

VALLEY TOWNSHIP

ZONING ORDINANCE

2054 North M-40
Allegan, MI 49010
Phone: 269-673-5962
Fax: 269-686-8302

William F. Browne, Supervisor

Tony Garafalo, Clerk

Denise Medemar, Treasurer

Harry Smith, Trustee

Robert Dobbins, Trustee

Paul Shamblin
Zoning Administration/Code Enforcement

TABLE OF CONTENTS

	<u>Page</u>
CHAPTER I – TITLE	1
Section 1.01 – Title	1
CHAPTER II – PURPOSE, SCOPE AND LEGAL BASIS	1
Section 2.01 – Purpose	1
Section 2.02 – Scope and Interpretation	1
Section 2.03 – Legal Basis	1
CHAPTER III – DEFINITIONS	2
Section 3.01 – Rules Applying to Text	2
Section 3.02 – Accessory Use or Structure	2
Section 3.03 – Alterations, Structural	2
Section 3.04 – Automobile Repair – Major	2
Section 3.05 – Automobile Repair – Minor	2
Section 3.06 – Basement	2
Section 3.07 – Billboards and Signs	3
Section 3.08 – Building	3
Section 3.09 – Building Height	3
Section 3.10 – Building Setback	3
Section 3.11 – Building Site	3
Section 3.12 – Common Elements	3
Section 3.13 – Condominium Plan	3
Section 3.14 – Condominium Project	4
Section 3.15 – Condominium Unit	4
Section 3.16 – Consolidating Master Deed	4
Section 3.17 – Contractible Condominium	4
Section 3.18 – Corner Lot	4
Section 3.19 – Dwelling	4
Section 3.20 – Dwelling Unit	5
Section 3.21 – Family	5
Section 3.22 – Farm – General	5
Section 3.23 – Farm – Specialized	5
Section 3.23(a) – Fence	5
Section 3.24 – Floor Area	5
Section 3.24(a) – Hedge	6
Section 3.25 – Home Occupation	6
Section 3.26 – Junkyard	6
Section 3.27 – Kennel	6
Section 3.28 – Lot and Lot Width	6
Section 3.29 – Mobile Home	6
Section 3.30 – Mobile Home Lot	6

Section 3.31 – Mobile Home Pad	6
Section 3.32 – Mobile Home Park	6
Section 3.33 – Motel	6
Section 3.34 – Motor Vehicle	6
Section 3.35 – Parking Area, Space or Lot	7
Section 3.36 – Parking Bay	7
Section 3.37 – Pier	7
Section 3.38 – Planning Commission	7
Section 3.39 – Principal or Main Use	7
Section 3.40 – Roadside Market Stand	7
Section 3.41 – Street	7
Section 3.42 – Structure	7
Section 3.43 – Tourist Home	7
Section 3.44 – Township Board	7
Section 3.45 – Township	7
Section 3.46 – Trailer Coach Park Act	7
Section 3.47 – Travel Trailer	7
Section 3.48 – Usable Floor Area	7
Section 3.49 – Vehicle	7
Section 3.50 – Yard	7
Section 3.51 – Yard – Front	8
Section 3.52 – Yard – Rear	8
Section 3.53 – Yard – Side	8
Section 3.54 – Zoning Act	8
Section 3.55 – Zoning Inspector	8
 CHAPTER IV – MAPPED DISTRICTS	 9
Section 4.01 – Zone Districts	9
Section 4.02 – Zoning Map	9
Section 4.03 – Areas Not Included Within a District	9
 CHAPTER V – AG AGRICULTURAL DISTRICT	 10
Section 5.01 – Description and Purpose	10
Section 5.02 – Use Regulations	10
Section 5.03 – Height Regulations	11
Section 5.04 – Area Regulations	11
 CHAPTER VI – R-1 RURAL ESTATES DISTRICT	 12
Section 6.01 – Description and Purposes	12
Section 6.02 – Use Regulations	12
Section 6.03 – Height Regulations	13
Section 6.04 – Area Regulations	14

CHAPTER VII – R-2 LOW DENSITY RESIDENTIAL DISTRICT	
Section 7.01 – Description and Purpose	15
Section 7.02 – Use Regulations	15
Section 7.03 – Height Regulations	16
Section 7.04 – Area Regulations	16
CHAPTER VIII – C-1 NEIGHBORHOOD BUSINESS DISTRICT	
Section 8.01 – Description and Purpose	21
Section 8.02 – Use Regulations	21
Section 8.03 – Required Conditions	22
Section 8.04 – Height Regulations	22
Section 8.05 – Area Regulations	22
CHAPTER IX – C-2 GENERAL BUSINESS DISTRICT	24
Section 9.01 – Description and Purpose	24
Section 9.02 – Use Regulations	24
Section 9.03 – Height, Area and Yard Requirements	25
CHAPTER X – I-1 INDUSTRIAL DISTRICT	26
Section 10.01 – Description and Purpose	26
Section 10.02 – Use Regulations	26
Section 10.03 – Height Regulations	27
Section 10.04 – Area Regulations	27
CHAPTER XI – GENERAL PROVISIONS	28
Section 11.01 – The Effect of Zoning	28
Section 11.02 – Restoration of Unsafe Building	28
Section 11.03 – Area, Height and Use Conditions and Exceptions	28
Section 11.04 – Essential Service	29
Section 11.05 – Required Yard or Lot	29
Section 11.06 – Control of Heat, Clare Fumes, Dust, Noise, Vibration and Odors	30
Section 11.07 – Temporary Uses or Structures Requiring Zoning Inspector Authorization	30
Section 11.08 – Accessory Uses	30
Section 11.09 – Accessory Buildings	31
Section 11.10 – Principal Building on a Lot, Parcel or Building Site	31
Section 11.11 – Double Frontage Lots, Parcels or Building Sites	31
Section 11.12 – Signs	31
Section 11.13 – Additional Setbacks for Structures Adjacent to Major Streets	33
Section 11.14 – Minimum Public Street Frontage	33

Section 11.15 – Governmental Improvements	32
Section 11.16 – Health Department Approval	32
Section 11.17 – Open Space Preservation Act	34
Section 11.18 – General Fencing Requirements	34
Section 11.19 – Swimming Pool Fences	36
CHAPTER XII – PARKING AND LOADING SPACES	37
Section 12.01 – General	37
Section 12.02 – Joint Use of Facilities	37
Section 12.03 – Location of Facilities	37
Section 12.04 – Size of Parking Space	38
Section 12.05 – Requirements for Parking Areas	38
Section 12.06 – Off-Street Loading Spaces	38
CHAPTER XIII – SPECIAL USES	39
Section 13.01 – Purpose	39
Section 13.02 – Application Procedures	39
Section 13.03 – Basis of Determination	40
CHAPTER XIV – NONCONFORMING USES, BUILDING OR STRUCTURES	41
Section 14.01 – Continuance of Nonconforming Uses, Buildings or Structures	41
Section 14.02 – Expansion	41
Section 14.03 – Restoration and Repair	41
Section 14.04 – Change or Discontinuance	42
Section 14.05 – Building or Structure Under Construction Of Effective Date of Ordinance	42
CHAPTER XV – ADMINISTRATION AND ENFORCEMENT	43
Section 15.01 – Zoning Administration	43
Section 15.02 – Zoning Inspector	43
Section 15.03 – Permits	43
Section 15.04 – Inspection of Building and Structures	44
Section 15.05 – Certification of Compliance	44
CHAPTER XVI – BOARD OF APPEALS	45
Section 16.01 – Creation	45
Section 16.02 – Jurisdiction and Powers	45
Section 16.03 – Adoption of Rules of Procedure	45
Section 16.04 – Conditions	45
CHAPTER XVII – ORDINANCE AMENDMENT	46
Section 17.01 – Initiation of Amendments	46
Section 17.02 – Amendment Petition Procedure	46
Section 17.03 – Amendment Procedure	46

CHAPTER XVIII – PENALTIES	47
Section 18.01 – Penalties	47
Section 18.02 – Procedure	47
Section 18.03 – Municipal Civil Infraction	47
Section 18.04 – Remedial Action	47
CHAPTER XIX – MISCELLANEOUS PROVISIONS	48
Section 19.01 – Administrative Liability	48
Section 19.02 – Severability	48
Section 19.03 – Repeal	48
Section 19.04 – Effective Date	48

CHAPTER I

TITLE

SECTION 1.01 TITLE. This Ordinance shall be known and may be cited as the “Valley Township Zoning Ordinance.”

CHAPTER II

PURPOSE, SCOPE AND LEGAL BASIS

SECTION 2.01 PURPOSE. This Ordinance is based upon the Valley Township General Development Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to conserve natural resources and energy, to meet the needs of the State’s residence for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; (4) to insure that uses of land shall be situated in appropriate locations and relationships; (5) to avoid the overcrowding of population; (6) to provide adequate light and air; (7) to lessen congestion on the public roads and streets; (8) to reduce hazards to life and property; (9) to facilitate the adequate provisions of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (10) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 2.02 SCOPE AND INTERPRETATION. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 2.03 LEGAL BASIS. This Ordinance is enacted pursuant to Michigan Act 184 of 1943, as amended.

CHAPTER III

DEFINITIONS

SECTION 3.01 RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

- (a) The particular shall control the general.
- (b) With the exception of this Chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A “building” or “structure” includes any part thereof.
- (f) The word “person” includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, or “designed to be used”, or “occupied”.
- (h) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 3.02 ACCESSORY USE OR STRUCTURE. A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use, building or structure.

SECTION 3.03 ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

SECTION 3.04 AUTOMOBILE REPAIR – MAJOR. General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstery; or vehicle steam cleaning and undercoating.

