

CHAPTER 5A

A-1 AGRICULTURAL CONSERVATION DISTRICT

SECTION 5A.01 DESCRIPTION AND PURPOSE. It is recognized that the public health and welfare of the citizens of Salem Township, Allegan County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by agriculture. It has been found that unwarranted land fragmentation and the establishment of incompatible land uses depletes agricultural lands and hinders farm operations. The regulations of the “A-1” Agricultural Conservation District are intended to minimize land use conflicts, control the rate of land fragmentation and ensure that large aggregate areas within the Township are retained and conserved for long term agricultural use. The A-1 District is further established;

- (a) To provide for farming and agribusiness as the predominate and primary use in land areas well suited for the production of food and fiber.
- (b) To manage the conversion of agricultural land to non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature divestment in agriculture.
- (c) To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
- (d) To permit services and uses which are necessary to support farming activities and to discourage the encroachment of urban and suburban services into agricultural areas.
- (e) To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
- (f) To protect farmland from speculative increases in land values.
- (g) To conserve woodlands and wetlands which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge and as habitat for plant and animal life. Such qualities are inextricably linked to the agricultural and rural fabric of the land and have an important economic, aesthetic and scenic value which contributes to the character and quality of life of the Township.
- (h) To provide for a controlled amount of non-farm dwelling units in agricultural areas.
- (i) To minimize conflicts between agricultural activities and residences.

SECTION 5A.02 USE REGULATIONS. Land, buildings and structures in this Zoning District may be used for the following permitted uses: (Amended 11-09)

- (a) General dairy, livestock, poultry and crop farming operations, excluding intensive livestock operations together with farm buildings and other installations necessary to such farms.
- (b) Specialized crop production including but not limited to greenhouses, nursery stock, orchards, vineyards, apiaries, and blueberry operations.
- (c) Real estate, identifying and nameplate signs.
- (d) Farm ponds and private ponds accessory to a permitted principal use.
- (h) Principal and accessory farm dwellings (ref. Section 11.22)
- (e) Non-farm single family dwellings
- (f) Road side (seasonal) stands, subject to the following standards:

- (1) The stand shall be accessory to a contiguous farm operation for the display and sale of farm products grown on the same farm operation.
 - (2) Any structure or enclosure created and used for the stand shall be limited to 150 square feet of floor area.
 - (3) Any structure, enclosure, or display or sales area shall be located outside of the street right-of-way, or at least 35 feet from the street centerline, whichever is greater.
 - (4) Adequate road side or off-street parking shall be provided. No roadside parking shall be allowed within 200 feet of a street intersection
 - (5) The stand shall be permitted only during the local crop growing and harvesting season. All structures shall be removed except during the growing and harvesting season.
- (g) Type I Permitted Home Occupations as listed and regulated under the provisions of Section 11.28. A home occupation may only be permitted to involve a detached garage or other detached accessory building if approved as a special use. *(Amended 4-03)*
- (h) Non-commercial kennels and animal runs subject to section 11.21

SECTION 5A.03 SPECIAL USES. The following uses may be permitted as special land uses when approved by the Planning Commission. Such uses are subject to the provisions and general standards outlined in Chapter 15 and any specific standards pertaining to the particular use as outlined in this section.

- (a) Type II Home occupations, as listed in accordance with the standards contained in Section 11.28. *(Amended 4-03)*
- (b) Removal and processing of topsoil, sand, gravel or other such minerals in accordance with Chapter 21 *(Amended 1-27-03)*.
- (c) Roadside (permanent) stands. In considering such authorization, the Planning Commission shall consider the following standards
 - (1) The size, nature and character of the building and/or structure to be utilized for the roadside stand;
 - (2) The type and kind of produce and goods to be sold at the roadside stand;
 - (3) The proximity of the roadside stand to adjoining properties;
 - (4) The time or season during which the roadside stand will operate;
 - (5) The parking facilities provided for the roadside stand;
 - (6) Any traffic congestion or hazards which would result from the roadside stand; and
 - (7) The effect of the roadside stand on adjoining properties and the surrounding neighborhood.
- (d) Migrant farm labor housing.
- (e) Churches.
- (f) Saw mills.
- (g) Commercial composting operations.
- (h) Farm related commercial services.
- (i) Tack shops.
- (j) Cemeteries.
- (k) Child or adult day care facilities caring for greater than six (6) individuals

- (l) Communication towers and antennas in excess of 50 feet subject to the provisions of section 15.04A (*amended 1-18-00*).
- (m) Bed & Breakfast establishment.
- (n) Airfields or landing strips subject to the following:
 - (1) The land areas beneath runway approaches shall be under the ownership or control of the owner or operator of the airfield. Ownership or control shall extend a minimum of 1,200 feet from each runway end and laterally 500 feet from the centerline of the runway. The above requirements may be modified if the landing strip is intended solely for the use of ultralight aircraft.
 - (2) The facility shall not exceed a Michigan Aviation System Plan (MASP) classification of U-1, offering service to small single engine utility aircraft.
 - (3) The landing strip shall be of turf construction.
 - (4) Unless specifically waived by the Planning Commission, areas upon which airplanes taxi shall be at least two hundred (200) feet from any property line. The airfield must be of a size and location that will not require limitations on the height of structures on land that is not controlled by the airfield operator.
 - (5) The Planning Commission may require the fencing of appropriate areas to insure public safety. If required, such fencing shall be not less than six feet in height with suitable gating.
- (o) Equipment storage and/or maintenance yards, structures and establishments for petroleum and well field operators on parcels upon which such fields are in operation. (*amended 3-1-2018*)
- (p) Accessory buildings located in front yard areas (ref. Section 11.09).
- (q) More than one accessory farm dwelling (ref. Section 11.22).
- (r) Intensive livestock operations.
- (s) Temporary dwellings (ref. Section 11.07).
- (t) Open space Preservation projects as regulated by chapter 22 (*amended 1-27-03*).
- (u) Small rural enterprises that may be authorized in the Re-Use Of existing Farmsteads meeting the intent and standards of Section 15.04 (l).
 - (1) Small scale wood, metal and plastics fabricating and assembly businesses
 - (2) Antique sales and service, excluding automobile
 - (3) Self-storage or mini storage facilities.
 - (4) Retail or service business associated with any aspect of the sales, distribution, service or maintenance of Agricultural Products.
 - (5) Other business uses identified as special uses in this Section 5A.03. (*Amended 12-06*)
- (v) Riding stables where horses are boarded or rented (*Amended 11-09*)
- (w) Commercial kennels (*Amended 11-09*)
- (x) Veterinary services (*Amended 11-09*)

