

## CHAPTER 6

### R-1 AGRICULTURAL AND RURAL ESTATE DISTRICT

*(Amended 01-04-11 Ordinance No 12-14-2010-1)*

**SECTION 6.01 DESCRIPTION AND PURPOSES.** This district is intended to support farming and other agricultural activities, while also allowing a controlled degree of residential development within an extensive pattern of natural open space and farming activity. The District serves as a transition between the A-1 District and zoning districts that are allowed to develop more intensively. Under provisions contained in this Chapter, a landowner has the by right option to increase residential development potential by retaining at least 35% of the property as open space and placing dwellings on the remaining portion. *(Amended 01-04-11)*

**SECTION 6.02 USE REGULATIONS.** Land, buildings or structures in this Zoning District may be used for the following permitted uses: *(Amended 7/28/93 and 01-04-11)*

- (a) Farms for both general and specialized farming, except intensive livestock operations, together with farm dwellings and buildings and other installations necessary to such farms. *(Amended 7/28/93 and 01-04-11)*
- (b) Specialized crop production including but not limited to greenhouses, nurseries, orchards, vineyards, apiaries or blueberry farms. *(Amended 01-04-11)*
- (d) Single family dwellings.
- (e) Farm ponds and private ponds accessory to a permitted principal use. *(Amended 7/28/93)*
- (f) Real estate, identifying and nameplate signs.
- (g) Open space preservation projects as regulated by Chapter 22 *(Amended 1-27-03)*.
- (h) Type I Permitted Home Occupations as listed and regulated under the provisions of Section 11.28. A home occupation may only be permitted to involve a detached garage or other detached accessory building if approved as a special use. *(Amended 4-03)*
- (i) Tier Two Cluster Developments as outlined in Section 6.07. *(Amended 01-04-11)*
- (j) Non-commercial kennels and animal runs subject to Section 11.21

**SECTION 6.03 SPECIAL USES.** The following uses may be permitted as special land uses when approved by the Planning Commission. Such uses are subject to the provisions and general standards outlined in Chapter 15 and any specific standards pertaining to the particular use as outlined in this section. *(Amended 7/28/93 and 01-04-11)*.

- (a) Two family dwellings. *(Amended 7/28/93)*
- (b) Type II Home occupations, as listed in accordance with the standards contained in Section 11.28. *(Amended 4-03)*
- (c) Removal and processing of top soil, sand, gravel or other such minerals in accordance with Chapter 21. *(Amended 1-27-03)*
- (d) Roadside stands subject to the standards provided in Section 5.02A (d). *(Amended 7/28/93)*
- (f) Commercial kennels. In considering such authorization, the Planning Commission shall consider: *(Amended 7/28/93)*
  - (1) the size, nature and character of the kennel;

- (2) the proximity of the kennel to adjoining properties;
  - (3) the possibility of noise or other disturbance for adjoining properties and the surrounding neighborhood on account of the operation of the kennel;
  - (4) potential traffic congestion on account of the kennel; and
  - (5) the nature and character of the buildings and structures to be utilized for the kennel operation.
- (g) Intensive livestock operations. (Amended 7/28/93)
  - (h) Campgrounds. (Amended 7/28/93)
  - (i) Golf courses and country clubs. (Amended 7/28/93)
  - (j) Churches. (Amended 7/28/93)
  - (k) Shooting ranges. (Amended 7/28/93)
  - (l) Automobile and animal racing facilities. (Amended 7/28/93)
  - (m) Saw mills. (Amended 7/28/93)
  - (n) Commercial composting operations. (Amended 7/28/93)
  - (o) Farm related commercial services. (Amended 7/28/93)
  - (p) Tack shops. (Amended 7/28/93)
  - (q) Cemeteries. (Amended 7/28/93)
  - (r) Self storage or mini warehouse facilities. (Amended 7/28/93)
  - (s) Nursing homes and senior citizen centers. (Amended 7/28/93)
  - (t) Child or adult day care facilities caring for greater than six (6) individuals. (Amended 7/28/93)
  - (u) Communication towers and antennas in excess of 50 feet subject to the provisions of section 15.04A. (Amended 1-18-00)
  - (v) Riding stables where horses are boarded and/or rented. (Amended 7/28/93)
  - (w) Bed and Breakfast establishments. (Amended 5/10/94)
  - (x) Air field or landing strips subject to the following: (Amended 5/10/94)
    - (1) The land areas beneath runway approaches shall be under the ownership or control of the owner or operator of the airfield. Ownership or control shall extend a minimum of 1,200 feet from each runway end and laterally 500 feet from the center line of the runway. The above requirements may be modified if the landing strip is intended solely for the use of ultra light-aircraft.
    - (2) The facility shall not exceed a Michigan Aviation System Plan (MASP) classification of U-1, offering service to small single engine utility aircraft.
    - (3) The landing strip shall be of turf construction.
    - (4) Unless specifically waived by the Planning Commission, areas upon which airplanes taxi shall be at least two hundred (200) feet from any property line. The airfield must be of a size and location that will not require limitations on the height of structures on land that is not controlled by the airfield operator.
    - (5) The Planning Commission may require the fencing of appropriate areas to insure public safety. If required, such fencing shall be not less than six feet in height with suitable gating.
  - (y) Equipment storage and/or maintenance yards, and structures and establishments for building trades, heavy equipment and petroleum and well field operators and contractors. (Amended 1-97).
  - (z) Conservation subdivisions as may be permitted under the provisions of Chapter 23.(Amended 1-27-03)

