 MODIFICATION OF ACCESS STANDARDS**

Modifications by Planning Commission. Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Planning Commission as part of the site plan review process after consideration of whether the following conditions apply:

1. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
2. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use.
3. The proposed modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.



Variable Setbacks Permitted

4. The proposed modification is consistent with the general intent of the standards of this Overlay Zone and the recommendations of the U.S. 31 and M-45 Corridor Study.
5. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along U.S. 31 or M-45, and is not simply for convenience of the development.
6. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
7. Roadway improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
8. Indirect or shared access is not reasonable.
9. Such modification shall be demonstrated to be the minimum necessary.

**15.15A8 SECTION 15A.08 DIMENSIONAL STANDARDS (LOT WIDTH AND SETBACKS)**

1. Lot width. Except for lots of record in existence of the effective date of the Ordinance adding this chapter, the minimum lot width along U.S. 31 and M-45 shall be 400 feet, except where future conformance with the access spacing standards herein is demonstrated such as through provision for a shared access service drive. In no case shall the minimum lot width be less than 300 feet unless provisions have been made for shared access in the future.
2. Front yard greenbelt. A minimum 35 foot greenbelt is required along U.S. 31 and M-45. Said greenbelt shall be planted as required in Section 20.13.6 except for approved driveways.
3. Building Setbacks. Buildings shall be set back a minimum of 100 feet from the right-of-way for U.S. 31 and for M-45.
4. Variable front yard setback. The Planning Commission may reduce the required front yard setback by up to 10 feet for the greenbelt and up to 50 feet for the building from that ordinarily required above or within the various zoning districts along the U.S. 31 or M-45 frontage upon a finding that the following conditions exist:
  - A. The minimum depth of the driveway throat shall be at least 35 feet or greater if warranted by projected traffic volumes.
  - B. In all cases, the reduced setback shall not significantly reduce views to an existing adjacent business.

In addition to the above, at least three of the following conditions must exist:

- C. The applicant demonstrates the reduced setback will not increase the permitted building envelope on the site.
- D. The reduced front yard setback will accommodate construction of a shared access system, rear service drive or frontage road.
- E. The site frontage area lacks any significant natural features and the reduced setback will preserve important woodlands in the rear of the site.
- F. The building and site design utilize high quality materials and plant quantities in excess of what is otherwise required.
- G. No parking, loading, or bay doors are provided in the front of the building.

**15.15A9 SECTION 15A.09 WOODLAND PROTECTION**

To promote preservation of the important woodlands and viewsheds in the Overlay Zone, along the corridor, the following standards must be met:

1. An inventory of woodlands is provided, as required in Section 15A.05 above, for any areas where disruption may occur unless waived by the Planning Commission pursuant to 15A.05.10 above.
2. The site plan shall be designed to preserve existing woodlands and individual protected trees to the greatest extent reasonable. In particular, the plan shall demonstrate an effort to preserve mature oak, hickory, beech, maple, ash, white pine and landmark trees. Trees that are likely to be lost during construction activity or not expected to remain healthy due to the change in the site environment may be removed without penalty with the approval of the Planning Commission.
3. Heritage trees shall not be removed unless and until the applicant has demonstrated that no other practical options exist. Replacement requirements will not be waived.
4. Woodlands, trees, protected areas, and natural areas to be preserved shall be protected during construction by fencing or other barrier obvious to construction personnel. (see definitions of Construction Zone in Section 15A.02)
5. Trees found to be in good health but less than eight inches d.b.h. which are preserved may be counted toward required replacement trees.
6. Trees within the public street right-of-way shall not be removed, except as

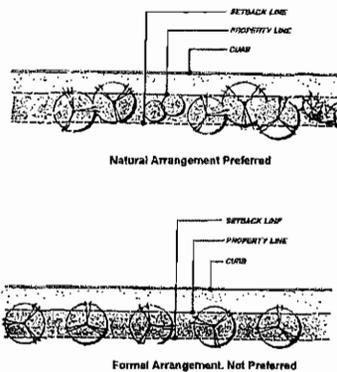
illustrated on the site plan. A letter of understanding between the applicant, Township, and MDOT shall be provided.

7. Any protected tree(s) removed or damaged, so as to threaten its continued viability, in non-compliance of this ordinance must be replaced on a caliper by caliper basis. If a protected tree's caliper is too large to be replaced directly, than the largest available caliper tree in multiple groups would be required. *(For example, if a twenty-four inch caliper maple tree is removed, four six inch caliper maple trees would need to be planted.)* Any unauthorized removal of a protected tree regulated by this Ordinance shall constitute a municipal civil infraction. The maximum fine under Section 27.09 of this Ordinance is five hundred dollar (\$500.00), plus costs and other sanctions, for each tree removed.

**15.15A10 SECTION 15A.10 LANDSCAPING AND OVERALL SITE DESIGN**

Design elements shall comply with the applicable regulations in the Ordinance, with the following additional requirements.

1. The overall design shall promote the impression of a natural landscape, particularly along the U.S. 31 and M-45 frontage.



**Site Frontage Landscape Design**

- 2.

Where practical, existing trees that are in good health and above three inches in caliper along the frontage shall be preserved.

3. Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.
4. Retention, detention and the overall stormwater system shall be designed to use "best management practices" and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular

shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.

5. For parking lots of over 100 spaces or 30,000 square feet, the interior of the parking lot shall have one square foot of landscaped area for each 15 square feet of paved area. For parking lots 100,000 square feet or greater in total area, minimum island width shall be 18 feet. At least 75% of the required parking lot landscaping shall be within the interior of the parking lot, not on the edges. Islands shall be located to improve traffic flow and views. Details on islands shall be provided including radii, length two feet shorter than parking space depth, ground cover and any lighting or irrigation.
6. Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact.
7. Generally, curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception upon a finding that overall stormwater disposition will be enhanced.
8. If a monument sign is provided, the size of the sign may be increased 10% above that otherwise permitted if the sign base materials match the building, and foundation plantings are provided around the sign base.
9. Fences. Any fence must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.
10. Parking. To improve views and reduce impacts on the environment, the amount of parking constructed shall be less than what is typically required for commercial uses. Parking shall be provided at a rate of one space per 200 square feet of useable floor area, unless a parking study demonstrates the need for additional parking to the satisfaction of the Planning Commission.
11. Parking lot deferment (banking). Where the property owner can demonstrate or the Planning Commission finds that the required amount of parking is excessive for the particular use, the Planning Commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this chapter is retained as open

space, and the owner agrees to construct the additional parking at the direction of the Township based on observed usage within six (6) months of being informed of such request in writing by the Township. A written legal agreement, which has been approved by the Township Attorney, to construct the deferred parking shall be provided by the applicant. The Township may require posting of a performance bond to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found necessary. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.

12. Overhead Utility lines. Generally, all utility lines shall be buried. Placement of any additional overhead utilities shall require special land use approval and be subject to the franchised utilities ordinance.
13. Pathways. Where the site abuts an existing pathway, or is along a segment where a pathway within the public right-of-way is planned by the Township, a pathway shall be provided along the frontage within the public right-of-way. The Planning Commission may also require internal safety paths during the site plan review process.