SECTION 3.05 AUTOMOBILE REPAIR – MINOR. Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of “Automobile Repair – Major”.

SECTION 3.06 BASEMENT. A basement is that portion of a building partly below grade but so located that the vertical distance from grade to the floor is greater than the vertical distance from grade to the ceiling; provided, however, that if the vertical distance from the grade to the ceiling is 5 feet or more, such basement shall be counted as a story.

SECTION 3.07 BILLBOARDS AND SIGNS.

- (a) Billboards – Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- (b) Business Sign – Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- (c) Real Estate Sign – Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- (d) Identifying Sign – Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motels; or (3) only to inform the public as to the use of a parking lot.
- (e) Name Plate – A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

SECTION 3.08 BUILDING. Anything, which is constructed or erected, having a roof, supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property, or carrying on business activities or other similar uses and has a permanent foundation.

SECTION 3.09 BUILDING HEIGHT. The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and the mean height level between eaves and ridge of gable, hip and gambrel roofs.

SECTION 3.10 BUILDING SETBACK. The minimal horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

(*SECTIONS 3.11 – 3.17 included through amendment of Zoning Ordinance No. 209 dated May 10, 1999. Effective May 28, 1999)

SECTION 3.11 BUILDING SITE. Within a condominium development the same shall mean that portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, foot print,), along with any and all limited or general comment elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have access to a public or private street or road.

SECTION 3.12 COMMON ELEMENTS. The portions of a condominium project other than the condominium units.

SECTION 3.13 CONDOMINIUM PLAN. The Plan as required in this ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.

SECTION 3.14 CONDOMINIUM PROJECT. A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

SECTION 3.15 CONDOMINIUM UNIT. That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.

SECTION 3.16 CONSOLIDATING MASTER DEED. The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

SECTION 3.17 CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the expressed provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

SECTION 3.18 CORNER LOT. A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the streets is one hundred thirty-five (135) degrees or less or a lot abutting upon a curved street or streets if tangents to the curve, at the two (2) points where the lot lines meet the curve, form an interior angle of one hundred thirty five degrees or less.

SECTION 3.19 DWELLING. Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins.

- (a) Dwelling, Single Family – A building, mobile home, pre-manufactured or precut dwelling designed and used for the complete living accommodations of a single family which shall comply with the following standards:
- (1) having a minimum living area of 980 square feet for a dwelling (**square footage minimum amended under zoning ordinance amendment dated May 9, 2002*);
 - (2) having a minimum width along each exterior front, side or rear wall elevation of 14 feet. The word “elevation” shall mean the total length of the front, side or rear wall of a dwelling facing in the same general direction regardless of whether the wall is designed with projections, indentations, or other irregular configurations (*zoning amendment approved by Township Board on March 14, 1994*);
 - (3) firmly attached to a solid foundation constructed on the site in accordance with the Township Building Code not less in area than the area of the dwelling as measured around its perimeter, which attachment shall also meet all building Codes or other State regulations and which foundation shall consist of a fully enclosed attached bearing wall around the perimeter of the dwelling extending from the footing to the ground floor, or other wise firmly attached or anchored in accordance with the manufacturer’s specifications;
 - (4) no exposed wheels, undercarriage or chassis shall be permitted. Towing mechanisms shall be removed if possible without damaging the structure of the mobile home;
 - (5) the dwelling shall be connected to a public sewer and water supply or to private such facilities approved by the local Health Department of Allegan County;

- (6) the dwelling must comply with all pertinent Building and Fire Codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards: as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280. Existing mobile homes shall continue to keep their homes in compliance with whatever certification they were granted by HUD. Hereinafter, any mobile home brought into the Township must be certified and comply with the most recent standards promulgated by HUD. Additionally, all dwellings must meet or exceed all applicable roof snow load and strength requirements (*Amended on March 19, 1994*);
 - (7) the foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State law or otherwise specifically required in the ordinances of the Township of Valley pertaining to such parks;
 - (8) all construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.
- (b) Dwelling, Two Family – A building designed for use and occupancy by two (2) families only.
 - (c) Dwelling, Multi Family – A building designed for use and occupancy by three (3) or more families.

SECTION 3.20 DWELLING UNIT. One (1) room or suite of two (2) or more rooms designed for use occupancy by one (1) family for living and sleeping purposes with housekeeping facilities.

SECTION 3.21 FAMILY. One (1) or more persons occupying a single dwelling unit and using common cooking facilities; provided, however, that unless all members are related by blood or marriage, no such family shall contain more than five (5) persons.

SECTION 3.22 FARM – GENERAL. Any tract of land, regardless of size or area, devoted to general agricultural activities not involving animals, such as field crops, truck farming, orchards and nurseries. Such farms may include related dwelling units and customary barns and similar buildings. (*Amended by Ordinance No. 229 adopted December 10, 2003*).

SECTION 3.23 FARM – SPECIALIZED. Any tract of land, used for specialized animal operations such as apiaries, chicken hatcheries, poultry farms, dairying, beef farms, animal husbandry, stockyards, livestock feed lots, swine farms or establishments keeping fur bearing animals or game, or operating fish hatcheries. Such farms may include related dwelling units, customary barns and similar buildings.

SECTION 3.23(a) FENCE. A fence is defined as any wall, screen, partition or similar structure existing on a yard which separates properties, encloses or divides land into distinct areas or obstructs the passage of air and light onto adjacent land or obstructs the vision of motorists or pedestrians on or near public roads. (*Amended by Ordinance No. 227 Sept. 23, 2003*)

SECTION 3.24 FLOOR AREA. The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other buildings, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

SECTION 3.24 (a) HEDGE. Hedge is defined as a dense row of trees, shrubs, vines or other plants which separates properties, encloses or divides land into distinct areas or obstructs the passage of air and light onto adjacent land or obstructs the vision of motorists or pedestrians on or near public roads. *(Amended by Ordinance No. 228, Sept. 23, 2003)*

SECTION 3.25 HOME OCCUPATION. A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade, but shall not include restaurants or vehicle repairs. Any business and/or home occupation shall register with the township office. *(Language amendment by Ordinance No. 220, effective November 29, 2002).*

SECTION 3.26 JUNKYARD. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

SECTION 3.27 KENNEL. Any land, building or structure where five (5) or more cats and/or dogs six (6) months of age or older are boarded, housed, or bred.

SECTION 3.28 LOT AND LOT WIDTH. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory used, together with such open spaces as are required by this Ordinance. Lot width shall be measured at the front building line. Lot area cannot include any part of a public right-of-way.

SECTION 3.29 MOBILE HOME. A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

- (a) Single Wide – a mobile home with a longitudinal width of no greater than fourteen (14) feet for its full length.
- (b) Double Wide – a combination of two (2) mobile homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

SECTION 3.30 MOBILE HOME LOT. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

SECTION 3.31 MOBILE HOME PAD. That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures, or additions.

SECTION 3.32 MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use.

SECTION 3.33 MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units, which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

SECTION 3.34 MOTOR VEHICLE. Every vehicle, which is self-propelled.

SECTION 3.35 PARKING AREA, SPACE OR LOT. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

SECTION 3.36 PARKING BAY. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

SECTION 3.37 PIER. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

SECTION 3.38 PLANNING COMMISSION. The Valley Township Planning Commission.

SECTION 3.39 PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

SECTION 3.40 ROADSIDE MARKET STAND. A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

SECTION 3.41 STREET. A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

SECTION 3.42 STRUCTURE. Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

SECTION 3.43 TOURIST HOME. A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

SECTION 3.44 TOWNSHIP BOARD. The Valley Township Board.

SECTION 3.45 TOWNSHIP. Valley Township, Allegan County, Michigan.

SECTION 3.46 TRAILER COACH PARK ACT. Michigan Act 243 of 1959, as amended.

SECTION 3.47 TRAVEL TRAILER. A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

SECTION 3.48 USABLE FLOOR AREA. The floor area of a dwelling exclusive of garages, porches, basement or utility area.

SECTION 3.49 VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

SECTION 3.50 YARD. A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limited obstruction of visibility.

SECTION 3.51 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.

SECTION 3.52 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.

SECTION 3.53 YARD – SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

SECTION 3.54 ZONING ACT. Michigan Act 184 of 1943, as amended.

SECTION 3.55 ZONING INSPECTOR. The Valley Township Zoning Inspector.

CHAPTER IV

MAPPED DISTRICTS

SECTION 4.01 ZONE DISTRICTS. The Township of Valley is hereby divided into the following zoning districts:

- (a) AG Agricultural District
- (b) R-1 Rural Estate District
- (c) R-2 Low Density Residential District
- (d) C-1 Neighborhood Business District
- (e) C-2 General Business District
- (f) I-1 Industrial District

SECTION 4.02 ZONING MAP. The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Valley Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

- (a) Boundaries indicated, as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated, as approximately following township boundaries shall be construed as following township boundaries.
- (d) Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or streambeds, as in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
- (e) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
- (f) Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

SECTION 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT. In every case where land has not been included within a district on the zoning map, such land shall be in the AG Zoning District.

CHAPTER V

AG AGRICULTURAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for large tracts of land used for farming, animal husbandry, dairying, horticultural, or other agricultural activities.