- (aa) Small rural enterprises that may be authorized in the Re-Use Of existing Farmsteads meeting the intent and standards of Section 15.04 (I).
  - (1) Small scale wood, metal and plastics fabricating and assembly businesses.
  - (2) Antique sales and service, excluding automobile.
  - (3) Self-storage or mini storage facilities.
  - (4) Retail or service business associated with any aspect of the sales, distribution, service or maintenance of Agricultural Products.
  - (5) Other business uses identified as special uses in this Section 6.02A. *(Amended 12-06)*
- (bb) Athletic fields and public parks. *(Amended 01-04-11)*
- (cc) Veterinary services. *(Amended 01-04-11)*
- (dd) Accessory Farm Dwellings. *(Amended 01-04-11)*
- (ee) Temporary Dwellings (ref. Sec. 11.07). *(Amended 01-04-11)*
- (ff) Accessory buildings located in the front yard areas. *(Amended 01-04-11)*
- (gg) Seasonal/Migrant Farm labor camps. *(Amended 01-04-11)*

**SECTION 6.04 HEIGHT REGULATIONS.** *(Amended 01-04-11)* No residential building or structure shall exceed thirty-five (35) feet in height or two and one-half (2 1/2) stores. All other buildings and structures shall not exceed their usual and customary heights. *(Amended 7/28/93)*

**SECTION 6.05 AREA REGULATIONS.** *(Amended in its entirety by Ord 12-14-2010-1, eff. 01-04-11)* No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements:

- (a) Front Yard - There shall be a front yard of not less than fifty (50) feet. (Ref. Section 11.13, Additional Setbacks for Buildings and structures adjacent to major streets. *(Amended 7/28/93)*
- (b) Side Yard - For residential buildings and structures, there shall be total side yards of not less than fifty (50) feet; provided, however, that no side yard shall be less than twenty (20) feet. For all other principal buildings, there shall be two (2) side yards of not less than fifty (50) feet each. *(Amended 7/28/93).*
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Common Area setbacks: For all other buildings and structures permitted by the Planning Commission in common areas within a Tier Two Cluster Development, the minimum front, rear and side-yard setbacks shall be fifty (50) feet.
- (e) Lot Area – Tier One Lot Requirements: The first three lots created after the effective date of this amendment, from any parent parcel of record on or before the effective date of this amendment shall be subject to the following minimum lot area and width standards:

**Table 6-1  
Tier One Lot Size Requirements**

<u>Land Use</u>	<u>Minimum Lot area</u>	<u>Lot width (ref. Sec. 11.14)</u>
Single and Two family Dwellings	40,000 sq. ft.	200 feet
All other non-farm uses*	2 acres (87,120 sq. ft.)	200 feet

\*Unless otherwise specified

- (f) Lot Area -Tier Two Lot Requirements: All lots other than the first three lots created from a parent parcel of record on the effective date of this provision shall adhere to one or the other of the following two lot width and area options.

**Table 6-2  
Tier Two Lot Size and Lot Width Options**

<b><u>Land Use/Type Of Development</u></b>	<b><u>Minimum Lot Area</u></b>	<b><u>Minimum Lot Width for Lots Having "Minor Street" Frontage And Access</u><sup>1</sup></b>	<b><u>Minimum Lot Width for Lots Having "Major Street" Frontage And Access</u><sup>2</sup></b>
Tier Two Conventional Development (No open space set aside created)	4.59 acres (200,000 sq.ft.)	225 feet	225 feet
Tier Two Cluster Development- Open space and other standards of Sec. 6.07 are met.	0.91 acre (40,000 sq. ft.)	110 feet	200 feet
All other non-farm uses <sup>3</sup>	2 acres <sup>3</sup> (87,120 sq. ft.)	200 feet <sup>3</sup>	200 feet <sup>3</sup>

<sup>1</sup> “Minor streets” include platted streets as well as private streets and public streets built to the Allegan County Road Commission standard for local streets when constructed within a development project.