**15.15A11 SECTION 15A.11 COMMERCIAL, OFFICE AND  
INSTITUTIONAL ARCHITECTURE**

1. All proposed commercial development shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township.
2. The applicant and the applicant's design professionals are encouraged to submit or present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the guidelines prior to preparation of detailed design drawings. This can include sketches, photographs or other graphic materials.
3. Commercial, office, and institutional architecture shall be reviewed by the Planning Commission as a part of site plan review under the following criteria:
  - A. Buildings shall possess architectural variety, but shall also promote the desired character in the Overlay Zone.
  - B. Buildings shall be consistent with the scale and proportion of existing structures in the Overlay Zone.
  - C. "A minimum of eighty percent (80%) of the exterior finish material of all **BUILDING** facades (excluding the roof) visible

from the **PUBLIC STREET, PRIVATE STREET, PARKING LOT** or adjacent residentially zoned land, exclusive of window areas, shall consist of **FACING BRICK**, cut stone, split face block, fluted block, scored block, native field stone, cast stone, or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block, or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township.

- D. For properties located north of Hayes Street within the Overlay Zone, a minimum of eighty percent (80%) of the exterior finish material of all building facades (excluding the roof) visible from the **PUBLIC STREET, PRIVATE STREET, PARKING LOT** or adjacent residentially zoned land, exclusive of window areas, shall consist of **FACING BRICK**. Any other building material may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township.” (ord. no. 391 eff. April 23, 2004)
- E. Exterior Insulation and Finishing Systems (EIFS) materials shall not be the primary building material. The remaining maximum twenty (20) percent of the facade may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.
- F. Commercial, office or institutional buildings that currently utilize EIFS materials as the primary building material and which are being renovated or expanded, or which are simply being maintained on a site which is subject to site plan review, may continue to use EIFS, if the Planning Commission determines it will be compatible with the surrounding properties. In such cases where EIFS is used as the primary building material for a renovation or expansion, other materials such as brick, stone or decorative block shall be used for architectural detailing. (ord. no. 380 eff. July 25, 2003)
- G. Front building facades shall provide a minimum 15% glass windows but shall not exceed 80% glass. Calculations are exclusive of the roof area.
- H. Building materials and colors shall be related and harmonious with

the surrounding area.

- I. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.
- J. Buildings, ground signs and pole signs shall be of the same architectural character and material. The signs shall provide architectural features, details, or ornaments. (amend. by ord. no. 498 eff. August 21, 2011)
- K. Building walls over 100 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees.
- L. Building entrances shall utilize windows, canopies, and/or awnings; provide unity of scale, texture, and color; and provide a sense of place.
- M. Rooftop equipment shall be illustrated on the plans, and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.
- N. Building rear facades shall be constructed to a finished quality comparable to the front facade where visible to a public street or residential district or use.
- O. Any interior play place associated with a restaurant or lodging facility shall be designed in accordance with the above standards.
- P. Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.
- Q. Any neon lights must be shown and found to be complementary to the overall design of the building and approved as part of the site plan approval. Neon lights proposed to be used as an architectural detail shall be indicated on the building elevation and must be specifically found to be compatible with surrounding properties by the Planning Commission.

- R. With respect to major changes in use and renovations due to disaster (fire, flood, tornado, etc.), the Planning Commission shall have the discretion to require less than full compliance with the architectural standards stated in this Section, based upon a consideration of the standards of Section 19.05 for Special Land Uses.
4. Any person claiming to be aggrieved by a decision of the Planning Commission pursuant to Section 15.A.11.3 above may appeal that decision to the Township Board, if the decision is the sole reason for the person being denied site plan or Special Land Use approval by the Planning Commission. Any such appeal shall be the exclusive remedy for the aggrieved person and must be filed with the Township Clerk within ten (10) days of the decision by the Planning Commission from which the appeal is taken. The appeal must be based on the same documentation previously submitted to the Planning Commission, not on any revised documentation. The Township Board shall then consider the appeal, applying the same standards set forth in Section 15A.11.3 above and using the same procedure as was used by the Planning Commission (e.g., if the Planning Commission held a public hearing, the Township Board shall hold a public hearing with the same notice requirements as were used for the Planning Commission public hearing). The Township Board may affirm, reject or revise the Planning Commission decision only with respect to Section 15A.11.3. If the Township Board rejects or revises the Planning Commission decision on the site plan or Special Land Use application with respect to Section 15A.11.3, the Planning Commission shall then reconsider its decision on the site plan or Special Land Use Application. However, in its reconsideration, the Planning Commission shall accept the Township Board's decision on the appeal described in this subsection.

**15.15A12 SECTION 15A.12 INDUSTRIAL ARCHITECTURE**

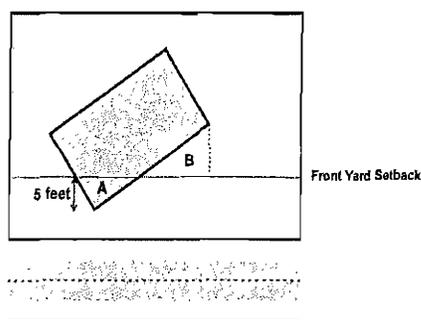
1. All proposed industrial buildings should be designed to be compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously with site features and promote a high quality image to those traveling through the Township.
2. A minimum of fifty percent (50%) of the exterior finish material of all front building facades (excluding the roof) visible from the public street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of brick, cut stone, split face block, fluted block, scored block, native field stone, cast stone, EIFS materials, or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block, or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those

traveling through the Township.

3. The applicant and the applicant's design professionals are encouraged to submit or present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the guidelines prior to preparation of detailed design drawings. This can include sketches, photographs or other graphic materials.
4. Industrial architecture shall be reviewed by the Planning Commission as a part of site plan review under the following criteria:
  - A. Buildings shall be consistent with the scale and proportion of existing structures in the Overlay Zone.
  - B. Building walls over 100 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees. The Planning Commission can waive this requirement for walls that are effectively screened from view by other buildings, landscaping or woodlands.
  - C. With respect to major changes in use and renovations due to disaster (fire, flood, tornado, etc.), the Planning Commission shall have the discretion to require less than full compliance with the architectural standards stated in this Section, based upon a consideration of the standards of Section 19.05 for Special Land Uses.
  - D. Buildings, ground signs and pole signs shall be of the same architectural character and material. (amend. by ord. no. 498 eff. August 21, 2011)
5. Any person claiming to be aggrieved by a decision of the Planning Commission pursuant to Section 15.A.12.4 above may appeal that decision to the Township Board, if the decision is the sole reason for the person being denied site plan or Special Land Use approval by the Planning Commission. Any such appeal shall be the exclusive remedy for the aggrieved person and must be filed with the Township Clerk within ten (10) days of the decision by the Planning Commission from which the appeal is taken. The appeal must be based on the same documentation previously submitted to the Planning Commission, not on any revised documentation. The Township Board shall then consider the appeal, applying the same standards set forth in Section 15A.12.4 above and using the same procedure as was used by the Planning Commission (e.g., if the Planning Commission held a public hearing, the Township Board shall hold a public hearing with the same notice requirements as were used for the Planning Commission public hearing). The Township Board may

affirm, reject or revise the Planning Commission decision only with respect to Section 15A.12.4. If the Township Board rejects or revises the Planning Commission decision on the site plan or Special Land Use application with respect to Section 15A.12.4, the Planning Commission shall then reconsider its decision on the site plan or Special Land Use Application. However, in its reconsideration, the Planning Commission shall accept the Township Board's decision on the appeal described in this subsection.