SECTION 5.02 USE REGULATIONS. Land, buildings and structures in this Zoning District may be used for the following purposes only:

- (a) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.
- (b) Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
- (c) Riding stables where horses are boarded and/or rented.
- (d) Single-family dwellings when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards:
 - (1) The location of said dwelling and lot, parcel or building site in respect to whether the land is presently being utilized or is capable of being used for the production of agricultural crops;
 - (2) The location of said dwelling and lot, parcel or building site in respect to whether it would interfere with, or substantially hinder, any existing or potential future farming operations or activity within the immediate area;
 - (3) The present and future ability of the township, county and school district to provide adequate vehicular access, schools, public safety and other necessary public services to the proposed dwellings; and
 - (4) That any lot, parcel or building site created by the division or splitting of any lot, parcel or building site, platted or parcel, otherwise of record as of the effective date of this Ordinance may be used for one (1) single family dwelling if such division or splitting is accomplished in such a manner as to create not more than two (2) separate lots, parcels or building sites in total with no lot, parcel, or building site smaller than one (1) acre and one hundred fifty (150) feet in width, and the water and sewer facilities of such lots which are not served by public water and/or sewer are approved by the Allegan County Health Department.

*(*SECTION 5.02 (d) amended by Ordinance No. 209 adopted May 10, 1999)*

- (e) Mobile homes are permitted, provided the following conditions are found to exist.
 - (1) The mobile home is connected to an approved water well and septic tank system.
 - (2) All yard and setback requirements of the Agricultural Zone are met.
- (f) Publicly owned athletic grounds, parks and cemeteries.
- (g) Home occupations.
- (h) Removal and processing of top soil, sand, gravel, or other such minerals.
- (i) Kennels.
- (j) Roadside stands, which sell only products grown or produced on the premises.
- (k) Yard, garage or porch sale or any similar type of sale are permitted, provided the following conditions are followed:
 - (1) Any such sale being conducted for more than three (3) days during any one calendar month, a permit must be obtained from the Zoning Inspector.
 - (2) The person or persons conducting such sale will be responsible for the removal of all posted signs on and off the property immediately following the sale.
- (1) Real estate signs, identifying sign, and nameplate.

SECTION 5.03 HEIGHT REGULATIONS. No residential building or structure shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights.

SECTION 5.04 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements;

- (a) Front Yard – There shall be a front yard of not less than fifty (50) feet.
- (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 – The minimum lot area and width for all uses in this district, unless specified elsewhere, shall be twenty (20) acres and two hundred fifty (250) feet, respectively.
- (e) There shall be a 10 year or newer limit on mobile homes and each shall require vinyl siding and shingle roofs. *(Amendment to the zoning ordinance dated May 9, 2002).*

CHAPTER VI

R-1 RURAL ESTATES DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSES. This Zoning District is intended for large rural residential estates and farming as defined in Section 3.22 of the definitions.

(Amended by Ordinance No. 229 effective December 26, 2003)

SECTION 6.02 USE REGULATIONS. Land, buildings or structures in this Zoning District may be used for the following purposes only:

- (a) Farms as defined in Section 3.22 of definitions together with farm dwellings and buildings and other installations necessary to such farms. Temporary housing for migratory workers is prohibited. *(Amended by Ordinance No. 229 effective December 10, 2003)*
- (b) Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
- (c) Single-family dwellings.
- (d) Home occupations are permitted, provided the following conditions are followed:
 - (1) The home occupation shall be conducted by members of the family residing in the home building.
 - (2) No merchandise or articles for sale shall be displayed on the lot utilized for the home occupation.
 - (3) No article or material used in connection with the home occupation shall be stored other than in the home building or customary accessory buildings.
- (e) Removal and processing of top soil, sand, gravel or other such minerals.
- (f) Roadside stands, which sell only products grown or produced on the premises.
- (g) Publicly owned athletic grounds, parks and cemeteries.
- (h) Kennels, when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards; (1) the size, nature and character of the kennel; (2) the proximity of the kennel to adjoining properties; (3) the possibility of noise or other disturbance for adjoining properties and the surrounding neighborhood on account of the operation of the kennel; (4) potential traffic congestion on account of the kennel; and (5) the nature and character of the buildings and structures to be utilized for the kennel operation.
- (i) Yard, garage or porch sales are permitted utilizing the same standards as are provided in Section 5.02 (k).
- (j) Campgrounds when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards; (1) the proximity of the intended use to adjoining properties, specifically including proximity to occupied dwellings; (2) the size, nature and character of the proposed use; (3) potential traffic congestion which might be occasioned by the intended use; and (4) the effect of the proposed use on adjoining properties and the surrounding neighborhood.

- (k) Real estate signs, identifying sign, and nameplate.

- (l) The keeping of large animals, defined only as: horses, ponies, mules, jackasses and llamas, for the owners' non-commercial and recreational purposes. The following guidelines will be considered for compliance with this ordinance:
 - 1. the proximity of the proposed structure for keeping of the large animals to adjoining properties, specifically including proximity to adjoining dwellings;
 - 2. the size, nature and character of the proposed use;
 - 3. the possibility of noise, odors or other disturbances for adjoining properties and the surrounding neighborhood resulting from the keeping of the large animals;
 - 4. the nature and character of the buildings and structures, including fencing, paddocks, riding rings, riding arenas and other facilities associated with the keeping of the large animals; and
 - 5. property owners must demonstrate how they will comply with the following requirements upon submittal of a zoning application and site plan.
 - a. Site Size: The parcel, lot or building site upon which the large animal is kept must be a minimum of two (2) acres. **(Amended by Ordinance No. 234 – May, 2006)**
 - b. Primary Use: An occupied residential dwelling shall be located on the subject parcel. The applicant must reside in the residential dwelling. The keeping of large animals is an accessory use to the principal single family residential use.
 - c. Number of Large Animals: One large animal per acre with a maximum total of 10 animals.
 - d. Large Animal Shelter: A barn or similar structure must be constructed to shelter the large animal(s). This shelter shall be located not closer than 75 feet to any existing residences on adjacent properties, nor closer than 50 feet to any property line.
 - e. Pens, Paddocks, Riding Rings: Any newly constructed pens for holding large animals, paddocks, or riding rings shall be located at least 75 feet from all existing residences on adjacent properties.
 - f. Pastures: Pastures used for grazing of large animals shall be located at least 25 feet from all existing residences on adjacent properties.
 - g. Large Animal Waste Management: Application shall include a written narrative of their proposed method of waste management. This narrative will be maintained as a component of the approval. The applicant will be bound by the provisions of the waste management narrative, as a condition of approval. At a minimum, large animal waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties and at least 75 feet from all adjoining property lines.
 - h. Fencing: Fencing is required for all paddocks, pastures, riding arenas and other areas associated with the keeping of large animals, to prevent an animal from trespassing on any adjoining properties. The type, height and location of all fencing shall be included on the site plan.

(Section 6.02 amended by Ordinance No. 234 effective May 26, 2006)

SECTION 6.03 HEIGHT REGULATIONS. No residential building or structure shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights.

SECTION 6.04 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot, parcel or building site area, and building coverage requirements.

*(*SECTION 6.04 amended by Ordinance No. 209 adopted May 10, 1999)*

*(*Lines A, B, and D amended under zoning ordinance amendment dated May 13, 1996).*

- (a) Front Yard – There shall be a front yard of not less than thirty (30) feet distance between the street right-of-way line and the main building or structure.
- (b) Side Yard – For residential buildings and structures, there shall be total side yards of not less than thirty (30) feet: provided, however, that no side yard shall be less than ten (10) 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 – The minimum lot, parcel or building site area and width for all uses shall be two (2) acre and one hundred (100) feet, respectively. *(minimum acreage requirement amended under amendment date May 9, 2002).*
- (e) There shall be a 10 year or newer limit on mobile homes and each shall require vinyl siding and shingle roofs. *(This amendment comes under an amendment to the zoning ordinance dated May 9, 2002).*

CHAPTER VII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 7.01 DESCRIPTION AND PURPOSE. This Zoning District is intended for low density residential uses together with required recreational, religious and educational facilities.

SECTION 7.02 USE REGULATIONS. Land, buildings or structures in this Zoning District may be used for the following purposes only:

- (a) Single family dwellings.
- (b) Two family dwellings.
- (c) Private and public schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization and when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards: (1) the size, nature and character of the proposed use; (2) the proximity of the proposed use to adjoining properties; (3) the parking facilities provided for the proposed use; (4) any traffic congestion or hazards which will be occasioned by the proposed use; and (5) how well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.
- (d) Parks, playgrounds, community centers, governmental, administration, or service buildings which are owned and operated by a governmental agency or a noncommercial organization when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards: (1) the necessity for such use for the surrounding neighborhood; (2) the proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings; (3) the size, nature and character of the proposed use; (4) potential traffic congestion which might be occasioned by the intended use; (5) parking facilities to be provided for the proposed use; and (6) the effect of the proposed use on adjoining properties and the surrounding neighborhood.
- (e) Churches when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards: (1) the size, character and nature of the church building; (2) the proximity of the church to adjoining properties; (3) the off-street parking which is to be provided for the church; (4) the potential traffic congestion and hazards which will be caused by the church use; (5) the degree with which the church harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and (6) the effect of the church on adjoining properties and the surrounding neighborhood.
- (f) Home occupations when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards; (1) the nature of the home occupation; (2) the effect of the home occupation on the surrounding neighborhood; (3) the environmental effects of the home occupation; (4) the nature of the surrounding neighborhood; (5) potential traffic congestion as a result of the home occupation; and (6) provision for parking for traffic or clientele which may result from the operation of the home occupation.
- (g) Yard, garage or porch sales are permitted utilizing the same standards as are provided in Section 5.02 (k).