SECTION 5A.04 HEIGHT REGULATIONS. No residential building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories. All other buildings and structures shall not exceed their usual and customary heights.

SECTION 5A.05 AREA REGULATIONS. Unless otherwise provided under provisions of this ordinance no building or structure nor any enlargement thereof shall be hereafter erected except in the conformance with the following yard, lot area, and building coverage requirements (*Amended 1-27-03*).

- (a) Front Yard - There shall be a front yard of not less than fifty (50) feet, except that any structure located on a lot fronting on a County primary road shall have a setback of not less than one hundred (100) feet. (Ref. Section 11.13, Additional Setbacks for Buildings and Structures Adjacent to Major Streets.)
- (b) Side Yard - For residential buildings and structures, there shall be total side yards of not less than fifty (50) feet; provided, however, that no side yard shall be less than twenty (20) feet. For all other buildings, there shall be two (2) side yards of not less than fifty (50) feet each.
- (c) Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- (d) Lot Area –
 - (1) Minimum Lot area-For all dwelling units in the A-1 District, the minimum lot area shall be 43,560 square feet (1 acre).
 - (2) Maximum lot area-For all lots created to support non-farm dwellings, the maximum lot area shall be 87,120 square feet (2 acres). The maximum lot area requirement for a non-farm dwelling may only be exceeded under the following circumstances:
 - (a) An increased lot area is needed to accommodate a septic system as required by the Allegan County Health Department, or
 - (b) An increased lot area will enable the incorporation of natural or other physical feature as a boundary and the total lot area will not exceed 3 net buildable acres, or
 - (c) The tract is less than 20 acres in size and, if further divided will result in the creation of more than the number of splits allowed under Section 5A.05.
 - (3) The minimum lot area required herein shall not include platted street right of way or private streets easements but may include the right of way of un-platted public streets in existence on the effective date of this ordinance.
 - (4) Unless otherwise specified, the minimum lot area for all other non-farm uses allowed in this district shall be two (2) acres. (Amended 11-09)
- (e) Lot width –The minimum lot width shall be 200 feet.

SECTION 5A.06 LOT SPLITS FOR NON-FARM DWELLINGS

- (a) The maximum number of non-farm parcels that may be created or split for non-farm dwelling units shall be based on the gross area of the tract of land to be divided as described below and as contained in Table 5A-1.
 - 1. For the first 60 acres or fraction thereof, in the parent parcel or tract, 5 parcels.
 - 2. For each whole 20 acres in excess of the first 60 acres up to 160 acres in the parent parcel or tract, 1 additional parcel.
 - 3. For each whole 40 acres in excess of the first 160 acres, 1 additional parcel.

**Table 5A -1
Permitted Non-Farm Parcel Split Table**

Parent Parcel size (acres)	Number of splits Permitted for new non-farm dwellings	Parent Parcel size (acres)	Number of splits Permitted for new non-farm dwellings
60 acres or less	5	240.1 to 280	13
60.1 to 80	6	280.1 to 320	14
80.1 to 100	7	320.1 to 360	15
100.1 to 120	8	360.1 to 400	16
120.1 to 140	9	400.1 to 440	17
140.1 to 160	10	440.1 to 480	18
160.1 to 200	11	480.1 to 520	19
201.1 to 240	12	520.1 to 560	20

- (b) In addition to the lot splits allowed under the above paragraph, every farm that contains a single-family dwelling existing as of December 15, 1998 shall be permitted to create a parcel from the parent farm tract to separately support the existing dwelling. This new parcel shall comply with the lot size requirements contained herein for single family dwellings.
- (c) After a period of 10 years, commenced on the date of recording of the first split, a parcel created under the above requirements will be considered a new parent parcel. At such time it and the remaining portions of the original parent parcel may again be split in accordance with the above requirements, provided that such splitting complies with the minimum area requirements of this ordinance and the State Land Division Act.

SECTION 5A.07 MONITORING OF LOT SPLITS. The following procedures shall be followed to ensure the proper administration and monitoring of lots splits within the A-1 District.

- (a) An official map indicating existing parcels, parcel numbers and land ownership along with an official register shall be created concurrent with the adoption of this ordinance.
- (b) An allotment of dwelling units possible under this ordinance shall be made for each tract in the A-1 District.
- (c) As allotments of dwelling units are taken, the official map and register shall be updated.
- (d) The official map shall be maintained by the Township Clerk or an official designated by the Clerk and copies will be made available for inspection by the public.

SECTION 5A.08 MINIMUM FLOOR AREA. Each single-family dwelling unit shall have minimum usable floor area as follows:

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

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

SECTION 5A.09 ACCESSORY BUILDINGS. Reference Section