**15.15A13 SECTION 15A.13 MULTIPLE FAMILY RESIDENTIAL ARCHITECTURE AND VARIABLE SIDE YARD SETBACKS**



**1. Variable Setback**

As noted in Section 15A.12 above, a study session with the Planning Commission to discuss architectural concepts prior to development of a site plan package is encouraged. Elevations and information on materials shall be provided for each type of building, including residential buildings, offices, clubhouses, maintenance buildings and carports. Elevations shall be given for all sides of principal buildings. The building design must be consistent with the following standards:

- A. All proposed development shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features in the surrounding Grand Haven Township, and promotes a high quality image to those traveling through the Township.
- B. Garage locations shall be varied and/or recessed to reduce the emphasis on the garages along the street edge.
- C. Multiple family residential units shall be varied using color, arrangement and/or materials to emphasize facade elements. The planes of exterior walls shall be varied in height, depth or direction. Long facades shall include sufficient relief and landscaping to reduce the dominance of the building.

- D. Rear elevations that face U.S.-31 or M-45 shall utilize materials and design details similar to the front facade.
  - E. The Planning Commission may permit a section of the building to encroach up to five feet into the required side yard to provide improved views along the roadway upon a finding by the Planning Commission that all of the following exists:
    - 1) The size of the encroachment footprint (A on the figure) shall be no more than one-third (1/3) of the area of additional setback (B on the figure).
    - 2) The average setback along the building frontage shall meet or exceed the amount typically required.
    - 3) Sight distance is not affected.
    - 4) The variable setback shall improve views along the street or preserve woodlands.
  - F. With respect to major changes in use and renovations due to disaster (fire, flood, tornado, etc.), the Planning Commission shall have the discretion to require less than full compliance with the architectural standards stated in this Section, based upon a consideration of the standards of Section 19.05 for Special Land Uses.
2. Any person claiming to be aggrieved by a decision of the Planning Commission pursuant to Section 15.A.13.1 above may appeal that decision to the Township Board, if the decision is the sole reason for the person being denied site plan or Special Land Use approval by the Planning Commission. Any such appeal shall be the exclusive remedy for the aggrieved person and must be filed with the Township Clerk within ten (10) days of the decision by the Planning Commission from which the appeal is taken. The appeal must be based on the same documentation previously submitted to the Planning Commission, not on any revised documentation. The Township Board shall then consider the appeal, applying the same standards set forth in Section 15A.13.1 above and using the same procedure as was used by the Planning Commission (e.g., if the Planning Commission held a public hearing, the Township Board shall hold a public hearing with the same notice requirements as were used for the Planning Commission public hearing). The Township Board may affirm, reject or revise the Planning Commission decision only with respect to Section 15A.13.1. If the Township Board rejects or revises the Planning Commission decision on the site plan or Special Land Use application with respect to Section 15A.13.1, the Planning Commission shall then reconsider its decision on the site plan or Special Land Use Application. However, in its reconsideration, the Planning Commission

# **EXHIBIT 18**



MACATAWA BANK

1-01

1-01

Blue informational sign



MIDWESTERN BANK

MIDWESTERN BANK







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7

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5

4

3

2

1

WALMART  
Supercenter

Walmart.com

1-800-WALMART

Walmart Supercenter

# **EXHIBIT 19**



# **EXHIBIT 20**

# Mika Meyers Beckett & Jones<sup>PLC</sup>

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<sup>3</sup>Illinois  
<sup>4</sup>New York  
<sup>5</sup>Ohio  
<sup>6</sup>Pennsylvania  
<sup>7</sup>Texas  
<sup>8</sup>Wisconsin

May 9, 2013

Mr. Randall W. Kraker  
Varnum LLP  
333 Bridge Street, N.W.  
P.O. Box 352  
Grand Rapids, MI 49501

Re: Act 425 Agreement between Clam Lake Township and Haring Charter Township

Dear Randy:

Thank you for attending the joint public hearing of the Clam Lake and Haring Township Boards, concerning the Act 425 Agreement that relates, in part, to lands owned by your client, TeriDee, LLC. The two Township Boards thank you and your client for the productive comments that you each made at the public hearing.

In that regard, one of the comments offered by you and your client was a request to delay the implementation of the Agreement, so that there could be further discussions between TeriDee and the Townships relating to the zoning regulations for the Transferred Area. As you know, the Townships will not be delaying the implementation of the Agreement. The primary reason for this is that Clam Lake needs to promptly undertake procedures to arrange for the construction and financing of the sewer and water utilities that will be extended from Haring Township to the Transferred Area. It is necessary that the Agreement be implemented promptly, so that Clam Lake can start to undertake these procedures in a timely fashion and thereby ensure that the sewer and water extensions are completed, contemporaneous with the completion of the Haring wastewater treatment plant in the spring of 2015. This will ultimately benefit your client, because the prompt delivery of public utility services will allow TeriDee to commence development activities sooner.

That said, the Townships understand your client's desire to have further discussions relating to the zoning regulations for the Transferred Area. The Townships therefore invite TeriDee to attend all Haring Township Planning Commission and Board meetings at which the new zoning provisions will be considered. To the extent you believe the regulations specified by the Act 425 Agreement

Mr. Randall W. Kraker  
May 9, 2013  
Page 2

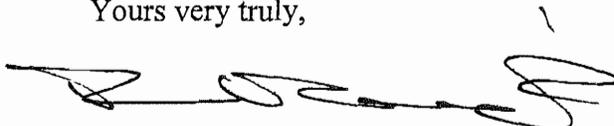
will impede reasonable development of the Transferred Area, we welcome TeriDee's comments on that subject.

It is true that the first draft of the proposed zoning regulations might not address your client's concerns, because the Act 425 Agreement constrains Haring Township with respect to some of the minimum PUD requirements. However, as I explained at the joint public hearing, the two Townships have expressly agreed to renegotiate the Act 425 Agreement in good faith, to amend the revenue sharing provisions of the Agreement to accommodate each Township's respective need for part of the revenue stream generated from utilities. As part of that renegotiation process, the Townships could certainly also entertain amendments to the specified zoning regulations, if it is determined that such modifications would be appropriate to allow reasonable commercial development, while still being adequately protective of surrounding residential populations.

For this reason, we believe it is important for TeriDee to participate in the Haring Township Planning Commission and Board meetings related to the zoning provisions for the Transferred Area. Again, we encourage your client to participate in those meetings. We anticipate the cooperative adoption of zoning regulations that will allow reasonable commercial development, and which will also be protective of the surrounding residential populations.

The Townships look forward to working with you and your client on this important project.

Yours very truly,



Ronald M. Redick

Direct Dial/Fax: (616) 632-8053  
E-Mail: [rredick@mmbjlaw.com](mailto:rredick@mmbjlaw.com)

mll  
cc: Dale Rosser  
Robert Scarbrough

# **EXHIBIT 21**

**Regular Meeting Minutes  
Charter Township of Haring Planning Commission  
Tuesday, July 16, 2013, 6:00 PM  
Township Hall, 515 Bell Avenue, Cadillac MI**

- 1) **Call to Order:** Chairperson Grahek called the meeting to order at 6:00 pm.
- 2) **Roll Call:** Fagerman, Parker, Giftos, Jankowski, and Grahek were present. Zoning Administrator Green and Township Attorney Ronald Reddick were also present.
- 3) **Pledge of Allegiance**
- 4) **Approval of the Agenda:** Motion was made by Jankowski, with support by Giftos, to approve the agenda as presented. Motion carried with all in favor.
- 5) **Approval of June 18, 2013 Minutes:** The following corrections were made to the June 18, 2013 Minutes:
  - a) Strike the word “of” between “already” and “commercial” under item # 7(a)(iv)(1).
  - b) Add “She also stated that vacant commercial buildings should be filled before this rezoning is allowed.” as the last sentence under item # 7(a)(iv)(4).
  - c) Strike “disagreed with Fagerman, strike “Cadillac”, and” and replace “urbanized area” with “urban growth boundary area” under item # 7(a)(v)(3).

