

CHAPTER 11

GENERAL PROVISIONS

These general provisions shall pertain to all Zoning Districts as applicable.

SECTION 11.01 THE EFFECT OF ZONING. Zoning applies -to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

SECTION 11.02 RESTORATION OF UNSAFE BUILDINGS. Subject to the provisions of the Nonconforming Uses Chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

SECTION 11.03 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS.

- (a) Required area or space - A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- (b) Existing Lots of Record
- (1) If a lot in an Agricultural or Residential Zoning District, which is platted or parcel otherwise of record as of the effective date of this Ordinance, does not comply with the area and/or width requirements of its Zoning District, then such lot may be used for one family use only and then only if such one family use is first authorized by the Planning Commission as a special use; provided, however, that a lot which is platted or otherwise of record as of the effective date of this Ordinance which is located in a A-1, R-1, R-2, R-3 or VR Zoning District may be used for one family use only without authorization from the Planning Commission as a special use if
- (a) the lot has a minimum lot area of 12,000 square feet and if there is compliance with all yard requirements for the zoning district in which the lot is located; or
- (b) if there is compliance with any specific exception to the area and/or width requirements of the particular zoning district in which the lot is located.
- In considering such authorization, the Planning Commission shall consider the following standards:
- (c) the size, character and nature of the residential building and accessory buildings to be erected and constructed on the lot;
- (d) the effect of the proposed use on adjoining properties and the surrounding neighborhood;
- (e) the effect of the proposed use on light and air circulation of adjoining properties;

- (f) the effect of any increased density of the intended use on the surrounding neighborhood; and
 - (g) available parking for the intended use.
- (2) *If a lot in a Commercial or Industrial Zoning District, which is platted or otherwise of record as of the effective date of this Ordinance, does not comply with the area and/or width requirements of the Commercial or Industrial Zoning District, then such lot may be used only if first authorized by the Planning Commission as a special use; provided, however, that a lot which is platted or otherwise of record as of the effective date of this Ordinance may be used for a commercial or industrial use without authorization of the Planning Commission as a special use if the lot has a minimum area of twelve thousand square feet and if there is compliance with all yard requirements for the Commercial or Industrial Zoning District.*
- (3) In considering such authorization, the Planning Commission shall consider the following standards:
- (a) the size, character and nature of the commercial building and accessory buildings to be constructed on the lot;
 - (b) the effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - (c) the effect of the proposed use on light and air circulation of adjoining properties;
 - (d) the effect of increased density of the intended use on the surrounding neighborhood; and
 - (e) available parking for the intended use.
- (4) Where two (2) or more such non-complying lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this Ordinance.
(Amended 7/28/93)
- (c) Exceptions - The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed fifty (50) feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building. Antennas and towers exceeding 50 feet in height may be permitted if approved as a special use under the terms of Chapter 15. *(Amended 1-18-00)*

SECTION 11.04 ESSENTIAL SERVICE. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical

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

Notwithstanding the exceptions contained in the immediately preceding sentence:

- (a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
- (b) Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.

SECTION 11.05 REQUIRED YARD OR LOT. All lots, yards, parking areas, or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the Zoning District in which they are located. In addition, no lot or parcel of less than five acres in size shall be created with a depth which is greater than four times the lot width as measured in accordance with the definitions of lot width contained in Chapter III. (Amended 5/10/94)

SECTION 11.06 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE VIBRATION AND ODORS. Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

SECTION 11.07 TEMPORARY USES, STRUCTURES AND DWELLINGS.

- (a) Upon application, the Zoning Inspector shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Inspector for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
- (b) Upon application, the Zoning Inspector shall issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Inspector for four (4) additional successive periods of six (6) calendar months or less at the same location If such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- (c) Permits for the placement of mobile homes for temporary occupancy on property where a principal dwelling has been damaged or destroyed by fire, wind, flood or Act of God may be issued by the Zoning Administrator subject to the following criteria: *(Amended 10/96)*
 - (1) Domestic water supply and toilet facilities as approved by the Allegan County Health Department are provided.
 - (2) The mobile home shall be of a type of quality conforming to or exceeding the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, (24 CFR 3280), as

amended. All plumbing and electrical connections shall meet BOCA requirements.

- (3) The mobile home shall conform to all setback requirements applicable to accessory buildings in the applicable zoning district except that the Zoning Administrator may authorize placement within the front yard.
 - (4) The permit shall specify that the mobile home is temporary and that the permit shall expire after a period of one (1) year. Two (2) ninety (90) day extensions may be granted.
 - (5) An occupancy permit for the rehabilitated or reconstructed dwelling unit shall not be issued until the temporary mobile home has been removed or performance guarantee for its removal is deposited with the Township Clerk.
- (d) Temporary structures such as tents used in conjunction with short term outdoor events are permitted subject to the following criteria: *(Amended 10/96)*
- (1) On and off-site traffic circulation is not disrupted, adequate off street parking is maintained and traffic hazards are minimized.
 - (2) The structure is not placed within 10 feet of an adjoining property or within the public or private street right-of-way.
 - (3) The structure must be anchored according to manufacturer's specifications.
 - (4) If the structure is erected by a business or non-profit organization, it shall be in support of a special event of limited, short term duration. The temporary structure shall be located on the same lot or parcel as the sponsoring business or organization or an adjacent parcel under the control of the subject business or organization by means of ownership, lease or rental.
 - (5) If the temporary structure is to be erected on the same premises for a period of time in excess of 24 consecutive hours or for a total of more than 16 non-consecutive hours within a 48 hour period, a permit must be obtained from the Zoning Administrator. The permit shall specify the maximum duration that temporary structure may be in place and shall further specify any other terms necessary to preserve public health, safety and welfare.
- (e) A mobile home for use as a temporary accessory dwelling may be permitted in the A-1, R-1 and R-2 districts *(Amended 01-04-11)* when authorized as a special use by the Planning Commission, subject to the following conditions: *(Amended 10/96)*
- (1) The mobile home shall be for the purpose of housing partially disabled or aged family members or other individuals having been assigned to the legal guardianship of the occupants of the permanent principal dwelling located on the same lot or parcel. Such individuals shall be capable of independently caring for themselves but require the occasional assistance or supervision of the family. The dwelling shall not be part of a profit or not for profit business or organization that necessitates licensing or other certification by an agency of the State of Michigan.
 - (2) The mobile home shall be on the same lot as the permanent dwelling. This mobile home shall be separated from the permanent dwelling by a minimum of twenty (20) feet. In addition the mobile home must be situated on the site so as to satisfy the minimum front, side and rear yard setback requirements of the district for principal dwellings. The need for an additional driveway access to serve the accessory dwelling should be avoided.

- (3) The mobile home shall be connected to a domestic water well and septic tank system approved by the Allegan County Health Department;
- (4) The mobile home shall comply with the standards enumerated in Section 11.23 of this ordinance except that the Planning Commission may in its discretion, waive the requirements of Section 11.23, sub-sections (i) and (I) and excepted further, the minimum width requirement for such dwellings shall be fourteen (14) feet, and the minimum floor area shall be six hundred and twenty (620) square feet of floor area as initially sited.
- (5) Temporary accessory dwellings meeting the criteria contained in this section shall not be considered accessory farm dwellings and are exempted from the provisions of Section 11.22 Accessory Farm Dwellings. A temporary accessory dwelling may be converted to a farm accessory dwelling if all of the standards of Section 11.22 are met and the total number of accessory farm dwellings allowed under that section is not exceeded.

Upon favorable findings relative to the above standards, deposit of a performance guarantee (if deemed necessary) and payment of a fee or fees as established by the Township Board, the Planning Commission may authorize a Special Use Permit for the temporary accessory mobile home dwelling. The permit shall be revocable and subject to annual review by the Zoning Administrator.

The Zoning Administrator shall upon review, annually certify in the record, conformity with the standards and conditions of paragraph (1) of this sub-section 11.07(e) and any other conditions imposed at the time the permit was granted. If the Zoning Administrator finds that one or more of the standards or conditions are not met being met, a written report will be provided to the Planning Commission. If after notification in accordance with the procedures of Section 15.05, and a public hearing, the Planning Commission also finds that one or more of the standards or conditions are not met, the Planning Commission may act to revoke the special use permit. The mobile home shall be required to be removed within ninety (90) days after the date of receipt of a notice by the proprietor of the property on which the dwelling located. The notice shall be forwarded by certified mail.

SECTION 11.08 ACCESSORY USES. In any Zoning District, accessory uses, incidental only to a permitted use, are permitted when located on the same lot provided, however, that in any AG or R District such accessory uses shall not involve the conduct of any business, trade or industry, unless specifically authorized under the use provisions of the district in question. (Amended 7/28/93)

SECTION 11.09 ACCESSORY BUILDINGS.

- (a) In any Zoning District, an accessory building may be erected detached from the permitted principal building or an integral part of the permitted principal building. If attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. In all V-R, R-2 and R-3 Districts, the architectural character of all accessory buildings shall be compatible and similar to the principal building. (Amended 7/28/93)

- (b) Detached accessory buildings shall not be located closer than five (5) feet to the rear or side lot line in any V-R, R-2 or R-3 District or closer than ten (10) feet to the rear or side lot line in any A-1 or R-1 District. *(Amended 01-04-11)*. Accessory buildings shall not be located closer than forty (40) feet to the waters' edge in the case of a waterfront lot (except that pump houses may be located within forty (40) feet of the waters' edge if they do not exceed three (3) feet in height) and shall not occupy more than thirty percent (30%) of any required rear yard space. *(Amended 7/28/93)*
- (c) Unless exempted under sub paragraph (f) of this section, in any V-R, R-2 or R-3 District a detached accessory building may not be located between the front lot line and the front line of the principal building. *(Amended 7/28/93)*
- (d) In the A-1 or R-1 Zoning Districts *(Amended 01-04-11)*, detached accessory buildings or garages may be permitted between the street right-of-way and the principal use building as Special Uses when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following: *(Amended 7/28/93)*
 - (1) The proximity of the building or garage to adjoining properties, specifically including proximity to occupied dwellings.
 - (2) Potential traffic hazards at the driveway and street intersection.
 - (3) Existing or proposed landscaping to screen the building or garage from adjoining properties.
 - (4) The building or garage shall be located to meet or exceed the minimum front and side yard setback requirements for principal use buildings allowed in the district.
- (e) The distance between a detached accessory building and any principal building shall not be less than ten (10) feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
- (f) A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than ten (10) feet from the right-of-way line. *(Amended 7/28/93)*
- (g) No accessory building or structure shall include residential or living quarters for human beings except as allowed under the provisions of SECTION 11.07(e), TEMPORARY DWELLINGS and SECTION 11.22, ACCESSORY FARM DWELLINGS *(Amended 10/96 and 1-18-00)*.