- (h) Real estate sign, identifying sign, name plate.
- (i) The keeping of large animals, defined only as: horses, ponies, mules, jackasses and llamas, for the owners' non-commercial and recreational purposes. The following guidelines will be considered for compliance with this ordinance:
 - 1. the proximity of the proposed structure for keeping of the large animals to adjoining properties, specifically including proximity to adjoining dwellings;
 - 2. the size, nature and character of the proposed use;
 - 3. the possibility of noise, odors or other disturbances for adjoining properties and the surrounding neighborhood resulting from the keeping of the large animals;
 - 4. the nature and character of the buildings and structures, including fencing, paddocks, riding rings, riding arenas and other facilities associated with the keeping of the large animals; and
 - 5. property owners must demonstrate how they will comply with the following requirements upon submittal of a zoning application and site plan.
 - a. Site Size: The parcel, lot or building site upon which the large animal is kept must be a minimum of two (2) acres.
 - b. Primary Use: An occupied residential dwelling shall be located on the subject parcel. The applicant must reside in the residential dwelling. The keeping of large animals is an accessory use to the principal single family residential use.
 - c. Number of Large Animals: One large animal per acre with a maximum total of 10 animals.
 - d. Large Animal Shelter: A barn or similar structure must be constructed to shelter the large animal(s). This shelter shall be located not closer than 75 feet to any existing residences on adjacent properties, nor closer than 50 feet to any property line.
 - e. Pens, Paddocks, Riding Rings: Any newly constructed pens for holding large animals, paddocks, or riding rings shall be located at least 75 feet from all existing residences on adjacent properties.
 - f. Pastures: Pastures used for grazing of large animals shall be located at least 25 feet from all existing residences on adjacent properties.
 - g. Large Animal Waste Management: Application shall include a written narrative of their proposed method of waste management. This narrative will be maintained as a component of the approval. The applicant will be bound by the provisions of the waste management narrative, as a condition of approval. At a minimum, large animal waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties and at least 75 feet from all adjoining property lines.
 - h. Fencing: Fencing is required for all paddocks, pastures, riding arenas and other areas associated with the keeping of large animals, to prevent an animal from trespassing on any adjoining properties. The type, height and location of all fencing shall be included on the site plan.

(Section 7.02 amended by Ordinance No. 234 effective May 26, 2006)

SECTION 7.03 HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 ½) stories.

*(*SECTION 7.04 amended by Zoning Ordinance No. 209 adopted May 10, 1999).*

SECTION 7.04 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot, parcel or building site area, and building coverage requirements.

- (a) Front Yard – There shall be a front yard of not less than thirty (30) feet.
- (b) Side Yard – There shall be total side yards of not less than twenty (20) feet; provided, however, that no yard shall be less than 7 feet.
- (c) Rear Yard – There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, parcels or building sites the rear yard shall be not less than seventy-five (75) feet. ***(minimum rear yard requirement for lakefront lots amended under amendment dated May 9, 2002).***
- (d) There shall be a 10 year or newer limit on mobile homes and each shall require vinyl siding and shingle roofs. ***(This requirement comes under an amendment to the zoning ordinance dated May 9, 2002).***
- (e) Lot Area and Width (Single Family) – The minimum lot, parcel or building area and width for a single family dwelling shall be eight thousand, five hundred (8,500) square feet and eighty-five (85) feet, respectively; provided, however, that the minimum lot, parcel and building site area and width for lots not served with public water and sewer shall be fifteen thousand (15,000) square feet and one hundred (100) feet, respectively.
- (f) Lot Area and Width (Two Family) – The minimum lot, parcel or building site area and width for a two family dwelling shall be fifteen thousand (15,000) square feet and one hundred (100) feet, respectively; provided, however, that the minimum lot, parcel or building site area and width for lots, parcels or building sites not served with public water and sewer shall be thirty thousand (30,000) square feet and one hundred (100) feet, respectively.
- (g) Mobile home parks, when authorized as a special use by the Planning Commission and provided they are in conformance with all state regulations governing mobile home parks, including the Trailer Coach Park Act of 1959, as amended, and this Ordinance. In considering the following standards and requirements:
 - (1) Minimum Area and Maximum Densities – Each mobile home park shall be owned and operated as one (1) entity or on a condominium basis. Each mobile home park shall contain a minimum of twenty-five (25) mobile home lots at first occupancy and may have a maximum of six (6) single wide mobile homes per gross usable acre or four (4) double wide mobile homes per gross usable acre.
 - (2) Buffer Zones – All mobile home parks shall provide and maintain as a minimum, a fifty (50) foot landscaped setback from any street right-of-way line that borders the park and a twenty (20) foot landscaped buffer zone where the park boundary is adjacent to neighboring properties. The Board of Appeals may recommend that an additional landscaped setback be provided. The landscaping shall consist of deciduous or evergreen trees, which reach a minimum of five (5) feet in height and five (5) feet in width in one (1) growing season. Such trees shall be spaced so they provide a continuous screen from adjacent streets. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.
 - (3) Minimum Lot Area – Each mobile home lot shall have (1) a minimum lot area of four thousand seven hundred fifty (4,750) square feet; and (2) a minimum width of fifty (50) feet at the front setback line.
 - (4) Minimum Mobile Home Size – No mobile home in any mobile home park shall contain less than six hundred (600) square feet of living area nor have outside dimensions of less than twelve (12) feet in width and fifty (50) feet in length.

- (5) Yard Requirements – The front yard of each mobile home lot shall be no less than twenty (20) feet as measured from the nearest edge of the street pavement to the nearest wall of the mobile home. The rear yard of each lot shall be no less than ten (10) feet. The non-entry side of a mobile home shall have a side yard of no less than ten (10) feet and the entry side shall have a side yard of no less than twenty-six (26) feet. In the case of double wide mobile home, side yard requirements shall be met by the provision of larger lots sufficient in width to meet these requirements.
- (6) Corner Lots – Where a mobile home lot is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence, structure, or planting over thirty (30) inches in height shall be located on any corner lot within the required front yards.
- (7) Street Requirements – If two-way traffic is to be accommodated, the street pavement width shall be no less than twenty-two (22) feet. If only one-way traffic is to be accommodated, the street pavement width shall be no less than twenty (20) feet,
- (8) Parking – Parking shall be provided in off-street parking bays with two (2) parking bays for each mobile home. Each parking bay shall be no less than two hundred (200) square feet in area. Each parking bay shall be conveniently located in relation to the mobile home for which it is provided. In addition to the two (2) required off-street parking bays, one (1) additional parking space is permitted on the mobile home lot provided it is a hard surface area containing at least two hundred (200) square feet of area.
- (9) Access from Major Streets – Each mobile home park shall have a minimum of two (2) access streets that enter from a primary or secondary arterial street as designated in the Valley Township General development Plan, as amended, and provide a continuous route of travel throughout the park. No ingress or egress shall be provided via local streets as designated in the valley Township General Development Plan, as amended.
- (10) Signs – A maximum of one (1) identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed thirty (30) square feet in area and shall not be illuminated by any light source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the combined total area of both sides when combined shall not exceed thirty (30) square feet.
- (11) Mobile Home Sales Prohibited – The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. Mobile homes located on lots within the mobile home park may be sold by the owner or operator of the park provided no more than five (5) are offered for sale at any one time. This section shall not prohibit the sale of a new or used mobile home by a resident of a mobile home park.
- (12) Underground Utilities – All public and private utilities shall be installed underground.

- (13) Site Improvements – Each mobile home shall be provided with a continuous pad of four (4) inch thick concrete running the full length and width of the mobile home. In lieu of a continuous concrete pad, concrete piers four (4) inches thick may be provided if they run the full length of the mobile home. Each pad shall be equipped with hurricane anchors or tie down equipment capable of being connected to the mobile home to secure the home during high winds. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view.
- (14) Sidewalks – Paved sidewalks shall be provided throughout each mobile home park. Sidewalks shall be: a) a minimum of four (4) feet in width; b) raised a minimum of six (6) inches above road grade in front of each site; c) adjacent to each street and; d) laid out such that they connect the recreation area, common open spaces, and the community building with mobile home sites.
- (15) Streets and Parking Areas – All streets and parking areas in a mobile home park shall be of a hard surface.
- (16) Refuse Disposal – Each mobile home park shall provide an effective system of garbage and rubbish storage, collection, and disposal.
- (17) Lighting – Each mobile home park shall be provided with sufficient lighting to illuminate all parking bays, streets and sidewalks.
- (18) Central Television Antenna – Each mobile home park shall have a master underground television antenna system. Exterior television antennas shall not be permitted on individual mobile homes.
- (19) Ground Cover – All exposed ground surfaces in the mobile home park must be sodded, seeded or covered with ornamental stone. One shade tree at least ten (10) feet in height when planted shall be provided for each two (2) mobile home sites.
- (20) Drainage – An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided. The requirements for each particular mobile home park shall be established by the Allegan County Drain Commissioner.
- (21) Storage Areas – Each mobile home lot shall be equipped with a storage cabinet of no less than three hundred (300) and no more than four hundred (400) cubic feet of storage area, or in lieu thereof, a minimum of three hundred fifty (350) cubic feet of storage area in a central storage building. Said storage cabinet shall be placed or constructed within the required rear or entry side yard.
- (22) Recreation Vehicle Storage – All mobile home parks shall contain a storage area for the storage of campers, trailers, motor homes, boats, snowmobiles and other vehicles ordinarily towed or driven for a special purpose. The storage of these vehicles in the mobile home park is specifically prohibited except in the storage area. The storage area shall be screened by solid type fence five (5) feet in height around its perimeter or by some other screening device, which is approved by the Board of Appeals.

- (23) Recreation Area – Each mobile home park shall include a recreation area of areas equal in size to no less than ten (10) percent of the total gross usable park area. Required setbacks or buffer zones may not be used for the required recreation areas. All recreation areas shall be centrally located, well drained, accessible to all residents of the mobile home park, and improved with playground equipment and other facilities for all age groups. In no case shall any intensive use playground equipment be located closer than fifty (50) feet to any mobile home.