Motion was made by Parker, with support by Fagerman, to approve the June 18, 2013 Minutes as corrected.

- 6) **Scheduled Public Hearings:** *[None]*
- 7) **Other Matters to be reviewed by the Planning Commission:**
  - a) **Informational Hearing on draft amendment to Chapter 4 – PUD Regulations:** The purpose of this hearing was to gather input on the proposed ~~addition of changes to the~~ PUD (planned unit development) regulations for mixed-use developments. Representatives of Terri Dee Development, owners of a parcel of land included in a PA 425 agreement that places placed land from Clam Lake Township into the Charter Township of Haring, were present. The Planning Commission reviewed the proposed-drafted ordinance and suggested several changes to it, mostly in response to some changes were in consideration of comments made by Randall Kraker, attorney representing Terri Dee Development. During this hearing, Kraker also stated that his clients would be pursuing annexation of their property into the City of Cadillac, regardless of what is done with the proposed changes to the PUD Ordinance. Township Attorney Reddick agreed to incorporate the suggested changes into an alternative version of the draft PUD regulations indicated he would draft an alternate version of the PUD Ordinance as directed by the Plannning Commission. Said alternate version can then be proposed to the Township Boards of Haring and Clam Lake for consideration of altering the existing PA 425 Agreement. On the advice of Attorney Reddick, the Planning Commission agreed to meet on July 30, 2013 to review the revised draft and an alternative version in preparation of a public hearing on August 20, 2013. Kraker agreed to email his comments to Reddick-the Township prior to the July 30 meeting.
- 8) **Old Business:**
  - a) **Site Plan Review procedures (tentative):** *[postponed]*

- b) **Capital Improvements Plan (tentative):** *[postponed]*
- 9) **Public Comment for Issues Not on the Agenda:** *[None]*
- 10) **Report of the Township Board Representative:** Trustee Fagerman reported on the following:
  - a) The township began the process of refinancing bonds for utilities with assistance of attorney Jim White.
  - b) The proposed zoning amendments from the June Planning Commission meeting were introduced.
- 11) **Report of the Zoning Board of Appeals Representative:** Grahek had nothing new to report.
- 12) **Report of Planning Consultant or Zoning Administrator:** Green had nothing new to report.
- 13) **New Business:** *[None]*
- 14) **Correspondence Received:** *[None]*
- 15) **Public Comment #2/Planning Commission Member Comments:** Parker stated that he has prepared a draft project list for the Capital Improvements Plan and would like input from the Planning Commission at the next meeting if possible.
- 16) **Adjournment:** Motion was made by Fagerman, with support by Jankowski, to adjourn the meeting at 8:54 pm. Motion carried with all in favor.

Respectfully submitted by:

Michael Green Zoning Administrator

  
George Grifos Secretary

# **EXHIBIT 22**

# Mika Meyers Beckett & Jones PLC

900 Monroe Avenue NW Grand Rapids, MI 49503 Tel 616-632-8000 Fax 616-632-8002 Web mmbjlaw.com

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John T. Sperla	William A. Horn <sup>8</sup>	Daniel J. Parmeter, Jr.	Daniel J. Broxup	Ronald J. Clark	<sup>3</sup> Illinois
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James K. White	Neil L. Kimball	Nathaniel R. Wolf	Scott A. Hughes	Scott S. Brinkmeyer	<sup>5</sup> Ohio
Timothy J. Tornga <sup>5</sup>	Elizabeth K. Bransdorfer	Jennifer A. Pupilava		Scott D. Broekstra <sup>7</sup>	<sup>6</sup> Pennsylvania
Mark A. Kehoe	Eric S. Richards	Benjamin A. Zainea	Of Counsel		<sup>7</sup> Texas
Fredric N. Goldberg	John C. Arndts	Ronald M. Redick	Steven L. Dykema	Retired	<sup>8</sup> Wisconsin
John H. Gretzinger	James F. Scales	Kimberly M. Large <sup>2</sup>	Daniel J. Kozera, Jr.	Veryl N. Meyers	

July 22, 2013

Mr. Michael Green  
Zoning Administrator  
Charter Township of Haring  
515 Bell Ave  
Cadillac MI 49601

Re: Draft No. 2 of Proposed Mixed-Use Commercial/Residential Planned Unit  
Development Regulations

Dear Mike:

In follow up from the Planning Commission's July 16, 2013 meeting, I have prepared and enclose Draft No. 2 of the proposed Mixed-Use Commercial/Residential Planned Unit Development Regulations.

Two versions of the proposed amending ordinance are enclosed. The first version strictly complies with the Act 425 Agreement with Clam Lake. The second version (i.e., the "alternate version") contains the revisions that have been suggested by the Haring Township Planning Commission, and by the representatives of TeriDee, LLC. These revisions could be incorporated into an amended form of the Act 425 Agreement with Clam Lake, if approved by both Township Boards.

I also enclose a redlined version that shows the differences between the two ordinances, so that these can be more readily reviewed by the Planning Commission.

Provided below is a summary of the principal changes reflected in Draft No. 2 of the Act 425 Agreement version, as compared to Draft No. 1. Following this is a summary of the additional changes reflected in the alternate version of Draft No. 2.

## SUMMARY OF DRAFT NO. 2 OF ACT 425 AGREEMENT VERSION

The following are the changes reflected in Draft No. 2 of the Act 425 Agreement version, as compared to Draft No. 1:

1. **Permitted Uses.** Proposed Section 422.3(b) (pages 2-3) has been revised to reflect the permitted uses in the district, as selected by the Planning Commission. These include the following: (1) any use permitted by right in the "C" General Commercial Zoning District; (2) certain special land uses from the "C" General Commercial Zoning District, including churches and religious institutions, veterinary clinics and kennels, and bars and nightclubs, excluding sexually oriented businesses; and (3) any use permitted by right or by special land use in the "R" Residential Zoning District, except transitional/shelter housing.

2. **Finish Materials for Front Building Facades.** Proposed Section 422.3(d)(3)(iii) (page 4) has been revised to clarify that the exterior finish material requirement applies only to front building facades.

3. **Rear Building Facades.** Proposed Section 422.3(d)(3)(xii) (page 5) has been revised to clarify that rear building facades do not need to strictly adhere to the percentage requirements for finish materials and window glass. Rather, only comparable quality is required.

4. **Greenbelt Landscaping.** Proposed Section 422.3(e)(11) (page 8) has been revised to reflect that the greenbelt landscaping requirements are stated in Section 422.3(e)(6)(i)B and C.

5. **Landscape Maintenance.** Section 3 of the amending ordinance (page 9) would add a new Section 206.3(e) to the Zoning Ordinance, stating a requirement for the perpetual maintenance of required landscaping, and requiring the replacement of landscaping that is withered, diseased or dead. This new provision would apply to all uses for which a landscaping plan is required, not just planned unit developments.

