

These are the minutes of the September 1, 2009 Planning Commission meeting.

Meeting called to order at 7:30 p.m. by Chairman Shields.

Present: Shields, Boyles, Meyers, Heasley, Blakeslee, Berens. Also present were Mark Sisson and Bob Jones of PCI.

Absent: Oosterink

Meyers made a motion to approve the Aug. 6, 2009 minutes as presented with the correction of Meyers' title to Vice-Chairman, not Co-Chairman. Berens seconded, motion carried.

Public comment: none

Conflict of interest: none

Township Board update: Boyles

Boyles made a motion to open the public hearing, Meyers seconded, motion carried.

The public hearing is for proposed zoning ordinance text amendments. Attached and included with these minutes is the Amendment to the Salem Township Zoning Ordinance draft #1- 8-27-09. Mark Sisson reviewed each ordinance amendment/change with the PC and public. It was noted that the draft has been sent to the attorney for review.

After discussion, Berens made a motion to close the public hearing, Blakeslee seconded, motion carried.

Meyers then made a motion to approve said Amendment to the Salem Township Zoning Ordinance draft #1 dated 8-27-09 subject to attorney review/comments, Berens seconded, motion carried 6-0.

This amendment will be forwarded on to the County Planning Commission for approval.

Meyers made a motion to adjourn, Berens seconded, motion carried. Meeting adjourned at 8:25 p.m.

Submitted by,

Cris Heasley  
Secretary  
Salem Twp. Planning Commission

**SALEM TOWNSHIP**  
**ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_**  
**AMENDMENT TO THE SALEM TOWNSHIP ZONING ORDINANCE**

**ADOPTED:** \_\_\_\_\_  
**EFFECTIVE:** \_\_\_\_\_

AN ORDINANCE TO AMEND THE SALEM TOWNSHIP ZONING ORDINANCE FOR THE PURPOSES OF

**To define “commercial kennels”, to clarify the definitions of “front lot line”, “front yard”, “rear lot line” and “rear yard”, to allow for the continuation of side yard setback standards on certain corner or double frontage lots situations, to re-classify “kennels”, “veterinary services” and “riding stables as special land uses within the Agricultural Conservation and A-2 Agricultural/Rural Residential zoning districts, to re-classify “athletic fields and parks” as Special Uses. within the A-2 Agricultural/Rural Residential district, to establish two (2) acres as the minimum lot size for non-residential and non-farm uses in the A-1 Agricultural Conservation and A-2 Agricultural/Rural Residential zoning districts. To clarify that certain non-conforming lots in the A-2 District are eligible for residential use and certain special uses, to require the issuance of a special use permit for certain private roads, to allow the Zoning Administrator to authorize certain “minor” changes to site plans previously approved by the full Planning Commission and to make other related amendments.**

**SALEM TOWNSHIP, ALLEGAN COUNTY, MICHIGAN ORDAINS:**

***SECTION I***

***Amendment of Section 3.02 General Definitions. This section amends the definitions of the terms “kennel”, “lot line, front”, “lot line, rear”, “yard-front”, and “yard-rear” to read in their entirety as follows:***

**KENNEL.** Any place where four (4) or more dogs, cats, or other domestic pet animals four (4) months of age or older are kept temporarily or permanently for any reason other than veterinary medicine. Any lot or premises where four (4) or more dogs, cats, or other domestic pet animals four (4) months of age or older are kept for purposes of breeding for sale or for providing boarding and/or training services to animals owned or contracted to others shall be considered a “commercial kennel”.

**LOT LINE, FRONT.** (See Fig. 3-8). Front lot line shall mean the line separating a lot from the public or private street right of way. In all cases in which street widths

have not been specifically recorded, the front lot line shall be considered to be thirty-three (33) feet from the center of the street. Corner lots and double frontage lots are assumed to have two front lot lines.

**LOT LINE, REAR.** (See Fig. 3-8). That lot line which is most opposite and most distant from the front lot line. On corner lots, the rear lot line may be opposite either street frontage, but only one rear lot line shall be so designated. In such cases the owner shall have the privilege of selecting the rear lot line, provided that, in the opinion of the Zoning Administrator, such choice does not negatively influence existing or future development of the adjacent properties.

The rear lot line of an irregular or triangular shaped lot shall be a property line at least ten (10) feet long, parallel or nearly parallel to and most distant from the front lot line. In cases where none of these definitions is applicable, the Zoning Administrator shall designate the rear lot line. (See Def. of Double Frontage Lot)

**YARD, FRONT.** A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard. For corner lots abutting two intersecting public or private streets or any combination thereof which existed when the lot was initially created, the front yard shall extend across the frontage of both streets and required front yard depths (e.g. building setback) shall be established from each street's right-of-way line.