- (24) Community Building – Each mobile home park shall have a community building or buildings to provide the laundry and toilet facilities required by the Trailer Coach Park Act and a tornado shelter or shelters of sufficient size to provide a safe refuge for all mobile home park residents. Such building(s) may also house offices and other facilities that are necessary for the management of a mobile home park.

CHAPTER VIII

C-I NEIGHBORHOOD BUSINESS DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSE. This Zoning District is for neighborhood convenience shopping including retail businesses or service establishments, which supply commodities or perform services, which meet the daily needs of the neighborhood.

SECTION 8.02 USE REGULATIONS. Land, buildings or structures in this Zoning District may be used for the following purposes only:

- (a) Those non-residential uses which are permitted in the Residential Zoning Districts
- (b) Bakery goods store
- (c) Banks, loan and/or finance offices
- (d) Barber or beauty shop
- (e) Book, stationery or gift store
- (f) Candy store, soda fountain and/or ice cream store
- (g) Clothes cleaning and/or laundry pick-up station
- (h) Clothing and dry goods store
- (i) Delicatessen store
- (j) Dress shop
- (k) Drug store
- (l) Florist and gift shop without nursery
- (m) Funeral home
- (n) Grocery store and meat market
- (o) Hardware store
- (p) Household appliance store
- (q) Jewelry store
- (r) Laundromats
- (s) Liquor store including beer and wine sales
- (t) Nursery school and day nurseries
- (u) Paint and wallpaper store
- (v) Parking lots
- (w) Photographer
- (x) Radio and television store
- (y) Restaurants and/or cafes without dancing, floor shows or drive-in service
- (z) Service stations, including minor auto repairs, if all repair work is conducted wholly within a completely enclosed building, when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards; (1) the size, nature and character of the gas station; (2) the proposed location of the gas station; (3) the location of entrance drives and access to the gas station with respect to potential traffic congestion or hazards; (4) how well the gas station harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; (5) the need and necessity for the products and services of the gas station at the proposed location; and (6) the effect of the gas station on adjoining properties and the surrounding neighborhood
- (aa) Shoe repair shop
- (bb) Tailor and/or dress maker
- (cc) Variety store including notions and “five and ten” store
- (dd) Business signs, real estate signs, identifying sign, name plate

- (ee) Other similar retail business or service establishments, which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider Chapter XIII and the following standards: (1) the size, nature and character of the proposed use; (2) the proximity of the proposed use to adjoining properties; (3) the parking facilities provided for the proposed use; (4) any traffic congestion or hazard which will be occasioned by the proposed use; (5) how well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; (6) the need or necessity for the proposed use to service the needs of the surrounding neighborhood; and (7) the effect of the proposed use on adjoining properties and the surrounding neighborhood.

SECTION 8.03 REQUIRED CONDITIONS.

- (a) With the exception of automobile parking and off-street parking, all business, service or processing shall be conducted wholly within a completely enclosed building.
- (b) All goods produced on the premises shall be sold at retail on the premises where produced.

SECTION 8.04 HEIGHT REGULATION. No building or structure shall exceed thirty-five (35) feet in height.

*(*SECTION 8.05 amended by Zoning Ordinance No. 209 adopted May 10, 1999).*

SECTION 8.05 AREA REGULATIONS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot, parcel or building site area and building coverage requirements.

- (a) Front Yard – Where all the frontage on the same side of a street between two intersecting streets is located in a C Zoning District and where a setback has been established by fifty percent (50%) of said frontage, then this established setback shall determine the required front yard. In all other cases there shall be a front yard of not less than fifty (50) feet.
- (b) Side Yard –
 - (1) Where the side of a lot, parcel or building site in a C-1 Zoning District abuts upon the side of a lot, parcel or building site in any R or AG Zoning District, each side yard shall be not less than twenty-five (25) feet.
 - (2) There shall be a side yard of not less than forty (40) feet on the street side of a corner lot, parcel or building site.
 - (2) No side yard shall be required when directly abutting other commercial uses or land included in a C or 1 Zoning District.
- (c) Rear Yard –
 - (1) Where the rear of a lot, parcel or building site in a C-1 Zoning District abuts upon the side yard of a lot, parcel or building site in any R Zoning District or AG Zoning District, there shall be a rear yard of not less than twenty-five (25) feet.
 - (2) In all other cases, there shall be a rear yard of not less than ten (10) feet.
 - (3) No accessory building shall be allowed closer than five (5) feet from the rear lot, parcel or building site line.

- (d) Screening – Side yards and rear yards adjoining any lot, parcel or building site in an R or AG Zoning District shall be screened (1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and ten (10) feet in width after one growing season; or (2) a solid wall or tight board fence six (6) feet in height.
- (e) Lot Area – The minimum lot, parcel or building site area shall be fifteen thousand (15,000) square feet; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the Allegan County Health Department. The minimum lot, parcel or building site width shall be one hundred (100) feet.

CHAPTER IX

C – 2 GENERAL BUSINESS DISTRICT

SECTION 9.01 DESCRIPTION AND PURPOSE. This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

SECTION 9.02 USE REGULATIONS. For land and/or buildings, the permitted uses for the C-2 Zone are as follows:

- (a) All uses permitted in C-1 District
- (b) Amusement enterprises
- (c) Antique shop, provided all articles for sale are displayed or stored within the shop
- (d) Automobile and other vehicle sales
- (e) Automobile repair shop or garage, including major repair operations
- (f) Bank, loan and finance offices including drive-in branches
- (g) Bowling alley, including bars and restaurant
- (h) Bus station and travel agency
- (i) Business or trade school
- (j) Candy store, soda fountain and/or ice cream store
- (k) Car wash
- (l) Catering service, delicatessen and confectionery store
- (m) Clinic – dental and medical including laboratory
- (n) Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building
- (o) Crating and packing service
- (p) Dance studio and photographic studio
- (q) Diaper, linen and towel supply service
- (r) Dry cleaning and laundry – custom and self-service
- (s) Eating place – bar, grill and cocktail lounge including “drive-in”
- (t) Electrical supplies – wholesale and storage
- (u) Exterminator service
- (v) Factory and mill supplies
- (w) Florist and gift shop including nursery
- (x) Frozen food locker
- (y) Funeral home and ambulance service
- (z) Hotels and motels
- (aa) Juke box and vending machine service and distribution
- (bb) Laboratory – medical or dental
- (cc) Landing and take-off areas for roto craft
- (dd) Liquor store
- (ee) Locksmiths
- (ff) Lodge hall, private clubs, veterans’ clubs
- (gg) Malt beverage, liquor and wine distribution
- (hh) Marinas
- (ii) Offices
- (jj) Office Machines, sales and service
- (kk) Office supply store
- (ll) Ornamental iron work and fence service
- (mm) Parcel delivery station
- (nn) Pet shop, not including treatment of boarding of animals
- (oo) Printing and publishing including processes related thereto
- (pp) Professional studio

- (qq) Plumbing and heating shop, provided all operations and storage are completely enclosed in a building
- (rr) Radio and TV sales, repair and broadcasting studios and towers
- (ss) Resale shops including “auction houses”
- (tt) Resort including seasonal cabins
- (uu) Service stations
- (vv) Shoe repair
- (ww) Sign painting and servicing shops provided all operations and storage are completely enclosed in a building
- (xx) Special tools and gauges – checking and service
- (yy) Taxidermist
- (zz) Theater
- (aaa) Theater – Drive-in
- (bbb) Trade schools
- (ccc) Travel agencies
- (ddd) Warehousing and storage structures
- (eee) Wholesale sales
- (fff) Billboards, business signs, real estate signs, identifying sign, name plate
- (ggg) Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as the above permitted uses

SECTION 9.03 HEIGHT, AREA AND YARD REQUIRMENTS. Height, area and yard requirements in the C-2 Zone are the same as the C-1 Zone

- (a) Front Yard – Same as C-1 Zone
- (b) Side Yard – Same as C-1 Zone
- (c) Rear Yard – Same as C-1 Zone
- (d) Lot Area – Same as C-1 Zone

CHAPTER X

I-1 INDUSTRIAL DISTRICT

SECTION 10.01 DESCRIPTION AND PURPOSE. This district permits compounding, assembling, or treatment of articles or materials, this district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.

SECTION 10.02 USE REGULATIONS. For land and/or building, the permitted uses and height and area requirements of the I-1 Zone are as follows:

- (a) The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
- (b) The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
- (c) The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
- (d) Petroleum storage located as least five hundred (500) feet from any residentially zones property.
- (e) Auto repair shops
- (f) Auto wash
- (g) Bottling plants and dairies
- (h) Contractor yards
- (i) Crating and packing service
- (j) Dry cleaning and laundry
- (k) Machine shop
- (l) Printing shops
- (m) Sign painting and servicing shops
- (n) Taxidermist
- (o) Warehouses and storage
- (p) Wholesale sales

The above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall as least six (6) feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to affect adjoining residential properties adversely.

- (q) Drive-in theaters as a special use
- (r) Landing and take-off areas for roto craft and airports
- (s) Parking lots
- (t) Radio and TV towers
- (u) Any other similar light industrial use which is determined by the Planning Commission to be of the same general character as the above permitted uses
- (v) Billboards, business signs, real estate signs, identifying signs, name plate
- (w) Any other industrial uses when authorized by the Planning Commission shall make written findings certifying that satisfactory provision and arrangement has been made concerning the following where applicable:

- (1) Ingress and egress to the lot and the proposed buildings and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (2) Off-street parking and loading areas where required with particular attention to the items in subparagraph (1) above and the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood;
- (3) Refuse and service areas with particular reference to the items in subparagraphs (1) and (2) above;
- (4) Utilities with reference to locations, availability, and compatibility;
- (5) Screening and buffering with reference to type, dimensions, and character;
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties;
- (7) Required yards and other open spaces; and
- (8) General compatibility with adjacent properties and the surrounding neighborhood.