#### SUMMARY OF DRAFT NO. 2 OF ALTERNATE VERSION

The alternate version of Draft No. 2 contains all of the above revisions, and also the following additional changes:

1. **Percentage of Commercial Use.** Proposed Section 422.3(c)(1) (page 3) includes a notation, indicating that the Planning Commission might want to revisit the 60% figure for maximum amount of commercial uses.

2. **Percentage of Exterior Finish Materials.** Proposed Section 422.3(d)(3)(iii) (page 4) includes a notation that the Planning Commission might want to reconsider the 80% requirement for the exterior finish material of commercial buildings.

3. **Minimum Glass on Front Building Facades.** Proposed Section 422.3(d)(v) (page 4) has been revised so that the Planning Commission could allow a lower percentage of glass windows on the front facade (i.e., less than 15%) where it has been demonstrated that industry-recognized safety or security practices for the use being proposed (e.g., a pharmacy) mandate a lower percentage of glass windows.

4. **Rear Building Facades Facing U.S.-131.** Proposed Section 422.3(d)(xii) (page 5) has been revised to reflect that this subsection shall not apply to a building rear facade that is viewable only from Highway U.S.-131 and which is not otherwise viewable from a residential district or use.
5. **Exterior Neon, LCD or LED Lights.** Proposed Section 422.3(d)(xiv) (page 6) has been revised to eliminate the prohibition on neon lighting, and to instead allow only a limited amount of exterior neon, LCD or LED lighting, subject to certain regulations. Exceptions are provided for small interior signs, such as “exit” or “open” signs.
6. **Frontage Trees of Three-Inch Caliper.** Proposed Section 422.3(e)(3) (page 6), which required the preservation of frontage trees measuring above three inches in caliper, has been deleted.
7. **Perimeter Landscaping for Parking Lots.** Proposed Section 422.3(e)(6) (page 7) has been revised so that the perimeter landscaping requirements for parking lots shall not apply to a parking lot, or any part thereof, which is not in the front yard and which is adjacent to or visible from within 20 feet of the Highway U.S.-131 right-of-way, but not any other public right-of-way.
8. **Large Parking Lot Requirements.** Proposed Section 422.3(e)(6)(ii) (page 7) includes a notation that the Planning Commission might want to continue reviewing the minimum requirements for large parking lots.
9. **Loading or Service Bay Doors.** Proposed Section 422.3(e)(7) (page 8) has been revised to reflect that the prohibition on loading and service bay doors facing a public street does not apply to a loading or service bay door that is located on a property that directly abuts the Highway U.S.-131 right-of-way.
10. **Curb Requirement.** Proposed Section 4.22.3(e)(8) (page 8) has been revised to give the Planning Commission greater discretion in waiving the requirement for curbs throughout parking lots and paved areas.
11. **Outdoor Storage.** Proposed Section 4.22.3(e)(9) (pages 8-9) has been revised to eliminate the prohibition on outdoor storage, and to instead allow outdoor storage, subject to certain locational and setback requirements.
12. **Greenbelt Requirement.** Proposed Section 4.22.3(e)(11) (page 9) has been revised to state that the 35-foot greenbelt requirement does not apply along Highway U.S.-131.

#### PROCEDURES FOR FURTHER REVIEW

Based on the discussions that occurred at the July 16 Planning Commission meeting, I understand that a special meeting of the Planning Commission will be scheduled for July 30 at

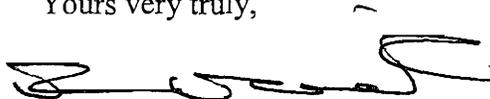
Mr. Michael Green  
July 22, 2013  
Page 4

6:00 p.m., for the purpose of further considering Draft No. 2 of the proposed amending ordinances. I will plan to attend that meeting to assist the Planning Commission with its review process. Thereafter, I understand that the proposed amending ordinances will be scheduled for consideration at public hearing at the Planning Commission's regular meeting on August 20. In accordance with that schedule, I will prepare and arrange for publication of a notice of public hearing on the proposed amending ordinances, by not later than August 5, 2013, in accordance with the requirements of the Michigan Zoning Enabling Act.

You will see below that I have copied this letter and the enclosed ordinances to Mr. Randy Kraker, the attorney for TeriDee, LLC, so that he and his clients may continue to attend the Planning Commission meetings relative to these matters.

If you have any questions concerning these matters prior to the Planning Commission's July 30 special meeting, please call.

Yours very truly,



Ronald M. Redick

Direct Dial/Fax: (616) 632-8053  
E-Mail: [rredick@mmbjlaw.com](mailto:rredick@mmbjlaw.com)

mll  
Enclosures  
By first-class mail and e-mail  
cc: Robert Scarbrough (by first-class mail and e-mail)  
Dale Rosser (by first-class mail and e-mail)  
Randall W. Kraker (by first-class mail)

# **EXHIBIT 23**

# Mika Meyers Beckett & Jones PLC

900 Monroe Avenue NW Grand Rapids, MI 49503 Tel 616-632-8000 Fax 616-632-8002 Web [mmbjlaw.com](http://mmbjlaw.com)

## Attorneys at Law

James R. Brown	Douglas A. Donnell <sup>5</sup>	Ross A. Leisman	Matthew E. Fink <sup>6</sup>	Larry J. Gardner	Also Admitted In
John M. DeVries <sup>5</sup>	Daniel R. Kubiak	Neil P. Jansen	Nikole L. Canute <sup>4</sup>	Leonard M. Hoffius <sup>1</sup>	<sup>1</sup> Colorado
Michael C. Haines <sup>4</sup>	Scott E. Dwyer	Andrea D. Crumback	Amy L. VanDyke	Claude L. Vander Ploeg	<sup>2</sup> Delaware
John T. Sperla	William A. Horn <sup>9</sup>	Daniel J. Parmeter, Jr.	Daniel J. Broxup	Ronald J. Clark	<sup>3</sup> Illinois
David R. Fernstrum	Mark A. Van Allsburg	Mark E. Nettleton <sup>3</sup>	Joshua D. Beard	Stephen J. Mulder	<sup>4</sup> New York
James K. White	Neil L. Kimball	Nathaniel R. Wolf	Scott A. Hughes	Scott S. Brinkmeyer	<sup>5</sup> Ohio
Timothy J. Tornga <sup>5</sup>	Elizabeth K. Bransdorfer	Jennifer A. Puplava	Of Counsel	Scott D. Broekstra <sup>7</sup>	<sup>6</sup> Pennsylvania
Mark A. Kehoe	Eric S. Richards	Benjamin A. Zainea	Steven L. Dykema	Retired	<sup>7</sup> Texas
Fredric N. Goldberg	John C. Arndts	Ronald M. Redick	Daniel J. Kozera, Jr.	Veryl N. Meyers	<sup>8</sup> Wisconsin
John H. Gretzinger	James F. Scales	Kimberly M. Large <sup>2</sup>			

July 31, 2013

Mr. Randall W. Kraker  
Varnum LLP  
333 Bridge St NW  
PO Box 352  
Grand Rapids, MI 49501

Re: Draft No. 3 of Proposed Haring Township Mixed-Use Commercial/Residential  
Planned Unit Development Regulations

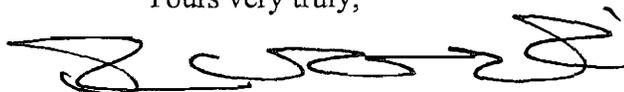
Dear Randy:

As you know, the Haring Charter Township Planning Commission conducted a special meeting on July 30, 2013, for the purpose of further considering the proposed Mixed-Use Commercial/Residential Planned Unit Development Regulations that will apply to the territory that is the subject of the Act 425 Agreement between Haring and Clam Lake.