SECTION 11.09A ACCESSORY BUILDINGS: CONSTRUCTION PRIOR TO A PRINCIPAL BUILDING OR USE:

Notwithstanding the provisions of Section 11.09, the issuance of a building permit for any building which is intended to serve as an accessory building shall not precede the issuance of a building or zoning permit for a permitted principal use building on any lot or parcel located in a V-R, R-2 or R-3 Zoning District.

Within the A-1 and R-1 Districts (*Amended 01-04-11*), the issuance of a building permit for a building intended to serve as an accessory building may only precede the issuance of a building permit for a permitted principal use building if the following conditions are met:

- (a) The size of the accessory building will be limited to one square foot of total floor area for each 100 square feet of lot area, (excluding street right-of-way) up to a maximum of 1500 square feet of floor area.
- (b) The minimum front yard setback for the accessory building is 100 feet.
- (c) A sketch plan must be submitted to the building inspector at the time of building permit application indicating the proposed location of the future principal building, the proposed accessory building and its relationship to property lines, water features and street access. The sketch plan must take into account existing topography and vegetation, and the need for a domestic well, and septic system to serve the future principal building.
- (d) The accessory building, coupled with the physical constraints of the site, will not preclude the ability to situate a principal use building on the premises in compliance with setback and yard area requirements for the zoning district.
- (e) The building may not be connected to a water, wastewater or septic system prior to the construction of the principal building.
- (f) Exterior lighting shall be limited to wall mounted units. Illumination shall be directed downward or shielded from nearby residents.
- (g) The building will not be used to operate or support a business located on or off premises (*Amended 1-18-00*)

SECTION 11.10 PRINCIPAL BUILDING ON A LOT. Unless otherwise permitted by this Ordinance in R-1, R-2, R-3 and VR Residence Zoning Districts, no more than one (1) principal building shall be placed on a lot. (Amended 7/28/93) (Amended 5/10/94)

SECTION 11.11 DOUBLE FRONTAGE LOTS. Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both such streets.

SECTION 11.12 SIGNS.

- (a) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.
- (b) Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.
- (c) Subject to the provisions of Chapter XIII, all signs shall be maintained in good condition and repair.
- (d) No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefore by the Zoning Inspector.

- (e) All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.
- (f) The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:
 - (1) Highway signs erected by the State of Michigan, County of Allegan, or the Township;
 - (2) Governmental use signs erected by the governmental agencies to designate house of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings;
 - (3) Directional signs erected in conjunction with private off-street parking area, provided any such sign does not exceed four (4) square feet in area and is limited to traffic control functions only;
 - (4) Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
 - (5) Placards posted to control or prohibit hunting within the Township.
 - (6) Subdivision signs not exceeding thirty-two (32) square feet in area; provided, however, that such signs shall be removed at such times as fifty (50) percent or more of the lots in such subdivisions are sold or after five (5) years, whichever shall first occur.
 - (7) One (1) construction sign per project of no more than thirty (30) square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings, provided such signs do not exceed one (1) per project and thirty (30) square feet in area.
 - (8) Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
 - (9) Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
 - (10) Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized as a special use by the planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - (a) the size, character and nature of the display or sign;
 - (b) the duration or time period during which the display or sign will be utilized;
 - (c) the purposes for which the sign display is to be erected;
 - (d) the arrangements made for the removal of the sign or display after the termination of its usefulness;
 - (e) the effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display;
 - (f) whether or not the sign or display will constitute a traffic hazard; and
 - (g) the effect of the sign or display on the surrounding neighborhood.
 - (11) Signs in the A-1 and R-1 (*Amended 01-04-11*) Districts that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.

SECTION 11.13 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO MAJOR STREETS. Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a major thoroughfare (County primary), unless a minimum of one hundred feet of building setback measured from the street centerline is maintained. (Amended 7/28/93)

SECTION 11.14 MINIMUM STREET FRONTAGE AND LOT WIDTH: *(Amended 10-96)*

After the effective date of this amendment, every lot or parcel supporting a building or non-farm principal use shall have direct, continuous frontage on a public street or an approved private street. Street frontage and minimum lot width shall be provided along the public street right-of-way line or private street easement except that minimum street frontage may be reduced in the following instances:

- (a) If the lot has frontage on a cul-de-sac, or a curved street segment having an arc with a radius of less than one hundred fifty (150) feet, the minimum lot frontage at the street right-of-way or easement line may be reduced to forty (40) percent of the minimum frontage otherwise required in the zoning district. The measurement may be made along the chord of the arc running between the side property lines at the easement line.
- (b) When a lot has frontage on an approved private street end having at least sixty six (66) feet of width the minimum length of frontage on the end line shall be twenty five (25) feet. Reference Section 11.25(c) for standards relating to private street ends.

In each instance where a lot frontage reduction has been allowed under (a) or (b) above, minimum lot width must be met at the front building line of the principal building or within 150 feet of the street right-of-way or easement line, whichever is the lesser distance.

In all cases minimum lot width shall be maintained between the front and rear building lines of the principal building, or 30 feet behind the front line of the building, whichever is the greater distance.

SECTION 11.15 GOVERNMENTAL IMPROVEMENTS. The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

SECTION 11.16 HEALTH DEPARTMENT APPROVAL. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities. If its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Allegan County.

SECTION 11.17 REMOVAL OF NATURAL RESOURCES *(Ref. Chapter 21, Amended 1-27-03)*

SECTION 11.18 DUMPING RUBBISH, WASTE MATERIAL AND WASTE WATER. It shall be unlawful throughout the Township to permit waste water from sinks or other similar drains, and sewage to drain onto the land, yard, or other spaces from dwellings, business places of all types, and accessory buildings thereto, and to throw any such waste water and sewage onto

said land; and it shall be unlawful for any person or organization to throw or dump empty cans, food containers, broken or whole bottles, crockery or utensils of any kind, automobile bodies or parts, old tires, old stoves, discarded furniture or household furnishings and utensils, junk, parts of any machinery or appliances or any litter, flammable matter or substances, offal, ashes, clinkers, cinders, night soil, or any other similar waste objects, used concrete, bricks, and other forms of masonry, either upon land owned, occupied or used by any individual or company or upon any land in any public place, or privately owned of another, unless such place has been designated as a public dumping ground by the Township; and it shall be unlawful to drain any waste water, water containing waste or foreign substances or otherwise contaminated, or any sewage, raw or treated, from any dwelling or business place of any kind or from any accessory building, either by open ditch or by pipes or by throwing or dumping the same into any ditch, creek or stream, of any kind in the Township.

SECTION 11.19 BASEMENT DWELLINGS. It shall be unlawful to occupy a basement, as defined in this Ordinance, as a dwelling unit. Exceptions are provided in the AG and R-1 Zoning Districts for buildings which meet the following requirements: a minimum of eight hundred sixty-four (864) square feet of usable floor area; a vertical use of one (1) foot of roof pitch for every three (3) feet of vertical span (4:12 roof); and at least three (3) walls have a minimum exposure of four (4) feet with the fourth wall exposed for its entire height.

SECTION 11.20 KEEPING OF DOMESTICATED FARM ANIMALS. The keeping of domesticated farm animals within a Commercial or Industrial District is prohibited. Within any Residential or Agricultural Zoning District the keeping or raising of domesticated livestock and fowl may be permitted on the same lot or parcel where a residence is located, provided that:

- (a) A structure or fence is used to enclose and confine the animals to the premise. The enclosed area must be located and managed to avoid adverse environmental, health and nuisance affects (both on and off the premises), associated with the animals and animal waste.
- (b) All buildings or structures in which the animals are housed and all feeding and waste handling facilities or areas must be located at least 50 feet from all residential dwellings, streams or other water bodies, property lines, and street rights-of-way.
- (c) Within the V-R, R-2, and R-3 Zoning Districts the keeping of domesticated farm animals is subject to the following additional standards and limitations:
 - (1) Cattle, horses, and bison: A minimum lot area of three acres is required and there shall be no more than one animal for the first three acres and one additional animal for each additional acre.
 - (2) Deer, llamas, goats, sheep and hogs: A minimum lot area of one acre is required and there shall be no more than two animals for the first three acres and one additional animal for each additional one half acre.
 - (3) Rodents, poultry and fowl: A minimum lot area of one acre is required and there shall be no more than 20 animals for the first acre and 40 animals for each additional acre up to a maximum of 200 animals.
- (d) Within the A-1 and R-1 Zoning Districts (*Amended 4-03 and 01-04-11*) the keeping of domesticated farm animals for pleasure or enjoyment on residential parcels (parcels that are not part of or in support of a commercial farming operation) is subject to the following provisions.