SECTION 10.03 HEIGHT REGULATIONS. Three (3) stories or forty-five (45) feet, whichever is lesser.

(*SECTION 10.04 amended by Zoning Ordinance No. 209 adopted May 10, 1999).

SECTION 10.04 AREA REGULATIONS. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure, or enlargement.

- (a) Front Yard – There shall be a front setback of not less than fifty (50) feet.
- (b) Side Yards –
 - (1) Where the side yard of a lot, parcel or building site abuts the side of a lot, parcel or building site in the Industrial Zone, there shall be a side yard of not less than ten (10) feet.
 - (2) In all other cases, there shall be a side yard of not less than fifty (50) feet.
- (c) Rear Yard – There shall be a rear yard of not less than fifty (50) feet
- (d) Lot Area and Width – The minimum lot, parcel or building site area shall be fifteen thousand (15,000) square feet and the minimum lot, parcel or building site width shall be one hundred (100) feet.

CHAPTER XI

GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts.

SECTION 11.01 THE EFFECT OF ZONING. Zoning applies to every building, structure or use. No building, structure 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 BUILDING. Subject to the provisions of the Nonconforming Uses Chapter, nothing in this Ordinance shall prevent the strengthening or restoring to 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 – A lot which is platted or otherwise of record as of the effective date of this Ordinance which is located in an Ag, R-1 or R-2 Zoning District may be used for one family use only if the lot has a minimum lot area of twelve thousand (12,000) square feet. And if there is compliance with all yard requirements for the zoning district in which the lot is located. If a lot in an Agricultural or Residential Zoning District, which is platted or parcel otherwise of record as the effective date of this Ordinance, does not comply with area/or width requirements of its Zoning District, then such lot may be used for one family use only, and then only, if application is made to the Board of Appeals for a variance. In considering such variance, the Board of Appeals shall consider the following standards: (1) the size, character and nature of the residential building and accessory buildings to be erected and constructed on the lot; (2) the effect of the proposed use on adjoining properties and the surrounding neighborhood; (3) the effect of the proposed use on light and air circulation of adjoining properties; (4) the effect of any increased density of the intended use on the surrounding neighborhood; and (5) available parking for the intended use.

A lot which is platted or otherwise of record as of the effective date of this Ordinance may be used for Commercial or Industrial use if the lot has a minimum area of twelve thousand (12,000) square feet and if there is compliance with all yard requirements for the Commercial or Industrial Zoning District. If a lot in a Commercial or Industrial 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 application is made to the Planning commission for a variance. In considering such variance, the Planning Commission shall consider the following standards: (1) the size, character and nature of the commercial buildings to be constructed on the lot; (2) the effect of the proposed use on adjoining properties and the surrounding neighborhood; (3) the effect of the proposed use on light and air circulation of adjoining properties; (4) the effect of increased density of the intended use on the surrounding neighborhood; and (5) available parking for the intended use. 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.

- (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 seventy-five (75) 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.

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 with the general character of the architecture of the surrounding neighborhood.

(*SECTION 11.05 amended by Zoning Ordinance No. 209 adopted May 10, 1999).

SECTION 11.05 REQUIRED YARD OR LOT. All lots, parcels, building sites, 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.

1. APPROVAL OF AMENDMENT TO SECTION 11.05 of the Valley Township Zoning Ordinance to adopt new subsections, which shall read as follows: (Approved June 14, 1993)

- (A) In the “R-1” and “R-2” Districts every use, building or structure established after the effective date of this ordinance shall be on a lot, parcel or building site which adjoins a public street or an access easement of record to a public street. Such public street right-of-way and private easement which is located more than 150 feet from a public street shall be at least 66 feet wide having a dedicated, permanent recorded easement that provides access from the public road to the back lot, parcel or building site. Such access easements of record shall serve not more than two lots, parcels or building sites with a minimum lot, parcel or building site size of five acres, which shall contain no more than one dwelling unit for each five acre parcel or no more than one principal use or structure other than a dwelling unit. All access easements shall have at least fifteen (15) feet width of gravel.
- (B) All easement owners shall mark said easements by installing a mailbox with contrasting numbers at the entrance to the easements for purposes of fire and police protection.

- (C) A copy of any private easement access agreement regarding road maintenance shall be filed with the Township before the access easement is allowed to be used.
- (D) All lots, parcels or building sites meet area regulations contained in each zoning district and complies with Section 11.13 zoning.

***Lots, parcels or building sites created prior to January 1, 1993 which:**

- a. are located 150 feet or more from a public road; and
- b. possess access to a public road through a 66 foot wide dedicated and recorded easement; and
- b. contain only one principal building or dwelling; and
- c. the lot, parcel or building site that is less than five acres may be developed as lawful, buildable lot, parcel or building site if the owner of the lot, parcel or building site makes application to the Valley Township Zoning Board of Appeals for a variance and receives a variance, and demonstrates to the Valley Township Zoning Board of Appeals, by a preponderance of the evidence that:
 - 1. the lot, parcel or building site was created and recorded in the Allegan County Register of Deeds office prior to January 1, 1993;
 - 2. development of the lot, parcel or building site will not adversely impact upon the orderly development of the lot, parcel or building site and the surrounding area;
 - 3. the lot, parcel or building site should meet all setback requirements; side and rear setbacks contained in that zoning district, also should comply with front setback requirements as if that 66 foot right-of-way or easement is a public road.

SECTION 11.06 CONTROL OF HEAT, CLARE 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 OR STRUCTURES REQUIRING ZONING INSPECTOR AUTHORIZATION.

- (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 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.

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 such accessory uses shall not involve the conduct of any business, trade or industry.

SECTION 11.09 ACCESSORY BUILDINGS.

- (a) In any Zoning District, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible and similar to the principal building.
- (b) Detached accessory buildings shall not be located closer than five (5) feet to the rear lot line or 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; they shall not be closer to any side lot line or front lot line than the principal building is permitted.
- (c) 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 buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
- (d) 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 edge of the street.
- (e) No accessory building or structure shall include residential or living quarters for human beings except a guesthouse located in the R-1 or R-2 Zoning Districts.

(*SECTIONS 11.10 and 11.11 amended by Ordinance No. 209 adopted May 10, 1999).

SECTION 11.10 PRINCIPAL BUILDING ON A LOT, PARCEL OR BUILDING SITE. In the R-1 and R-2 Residence Zoning Districts, no more than one (1) principal building shall be placed on a lot, parcel or building site.

SECTION 11.11 DOUBLE FRONTAGE LOTS, PARCELS OR BUILDING SITES. Buildings on lots, parcels and building sites 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 XV, 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 time 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 a) cut into the face of a masonry surface; or b) 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 of charitable purposes when authorized 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 purpose(s) 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 agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon. However, for commercial agricultural, there shall not be more than two signs which shall not exceed 32 square feet each, and shall be setback no less than 15 feet from the road right-of-way.
- (g) Billboards: A billboard is an outdoor sign, structure or symbol which shall be no larger than 300 square feet. There shall be no flashing or blinking lights and, if lighted, the lights shall be concealed to shine only onto the billboard. Billboards shall be set back not less than 50 feet from any road right-of-way, but not closer than 25 feet to the side or rear property line. In no case shall billboards be located more than 100 feet to any land zoned Agricultural , R-1, or R-2. All billboards shall require a special use permit from the Township.
- (h) Community Service Signs: Community service signs shall include yard, rummage, garage, church, auction, and sale signs, which sales shall be held more than three concurrent days except on a holiday weekend. No sign shall be installed within the road right-of-way nor on utility poles. All signs shall be removed no later than 24 hours after the last of the sale or event.
- (i) Sign Setbacks: Signs designed for permanent or long term use shall be installed no closer than 100 feet to any land zoned Agricultural, R-1, or R-2. A sign permit shall be needed to erect such a sign within the Township. Temporary signs shall be removed within 24 hours after termination of the advertised event and shall be located no less than 15 feet from the traveled portion of any roadway, and shall not be located on utility poles.

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 street designated as a major thoroughfare on the “Valley Township General Development Plan”, as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

- (a) Major County Primary – one hundred (100) feet
- (b) Minor County Primary – eighty (80) feet
- (c) Collector Streets – Sixty-six (66) feet

SECTION 11.14 MINIMUM PUBLIC STREET FRONTAGE. Every principal building and use shall be located on a lot having a minimum of fifty (50) feet of frontage on a public street

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 OPEN SPACE PRESERVATION ACT (P.A. 177 of 2001). At the option of the landowner, all lands zoned for residential development may be developed with the same number of dwelling units on a portion of the land but not more than 50% as determined by the township if the land is zoned at a density equivalent to two or fewer dwelling units per acre or if it is served by a public sewer system three or fewer dwelling units per acre and the land area of not less than 50% shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Further, these conditions apply provided the development does not depend upon the extension of a public sewer or public water supply system unless a development without the exercise of the option provided in this section would also depend on such an extension and the option provided has not been previously exercised with respect to the subject property. *(Amendment to zoning ordinance adopted January 28, 2003)*

SECTION 11.18 GENERAL FENCING REQUIREMENTS. All fences of any nature, type or description located in Valley Township shall conform to the following requirements:
(Amended with Ordinance No. 227 on Sept. 23, 2003)