For corner or double frontage lots created subsequent to the lot's initial creation as a single frontage lot (such as where the development of a new public or private side street has resulted in the creation of a new corner lot situation) the minimum front yard depth requirement (e.g. required minimum setback) from the new street right of way shall be that of the previously applicable minimum required side yard or rear yard setback distance.

**YARD, REAR.** A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building. In the case of corner lots, there shall only be one rear yard and *in* such cases the owner shall have the privilege of selecting the rear yard, provided that, in the opinion of the Zoning Administrator such choice does not negatively influence existing or future development of the adjacent properties.

## **SECTION II**

***Amendment of Section 5A.02 Use Regulations of the A-1 Agricultural Conservation District.*** This section amends Section 5A.02 Use Regulations by deleting the following sub-sections and land uses as permitted land uses in the A-1 Zoning District. The letter designations for the remaining sub-sections and land uses in this section are adjusted accordingly:

- (c) Riding stables
- (d) Commercial kennels
- (e) Veterinary Services

### **SECTION III**

***Amendment of Section 5.02 Use Regulations of the A-2 Agricultural/Rural Residential District.*** This section amends Section 5.02 Use Regulations by deleting the following sub-sections and land uses as permitted land uses in the A-2 Zoning District. The letter designations for the remaining sub-sections and land uses in this section are adjusted accordingly:

- (c) Riding stables
- (d) Athletic fields and parks
- (e) Commercial kennels
- (f) Veterinary services

### **SECTION IV**

***Amendment of Section 5A.03 Special Uses of the A-1 Agricultural Conservation District.*** This section adds the following sub-sections and land uses to the list of special uses that may be allowed in the A-1 District. Subsections (v), (w), and (x) shall be adding as follows:

- (v) Riding stables where horses are boarded or rented
- (w) Commercial kennels
- (x) Veterinary services

### **SECTION V**

***Amendment of Section 5.03 Special Uses of the A-2 Agricultural/Rural Residential District.*** This section adds the following sub-sections and land uses to the list of special uses that may be allowed in the A-2 District. Subsections (cc), (dd), (ee), and (ff) shall be adding as follows:

- (cc) Riding stables where horses are boarded or rented
- (dd) Athletic fields and parks
- (ee) Commercial kennels
- (ff) Veterinary services

### **SECTION VI**

***Amendment of Section 5A.05 Area Regulations of the A-1 Agricultural Conservation District.*** This section amends Section 5A.05, Subsection (d), Paragraph (4) to decrease the minimum lot area for non farm uses from twenty acres to two acres. Paragraph (4) of Section 5A.05, Sub-section (d) is amended to read in its entirety as follows:

- (4) Unless otherwise specified, the minimum lot area for all other non-farm uses allowed in this district shall be two (2) acres.

### **SECTION VII**

***Amendment of Section 5.04 Area Regulations of the A-2 Agricultural/Rural Residential District.*** This section amends Sections 5.04, Subsection (d), Paragraphs (2)

*and (3) to decrease the required minimum lot area for non-residential and all other non-farm uses from twenty acres to two acres and to clarify that certain non-conforming lots are not eligible to support special uses. Paragraphs (2) and (3) of Section 5.04 (d) are amended in their entirety to read as follows:*

- (2) Unless otherwise specified, the minimum lot area for all other non-farm uses allowed in this district shall be two (2) acres.
- (3) Any parcel existing as of December 15, 1998 which becomes nonconforming in area as a result of the lot area requirements of this section may be used for a permitted use provided that all other requirements of this section are met, but shall not be eligible for consideration in support of a special use unless the special use remains accessory to a permitted residential dwelling.

### **SECTION VIII**

*Amendment of Section 11.25 Private Streets, Subsection (b) Easements. This section amends Subsection (b) "Easements" of Section 11.25 to require that certain private streets may only be permitted as special uses. Section 11.25, Subsection (b) is amended in its entirety to read as follows:*

**(b) Easements and Relationship to Adjoining Property:**

- (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).

### **SECTION IX**

*Amendment of Section 11.25 Private Streets, Subsection (g) Procedure for Review of Private Streets, Paragraph (2) Additional Standards and Procedures". This section amends Section 11.25 (g), Paragraph (2) "Additional Standards and Procedures" by adding review criteria for private streets constructed within thirty (30) feet of an adjoining property that is not under the control of the private street developer. Section 11.25 (g), Paragraph (2) is amended in its entirety to read as follows:*

- (2) **Additional or Pre-qualifying Standards and Procedures:**
  - (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 XIV, Site Plan review and/or Chapter XV 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.
- (1) The existing and permitted uses located on the adjoining land.
  - (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.
  - (3) Expected traffic volumes and the likely impact that the vehicles will have on the adjacent property.
  - (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.