- (1) Cattle, horses, and bison: A minimum lot area of three acres is required and there shall be no more than one animal for the first three acres and one additional animal for each additional acre for a total of no more than three such animals on the first five acres. For parcels containing more than five acres a maximum number of animals is not specified herein. Adherence to the best management practices for the keeping of such animals as proscribed by the Michigan Department of Agriculture is required.
 - (2) Deer, llamas, goats, sheep and hogs: A minimum lot area of one acre is required and there shall be no more than two animals for the first three acres and one additional animal for each additional one half acre for a total not to exceed seven animals on the first five acres. For parcels containing more than five acres, a maximum number of such animals are not specified herein. Adherence to the best management practices for the keeping of such animals as proscribed by the Michigan Department of Agriculture is required.
 - (3) Rodents, poultry and fowl: A minimum lot area of one acre is required and there shall be no more than 20 animals for the first acre and 50 animals for each additional acre up to a maximum of 200 animals for the first 5 acres. For parcels containing more than five acres a maximum number of such animals is not specified herein. Adherence to the best management practices for the keeping of such animals as proscribed by the Michigan Department of Agriculture is required.
- (e) Within any Open Space Preservation project authorized under Chapter 22 or any Conservation Subdivision approved under the provisions of Chapter 23, the keeping of domestic animals shall be governed by the standards of 11.20(a), (b) and (c) above unless at the time of the projects approval, alternative terms or conditions were specified relative to the use of common or preserved open space (*Amended 1-27-03*).
The provisions of this Section do not apply to keeping of homing pigeons which are exempted from regulation by state statute or the keeping of ordinary household pets (ref. Section 11.21, ref. also Section 11.26). (*Amended 7/28/96*)

SECTION 11.21 NON COMMERCIAL KENNELS AND ANIMAL RUNS. For the purpose of this Section, a non commercial kennel shall mean a facility used to house four or more domestic pets, 4 months of age or older. An animal run is a fenced area designed specifically to contain one or more domestic pets in an outdoor yard area, which is not used in conjunction with facilities to house four or more animals on the same premises. Non-commercial kennels and fenced animal runs may be permitted in the A-1 and R-1 Districts, subject to the following provisions. (*Amended 7-28-93, 12-15-98 and 1-04-11*)

- (a) The facilities shall not involve the business of boarding, medical care or grooming of any animal not owned or licensed by the property owner or renter.
- (b) The lot or parcel of land on which a kennel is to be located (4 or more animals) shall be a minimum of one (1) acre in size.
- (c) A kennel structure and any pen or run associated with a kennel shall be located in the rear or side yard and kept a minimum of fifty feet from the property line or one hundred (100) feet from any adjacent off premise residential structure, which ever is the greater distance.

- (d) The kennel facility shall be enclosed by a fence or a wall, constructed with suitable materials, and to a height that will contain the animals on the premises and prevent the public or stray animals from obtaining entrance to the enclosure and gaining contact with the animals lodged in the facility.
- (e) Kennel facilities shall have floors that are well drained and shall be constructed of materials that are easily cleaned.
- (f) At any given time, there shall be a maximum limit of six (6) animals, each over the age of four (4) months of age, allowed to be kept at a non-commercial kennel.
- (g) On parcels less than one acre, kennels are not permitted and any animal run or other fenced areas constructed specifically to contain three or fewer animals shall be located in the side or rear yard a minimum of 25 feet from the property line. (Amended 7/28/93)

SECTION 11.22 ACCESSORY FARM DWELLINGS. *(Amended 01-04-11)* Single family accessory Farm Dwellings for use by not more than 4 full-time or part time farm employees or family members of farm operators shall be permitted in conjunction with a principal single family farm dwelling structure in the A-1 and R-1 Districts, subject to the following provisions: (Amended 7/28/93)

- (a) Only one such detached single family dwelling or one attached dwelling unit shall be permitted by right on each premises and the use of the accessory dwelling shall be limited to use as the residence of farm employees, or Family members of the owner or the lessee of the farm operation. Legal evidence or affidavit of such shall be required to be submitted to the Zoning Administrator prior to the issuance of a building permit for an accessory dwelling. Up to two additional farm accessory dwellings or dwelling units may be permitted as special uses, subject to the provisions of this section and Chapter 15. *(Amended 01-04-11)*
- (b) The premises shall be the principle address of the owner or leaseholder of the property.
- (c) The accessory dwelling may be erected as an integral part of the principle farm dwelling or as an integral part of an otherwise permitted farm accessory building such as an attached or detached garage, or barns, or as a free standing single family dwelling unit. If the structure is a free standing single family dwelling unit, it shall, in all ways, conform to the standards for single family homes in the district and be situated so as to be able to comply with the setbacks and yard area requirements for single family homes should the dwelling be sold for non-farm related dwelling purposes at a later date. In such instances, the sale of such a dwelling and parcel shall be subject to the density controls applicable to district in which it is located. *(Amended 01-04-11)*
- (d) If an accessory dwelling unit is attached to the principal dwelling, the minimum square footage of habitable floor area provided in the accessory dwelling shall be 280 sq. feet for one person and 400 sq. feet for two persons. The maximum amount of floor area allowed in an attached accessory dwelling shall be 650 sq. feet. *(Amended 01-04-11)*
- (e) In such instance that the accessory dwelling unit is to be a part of an otherwise permitted accessory building; the habitable floor area shall not comprise more than 50% of the total floor area of an accessory structure.
- (f) Whether a unit is attached as an integral part of the principle dwelling structure or as part of an attached or detached accessory building or as a free standing single family dwelling, the accessory dwelling shall be equipped with its own domestic water supply,

sanitary facilities approved by the Allegan County Health Department, food preparation facilities, and means of outdoor entrance and exit. *(Amended 01-04-11)*

- (g) If attached to or integrated within the principle dwelling structure, only one front entrance to the structure shall be visible from the front yard and there shall be no external evidence of occupancy by more than one domestic unit (family). The floor area of the accessory dwelling shall not be calculated in achieving the minimum required floor area for the principle dwelling unit. *(Amended 01-04-11)*
- (h) All building additions made to an existing structure to facilitate the provision of an accessory dwelling shall be done in a manner that conforms architecturally to the existing structure. *(Amended 7/28/93)*

SECTION 11.23 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE OF MOBILE HOME PARKS. All dwelling units located outside of mobile home parks shall comply with the following requirements: *(Amended 7/28/93)*

- (a) All dwelling units shall provide a minimum height between the floor and ceiling of seven and one half (7.5) feet; or if a mobile home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
- (b) The minimum width of any single family dwelling unit in the A-1 and R-1 District shall be fourteen (14) feet. In any R-2 or R-3 district the minimum width shall be shall be twenty-two (22) feet. Such width shall be maintained for at least sixty-seven percent (67%) of its length, measured between the exterior parts of the walls having the greater length. *(Amended 01-04-11)*
- (c) All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code adopted by the Township, and the area between the grade elevation of the lot and structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions, shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall contain a perimeter wall as required in subsection (e).
- (d) If a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanisms, undercarriage or chassis.
- (e) If a dwelling is a mobile home, as defined herein, each mobile home shall contain skirting along the entire perimeter of the main frame between the ground and the bottom edge of the mobile home body. The skirting shall compliment the appearance of the main walls of the mobile home and consist of the same material or materials of equal or greater durability as those customarily used on the exterior walls of mobile homes. Brick or concrete block wall construction shall be permitted as skirting. The skirting shall be securely attached and sealed to the mobile home body and shall contain a rat proof wall or slab to prevent the entrance of rodents and other animals to underneath the mobile home. One (1) access door shall be permitted in the skirting, and adequate screening vents shall be required in the skirting around the entire perimeter at intervals of not more

than twenty (20) feet so as to provide adequate cross-ventilation. All skirting shall be maintained in good condition at all times. Unprotected flammable materials including hay bales or newspaper shall not be allowed as skirting for mobile homes. (*Amended 10-96*)

- (f) All dwellings shall be connected to a sewer system and water supply system approved by the Allegan County Health Department.
- (g) All dwellings shall provide steps or porch areas, permanently positioned in the ground of permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
- (h) All additions to dwellings shall meet all of the requirements of this Ordinance.
- (i) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of mobile home parks within seven hundred fifty (750) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.
- (j) Prior to issuance of a building permit for any dwelling unit, construction plans at a scale of no less than one quarter inch (1/4") to one foot (1'), including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in subsection (12) hereof.
- (k) All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.
- (l) A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure, approved by the Building Inspector.

SECTION 11.24 SITE CONDOMINIUM SUBDIVISIONS (*Amended 7/28/93*)

- (a) *PURPOSE AND SCOPE.* Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with

any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "Lot" for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the project's location, any land use permitted by the Salem Township Zoning Ordinance may be permitted in a site condominium project.

The purpose of this Section is to ensure that plans for developments within Salem Township proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, shall be reviewed with the objective and intent of achieving the same or comparable essential characteristics as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended. It is also the intent of this Section to ensure that such development is in conformance with the requirements of this Zoning Ordinance, as amended, and other applicable Township Ordinances and state and federal regulations.

- (b) *SITE CONDOMINIUM REVIEW AND APPROVAL PROCEDURES.* Application for review and approval of a site condominium subdivision shall be in accordance with the following procedures:

(1) Step I - Preliminary Review. Prior to the formal application for a Site Condominium Subdivision, the developer shall meet with the Planning Commission. The purpose of this meeting is to inform the Planning Commission of the applicant's intent to initiate a site condominium project. On or before this meeting, the applicant shall submit the following to the Township Clerk (or appropriate designee) who shall distribute it to all Planning Commissioners, the Township Supervisor, Township Planner, and Township Engineer:

- (a) A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.
- (b) A statement regarding the provision of sewer service and water supply.

During the preliminary discussion meeting, the Planning Commission, based on the information available to it, shall inform the applicant about the following:

- (c) General requirements of this Section and other applicable provisions of the Zoning Ordinance.
- (d) Planned or anticipated sites of parks and recreation areas and other public uses.
- (e) Utility system capabilities.
- (f) Planned or anticipated public improvements, including streets, utility extensions, and the like.
- (g) Street plans and potential problems relative to the natural features of the area including, but not limited to, floodplains, soil conditions, topography, and groundwater tables.

- (h) Additional information which may assist the applicant in proceeding in a reasonable and sound manner toward final approval of the site condominium project.

Step I Review is intended for information purposes only and does not constitute binding commitments on the part of the Township. Neither do they imply tentative approval of any proposed site condominium project. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.

- (2) **Agency Review.** Following Step I preliminary review the applicant shall submit the site condominium subdivision plans to the following agencies for their review and comment and, if required, their approval:

- (a) Allegan County Health Department
- (b) Allegan County Road Commission
- (c) Allegan County Drain Commission
- (d) Michigan Department of Natural Resources and Environment. (*Amended 01-04-11*)
- (f) Michigan Department of Transportation
- (e) Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.
- (g) Gas and electrical utility corporations serving the area.
- (h) The applicable Intermediate School District and the individual School District affected by the project.

- (3) **Step II Preliminary Review By Planning Commission.**

- (a) Submission Requirements. An application for preliminary review of a site condominium subdivision project shall be made to the Township Clerk along with the appropriate fees as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - (i) The applicant's name, address, and phone number.
 - (ii) Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as a purchase agreement.
 - (iii) The name, address, and phone number(s) of the owner(s) of record if different than the applicant.
 - (iv) The legal description, address and tax parcel number(s) of the property.
 - (v) Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing etc.
 - (vi) Gross and net size of the parcel in acres.
 - (vii) Written comments and/or approvals from the above list of agencies resulting from their review of the site condominium subdivision plans, as applicable.
 - (viii) A copy of the proposed deed restrictions or covenants for the site condominium subdivision.