As a result of the special meeting, the Planning Commission made some additional modifications to the proposed amending ordinances, which are reflected in Draft No. 3, copies of which are enclosed for your use. Draft No. 3 of the proposed amending ordinances will be considered at a public hearing that has been scheduled for the Planning Commission's next regular meeting on August 20, 2013. A copy of the notice of public hearing is enclosed for your reference.

Once again, the Townships invite you and your clients to attend the August 20 public hearing, so that you can continue to participate in the process of developing zoning regulations that will allow an economic development project to occur on the lands that are the subject of the Townships' Act 425 Agreement. You and your clients have provided helpful comments on the proposed amending regulations at prior meetings, and we look forward to your continued cooperation in this ongoing process.

Yours very truly,



Ronald M. Redick

Direct Dial/Fax: (616) 632-8053  
E-Mail: [rredick@mmbjlaw.com](mailto:rredick@mmbjlaw.com)

ml  
Enclosures

(0141334411)

# **EXHIBIT 24**

# Mika Meyers Beckett & Jones<sup>PLC</sup>

900 Monroe Avenue NW Grand Rapids, MI 49503 Tel 616-632-8000 Fax 616-632-8002 Web mmbjlaw.com

## Attorneys at Law

James R. Brown	Douglas A. Donnell <sup>2</sup>	Ross A. Leisman	Matthew E. Fink <sup>4</sup>	Larry J. Gardner	Also Admitted In
John M. DeVries <sup>3</sup>	Daniel R. Kubiak	Neil P. Jansen	Nikole L. Canute <sup>4</sup>	Leonard M. Hoffius <sup>1</sup>	<sup>1</sup> Colorado
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David R. Fernstrum	Mark A. Van Allsburg	Mark E. Nettleton <sup>3</sup>	Joshua D. Beard	Stephen J. Mulder	<sup>4</sup> New York
James K. White	Neil L. Kimball	Nathaniel R. Wolf	Scott A. Hughes	Scott S. Brinkmeyer	<sup>5</sup> Ohio
Timothy J. Torniga <sup>5</sup>	Elizabeth K. Bransdorfer	Jennifer A. Puplava	Of Counsel	Scott D. Broekstra <sup>7</sup>	<sup>6</sup> Pennsylvania
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John H. Gretzinger	James F. Scales	Kimberly M. Large <sup>2</sup>			

August 27, 2013

Mr. Randall W. Kraker  
Varnum LLP  
333 Bridge St NW  
PO Box 352  
Grand Rapids, MI 49501

Re: Haring/Clam Lake Act 425 Agreement – Amended PUD Development  
Regulations

Dear Randy:

I am writing to update you and your clients on the status of the implementation of the Haring/Clam Lake Act 425 Agreement.

At its meetings on August 20, 2013, the Haring Planning Commission conducted a public hearing and thereafter recommended adoption of an alternate version of the proposed mixed-use planned unit development regulations. The alternate version reflects the changes independently recommended by the Planning Commission, and also includes certain changes that are meant to address concerns raised by your clients. A copy of the alternate version is enclosed.

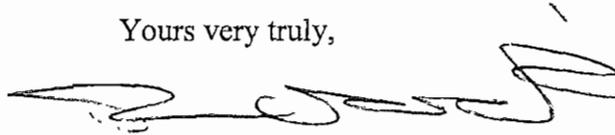
The alternate version of the PUD regulations was forwarded to the Haring Township Board and was approved by the Board, on first reading, at its meeting on August 26, 2013. It is anticipated that the Haring Board will adopt the alternate version at its next regular meeting on September 9, 2013.

In connection with these activities, the Haring Township Board and the Clam Lake Township Board intend to approve and adopt an amendment to the Act 425 Agreement that would delete the existing PUD regulations of the Act 425 Agreement and replace them with the alternate version that has been legislatively approved by the Haring Township Board. A public hearing on the proposed Act 425 Agreement amendment will be conducted by the Haring Board on September 9, 2013, and by the Clam Lake Township Board on September 18, 2013. Enclosed for you and your clients is a copy of the notices of public hearing for Haring and for Clam Lake. The Townships would welcome the participation of you and your clients at the public hearings.

Mr. Randall W. Kraker  
August 27, 2013  
Page 2

We thank you and your clients for your ongoing participation and cooperation in these matters.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ronald M. Redick", with a stylized flourish at the end.

Ronald M. Redick  
Direct Dial/Fax: (616) 632-8053  
E-Mail: [rredick@mmbjlaw.com](mailto:rredick@mmbjlaw.com)

mll  
Enclosures

**NOTICE OF PUBLIC HEARING**  
**THE CHARTER TOWNSHIP OF HARING**  
**COUNTY OF WEXFORD, MICHIGAN**

PUBLIC NOTICE IS HEREBY GIVEN that the Township Board of the Charter Township of Haring will hold a public hearing on September 9, 2013 at 6:00 p.m. at the Haring Charter Township Hall, 515 Bell Avenue, Cadillac, Michigan, concerning a proposed amendment to an existing agreement for the conditional transfer of property for the purpose of an economic development project under Public Act 425 of 1984, MCL 124.21, *et seq.* (the "Agreement").

Under the terms of the Agreement, which become effective on June 10, 2013, the following described lands have been conditionally transferred from Clam Lake Township to the Charter Township of Haring:

Part of the North fractional 1/2 of Section 2 and the West 1/2 of the Northwest fractional 1/4 of Section 1, Township 21 North, Range 9 West, Clam Lake Township, Wexford County, Michigan, more fully described as follows:

Beginning at the Northwest Corner of said Section 2; thence Easterly along the North line of said Section 2 to the North 1/4 Corner of said section; thence continuing Easterly along said North line of Section 2 to the Northeast Corner of said section; thence Easterly along the North line of said Section 1 to the Northeast Corner of said West 1/2 of the Northwest fractional 1/4 of Section 1; thence Southerly along the East line of said West 1/2 of the Northwest fractional 1/4 to the East – West 1/4 line of said Section 1; thence Westerly along said East – West 1/4 line to the 1/4 Corner common to said Sections 1 and 2; thence Westerly along the East – West 1/4 line of said Section 2 to the Center 1/4 Corner of said section; thence continuing Westerly along said East – West 1/4 line to the West right-of-way line of U.S. Highway 131; thence Northerly and Northwesterly along said right-of-way line to the South line of the North 836.10 feet of the Northwest fractional 1/4 of said Section 2; thence Westerly along said South line to the West line of said Section 2; thence Northerly along said West section line to the Point of Beginning (the "Transferred Area").

The purpose of the proposed amendment to the Agreement (the "Amended Agreement") is to replace the minimum PUD development regulations that are stated at Article I, Section 6.a.2 of the Agreement with revised PUD development regulations that have been approved by the Haring Charter Township Planning Commission and Haring Charter Township Board.

The proposed Amended Agreement is on file and may be examined at the offices of the Haring Charter Township Clerk, 515 Bell Avenue, Cadillac, Michigan, during Township office hours. All interested persons may attend the public hearing and comment on the proposed Amended Agreement. Written comments concerning the Amended Agreement may be submitted to the Township office, at the above-stated addresses, up to the time of the public hearing.