<sup>2</sup> A “Major Road” means any County Primary Road or un-platted County Local Road, as classified on the Official Road Map of Allegan County, having a continuous length of one mile or greater. Dead end streets less than one mile in length are not considered “Major Roads”.

<sup>3</sup>Unless otherwise specified.

**SECTION 6.06 MINIMUM FLOOR AREA.** (Amended 01-04-11) Each single and two family dwelling unit shall have minimum usable floor area as follows:

- (a) One story - Eight hundred sixty-four (864) square feet.
- (b) Two story - One thousand (1000) square feet  
Ground floor - Six hundred fifty (650) square feet

*Note: Ground Floor Area - In determining the minimum ground floor area for dwelling units, the calculation may include the floor areas contained on more than one level provided that the levels are separated by no more than three feet of elevation difference (see definition of basement).* (Amended 10/96)

**SECTION 6.07 ACCESSORY BUILDINGS.** (Amended 01-04-11) Reference Section 11.09. (Amended 7/28/93)

**SECTION 6.08 TIER TWO CLUSTER DEVELOPMENT OPTION.** *(Section added in its entirety by Ord 12-14-2010-1, eff. 01-04-11)* Under these regulations, a landowner has the option to retain at least 35% of the property as perpetual undeveloped open space and placing dwellings on the remaining portion. The developed portion shall comply with all applicable Tier Two minimum area regulations contained in Section 6.05.

- (a) Review Procedure. Tier Two Cluster Developments shall be reviewed by the Planning Commission as applicable according to the requirements and general standards for site plan review contained in Chapter 14, to the procedures and requires applicable to site condominiums (Section 11.24) or the procedures applicable to platted subdivisions under the Salem Township Subdivision Ordinance as amended. .
- (b) Tier Two Cluster Subdivision –Minimum Eligibility Requirements.
  - (1) *Minimum Development Acreage:* The minimum size of any Cluster Subdivision Development shall be five (5) acres of contiguous land.
- (c) Open Space Requirements
  - (1) *Minimum Open Space.* A minimum of thirty five (35%) percent of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., “open space”) by means of restrictions and other legal instruments that runs with the land.
  - (2) *Common Ownership of Preserved Areas.* Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:
    - (a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
    - (b) That a permanent organization for maintenance and management of such area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
    - (c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
    - (d) That the restrictions could be enforced by all property owners and by the Township.
  - (3) *Preserved Areas Not Owned in Common.* Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:
    - (a) That the proposed manner of holding title to the preserved open land is acceptable to the Township.
    - (b) That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
    - (c) That the restrictions could be enforced by all property owners and by the Township.

- (4) *Areas Not Counted as Open Space.*
  - (1) The area within all public or private road rights-of-way.
  - (2) Golf course.
  - (3) Any easement for overhead utility lines.
  - (4) The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
  - (5) Off street parking areas.
  - (6) Detention and retention ponds created to serve the project.
  - (7) Proposed community drain fields.
  - (8) Subject to Planning Commission approval, lakes and ponds created as part of the project may be included in final open space calculations. Existing lakes and ponds shall be excluded from meeting the minimum open space requirement unless such lakes or ponds lie entirely within a single development site or lot.
- (5) *Standards for Open Space.* The following standards shall apply to the preserved open space required by this Section:
  - (a) Features To Be Preserved. This development option is to be utilized to preserve features the following:
    - (i) Natural stands of large trees.
    - (ii) Natural habitat for wildlife within the developed portion of the property.
    - (iii) Unusual topographic features.
    - (iv) Productive farmland.
    - (v) Water or wetland areas.
- (6) The open space may include a recreational trail, picnic area, children's play area, community building or other use which, as determined by the Planning Commission., is substantially similar to these uses.
- (7) Not less than 35% of the minimum required open space shall be held in common.
- (8) Unless utilized and preserved for farming purposes open space held in common shall be available for all residents of the development, subject to reasonable rules and regulations and shall be located so as to be reasonably accessible to the residents.
- (9) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
- (10) Open space areas held in common shall take into account adjacent public and private open space areas and where possible shall be located and established to provide or facilitate the creation of continuous pathways, open space areas and corridors.