- (ix) A copy of any preliminary agreements which may be required before Final Plan approval is granted.
- (x) A copy of the proposed Master Deed of the project and the supportive information which is intended to be recorded with the Register of Deeds as required by state law.
- (b) The applicant shall provide at least fifteen (15) copies of the preliminary site condominium project plan and additional copies if deemed necessary by the Clerk. The plans shall contain the information required for preliminary site condominium plans as required by this Section.
- (c) The application and plans shall be submitted at least twenty (20) days before the next regularly scheduled meeting of the Planning Commission.
- (d) Upon receipt of the preliminary site condominium project plans, the Clerk shall forward one copy to each member of the Planning Commission, Township Planner and Township Engineer, for consideration at the next regularly scheduled meeting of the Planning Commission.
- (e) *Planning Commission Step II Review. Planning Commission Step II Review.* The Township Clerk shall notify by mail all the members of the Planning Commission that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of the public hearing shall be made as set forth in Section 17.06 of this Ordinance. *(Amended 05-08)*

In reviewing the Preliminary Plan, the Planning Commission shall give particular attention to the requirements of Section 11.24, Subsection (c) contained herein. The Planning Commission shall also review all deed restrictions and covenants for the site condominium project and find that they are adequate to ensure ultimate completion of the project in accordance to the proposed project plan. If the Preliminary Plan meets the requirements of this Ordinance and all other applicable local, county, state and federal regulations, the Planning Commission shall grant its Preliminary Approval. The Planning Commission shall forward one (1) copy of the Preliminary Plan along with a notation indicating Preliminary Approval and any recommendations to the Township Board for Step II review and approval.

If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:

- (i) Recommend denial of the Preliminary Plan, setting forth the reasons in writing, or
- (ii) Recommend granting of Preliminary Plan approval contingent upon completion of the revisions as noted.

The Planning Commission shall forward the Planning Commission's recommendations to the Township Board.

- (4) **Township Board Step II Review, and Approval of Preliminary Plan.** After receipt of the Preliminary Plan and recommendations from the Planning Commission, the Township Board shall consider the Preliminary Plan at its next

meeting, or within thirty (30) days from the date of receipt from the Planning Commission.

- (a) The Township Board shall consider the Preliminary Plan along with the recommendations of the Planning Commission. If the plan meets the Preliminary Plan requirements of this Ordinance, the Board shall grant Step II Preliminary Plan approval. The Township Clerk shall sign the plan with the notation that it has received Step II approval and the applicant shall be so notified. Step II approval shall give the applicant the following rights for a two (2) year period from the date of approval:
 - (i) That the general terms and conditions under which Step II approval was granted will not be changed by the Township.
 - (ii) That the building site sizes, number and orientation, and street layout have been approved.
 - (b) If the Preliminary Plan substantially meets the requirements of this Ordinance, the Township Board may grant tentative approval of Step II. This approval shall be conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step II. Upon the submission of such changes, revisions, or additional material to the Township Board, the Preliminary Plan shall be granted unconditional Step II approval and the applicant shall be so notified.
 - (c) If the Preliminary Plan cannot meet the requirements of this Ordinance, the Township Board shall deny Step II approval and shall notify the applicant along with the reasons for denial.
- (5) **Effect of Step II Approval.** Approval of a Step II Preliminary Site Condominium Subdivision project by the Township Board shall serve as conditional authorization to proceed with the project, including the sale of individual building sites on the basis of condominium ownership and the construction of required improvements to the land in conformity with approved project plans. Step II Preliminary Site Condominium Subdivision approval shall not serve as the direct authorization for construction of buildings on individual building sites within the subdivision. Prior to building construction, individual uses shall be subject to the customary zoning provisions and any general or special regulations applicable to the individual structure or use as outlined or referenced in the applicable District regulations of this Ordinance.
- (6) **Final Plan Approval**
- (a) Within two (2) years from the date of Step II approval of the Preliminary Plan, the applicant shall prepare and submit the necessary copies of the Final Site Condominium Plan to the Township Clerk along with a completed application form and any fee established by the Township Board at least two (2) weeks prior to the next regularly scheduled Board meeting. The applicant shall also submit the following:
 - (i) Two (2) copies of as-built plans of all required public improvements which shall be reviewed by the Township Engineer for compliance with applicable Township ordinances.

- (ii) A copy of all final agreements and the Master Deed which is to be recorded with the Allegan County Register of Deeds.
 - (iii) Letters of approval from all applicable agencies or utilities listed in Subsection (2) stating that improvements have been properly installed and inspected, and inspection fees paid, or that performance guarantees or other similar surety have been submitted for uncompleted improvements.
 - (b) If all submissions are found acceptable, the Clerk shall submit the same to the Township Board at its next regular meeting for approval.
 - (c) The Board shall approve or reject said Final Plan based upon the Plans and other material submitted and the recommendation of the Township Engineer and notify the applicant in writing.
 - (d) If the Final Plan is rejected, the Clerk shall notify the applicant stating the reasons for denial.
 - (e) All provisions of the Site Condominium Subdivision Project Plans which are approved by the Township Board must be incorporated, as approved, in the Master Deed for the condominium project. A copy of the Master Deed as filed with the Allegan County Register of Deeds for recording must be provided to the Township Clerk within ten (10) days after such filing with the County.
- (7) **Financial Guarantee.** In lieu of completion of all required public or private improvements prior to approval of the final plan, the Township Board may permit the developer to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any public agency other than the Township responsible for the administration, operation, and maintenance of the applicable public improvement. Completion of improvements shall be required prior to the issuance of occupancy permits for any dwelling or business establishment.
 - (a) Cash Deposit, Certified Check, Irrevocable Letter of Credit
 - (i) A cash deposit, certified check, or irrevocable letter of credit shall accrue to the respective public agency responsible for administering the construction, operation, or maintenance of the specific public improvement. These deposits shall be made with the treasurer of the respective unit of government of which the public agency is a part, or deposited with a responsible escrow agent, or trust company, subject to the approval of the respective governmental body.
 - (ii) The dollar value of the cash deposit, certified check, or irrevocable letter of credit shall be equal to the total estimated cost of construction of the specified public improvement.
 - (iii) The escrow time for the cash deposit, certified check, or irrevocable letter of credit shall be for a period to be specified by the respective public agency responsible for administering the construction, operation or maintenance of the specific public improvement.

(iv) In the case of either cash deposits or certified check, an agreement between the respective public agency and the developer may provide for progressive payments out of the cash deposit or reduction of the certified check to the extent of the estimated cost of the completed portion of the public improvement in accordance with the standard practices of the public agency responsible for administering the specific public improvement.

(b) **Penalty for Failure to Complete the Construction of a Public Improvement.** In the event the developer shall, in any case, fail to satisfactorily complete the required construction of a public improvement within such period of time as required by the conditions of the guarantee for the completion of public improvements, the Township Board may declare the developer to be in default and require that all the improvement(s) be installed regardless of the extent of the building development at the time the bond is declared to be in default. The Township Board may obtain sums necessary for the cost and expense of such installation by appropriating the amounts necessary to complete the project from the cash deposit, certified check, or irrevocable letter of credit. Nothing contained herein shall prohibit the Township from the pursuit of any other remedies which may be available for breach of agreement and/or for damages including requests for actual attorney fees and costs.

(c) *SITE CONDOMINIUM SUBDIVISION PLANS.*

(1) Required Content - Preliminary Plan. Site plans submitted for a Site Condominium Subdivision shall be prepared in accordance with the following requirements.

The Preliminary Plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:

- (a) The name of the project; the name and address of the developer; the name, address and seal of a registered surveyor or engineer preparing the Plan; and a description of the property to be subdivided.
- (b) A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
- (c) North arrow, scale, contour interval, and legend when appropriate.
- (d) Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.
- (e) Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
- (f) The location of all existing streets, lots, plats, public utilities, drains, streams or bodies of water on/or abutting the property.
- (g) The lot lines, intended layout, and intended use of the entire property owned or represented by the developer. The following shall be included:

- (i) Street and stub street right-of-way -- location, width and curve radii.
 - (ii) Proposed street names.
 - (iii) Building site lines, site line dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten (10) square feet.
 - (h) The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.
 - (i) The locations and tentative sizes of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, ponds, lagoons, slips, waterways, lakes, bays, and canals.
 - (j) Statements regarding:
 - (i) Intent to utilize public or private water or sewage facilities.
 - (ii) Zoning and lot size requirements.
 - (iii) Zoning requirements for front, side and rear yards.
 - (iv) Size and type of street in accord with Allegan County Road Commission standards or any adopted Salem Township private street regulations (ref. Section 11.25).
 - (v) Intent to install gas, sidewalks, street lights, and shade trees.
 - (vi) Use of waterways, rivers, streams, creeks, lakes or ponds.
 - (k) The location of all general and limited common elements.
 - (l) The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the Master Deed.
 - n). Identification of the limits of any required "natural vegetation zone" and/or "transition zone" adjacent to a riparian feature, as established by the Riparian Area Protection standards contained in Chapter 25. *(Amended 2-08)*
- (2) **Final Plan.** The Final Plan for a Site Condominium Subdivision shall include:
- (a) One (1) set of approved as-built or final construction plans for all required improvements to be kept on file by the Township.
 - (b) One (1) copy of the final Master Deed intended for recording.
 - (c) Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, streetlights, or shade trees.
 - (d) One (1) copy of any financing arrangements between the Township and the proprietor for the installation of required improvements, if any.
- (d) *SITE CONDOMINIUM SUBDIVISION LAYOUT, DESIGN, AND REQUIRED IMPROVEMENTS*
- (1) **Conformance With Zoning.** All land uses and building sites within a site condominium subdivision project shall be subject to the requirements of the Salem Township Zoning Ordinance for that zoning district in which it is located.