Dated: August 22, 2013

TOWNSHIP BOARD OF THE  
CHARTER TOWNSHIP OF HARING

**NOTICE OF PUBLIC HEARING**  
**THE TOWNSHIP OF CLAM LAKE**  
**COUNTY OF WEXFORD, MICHIGAN**

PUBLIC NOTICE IS HEREBY GIVEN that the Township Board of the Township of Clam Lake will hold a public hearing on September 18, 2013 at 7:00 p.m. at the Clam Lake Township Hall, 8809 East M-115, Cadillac, Michigan, concerning a proposed amendment to an existing agreement for the conditional transfer of property for the purpose of an economic development project under Public Act 425 of 1984, MCL 124.21, *et seq.* (the "Agreement").

Under the terms of the Agreement, which become effective on June 10, 2013, the following described lands have been conditionally transferred from Clam Lake Township to the Charter Township of Haring:

Part of the North fractional 1/2 of Section 2 and the West 1/2 of the Northwest fractional 1/4 of Section 1, Township 21 North, Range 9 West, Clam Lake Township, Wexford County, Michigan, more fully described as follows:

Beginning at the Northwest Corner of said Section 2; thence Easterly along the North line of said Section 2 to the North 1/4 Corner of said section; thence continuing Easterly along said North line of Section 2 to the Northeast Corner of said section; thence Easterly along the North line of said Section 1 to the Northeast Corner of said West 1/2 of the Northwest fractional 1/4 of Section 1; thence Southerly along the East line of said West 1/2 of the Northwest fractional 1/4 to the East – West 1/4 line of said Section 1; thence Westerly along said East – West 1/4 line to the 1/4 Corner common to said Sections 1 and 2; thence Westerly along the East – West 1/4 line of said Section 2 to the Center 1/4 Corner of said section; thence continuing Westerly along said East – West 1/4 line to the West right-of-way line of U.S. Highway 131; thence Northerly and Northwesterly along said right-of-way line to the South line of the North 836.10 feet of the Northwest fractional 1/4 of said Section 2; thence Westerly along said South line to the West line of said Section 2; thence Northerly along said West section line to the Point of Beginning (the "Transferred Area").

The purpose of the proposed amendment to the Agreement (the "Amended Agreement") is to replace the minimum PUD development regulations that are stated at Article I, Section 6.a.2 of the Agreement with revised PUD development regulations that have been approved by the Haring Charter Township Planning Commission and Haring Charter Township Board.

The proposed Amended Agreement is on file and may be examined at the offices of the Clam Lake Township Clerk, 8809 East M-115, Cadillac, Michigan, during Township office hours. All interested persons may attend the public hearing and comment on the proposed Amended Agreement. Written comments concerning the Amended Agreement may be submitted to the Township office, at the above-stated addresses, up to the time of the public hearing.

Dated: August 22, 2013

TOWNSHIP BOARD OF THE  
TOWNSHIP OF CLAM LAKE

**CHARTER TOWNSHIP OF HARING**  
**COUNTY OF WEXFORD, STATE OF MICHIGAN**

At a \_\_\_\_\_ meeting of the Township Board of the Charter Township of Haring,  
County of Wexford, Michigan, held at the Haring Charter Township Hall, 515 Bell Ave., Cadillac,  
Michigan, on the \_\_\_ of \_\_\_\_\_, 2013, at \_\_\_\_\_ p.m. Local Time.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following ordinance was offered by Member \_\_\_\_\_ and seconded by  
Member \_\_\_\_\_.

**ORDINANCE NO. 13-\_\_**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER  
TOWNSHIP OF HARING**

[Mixed-Use Commercial/Residential Planned Unit Development Regulations]

Section 1. PUD District Regulation Table. Section 305 of the Zoning Ordinance of the  
Charter Township of Haring is hereby amended so as to amend the "PUD" Planned Unit  
Development District Regulation Table by the inclusion of item No. 4 under the heading "Uses  
Permitted By Right," which shall read in its entirety as follows:

4. Mixed-use commercial/residential PUDs may contain only those uses  
specified by Section 422.3(b).

Section 2. Mixed-Use Commercial/Residential PUD Regulations. Chapter 4 of the  
Zoning Ordinance of the Charter Township of Haring is hereby amended by the addition of Section  
422 thereto, which shall read in its entirety as follows:

**SECTION 422. MIXED-USE COMMERCIAL/RESIDENTIAL PUDs**

1. **Purpose.** The purposes of the regulations stated in this Section 422 are as  
follows:

- a) To allow for limited commercial development in areas where, because of the nearby presence of federal or state highways, or major thoroughfares, there is a demand for commercial use, but due to the close proximity of established residential areas, there is a need to ensure that the commercial development is designed and constructed in a manner that is protective of surrounding residential populations.
- b) To provide architectural and site design standards in order to promote harmonious development in the Township.
- c) To preserve woodlands, view sheds and other natural features within the Township, to the extent practicable.

2. **Findings.** The Township finds that the standards of this Section 422 are necessary to promote the health, safety and welfare of the Township and its residents, based on the following findings:

- a) Design standards are important safety and aesthetic considerations for the Township's future image and the citizens' quality of life.
- b) Architectural guidelines are necessary to ensure building design is consistent with the intended character of the area.
- c) Commercial growth and development put an increased demand upon natural resources. The protection of natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the State of Michigan Constitution and the Michigan Environmental Protection Act of 1970, MCL 324.1701, *et seq.*

3. **Mixed-Use Commercial/Residential PUD Regulations.**

- a) Mixed-use commercial/residential PUDs are permitted in the Township only in accordance with the provisions of this Section 422.
- b) Permitted Uses. Uses that may be approved within a mixed-use commercial/residential PUD shall include the following:
  - 1) Any use permitted by right in the "C" General Commercial Zoning District.
  - 2) The following uses that are permitted by special land use in the "C" General Commercial Zoning District:
    - i) Churches and religious institutions.
    - ii) Veterinary clinics and kennels.
    - iii) Bars and nightclubs (not including "sexually oriented businesses").

- 3) Any use permitted by right or by special land use permit in the "R" Residential Zoning District, except that "transitional/shelter housing" shall not be permitted.

c) General Requirements.

- 1) Commercial uses shall comprise not more than 60% of the developed land area, exclusive of open space.
- 2) The density of development in the residential phase of the PUD shall not be more than 4 units/acre. Multifamily buildings shall be designed and constructed to avoid excessive length and box-like appearance and to have varied architectural features.
- 3) Commercial uses shall be physically separated from adjacent residential uses (both existing residential uses and those included within the PUD) by means of a berm and buffer zone of undeveloped or landscaped open space that is of significant size, width and height, so as to visibly screen the commercial uses from the residential uses, and so as to ensure that noises from the commercial phase do not interfere with the peace, quiet and enjoyment of the residential uses. The open space used to buffer the commercial and residential uses shall comprise not less than 10% of the total land area included in the PUD plan.
- 4) The development shall be served by public wastewater and public water supply systems.

d) Architecture

- 1) All proposed commercial buildings shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.
- 2) The applicant is required to submit and present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the architectural guidelines prior to preparations of detailed design drawings.
- 3) Building designs shall be reviewed by the Planning Commission as a part of final plan review under the following criteria:

- i) Commercial buildings shall possess architectural variety.
- ii) Commercial buildings shall be consistent with the scale and proportion of existing structures in the surrounding area.
- iii) For commercial buildings, a minimum of eighty percent (80%) of the exterior finish material of all front building facades (excluding the roof) visible from the public street, private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of facing brick, cut stone, split face block, fluted block, scored block, native, field stone, cast stone or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.
- iv) Exterior Insulation and Finishing Systems (EIFS) material shall not be the primary building material. The remaining maximum twenty (20) percent of the facade may utilize other material for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.
- v) Front building facades for commercial buildings shall provide a minimum 15% glass window but shall not exceed 80% glass. Calculations are exclusive of the roof area. The Planning Commission may allow a lower percentage of glass windows where it has been demonstrated that industry-recognized safety or security practices for the use being proposed mandate a lower percentage of glass windows.
- vi) Building materials and colors shall be related to and harmonious with the surrounding area.
- vii) Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the

predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.