- (a) No fence in excess of six (6) feet in height shall be erected, constructed, located or maintained in any residential district. In addition, no fences in excess of 48 inches in height shall be erected, constructed, located or maintained in any front yard set-back area in any residential district. All fences in the front yard setback area shall be designed or constructed of materials that provide for a clear field of vision through the fence. No fence located in a residential zoning district may contain barbed wire, spikes, nails or other sharp points or instrument of any kind on the top or on the side of any fence or electrical current or charge in said fence.
- (b) All fences hereafter constructed shall be of ornamental nature, consisting of wood, vinyl, chain link and/or metal, brick or block standard fencing materials, and approved by the Zoning Inspector. The finished portion of the fence shall face outward, toward adjoining properties. In no case shall items such as, or similar to, the following be used in the construction of any fences: Pallets, tires, scrap metal, etc.
- (c) In the case of lakefront lots or lots bordering on a river or stream, no fence shall be located on the lake side or fronting upon a river or stream except as in conformance with the front-yard requirements as set forth above.
- (d) No solid fence or hedge shall obstruct vision between a height of three (3) and ten (10) feet above established grade within the area formed by the intersection of two street right-of-way lines and a line connecting them at points twenty-five feet from the intersection of the right-of-way lines.
- (e) Fences in the agricultural/rural estate district may be located on the property lines or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.
- (f) No fence in excess of eight (8) feet in height shall be constructed, located or maintained in the Neighborhood Business District, the General Business District or the Industrial District. No fence located in the Neighborhood Business District or the General Business District shall contain barbed wire, spikes, nails or other sharp points or instrument of any kind on the side on any fence, or electrical current or charge in said fence.
- (g) Within the Industrial District, barbed-wire cradles shall be permissible, provided they have no more than three (3) strands of barbed wire and have a height from top to bottom of the cradle of no more than one (1) foot. However barbed wire cradles shall not be considered as part of the fence for purposes of determining compliance with the maximum eight (8) foot height limitation.

- (h) Measurement of Fence Height. Any fence, wall, screen, shrubbery, hedge or view-obstructing object subject to the provisions of this ordinance shall be measured from the immediate adjacent ground on either side of and along such fence, wall, screen or other, so that such fence, wall, screen or other does not exceed the maximum height requirements at any point along its traverse. Further, such measurement shall be determined from ground level at its natural grade existing at the time of fence installation.
- (i) Interior fences within a mobile home park shall not exceed 48 inches in height and shall not have less than two (2) access gates which provide free access to all sides of the mobile home for fire fighting purposes.
- (j) The Zoning Board of Appeals shall have authority to waive the fence height limitations within the Neighborhood Business District, the General Business District or the Industrial District if the Zoning Board of Appeals determines, based upon the nature of the site, nature of the properties and streets adjoining the subject property and the nature of the proposed use, that such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will otherwise be consistent with the purposes of this section.
- (k) Fences either existing or constructed in accordance with this ordinance shall be properly maintained, replaced or removed.
- (l) Existing fences may remain for the period of its useful life and shall be repaired or modified where repairs and/or modifications shall bring such fences into full compliance with this ordinance based on the zoning administrator's final approval. However, existing fences that are unsafe (meaning, but not limited to such hazards as barbed wire, electric current, protruding sharp points) or dilapidated or unsightly in appearance because of rust, crinkled metal, disrepair, and non complying materials such as tires and pallets shall be completely removed within ninety days of the effective date of this ordinance.
- (m) Site Plan Approval - Fences to be constructed in zoning districts requiring site plan approval shall be included as a component of the initial site plan approval. If a fence is proposed for construction after site plan approval has been granted, a zoning permit must be obtained as required in this Chapter. An existing site plan shall be amended to reflect the addition of a fence on the site, if so required by the Zoning Inspector. All requirements of Section 15.03 (c) also apply.
- (n) Location Requirements. All fences of any nature, type or description located in Valley Township shall conform to the following requirements:
 - (1) Fences must be able to have proper, regular maintenance performed without trespassing or encroaching on any adjacent properties.
 - (2) The property owner must insure that the fence or hedge is placed within their property lines and does not extend onto adjacent properties.
 - (3) No part of any fence or hedge may extend into the public right-of-way.
 - (4) No fence or hedge shall be located in a way to create a dead space between an existing fence and the proposed fence or hedge.
 - (5) Fences shall be constructed in accordance with Section 11.13, Additional Setbacks for Structures Adjacent to Major Streets, if applicable.
- (o) Fence Approval Process. If a site plan is not required for a property, a property owner seeking to erect a fence must submit plans and receive a zoning permit from the Zoning Administrator or his/her designee, prior to erection of the fence. The property owner shall submit a site plan sketch and include the location of the fence, the height and proposed materials. All required yard setbacks and clear vision areas must be depicted on the plan. The drawing may be prepared by the property owner, if the above requirements can be accurately depicted.

SECTION 11.19. SWIMMING POOL FENCE. All swimming pools constructed outside of a building shall be enclosed by a fence or wall extending from the ground to a point at least four (4) feet above any ground or, in the case of a climbable object, within three (3) feet of said fence. Such fence shall be one of the following types:

- (a) Vertical board of pole fence with boards or poles spaced not greater than two (2) inches with all horizontal members on the pool side of the fence;
- (b) Solid fencing having a flush exterior;
- (c) Chain link or metal mesh, the openings of which shall not exceed two and one-fourth (2 1/4) inches;
- (d) Gates shall meet the requirements for fence construction, shall be self-closing, self-latching, and equipped with a key lock capable of securely holding the gate closed. Service gates not ordinarily used for ingress or egress for swimmers need not be self-closing or self-latching, but must be securely locked when not in use;
- (e) The zoning Board of Appeals is hereby given authority to grant variances to allow for suitable, alternative types of fencing and gates for swimming pools, provided that the alternative shall be reasonably equivalent to the type herein specified.

(Amended with Ordinance No. 227 Sept. 23, 2003)

CHAPTER XII

PARKING AND LOADING SPACES

SECTION 12.01 GENERAL

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
(a) Dwelling	Two (2) for each dwelling unit
(b) Lodging, rooming and boarding houses or each six (6) beds for guests, whichever amount is greater	Two (2) for each three (3) guest rooms
(c) Private clubs and lodges	One (1) for each five (5) active members and one (1) for each employee with a minimum of one (1) for each one hundred (100) square feet of floor area
(d) Hospitals, institutions, clinics	Two (2) for each patient bed and
(e) Theaters, auditoriums, stadiums	One (1) for each four (4) seats
(f) Private, elementary and junior high schools	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds plus one (1) for each eight (8) auditorium seats
(g) Senior high schools and institutions of higher learning	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds, and one (1) additional for each (4) students enrolled in the institution
(h) Churches	One (1) for each four (4) seats in the main worship unit
(i) Community center	One (1) for each one hundred (100) square feet of assembly floor area
(j) Libraries, museums, and Post Offices	One (1) for each one hundred (100) square feet of floor area

SECTION 12.02 JOINT USE OF FACILITIES. Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

SECTION 12.03 LOCATION OF FACILITIES. Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve.

- (a) For all residential buildings and for all nonresidential buildings and uses in residential Zoning Districts, required parking shall be provided on the lot with the building or use it is required to serve.

SECTION 12.04 SIZE OF PARKING SPACE. Each off-street parking space shall have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and shall be a minimum of ten (10) feet in width.

SECTION 12.05 REQUIREMENTS FOR PARKING AREAS. Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- (a) The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any R or AG Zoning District, a greenbelt ten (10) feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five (5) feet in height and five (5) feet wide after one (1) growing season or other suitable screening device.
- (b) The parking lot and its driveway shall be: (1) designed to provide adequate drainage; (2) surfaced with concrete or asphalt pavement; and (3) maintained in good condition, free of dust, trash, and debris.
- (c) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- (d) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
- (e) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- (f) No part of any public or private parking area regardless of the number of spaces provided shall be closer than ten (10) feet to the street right-of-way.

SECTION 12.06 OFF-STREET LOADING SPACES. For every building or addition to an existing building hereafter erected to be occupied by uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition. (1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and (2) off-street loading spaces in relation to floor area as follows;

- (a) Up to twenty thousand (20,000) square feet – one (1) space;
- (b) Twenty thousand (20,000) or more but less than fifty thousand (50, 000) square feet – two (2) spaces; and
- (c) One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any R Zoning District.

CHAPTER XIII

SPECIAL USES

SECTION 13.01 PURPOSE. Special uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special uses. The criteria for decision and requirements provided for under the provisions of this chapter shall be in addition to those required elsewhere in this ordinance which are applicable to the special use under consideration.

SECTION 13.02 APPLICATION PROCEDURES. An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- (a) Application – Applications for a special use shall be submitted through the Zoning Inspector to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of this fee shall be refundable.
- (b) Required Information – An application for a special use shall be accompanied by the following documents and information:
 - (1) A special use application form supplied by the Zoning Inspector, which has been completed in full by the applicant.
 - (2) A site plan, drawn to a readable scale and accurately dimensioned, or the property involved and adjacent property which describes:
 - a) All property boundaries
 - b) The location of all existing and proposed structures
 - c) The location of all existing and proposed streets, parking lots and driveways
 - d) Current zoning classifications
- (c) Public Hearing – Upon receipt of an application for a special use, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the special use application. A notice shall be published in a newspaper, which circulates in the Township; and sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered. The notice shall:
 - (1) Describe the nature of the special use request.
 - (2) Indicate the property, which is the subject of the special use request.
 - (3) State when and where the special use request will be considered.
 - (4) Indicate when and where written comments will be received concerning the request.
- (d) Review and Approval – Within thirty (30) days following the public hearing, the Planning Commission shall review the application for a special use, comments received at the public hearing, and other materials submitted in relation to the request, and make a determination on the special use application in accordance with the criteria for approval stated in Section 13.03, and such standards contained in this Ordinance which relate to the special uses under consideration. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

SECTION 13.03 BASIS OF DETERMINATION. Prior to approval of a special use application, the Planning Commission shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

- (a) General Standards – The Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards, and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
 - (1) The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - (2) The special use shall not change the essential character of the surrounding area.
 - (3) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment, which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
 - (4) The special use shall not place demands on public services and facilities in excess of current capacity.
- (b) Conditions – The Planning Commission may impose conditions with the approval of a special use, which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special use application and shall be enforced by the Zoning Inspector.