- (2) **Streets.** All site condominium subdivision lots shall be served by a public road system constructed in accordance with the regulations of the Allegan County Road Commission or, if subsequently adopted after the effective date of this Section, with private streets constructed under the standards of Salem Township.
- (3) **Water, Sanitary Sewer, Storm Drainage and Private Utilities.**
 - (a) Site condominium subdivisions which cannot reasonably be required to connect to public water and sewer services may at the discretion of the Township Board be allowed to utilize private well and septic systems. Such systems, if allowed, shall adhere to the requirements of the Allegan County Health Department. Private community well and sewage systems, if allowed, shall be constructed to standards for public systems for eventual dedication to the public.
 - (b) All telephone, electric, gas and cable television utilities, when provided, shall be installed underground within easements dedicated for such use.
 - (c) Storm drainage collection, retention and detention facilities shall be constructed to Allegan County Drain Commission standards and recommendations.
- (4) **Other Required Improvements.**
 - (a) Monuments shall be located in the ground at all angles along the boundaries of the site condominium subdivision. These monuments shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least four (4) inches in diameter.
 - (b) All corners of lots within a site condominium subdivision shall be staked in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter or other markers as approved by the Township Building Inspector.
- (5) **Law.** The requirements, procedures, regulations, and powers set forth in the Condominium Act, Act 59 of 1978, as amended, shall apply except as provided by this Ordinance.
- (6) **Inspection and Specifications.** The Township Board may establish inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance. All plans and installation of improvements called for shall be subject to the approval of the Township or its agent, or such other competent persons as designated by the Township. All inspection fees shall be paid by the applicant before the Final Plan is signed by the Township Supervisor, unless adequate sureties or deposits to cover such expenses are provided to the Township prior to Final Plan approval.
- (7) **Protected and uninhabitable Areas** -For properties affected by the Riparian Area Protection Overlay Zone as delineated on the "Riparian Areas Protection Overlay Map," and the Official Zoning Map of Salem Township, master deed provisions and restrictive covenants shall include the following statement: "There shall be no clearing, grading, placement of fill, construction or disturbance of vegetation within any lot (unit), out-lot, park or common area labeled "natural

vegetation zone" or "transition zone" as it appears on the exhibit (insert letter designation) drawings of this development except as permitted by Chapter 25 of the Salem Township Zoning Ordinance." (*Amended 2-08*)

(e) *VARIANCES*

- (1) **Building Site Area, Width, and Depth Regulations.** Variances with respect to individual building site width, depth, and area regulations governed by the District regulations of the Zoning District in which the site condominium project is located shall be made to the Zoning Board of Appeals pursuant to the procedures, rules, and conditions contained in this Ordinance.
- (2) **Applications.** Applications for any variance or planned development shall be made in writing by the petitioner prior to the time when the Step II Preliminary Plan is filed for the consideration of the Planning Commission. The application shall state fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans, or other additional data which may aid the Planning Commission or Zoning Board of Appeals in the analysis of the proposed variance.

SECTION 11.25 PRIVATE STREETS. All private streets and certain shared or joint driveways (those serving lots not having the required minimum lot frontage on a public street) shall be subject to the following standards (Ref. definitions of Private Street and Driveway in Chapter III, also Section 11.27 Driveways): (*Amended 10/96, 12/15/98 and 9-24-02*)

(a) **Definitions:** For purposes of this section, the following terms are defined as follows:

- (1) **Existing Private Street:** is a private street or a private street system which is used to provide access to lots, buildings or dwelling units existing as of the effective date of this Ordinance.
- (2) **Existing Lot:** is a lot which, as of the effective date of this Ordinance, meets at least one of the following conditions:
 - (a) The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Allegan County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Allegan County Register of Deeds;
 - (b) The lot has been assigned its own permanent parcel number by the Allegan County Property Descriptions and Mapping Department and is individually assessed and taxed on that basis; or
 - (c) The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Allegan County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA 59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
- (3) **Existing Building** or an existing dwelling unit is a building or dwelling unit for which a building permit has been issued by the Township as of the effective date of this Section.

- (b) ***Easements and Relationship to Adjoining Property:*** .(Amended 11-09)
- (1) Private streets shall be situated within a private street easement having a width of at least 66 feet
 - (2) The area of a private easement shall not be included in the calculation for determining minimum lot size.
 - (3) Any private street easement and any private street not yet constructed within a private street easement that is located less than 30 feet from an adjoining property not under the control or ownership of the private street developer shall require the issuance of a special use permit prior to its creation or construction (Ref. Sec 11.25 subsection (g) paragraph (2) Additional and Prequalifying Standards and Procedures). .(Amended 11-09)
- (c) ***Lot Requirements And Limitations:***
- (1) **Minimum Frontage:** A lot or parcel having its principal means of access from a private street shall have frontage on the private street easement. This frontage requirement may be satisfied in one of three ways (Ref. Section 11.14 for minimum lot width requirements):
 - (a) The frontage shall be continuous and at least equal to the minimum lot width required for the subject zoning district, or
 - (b) The lot shall have a property line (frontage) in common with the end line of the 66 foot wide private road easement. The minimum length of the common line (frontage on the end line) shall be twenty five (25) feet.
 - (c) If the lot has continuous frontage on a cul-de-sac or a curved street segment having an arc with a radius of less than one hundred fifty (150) feet, the minimum lot frontage at the private street easement line may be reduced to forty (40) percent of the minimum frontage otherwise required in the zoning district.
 - (2) **Street Extensions And Lot Subdivision:** Additional lots may be created with the required frontage on an existing private street. If an existing private street or joint driveway is to be extended, the existing street or joint driveway segment as well as any new segment shall be improved to meet the standards of this Section.
- (d) ***Construction Standards:*** The spacing, geometric design and minimum surface requirements for all private street entrances within the public right-of-way are subject to the “Rules Regulating Work On And Over County Roads”, as adopted by the Allegan County Road Commission. In addition, the following standards shall apply to the construction and maintenance of private streets.
- (1) **Maximum Length:** The length of a single access or dead end private street shall be limited to 2640 lineal feet of roadway. The measurement shall be made from the point where the centerline of the private street intersects with the public road right-of-way line, then along the centerline of the private roadway to the street end point most distant from the public right-of-way.
 - (2) **Standards for Private Streets Serving Fewer than Eleven (11) Residential Lots:**
 - (a) Width: The minimum cross section width of the private street shall be fifteen (15) feet, consisting of at least twelve feet of travel surface and 1 1/2 feet of gravel shoulder on each side of the travel surface.

- (b) Turnouts: Length streets with an average cross-section width, including shoulders, of less than twenty two (22) feet shall include tapered turnouts for two-way vehicle passing. The turnouts shall be provided at strategic locations at a ratio of one for each five hundred (500) feet increment of street length. The turnouts shall provide a combined thru and by-pass lane width of at least twenty (20) feet for a length of at least forty (40) feet. The turnouts shall be provided in addition to individual driveway openings but may be situated opposite driveway openings.
- (c) Turn-Around: Each private street shall provide for the turning around of vehicles at the street end. This shall be accomplished by the use of a cul-de-sac having an improved surface with a minimum outside radius of 40 feet (80 feet diameter) or by use of a continuous loop or circular street layout. On single access streets in excess of 1500 feet of length a turn-around at the approximate mid-point of the street may also be required to further facilitate the maneuvering of emergency and service vehicles using
- (d) Drainage, Vertical Clearance And Load Support: All private streets shall be constructed and maintained so as to provide good drainage, vertical clearance and load support and to allow safe and efficient emergency vehicle access to structures. If a street crosses a natural drainage course, stream or other natural body of water, by bridge, culvert or other structure, the Zoning Administrator shall have the authority to require that a registered professional engineer certify that a crossing provides for adequate drainage and is able to carry the loads imposed by emergency equipment operated by the Township and those entities providing mutual aid. Vertical clearance between the street surface/street shoulder and overhanging tree branches or other obstructions shall be maintained at a minimum of 12 feet.
- (e) Base: Twelve (12) inches of sand (granular material class II) compacted in place, or in place natural sand if it is equivalent.
- (f) Surface Material: Private streets serving 3 or fewer lots may have a gravel, crushed concrete or similar improved permeable or impermeable surface. Private streets serving four or more lots must have a paved surface. Unless a greater standard is required under Sub Section 11.25(d)(3) below (Standards for Private Streets Serving More than 10 Lots or Parcels) the minimum surface material requirements for private streets used for residential uses (single and two family) are as follows:
 - (i) Gravel - M.D.O.T. 22-A, 6 inches thick or an equivalent or better thickness of crushed concrete or limestone.
 - (ii) Asphalt - M.D.O.T. 22-A, 6 inches thick gravel sub-base plus M.D.O.T. spec. 4.00, asphalt, 2 1/2 inches thick, or;
 - (iii) Concrete - M.D.O.T. 22-A, 6 inches thick gravel sub-base plus M.D.O.T. spec. 6.09 concrete, 5 inches thick
- (g) Maximum Grades: Average grades in excess of 10 percent over distances in excess of 100 feet are prohibited. Within thirty (30) feet of an

intersection with any other private street or with any public right-of-way, grades shall not exceed four (4) percent.

- (h) Minimum Grades and Cross Section: The minimum grade for a private street shall be 0.5 percent. Approximately 1/4 inch (0.02') per foot of cross sectional crown should be maintained.
- (i) Curves: The minimum outside turning radius at curves shall be forty (40) feet. The minimum length of a vertical curve shall be forty (40) feet.

(3) **Additional Standards For Private Streets Serving More Than 10 Lots Or Parcels.** Unless modified or waived as provided herein, a private street which is to serve eleven (11) to fifty (50) residential lots or parcels shall be constructed to the standards for platted residential streets as adopted by the Allegan County Road Commission. The above standard may be waived and all or portions of the street constructed to the Allegan County Road Commission standards for local roads only if one or more of the following conditions will exist:

- (a) If one or both sides of the street or a street segment of greater than five hundred feet (excluding the diameter of a cul-de-sac street end) serves lots or parcels with an average frontage of 250 feet or more,
- (b) If one or both sides of the street or a street segment of greater than five hundred feet (excluding the diameter of a cul-de-sac street end) serves lots or parcels that utilize joint driveways, as regulated under the provisions of section 11.27(b), resulting in an average driveway spacing of 250 feet or greater:
- (c) If one or both sides of the street or a street segment of greater than 200 hundred feet (excluding the diameter of a cul-de-sac street end) fronts on land area that has been permanently dedicated for open space or will not otherwise derive access to the street,

Approval of a modification as allowed herein shall be granted by the Zoning Administrator or Planning Commission as appropriate under the review procedures contained or referenced in this section.