- viii) Commercial buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked rooflines or towers.
- ix) Building walls (both commercial and residential) over 100 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees.
- x) Commercial building entrances shall utilize windows, canopies, and/or awnings, provide unity of scale, texture, and color and provide a sense of place.
- xi) Rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.
- xii) Commercial building rear facades shall be constructed to a finished quality that is comparable to the front facade where visible to a public street or residential district or use, but strict adherence to the percentage requirements for finish materials and window glass, as stated in subsections (iii) and (v), shall not be required. This subsection shall not apply to a building rear facade that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
- xiii) Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.
- xiv) Exterior neon, LCD or LED lights (including such interior lights that are clearly visible from the

exterior) are generally prohibited, except that they may be used only as architectural detail, they must be complementary to the overall design of the building, and they must be specifically found by the Planning Commission to be compatible with surrounding properties. Such lighting shall be indicated on the building elevation and allowed only as part of site plan approval. The provisions of this subsection do not apply to small interior neon, LCD or LED signs that are used to communicate directional or operational information such as “exit”, “open” and “closed.”

- xv) The commercial portion of the mixed-use PUD shall complement the overall PUD plan and the commercial buildings therein shall have an architecture and appearance that are reasonably compatible with the buildings in the residential portion of the PUD.
- xvi) Loading docks, refuse accumulation areas, truck maneuvering area and other utility or service areas shall be appropriately screened from view by landscaping, berms or other effective means.

e) Landscaping and Overall Site Design

Landscaping and design elements of the PUD plan shall comply with the following requirements:

- 1) Plants that have been identified as invasive or potentially invasive plants in the region shall not be used for any landscaping purposes.
- 2) The overall design shall promote the impression of a natural landscape.
- 3) Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.
- 4) Retention, detention and the overall stormwater system shall be designed to use “best management practices” and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.

- 6) *Parking Lots*. The following landscaping requirements shall apply to parking lots:
- i) Parking lots, or any parts thereof, which are located in the front yard or which are adjacent to or visible from within 20 feet of any public right-of-way (excepting the highway U.S.-131 right-of-way) shall have perimeter landscaping, between the parking lot and right-of-way, as follows:
    - A. The perimeter landscaping shall include a landscaped area measuring at least ten feet in width.
    - B. The landscaped area shall include at least one tree, measuring at least eight feet in height at the time of planting, for every 30 feet, or fraction thereof, of street frontage of the parking lot.
    - C. The landscaped area shall also include a continuous screen, measuring at least thirty-six inches in height above the street grade, consisting of a hedge, berm, brick wall, or combination thereof. The Planning Commission may determine the location of the screen so that it does not cause a traffic hazard, vision obstruction or other hazard to public safety.
  - ii) For parking lots of over 100 spaces or 30,000 square feet, the interior of the parking lot shall have one square foot of landscaped area for each 15 square feet of paved area. The following requirements shall apply to the interior landscaped areas:
    - A. Traffic islands shall be located to improve traffic flow and views.
    - B. Traffic islands shall have a minimum width of 18 feet and a minimum area of 150 square feet.
    - C. Details on traffic islands shall be provided on the PUD site plan, including radii, dimensions, adjacent parking space depth, ground cover and any lighting or irrigation.

- D. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Around each tree, there shall be an open land area of at least 75 square feet, with a minimum diameter of four feet at the tree trunk.
  - E. All interior landscaped areas of a parking lot shall be designed as “bio-retention” areas, to facilitate the treatment and ground absorption of stormwater runoff using a combination of microbial soil process, infiltration, evaporation, and appropriate plantings.
- 7) Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact. This subsection shall not apply to a loading or service bay door that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
  - 8) Generally, curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception upon finding that overall stormwater disposition will be enhanced, that snow removal will be facilitated, or that there will be other beneficial improvements to the overall site design.
  - 9) *Outdoor Storage.* The following requirements shall apply to outdoor storage:
    - i) The outdoor display of items for sale, whether a few items or on a large-scale basis, such as motor vehicle sales establishments, shall be arranged in a neat and orderly fashion of rows and columns. All outdoor display items for sale shall be setback from the frontage road right-of-way so as to be located, at a minimum, inside of the greenbelt required by subsection (11), below, and a minimum of twenty (20) feet from any side property line.
    - ii) The outdoor storage of other items, such as vehicles, equipment and extra supplies, shall be performed by placing the items in a fenced and screened area, to the side or rear of the principal building on the premises.

- 10) Fences, if proposed, must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.
- 11) A minimum 35 foot greenbelt is required along state highways and other major thoroughfares (excluding highway U.S.-131), as measured from the edge of the highway or road right-of-way. Said greenbelt shall be landscaped and planted in accordance with Section 422.3(e)(6)(i)B and C, except for approved driveways.
- 12) Buildings shall be set back a minimum of 100 feet from the right-of-way for state highways and other major thoroughfares, excepting the highway U.S.-131 right-of-way.

f) Commercial Lighting

- 1) All exterior lighting shall be within fully-shielded fixtures, so that no light may escape above the horizontal plane. The wattage of any single lamp fixture shall not exceed 320 watts.
- 2) Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height of 30 feet, whichever is lower.
- 3) No lighting on any site shall cause or create obtrusive light, or light which protrudes onto any adjacent or nearby residential property.

g) Other

The PUD plan for a mixed-use commercial/residential PUD shall be reviewed in accordance with, and shall otherwise comply with, the PUD regulations of this Ordinance, as stated in Sections 401 through 420, to the extent that those regulations are not inconsistent with the above minimum requirements. Where the regulations of this Section 422 are more stringent, the more stringent regulations shall apply.

Section 3. Site Plan Review; Landscape Maintenance. Section 206.3 of the Zoning

Ordinance of the Charter Township of Haring is hereby amended by the addition of subsection e)

thereto, which shall read in its entirety as follows:

- e) Whenever landscaping or a landscaping plan is required as part of site plan review for any use (including a planned unit development), it shall be a condition of approval that all landscaping plants shall be healthy when planted and thereafter maintained, in perpetuity, in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but not longer than one growing season.

Section 4. Publication/Effective Date. A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township within 15 days after adoption. This Ordinance shall become effective seven days after such publication.

AYES : \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Robert Scarbrough  
Township Supervisor

\_\_\_\_\_  
Kirk Soule  
Township Clerk

First reading: \_\_\_\_\_

Second reading: \_\_\_\_\_

Ordinance becomes effective: \_\_\_\_\_

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF WEXFORD    )

**CERTIFICATION**

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Haring, Wexford County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at meeting on \_\_\_\_\_, 2013, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1986, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on the \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Kirk Soule  
Township Clerk