#### **SECTION X**

*Amendment of Section 14.08 “Amendments of an Approved Site Plan”. This Section amends Section 14.08 Amendments of an Approved Site plan” to allow the Zoning Administrator to authorize certain “minor” changes to site plans previously approved by the full Planning Commission. Section 14.0 is amended in its entirety to read as follows:*

**SECTION 14.08 CHANGES AND AMENDMENTS TO AN APPROVED SITE PLAN. MAJOR AND MINOR CHANGES.** Major changes (amendments) to an approved site plan shall be reviewed under Section 14.05 and may be authorized in the same manner as the original application. Certain site plan adjustments classified as “minor changes” may be permitted by the Zoning Administrator. All proposed site plan changes shall be evaluated by the Zoning Administrator and shall be authorized only under the following procedures and circumstances:

- a. The holder of an approved Site Plan shall notify the Zoning Administrator of any proposed change to an approved Site Plan.
- b. Administrative approval of minor site plan changes may only be granted upon determining that the proposed revision(s) either singularly or collectively, will not alter the basic design or any specific conditions imposed as part of the original approval and will otherwise continue to meet all applicable ordinance standards and agency regulations. Administrative site plan approval may not be granted for any use regulated or approved as special land use under Chapter 15. Before acting upon a request the Zoning Administrator who may consult with the Planning Commission Chairperson, planning consultant or others. Administrative site plan approval shall be further limited to the following:

1. The approval shall relate specifically to an approved site plan already on file with the Township.
2. Increases or decreases in the building size of up to five percent (5%) or 1000 square feet of gross floor area, whichever is smaller, provided such increase does not result a change to the approved parking arrangement and/or vehicle circulation.
3. Installation of underground structures or the movement of buildings or other above ground structures by no more than ten (10) feet, provided that the installation or movement does not result in a change to the approved drainage plan, parking arrangement and/or vehicle circulation.
4. Construction or installation of detached accessory structures such as storage sheds, refuse enclosures and heating and cooling units not exceeding 150 square feet in size and not resulting in a change to the approved drainage plan, parking arrangement and/or vehicle circulation.
5. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size or with materials required by a permitting County, State or Federal regulatory agency.
6. Changes in building materials to a comparable or higher quality.
7. Replacement of the site lighting fixtures specified on an approved site plan with fixtures of comparable or higher quality that do not increase the amount of light trespass or glare that is visible from the street or adjacent properties.
8. Changes to signs and sidewalks.
9. Additions of fewer than 6 parking spaces or changes to the approved parking, loading or driveway surface provided that drainage, on site circulation and landscape arrangement is not affected.
10. Elimination of impervious parking surfaces may only be approved if the area is not needed to meet required parking, storage or circulation needs of the site or use. Impervious surfaces may only be replaced with lawn or a decorative landscape material.
11. Changes in building floor plans which do not alter the character of the use.
12. Minor changes required or requested by the Township Fire Department, the Allegan County Road Commission or other County, State or Federal regulatory agency. In such instance the change must be necessary for the project to conform to other laws or regulations and may not conflict with any specified condition required at the time of the original approval or result in a site plan change that is not otherwise considered minor based upon the above limitations. Examples may include but shall not be limited to modifications to drainage structures, reductions in the number of allowed driveways, driveway improvements required within the public street right of way or creation of fire lanes.

- c. Prior to the authorization of a minor site plan change, the applicant/holder of the approved site plan shall have submitted the request for a minor change in writing to the Zoning Administrator along with a copy of the approved site plan and a clear demarcation of the proposed changes. The request and approved site plan changes authorized by the Zoning Administrator shall be dated and placed in the same file and record pertaining to the original approved Site Plan. The Zoning Administrator shall, provide the Planning Commission with written notification of all minor site plan changes within 10 days of approval.
- d. A proposed site plan change that is determined not to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application (ref. Sec 14.05). The Planning Commission shall record its reasons for allowing a major site plan amendment in the minutes of the meeting at which the action is taken. The amended site plan shall be signed and dated and shall be included in the same file as the original approved site plan.

**SECTION XI**

**REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE**

This ordinance takes effect 8 days following publication of notice of its adoption pursuant to the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006 as amended. All ordinances and parts of ordinances in conflict herewith are repealed.

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*Salem Township Clerk*

**Certificate**

I, \_\_\_\_\_, Clerk of the Township of Salem, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Township Board held on, \_\_\_\_\_, 2009, the Board enacted and passed Ordinance No. \_\_\_\_ to become effective on, \_\_\_\_\_, 2009 and that members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Members voting “aye”

Members voting “nay”

I do further certify that, in accordance with Township Board direction, the summary and effect of adopted Ordinance was published in the, \_\_\_\_\_ a

newspaper of general circulation within the Township; and was recorded in the Ordinance book on, \_\_\_\_\_, 2009.

DATED \_\_\_\_\_, 2009

\_\_\_\_\_

Clerk