A waiver of the Platted Street standard may be applied independently to each side of the street, creating street segments that have valley gutters on one side and shoulders on the opposite side of the street. Waivers may only be applied to both sides of a street if the land fronting on each side meets one or more of the above criteria, a. b. or c.

The standards for platted streets shall apply to cul-de-sac street ends unless the platted standard has been waived for both sides of the street up to the beginning of the radii of the cul-de-sac.

Any portion of a residential street which provides direct or indirect means of access to more than fifty (50) lots or parcels shall be constructed in conformance with the street standards of the Allegan County Road Commission as required for residential plat development and shall be dedicated to the public.

- (4) **Additional Standards.** Ref. Sub-Section F (2) below for additional standards and conditions relative to residential development subject to special use approval.
- (e) ***Street Names, House Numbering and Street Signs.***

- (1) A private street shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name and meeting Allegan County Road Commission standards as to design, location, and maintenance shall be erected and maintained where the private street intersects with public road or another private street.
 - (2) A duplicate street name sign bearing the name of each private street shall be provided to the Township at the time of issuance of the Final Private Road Compliance Certificate. The duplicate sign shall be kept and maintained by the Township and shall be installed at the expense of the landowners benefiting from the private street if the original sign becomes damaged destroyed or missing.
 - (3) A uniform house number as assigned by the Allegan County Road Commission to each dwelling served by the private road shall be conspicuously placed adjacent to the driveway serving a dwelling.
- (f) ***Private Street Maintenance:*** The applicant(s) and/or owner(s) of a proposed private street shall provide to the Township a recordable or recorded maintenance agreement, access easement agreement, and deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall contain the following provisions.
- (1) A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
 - (2) A workable method of apportioning the costs of all maintenance and improvements including resurfacing.
 - (3) A notice that if repairs and maintenance are not made to keep the roadway in safe and good condition, such condition shall be considered in violation of this ordinance and subject to Chapter XIX.
 - (4) A notice that no public funds of the Township of Salem are to be used to build, repair, or maintain the private street and that the Township will be held harmless for any personal or property damage claims stemming from accidents occurring on or in connection with the private streets.
 - (5) Easements to the public for emergency and other vehicles and for other public services as are necessary.
 - (6) A provision that the owners of any and all of the property using the street shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the street.
- (g) ***Procedure for Review of Private Streets***
- (1) **Application and Fee:** An application shall be filed with the Zoning Administrator along with a fee as set by the Township Board. Once the application has been determined to be complete, the zoning Administrator shall for a copy of the permit application shall be forwarded to the Township Fire Department for information purposes. A private street application shall contain or be accompanied by the following information:

- (a) The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed.
 - (b) Permanent parcel number or legal description of the property or properties over which the private street is to be constructed.
 - (c) A small scale site location map, which shows the relationship of the street to surrounding properties and other roadways within one-half mile of the site.
 - (d) A scaled drawing prepared by a licensed professional engineer showing the location, route, topographic contours showing relative elevations, dimensions, specifications and design of the private street and any proposed extensions of the street and the location and distance to any public street which the private street is to intersect, and the location of driveways, streets and structures within 150 feet of the proposed private road.
 - (e) A road maintenance agreement, access easement agreement and deed restrictions as described in paragraph (h) shall accompany the application.
 - (f) A driveway permit for the private road from the Allegan County Road Commission.
- (2) **Additional or Pre-qualifying Standards and Procedures:** (Amended 11-09)
- (a) The design and construction of private streets serving multi-family developments or any residential development subject to approval by special use permit is subject to review under Chapter 14, Site Plan review and/or Chapter 15 and any conditions imposed by the Planning Commission under those provisions.
 - (b) Any private street easement and any private street not yet constructed within a private street easement that is located less than 30 feet from an adjoining property not under the control or ownership of the private street developer shall require the issuance of a special use permit prior to its creation or construction. In the review of an application for a private street proposed within 30 feet of an adjoining property, the Planning Commission shall consider the following, in addition to the Discretionary Standards of Section 15.03. (Amended 11-09)
 - (1) The existing and permitted uses located on the adjoining land. (Amended 11-09)
 - (2) The existing and proposed topography, drainage, and vegetation within the street easement and existing structures topography and vegetation within 100 feet of the private street easement. (Amended 11-09)
 - (3) Expected traffic volumes and the likely impact that the vehicles will have on the adjacent property. (Amended 11-09)
 - (4) Techniques for minimizing the expected impacts including, but not limited to, berming and grading tree and shrub plantings, fencing and increasing the distance from the adjacent property. (Amended 11-09)
- (3) **Approval to Construct:** If the Zoning Administrator finds that the application meets the requirements of this section or any condition imposed by the Planning Commission as part of a site plan approval or special use permit, he or she shall

within 14 days of the date of receipt of a complete application, approve the application and issue a permit for construction. This permit shall contain the signature of the Zoning Administrator and the date of approval. Two copies of the private street plans shall be signed for approval. One copy shall be retained by the applicant, and one copy shall be retained by the Township. This construction permit does not authorize the construction of any buildings adjacent to the private street. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private street has not commenced before this date, the permit shall expire. A new permit shall be required before construction can begin.

- (4) **Final Compliance Requirements:** Upon completion of construction of the private road, the applicant shall provide the Zoning Administrator with:
- (a) a letter from a registered professional engineer stating that the road has been, designed, inspected and constructed in compliance with the approved private road plans and specifications contained herein, and
 - (b) documentation that the road maintenance agreement, access easement, and deed restrictions have been recorded with the Allegan County Register of Deeds office.

SECTION 11.26 WILD ANIMALS, KEEPING OF. Notwithstanding the provisions of Section 11.20, it is the intent of this Section to prohibit the keeping, selling, boarding, housing, possession and maintenance of wild animals within the Township, either temporarily or permanently except under the conditions enumerated below.

The term "wild animals" as used herein shall include but not necessarily be limited to lions, tigers, lynx, bobcats, bears, poisonous fish, poisonous insects, poisonous arachnids, large or poisonous reptiles, and any other life form that is incapable of being completely domesticated.

- (a) The keeping of the animal or animals is carried out by a veterinarian licensed in the State of Michigan for the treatment of injuries or to temporarily harbor an animal until permanent quarters are found.
- (b) The keeping of the wild animals is within a commercial/game breeding operation, or public or private wildlife park or preserve, or hunting preserve as may be licensed or authorized by the Michigan Department of Natural Resources and Environment. and as may be authorized in the A-1 or R-1 Districts as special land uses. *(amended 01-04-11)*
- (c) The keeping of the animals is a part of a special event such as a circus or carnival as appropriately licensed by the State of Michigan. *(Amended 5/10/94)*

SECTION 11.27 DRIVEWAYS. (Ref. Chapter III Definitions) The spacing, geometric design and minimum surface requirements for all driveway entrances within the public right-of-way are subject to the "Rules Regulating Work On And Over County Roads", as adopted by the Allegan County Road Commission. In addition, and unless also regulated under the provisions of Section 11.29, driveways serving not more than two lots or parcels that are 250 feet in length or greater and which serve a dwelling or other principle non-farm building situated more than 250 feet from an accessible point on a public or private street, shall be subject to the following standards (Ref. also Section 11.25 Private Streets) *(Amended 10-96, 9-24-02 and 05-08)*

(a) **Construction Standards:**

(1) Drainage And Load Support: All driveways shall be constructed and maintained so as to provide good drainage and load support and to allow safe and efficient emergency vehicle access to structures. If a driveway crosses a natural drainage course, stream or other natural body of water, by bridge, culvert or other structure, the Zoning Administrator may call on the advice of the Fire Chief or his or her assigns to determine the adequacy of the crossing. The Zoning Administrator shall have the authority to require that any such crossing is certified by a registered professional engineer to its ability to carry the loads imposed by emergency equipment operated by the Township and those entities providing mutual aid.

(2) Surface Material: The minimum surface material requirements for driveways used for residential uses (single and two family) are as follows:

- (a) Gravel - M.D.O.T. 22-A, 6 inches thick
- (b) Asphalt - M.D.O.T. spec. 4.00, 1 3/4 inches thick
- (c) Concrete - M.D.O.T. spec. 6.09, 4 inches thick

(3) Grades And Alignment: Sufficient clear vision and turning radii for emergency equipment and service vehicles shall be provided. Grades in excess of ten (10) percent are discouraged. Average grades in excess of 10 percent over distances in excess of 100 feet are prohibited.

(4) Width: The minimum width of the driveway surface from the street right of way to any single family dwelling shall be nine (9) feet. The minimum surface width of any driveway serving a two family dwelling or any joint driveway serving two adjoining lots shall be ten (10) feet.

(5) Turnouts: Lengthy driveways shall include tapered turnouts for two-way vehicle passing. The turnouts shall be provided a at a ratio of one for each Five hundred (500) feet increment of driveway length. The turnouts shall provide a combined thru and passing lane width of at least twenty (20) feet for a length of at least twenty (20) feet.

(b) **Joint Driveways:** Joint driveways, or single driveways serving no more than two (2) lots or parcels, are permitted subject to the following limitations and controls:

(1) Easement: The driveway shall be positioned entirely within a driveway easement. The driveway easement shall be at least five (25) feet in width and may be situated on one or both of the parcels being served. The twenty five (25) foot easement may be included in determining compliance with the lot or lots minimum street frontage requirements (see Expansion below).

(2) Minimum Street Frontage: Notwithstanding the provisions of Section 11.14 b), each lot served by a joint driveway must have the required minimum street frontage (lot width) on a public or private street (ref. Section 11.14). A driveway serving two lots (a "joint driveway") will be classified as a private street and will be subject to all of the requirements of Section 11.25 if one or more of the lots served do not contain the required minimum lot frontage (lot width) on a public road.

(3) Expansion: Driveways serving 3 or more parcels as their principal means of access are for the purposes of this ordinance defined as private streets, and are subject to the provisions of Section 11.25. To retain the future option of expanding a joint driveway to a private street, proprietors are advised to utilize 66 foot easement widths and to establish minimum lot frontages exclusive of the easement widths.