CHAPTER XIV

NONCONFORMING USES, BUILDINGS OR STRUCTURES

SECTION 14.01 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES. Except where specifically provided to the contrary, and subject to the provisions of this Chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Chapter, a building or structure which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

SECTION 14.02 EXPANSION. Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided (a) there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and (b) the Zoning Inspector shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged (a) unless all extensions or enlargements do not exceed fifty (50) percent of the area of the original nonconforming use; and (b) unless such extensions or enlargement is authorized by the Board of Appeals as a special use. In considering such authorization, the Board of Appeals shall consider the following standards; (a) whether the extension or enlargement will substantially extend the probable duration of such nonconforming use; and (b) whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

SECTION 14.03 RESTORATION AND REPAIR. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed one half (1/2) of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds one half (1/2) of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Board of Appeals as a special use. In considering such authorization, the Board of Appeals shall consider the following standards: (a) whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use; and (b) whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the in the applicable Zoning District.

SECTION 14.04 CHANGE OR DISCONTINUANCE. The nonconforming use of a building or structure or of any land or premises shall not be:

- (a) Changed to any other nonconforming use;
- (b) Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of nine (9) months.
- (c) Re-established after it has been changed to a conforming use.

SECTION 14.05 BUILDING OR STRUCTURE UNDER CONSTRUCTION OF EFFECTIVE DATE OF ORDINANCE. Any building or structure shall be considered existing and lawful and for purposes of Section 14.01, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if required, or , if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

CHAPTER XV

ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 ZONING ADMINISTRATION. The provisions of this Ordinance shall be administered and enforced by the Zoning Inspector.

SECTION 15.02 ZONING INSPECTOR. The Zoning Inspector shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning inspector, the applicant must be: (a) generally informed of the provisions of this Ordinance; (b) have a general knowledge of the building arts and trades; and (c) be in good health and physically capable of fulfilling the duties of the Zoning Inspector. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

SECTION 15.03 PERMITS.

- (a) Permit Required – No building or structure, except farm buildings in the Agriculture District, but not excepting farm dwellings, shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except wholly interior alterations or repairs at a cost of five hundred dollars (\$500.00) or less, unless a permit therefore has been issued by the Zoning Inspector. An application for a permit shall be in writing and up on duplicate printed forms furnished by the Township. A permit issued by the Zoning Inspector is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Inspector and shall be furnished upon request. If the application is approved, the Zoning Inspector shall so mark both copies of the application over his signature and file one copy with the Township Clerk and return the other copy to the applicant. The Zoning Inspector shall also provide the applicant with a construction card signed by the Zoning Inspector stating the extent of the work authorized. This card shall be attached to, and remain on, the lot or premises during the progress of the work authorized.
- (b) Contents of Application – Each application shall include such reasonable information as may be requested by the Zoning Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, as a minimum, the following information: (1) the location and actual dimension of the lot or premises to which the permit is to apply; (2) the kind of buildings or structures to which the permit is to apply; (3) the width of all abutting streets; (4) the area, size and location of all buildings or structures to which the permit is to apply; (5) the type of use to be made of the building or structure to which the permit is to apply; (6) the use of buildings or structures on adjoining lands; and (7) the estimated cost of the building or structure. The Zoning Inspector, in his direction, may waive the inclusion of any of the foregoing information in an application if he shall determine that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.
- (c) Accessory Buildings or Structures – Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the Principal building, shall not require the issuance of a separate permit. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended enlarged or altered separately or at a different time than the principal building on the same lot or premises.

- (d) Planning Commission Approval – When the terms and provisions of this Ordinance require authorization by the Planning Commission as a special use and such authorization is given, then both copies of the application shall be marked approved by the Secretary of the Planning Commission in addition to being so marked as provided above by the Zoning Inspector.
- (e) Issuance of Permit – Within ten (10) days after the receipt of any application, the Zoning Inspector shall either (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent.
- (f) Expiration of Permits – A permit for a single family dwelling for which all construction work has not been completed within one (1) year from the date of its issuance shall expire automatically; a permit for any other building or structure for which all construction work has not been completed within two (2) years from the date of issuance shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable once for additional terms of one (1) and two (2) years, respectively, one (1) year for single family dwelling, two (2) years for any other building or structural, on payment of an additional fee equal to one half (1/2) of the original permit fee.
- (g) Cancellation of Permits – The Zoning Inspector shall have the power to remove and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.
- (h) Schedule of Fees – The schedule of fees for each permit issued pursuant to this Ordinance shall be in accord with a schedule as adopted by resolution of the Township Board. Such fees shall be paid to the Township Zoning Inspector, who shall remit the same to the Township Treasurer.

SECTION 15.04 INSPECTION OF BUILDING AND STRUCTURES.

- (a) As work progresses under a permit, the holder thereof or his authorized agent shall cause the Zoning Inspector to be notified at the following stages of construction:
 - (1) Upon completion of the footing and foundation walls.
 - (2) Upon completion of the rough frame of the building or structure and electrical wiring.
 - (3) Upon total completion of the work authorized by the permit and before occupancy or use.
- (b) Should the permit holder fail to comply with all of the terms and provisions of this Ordinance at any stage of construction, the Zoning Inspector is authorized to revoke and cancel the permit and cause notice of such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

(c) SECTION 15.05 CERTIFICATION OF COMPLIANCE. No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate by the Zoning Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance. Such certificate shall be used after the work is complete and final inspection has been made.

CHAPTER XVI

BOARD OF APPEALS

SECTION 16.01 CREATION. There is hereby created under the Township Zoning Act a Township Board of Appeals referred to in this Ordinance as the "Board of Appeals". The Board of Appeals shall be composed of five members. The first member shall be a member of the Township Planning Commission and the second member shall be a member of the Township Board. The remaining members or alternate members shall be selected from township residents. The Township shall also appoint two alternate members pursuant to the Township Zoning Act. The Board of Appeals shall further comply with any other Zoning Act provisions.

SECTION 16.02 JURISDICTION AND POWERS. The Board of Appeals shall have all powers and jurisdiction granted by the Zoning Act, all powers and jurisdiction prescribed in other chapters of the Ordinance and the following specific powers and jurisdiction:

- (a) The jurisdiction and power to hear and decide appeals from and review and order, requirement, decision or determination made by the Zoning Inspector. The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it (1) shall have all the powers of the Zoning Inspector; and (2) may issue or direct the issuance of a permit.
- (b) The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
- (c) The jurisdiction and power to authorize, upon appeal, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

SECTION 16.03 ADOPTION OF RULES OF PROCEDURE. The Board of Appeals shall fix rules and regulations governing its procedures sitting as the Board of Appeals. Said rules and regulations shall be made available to the public and shall be in conformance with the terms of this Ordinance and the Zoning Act.

SECTION 16.04 CONDITIONS. In authorizing a special use or granting a variance, the Board of Appeals may impose and attach such conditions, restrictions and requirements as it shall determine are necessary and/or appropriate. Such conditions, restrictions and requirements may impose greater or more restrictive conditions, restrictions and requirements than are included in this Ordinance. Violation of such conditions, restrictions and requirements shall be deemed a violation of this Ordinance. Such conditions, restrictions and requirements may include the provisions of financial security to guarantee performance.

CHAPTER XVII

ORDINANCE AMENDMENT

SECTION 17.01 INITIATION OF AMENDMENTS. Amendments to this Ordinance may be initiated by the Township Board by resolution or by any interested person or persons by petition to the Township Board.

SECTION 17.02 AMENDMENT PETITION PROCEDURE. All petitions for amendment to this Ordinance shall be in writing signed, and filed in triplicate with the Township Clerk for presentation to the Township Board. Such petitions shall include the following:

- (a) The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
- (b) The nature and effect of the proposed amendment;
- (c) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned;
- (d) The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
- (e) The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
- (f) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

SECTION 17.03 AMENDMENT PROCEDURE. After initiation, amendments to this Ordinance shall be considered as provided in the Zoning Act.

CHAPTER XVIII

PENALTIES

AMENDMENT ADOPTED: November 7, 2002

EFFECTIVE DATE: December 3, 2002

SECTION 18.01 Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term of provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.294 and as otherwise provided by law

SECTION 18.02 Violation. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance and the Zoning Administrator or Ordinance Enforcement Officer shall take appropriate action. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

SECTION 18.03 Municipal Civil Infraction. A violation of this Ordinance shall constitute a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
- 1 st Offense	\$ 75.00	\$500.00
- 2 nd Offense	\$150.00	\$500.00
- 3 rd Offense	\$325.00	\$500.00
- 4 th Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township of Valley has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

18.04 Remedial Action. The imposition of any fine shall not exempt the offender from compliance with the requirements of this ordinance. Further, any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

Repeal of Conflicting Ordinances and Effective Date. All ordinances or parts thereof which are in conflict in whole or in part with any of the above provisions of this amendment are repealed as of the effective date of this ordinance. This ordinance will be effective eight days following publication after adoption pursuant to Michigan Public Act 297 of 1996.

CHAPTER XIX

MISCELLANEOUS PROVISIONS

SECTION 19.01 ADMINISTRATIVE LIABILITY. No officer, agent, employee, or member of the Planning Commission, Township Board or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

SECTION 19.02 SEVERABILITY. This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 19.03 REPEAL. All other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

SECTION 19.04 EFFECTIVE DATE. This Ordinance was approved by the Township Board on and is ordered to take immediate effect.