- (c) **Commercial Driveways:** The design, number, placement and construction of any driveway serving a commercial, industrial or multi-family use, or any special land use, is subject to the standards of Section 11.29 and to the review by the Planning Commission under Chapter 14, Site Plan review and/ or Chapter 15. Such driveways are subject to additional conditions as may be imposed under those provisions. *(Amended 05-08)*
- (d) **Permits, Inspection and Compliance:** The Zoning Administrator shall be the inspector of compliance with the aforementioned standards. The Zoning Administrator may retain professional expertise as is deemed necessary in the review of construction plans, field inspections, testing and in the interpretation of test results. All expenses relating to inspection will be paid by the builder of the driveway. Plans for the location and construction of a driveway or joint driveway shall be submitted at the time of an application for a building permit and all of the provisions of Sections 17.02, 17.03, 17.04 and 17.05 shall apply.

SECTION 11.28 HOME OCCUPATIONS *(amended 12-06)*

- (a) For purposes of this section, a home occupation is a gainful occupation traditionally and customarily carried out in the home or on a residential property, as a use that is incidental to the use of the home and premises as a place of residence.
- (b) A home occupation may be permitted in the A-1, R-1, R-2, R-3, or VR Districts only in association with a dwelling and in accordance with this section. *(Amended 01-04-11)*.
- (c) Type I Permitted Home Occupations. Type I home occupations shall be permitted by right, and are authorized without a zoning permit. To be classified as a Type I home occupation, the occupation shall be conducted entirely within a residential dwelling and/or an attached garage accessory to the dwelling and shall at all times comply with the following standards and conditions:
 - (1) The home occupation shall be carried out only by persons occupying the dwelling as a principal residence and not more than one other person.
 - (2) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes. The appearance of the structures shall not be altered for such purpose and the occupation must not be conducted in a manner that will cause the premise to take on a non-residential character either by the use of colors, materials, or construction, the generation of traffic or waste or by the emission of sounds, vibrations, light, particulates or odors. No storage or display outside of the dwelling or attached building shall be visible from the street or adjacent properties.
 - (3) Within the A-1, R-1 Districts, one sign, not exceeding eight square feet may be used to identify home occupations therein. For home occupations permitted within the R-2, R-3 or VR Districts, signs identifying the use shall not be permitted. *(Amended 01-04-11)*

- (4) The maximum floor area devoted to the home occupation shall be limited to 500 square feet or 25 percent of the gross floor area of the dwelling unit and attached accessory building combined, whichever is the lesser amount.
 - (5) There shall be no selling of goods, merchandise, supplies or products, except on an occasional basis, provided that orders previously made by telephone or at a sales event off the premises may be filled on the premises.
 - (6) If used, combustible, toxic or hazardous material must be used and stored in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
 - (7) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
 - (8) As a result of a home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for residential uses in the zoning district in which the use is located.
 - (9) There shall be adequate off-street parking spaces. On street parking, or parking within the street right of way is prohibited.
 - (10) Deliveries and shipments by commercial vehicles shall be on an occasional or incidental basis.
 - (11) Home occupations are subject to approval of the building inspector and all additional permitting and inspections relative to enforcement of building construction, electrical, plumbing and mechanical. Such permitting shall be based upon the actual building occupancy and the use and occupancy standards contained in such codes, irrespective of zoning classification.
- (d) Type I Home Occupations: The following list of uses shall be considered Type I home occupations when carried out in compliance with the standards and conditions of Section 11.28 (c) above.
- (1) Architect, engineer and interior design and similar professions
 - (2) Beauty salons and barber shops.
 - (3) Attorney, book keeping, accounting, financial planning and similar professions.
 - (4) Cabinet making and carpentry work.
 - (5) Computer programming and other computer related work.
 - (6) Consulting and counseling services.
 - (7) Drafting and illustration services.
 - (8) Dress making, sewing and tailoring.
 - (9) Furniture upholstery.
 - (10) Gun dealer and gun repair service.

- (11) Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work, candle making and jewelry making.
 - (12) Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs.
 - (13) Office of minister, priest or other member of the clergy.
 - (14) Office of building contractor or building trades persons (excluding equipment parking).
 - (15) Office of a sales person, sales representative or manufacturers representative.
 - (16) Painting, sculpturing and writing.
 - (17) Private tutoring.
 - (18) Secretarial services.
 - (19) Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like.
 - (20) Television and other small appliance repair.
 - (21) Telephone answering service and telephone solicitation work.
 - (22) Travel booking service.
 - (23) Watch repair.
- (e) Un-listed, but similar home occupations. In addition to the above Type I permitted home occupations, those which are similar in nature and effect to those specifically listed in this section may also be permitted if the use is similar to a home occupation that is specifically listed.
- In determining whether a proposed home occupation is similar to one listed in subsection (d), the Zoning Administrator must find that the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from one or more of Type I home occupations that are specifically permitted in this section and therefore would not have appreciable adverse effects upon the residential nature of the property and upon adjacent and nearby lands and the uses thereof.
- (f) Type II Home Occupations: Activities and Uses requiring Approval as Special Uses. The following home occupations (*ref. definition of Home Occupation*) may be permitted in the A-1, R-1, R-2, R-3, and VR Districts if approved by the Planning Commission as a special use under Chapter 14 of this ordinance. (*Amended 01-04-11*)
- (1) A home occupation involving the use of a detached accessory building and/or one that would exceed the floor area limitations for Type I Home Occupations.
 - (2) A home occupation involving more than one non-resident worker and/or one involving workers using the site as a regular base of operation for work or service provided of-site. The Planning Commission may authorize additional associates, employees or

assistants (who do not reside within the dwelling) where such persons by way of their activities and interaction on site would not cause traffic congestion or parking problems or otherwise materially change or impair the residential character of the neighborhood or lead to the creation of a spot business zone.

- (3) Gymnastics and dance instruction.
 - (4) Bed and breakfast establishments.
 - (5) Veterinarian's office or clinic in the A-1, and R-1 Districts, but only if located on parcels of land of at least 3 acres.
 - (6) Child or adult day care for more than 6 but not more than 12 unrelated individuals.
- (g) Prohibited Uses: The following uses shall not be eligible for consideration and approval as Type II home occupations.
- (1) New or used vehicle, boat, RV or similar sales.
 - (2) Automobile repair or salvage.
 - (3) Pyrotechnic and explosives manufacture, processing or storage.
- (h) Standards for Type II Home Occupations: In considering the special use authorization of any Type II home occupation the Planning Commission must find that the use shall remain compliant with all of the following standards:
- (1) The home occupation will be and remain incidental and secondary to the use of the premises as a dwelling.
 - (2) The nature of the home occupation shall be substantially in keeping with the residential or other permitted use of the property such as farming.
 - (3) The likely effects of the home occupation upon adjacent and nearby lands shall be within the scope of the effects likely to result from other uses permitted by right and occurring in the district and similar home occupations that are specifically permitted in this section.
 - (4) The home occupation will have no appreciable adverse effects upon adjacent and nearby lands and the uses thereof as a result of increased traffic, noise, vibrations, smoke, dust, odors, heat or glare or as a result of the storage or use of combustible toxic or hazardous materials.
 - (6) All of the standards of Section 11.28(d), notwithstanding those limits on the number of allowable on-site employees and assistants, the use of detached accessory buildings and maximum floor area.
- (i) Conditions: When authorizing a Special Use permit for a Type II Home Occupation the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:
- (1) The hours of operation.
 - (2) The floor area of the use.

- (3) The area, height, bulk, and location of any accessory building.
- (4) The outdoor storage or display of goods, inventory or equipment and the screening thereof.
- (5) The manner of storage or use of combustible toxic or hazardous materials on the premises.
- (6) Machinery or electrical activity that may interfere with nearby radio or television reception or create noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) Motor vehicle and/or pedestrian traffic and its circulation on and off site.
- (8) The amount of off-street parking provided, and the location and surfacing and drainage thereof.
- (9) The number of permitted associates, employees or assistants whether working on-site or performing duties principally off-site.

SECTION 11.29 STREET ACCESS STANDARDS. *(Entire section added 05-08)* The purposes of these provisions are to protect health and safety, to preserve public roadway capacity and efficiency, to promote community character and to ensure orderly development.

- (a) **Applicability:** These provisions shall apply to all commercial, industrial, multi-family and special land uses, to all land within the C-1 and I-1 Zoning Districts and to all site condominium and subdivision developments created for residential, commercial or industrial purposes.

The Planning Commission shall review all applicable site plans and special land uses and all proposed site condominium or platted subdivisions with respect to the provisions contained herein, pertaining to vehicle access and circulation. In approving any such use or development the Planning Commission shall have the authority to:

- (1) Limit the number of driveways per use or parcel.
 - (2) Require the creation of internal access off a private road perpendicular to the public road.
 - (3) Require a frontage road or service drive for adjacent uses and contiguous parcels.
 - (4) Require that parking lots on adjacent lots and parcels be connected.
 - (5) Require that driveways for adjacent uses, lots and parcels be shared, and
 - (6) Stipulate the location of driveways to ensure that they are appropriately aligned with opposing driveways.
- (b) In determining the degree of access control measures necessary, the following factors shall be considered:
- (1) The type and location of uses on the site.
 - (2) The location, size and design of existing and proposed parking areas.
 - (3) Expected traffic generation and the existing and projected traffic volume on adjacent roadways.
 - (4) Compatibility between adjacent land uses.
 - (5) Land ownership patterns and location of lot lines.
 - (6) Topography and sight distance along adjacent roadways and on the site.

- (7) Distance from intersections.
- (8) Location of driveways opposite the site.
- (9) Width of roadway and number of lanes.
- (c) The following regulations shall apply:
 - (1) A use or parcel shall not be denied reasonable access.
 - (2) Cross easements connecting parking lots of contiguous parcels and/or front or rear service drives providing access between uses or parcels shall be required where appropriate. Such cross access shall be illustrated on approved site plans/development plans.
 - (3) The number of driveways allotted for a lot, parcel or use regulated hereunder shall be permitted based on the amount of road frontage for the parcel or use as follows:

<u>STREET FRONTAGE</u>	<u>DRIVEWAYS PERMITTED</u>
Less Than 250 Feet	1
251 To 600 Feet	2
More Than 600 Feet	3

Additional driveways serving a commercial, industrial or special use will not automatically be provided upon the dividing of a parcel(s) which has an existing driveway(s). Additional driveways may be allowed if traffic generation is projected to be more than six hundred (600) vehicles per day and/or volumes are anticipated to cause traffic congestion during the morning or afternoon peak hour of roadway travel. Traffic projections and peak hour analysis shall be based on accepted trip generation rates provided in the ITE Trip Generation Manual, 7th Edition or later and/or professional analysis of the proposed used.

- (4) A right turn lane and taper may be required for driveways with anticipated right-turn inbound traffic volumes in excess of forty (40) vehicles during the hours of 4:00 p.m. and 6:00 p.m. or one thousand (1,000) vehicles per day. All driveways and turn lanes shall be constructed in accordance with the standards of the Allegan County Road Commission.
- (5) The placement of a driveway shall be determined by the following criteria if it is to be located near an intersecting street.
 - (a) A driveway shall not be located in the clear vision area of an intersection as established by the Allegan County Road Commission or Michigan Department of Transportation.
 - (c) A driveway serving a multi-family, commercial, office, or industrial use shall be spaced at least two hundred (200) feet from another driveway serving the same or similar use on the same side of the street and shall be appropriately aligned with opposing driveways to minimize turning conflicts in the street.
- (6) The Planning Commission shall based on consideration of the factors in the preceding section, have the authority to waive or modify these requirements when strict adherence to them would result in unreasonable access to the site.

(Entire section added 05-08)

SECTION 11.30: WIND ENERGY SYSTEMS *(entire section added 3/27/2012)* The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

A. Definitions:

1. Wind Energy System (WES)- shall mean any combination of the following:
 - a) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a vertical or horizontal shaft;
 - b) A surface area such as a blade, rotor or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 - c) A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
 - d) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
 - e) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
 - f) A windmill traditionally used to pump water shall not be considered a Wind Energy System
2. On Site Use Wind Energy System- A WES the purpose of which is to provide energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.
3. Single WES for Commercial Purposes- A single WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
4. Wind Farm- Clusters of two or more WED placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WED are located. The WES may or may not be owned by the owner of the property upon which the WED is placed.
5. Utility Grid Wind Energy Systems- A WES designed and constructed to provide electricity to the electric utility grid.
6. Structure Mounted WES- A WES mounted or attached to an existing structure or building.
7. Interconnected WES- A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
8. WES Height- The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.
9. WES Setback- The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.
10. Nacelle- In a wind turbine, the nacelle refers to the structure that houses all of the generating components, gearbox, drive train and other components.
11. Shadow Flicker- Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.

12. Applicant- The person, firm, corporation, company, Limited Liability Corporation or other entity that applies for Township approval under this section, as well as the applicant's successor(s), assign(s) and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the owner of the WES and jointly and severally with the owner and operator or lessee of the WES if different from the owner.
- B. Wind Energy Systems Allowed as a Permitted Use:** Any On Site Use Wind Energy System including structure mounted WES which is 90 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:
1. The maximum height of any WES shall be 90 feet. The height of the WES having horizontal shafts shall be measured with the blade in vertical position.
 2. A WES shall be set back from all lot lines a distance which is at least equal to 1.25 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.
 3. A structure mounted WES shall have a distance from the nearest property line that is at least equal to 1.25 times the height of the WES, as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position. The blade arcs created by a WES mounted on an existing structure shall have a minimum clearance of ten (10) feet.
 4. A permit from Salem Township shall be required to construct and operate an On Site Use WES that is 90 feet or less in total height. A permit shall be issued after an inspection of the WES by an authorized agent of the Township where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements and all manufacturers' installation instructions. The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.
 5. An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties on which the WES is located.
 6. Decommissioning and Removal Required- The applicant shall certify and provide written assurance that the WES shall not be abandoned in place and shall be removed within one (1) year of decommissioning.
 7. Any WES shall have a setback from overhead electrical transmission lines of at least 1.25 times the combined height of the ground mounted or structure mounted towers with the blades in a vertical position.
- C. Wind Energy Systems Requiring a Special Use Permit:** Any On Site Wind Energy System which is over 90 feet in height: A detailed site plan including the following items.
1. All requirements contained in Chapter 15- Special Uses.
 2. A location map of the proposed WES sufficient to show the character of the area surrounding the WES.
 3. Location and height and contour elevations of all existing and proposed buildings, structures, electrical lines, towers, guy wires and anchors, security fencing, and any other above-ground structures existing or proposed for the parcel or parcels containing the WES and the distances to them also show the same for any of the above items located within 1000 feet of the parcel or parcels
 4. Land uses within 1000 feet of the parcel or parcels
 5. Access drives and proposed maintenance agreements
 6. A detailed lighting plan

7. Security measures proposed for the site
 8. Standard drawings by a registered engineer showing compliance with all construction codes.
 9. The applicant shall perform and provide to the Planning Commission an analysis of potential shadow flicker.
 10. Any additional information as may be required by the Planning Commission.
- D. Standards for All Wind Energy Systems:** All WES shall comply with the following:
1. Sound Pressure Level
 - a) On Site wind energy systems shall not exceed 55dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
 2. Construction Codes and Interconnection Standards
 - a) All applicable state construction and electrical codes and local building permit requirements;
 - b) Federal Aviation Administration requirements
 - c) The Michigan Airport Zoning Act; Public Act 23 of 1950, as amended
 - d) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended
 - e) Private landing strips in or adjacent to Salem Township
 - f) The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.
 3. Safety
 - a) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
 - b) To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
 1. Tower Climbing apparatus shall not be located within 12 feet of the ground.
 2. A locked anti-climb device shall be installed and maintained.
 3. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.
 - c) All WES shall have lightning protection.
 - d) If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least ten (10) feet above the guy wire anchors.
 - e) The minimum height of the lowest position of the rotor or blade shall be at least twenty (20) feet above the ground.
 4. Signs:
 - a) Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:
 1. The words "Warning: High Voltage"
 2. Emergency numbers
 - b) A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.
 5. Electromagnetic Interference: WES shall be designed, constructed and operated so as not to cause radio. Television, telephone and computer interference.

6. Maintenance: Each WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
7. All distribution lines from the WES to the electrical grid connection shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive this requirement for off-site distribution lines if the Planning Commission determines that the installation or maintenance of such underground distribution lines would be impractical or unreasonably expensive.
8. Unless it is a structure mounted WES, a WES may be located on a lawful parcel or parcels, which do not have frontage on a public or private road if reasonable access is provided by means of appropriate ingress, egress, and utility easements.

SECTION 11.31 SOLAR PANELS (*entire section added 3/27/2012*)

- A. Solar panels (or arrays thereof) exceeding four (4) square feet in area are not permitted in any front or side yard or on any wall or face of a building or structure facing a street unless such panel(s) is integrated with the ordinary construction of the building or structure, and/or is fully screened from view of the adjacent street (except roof-mounted solar panels as set forth below).
- B. Ground-mounted solar panels shall:
 1. Be located in a side or rear yard only
 2. Not exceed sixteen (16) feet in height above the ground.
 3. Be fully screened at all times from view at adjacent property lines and street lines by structures, fencing or a combination of evergreen and deciduous plantings.
- C. Roof-mounted solar panels. Roof-mounted solar panels are permitted and may include “integrated” solar panels that are either integrated architecturally as part of the roof structure or as part of the surface layer of the roof structure causing no apparent change in relief or projection, as well as separate “flush” and “tilt mounted” solar panel systems attached to the roof surface as follows:
 1. An integrated solar panel may not cause the height of a building or structure to exceed the height limitations of the district in which the building or structure is located.
 2. “Flush” and “tilt mounted” solar panels shall be located on a rear-yard or side yard facing roof, as viewed from any adjacent street.
 3. “Flush” and “tilt mounted” solar panels installed on a pitched roof surface shall not project vertically above the ridgeline of the roof to which it is attached,
 4. “Flush” or “tilt mounted” solar panels located on a mansard or flat-roofed building shall be set back at least six (6) feet from the edge of the deck or roof on all elevations and shall be exempt from district height limitations provided that the panels shall not project more than five (5) feet above the roof surface of a flat roof or the deck of a mansard roof.

SECTION 11.32 MEDICAL MARIHUANA USE

- A. Medical Marihuana Use. Medical Marihuana use by a primary caregiver shall be permitted and considered as a permitted home occupation use in all residential, agricultural residential and agricultural conservation districts pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, PA 208, Initiated Law, MCL 333.264221, et. Seq. and the requirements of this section. As a permitted home occupation, it is at all times, subordinate and incidental to the use of the dwelling as a residence. The caregiver shall file an application and site plan to the zoning administrator who shall review, and if approved, file a zoning compliance certificate for the use. A denial shall be appealable to circuit court. The zoning administrator may also notify the county sheriff department of site plan approval. The requirements for a primary caregiver as a permitted home occupation shall

be as follows:

1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act (“Act”) and the Administrative Rules of the Michigan Department of Community Health, (“Administrative Rules”) as they may be amended from time to time.
2. A primary caregiver must be located outside of a one-thousand (1000) foot radius from any real property as follows: a daycare facility; a church, synagogue or other place of religious worship; a recreational park, public community center, private youth center, playground, public swimming pool, video arcade facility; a public or private preschool, elementary school, middle school, high school, community college, vocational or secondary school; a public or private college, junior college, university; any and all other schools that have different name references but serve students of the other schools that have different name references but serve students of the same age.
Measurements for purposes of this section shall be made from parcel/lot/site condominium unit boundary to parcel/lot/site condominium unit boundary.
3. Not more than one (1) primary caregiver within a single-family dwelling shall be permitted to service qualifying patients who do not reside with the primary caregiver. A primary caregiver shall not operate within an apartment building, multi-family residential building, cooperative building or similar housing, or commercial or multi-use building.
4. No signage is permitted regarding medical marihuana.
5. All medical marihuana shall be contained within the main residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. No part of an attached or detached accessory structure shall be utilized.
6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified to support the cultivation, growing or harvesting of marihuana.
7. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11 p.m. and 6 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
8. Nothing in this subsection or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the Administrative Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat or alleviate a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Ordinance. Also, since federal law is not affected by that Act or the Administrative Rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

9. Delivery. The primary caregiver shall deliver medical marihuana to their patients. Patients shall not visit the caregiver's premises.
10. It shall be considered unlawful for any person or persons to establish or operate a profit or non-profit medical marihuana dispensary, collective or cooperative or smoke house in any zoning classification within the Township.