

CHAPTER II

GENERAL PROVISIONS

(Ord No. 13-79; 10/16/79)	(Ord. No. 93-10; 2/16/93)	(Ord. No. 08-01; 3/17/08)
(Ord. No 5-80; 6/17/80)	(Ord. No. 94-3; 12/15/94)	(Ord. No. 09-01; 3/31/09)
(Ord. No. 9-81; 9/21/81)	(Ord. No. 95-1; 3/30/95)	(Ord. No. 09-03; 11/3/09)
(Ord. No 31-82; 12/20/82)	(Ord. No. 95-06; 7/17/95)	(Ord. No. 09-07; 12/21/09)
(Ord. No.02-83; 3/21/83)	(Ord. No. 96-02; 1/18/96)	(Ord. No. 10-05; 1/17/11)
(Ord. No. 1-84; 1/16/84)	(Ord. No. 96-03; 5/2/96)	(Ord. No. 11-05; 12/19/11)
(Ord. No. 15-84; 1/16/84)	(Ord. No. 96-10; 10/21/96)	(Ord. No. 12-02; 1/16/212)
(Ord. No. 2-84; 2/20/84)	(Ord. No. 00-04; 6/2/00)	(Ord. No. 17-01; 11/5/17)
(Ord. No. 5-88; 1/3/89)	(Ord. No. 01-05; 6/18/01)	(Ord. No. 18-02; 5/21/18)
(Ord. No. 3-88; 1/31/89)	(Ord. No. 02-02; 6/14/02)	(Ord. No. 18-05; 1/21/19)
(Ord. No. 90-02; 5/21/90)	(Ord. No. 03-04; 5/8/03)	(Ord. No. 21-02; 2/15/21)
(Ord. No. 90-09; 6/18/90)	(Ord. No. 04-03; 5/7/04)	(Ord. No. 21-04; 6/21/21)
(Ord. No. 91-02; 2/28/91)	(Ord. No. 05-01; 10/7/05)	
(Ord. No. 93-2; 1/18/93)	(Ord. No. 07-03; 8/20/07)	
(Ord. No. 22-05; 12/19/22)	(Ord. No. 23-08; 12/18/23)	

SECTION 2.01 ACCESSORY BUILDINGS. (Ord. 09-03; 11/3/09) (Ord. 11-05; 12/19/11) (Ord. 12-02; 1/16/12) (Ord. 21-04; 6/21/21)

(a) General Regulations. The regulations in this subsection apply to accessory buildings in all zoning districts, except as otherwise provided in this Ordinance.

- (1) Permits: Except as otherwise provided in this Ordinance or by state law, all accessory buildings, regardless of size or use (including agricultural uses), require a building or zoning permit prior to construction.

All agricultural buildings and residential accessory buildings less than 200 sq. ft. in size require a zoning permit prior to construction. Residential accessory buildings 200 sq. ft. or larger in size require zoning approval and a building permit prior to construction.

The Zoning Administrator and the Building Official, in conjunction with the Michigan Department of Agriculture shall determine what is or is not an agricultural accessory building.

- (2) Principal Building Required: No accessory building or use shall be permitted on any lot which does not contain a principal building or use, except as permitted in Section 2.29 of this Ordinance.

- (3) Attachment: When an accessory building is erected as an integral part of a permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. Accessory buildings shall be considered an integrated part of a permitted principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade, or similar

architectural device and there is no more than twenty (20) feet between a load-bearing wall of the principal building and a load-bearing wall of the accessory building.

All conditioned living space must be contiguous (wall to wall) and not separated by unconditioned space not intended for human habitation.

- (4) Living Quarters: An accessory building shall not be used as living quarters (i.e., a separate dwelling unit) for human beings. The area over and above an attached accessory building may be used for living space to the extent in compliance with the Building Code, but not as a separate dwelling unit.
 - (5) Distance Between Buildings: The distance between a detached accessory building and any other building on the same lot shall not be less than ten (10) feet.
 - (6) Corner Lots: When an accessory building is located on a corner lot, it shall meet the front yard setback requirement along each street frontage which abuts the lot.
 - (7) Playhouses: Playhouses, as defined herein, are exempt from the provisions of Section 2.01.
- (b) Agricultural and Residential Zoning Districts: The following regulations in Table 2.1 shall apply to accessory buildings in the agricultural and residential zoning districts.

Table 2.1 Accessory Building Schedule of Regulations for the Agricultural and Residential Zoning Districts, Section 2.01(b) of the Zoning Ordinance

	District	Type of building	Minimum lot area ⁽¹³⁾	Max # of accessory buildings	Maximum building size ⁽¹⁾	Max building height	Minimum front yard setback ⁽³⁾ and maximum lot coverage	Minimum side yard setback and maximum lot coverage	Minimum rear yard setback and maximum lot coverage	Appearance
Agricultural Zoning District	A	Attached ⁽⁴⁾⁽¹¹⁾	N/A		Accessory bldg.(s) attached to a dwelling may not, in combination, exceed 832 sq. ft. or an area equal to the main floor living area of the dwelling, whichever is greater ⁽⁷⁾	35 ft. ⁽⁵⁾	For Attached: 60 ft.	For Attached: 15 ft.	For Attached: 100 ft.	If less than 832 sq. ft. shall be similar to principal building, except for buildings accessory to a farm as defined herein. ⁽⁹⁾
	A	Detached ⁽⁴⁾⁽¹¹⁾	N/A	N/A	N/A	35 ft. ⁽²⁾⁽⁵⁾	For Detached: 60 ft. A detached accessory building may be located in front of the principal building, but no closer to the front lot line than the required front setback, if it does not occupy more than thirty (30) percent of the front yard area between the building line of the principal building and the required front setback line and is setback from the side lot line the same distance as required for the principal building.	For Detached: 832 sq. ft. or less = 15 feet 833 sq. ft. to 1000 sq. ft. = 20 feet 1001 sq. ft. to 1500 sq. ft. = 30 feet 1501 sq. ft. to 2000 sq. ft. = 40 feet Greater than 2000 sq. ft. = 50 feet However, if greater than 20 feet tall or used for the raising or keeping of farm animals, regardless of square footage = 50 ft. A detached accessory building located in the side yard shall not occupy more than thirty (30) percent of the side yard between the building line of the principal building and the required side yard setback line.	For Detached: 832 sq. ft. or less = 15 feet 833 sq. ft. to 1000 sq. ft. = 20 feet 1001 sq. ft. to 1500 sq. ft. = 30 feet 1501 sq. ft. to 2000 sq. ft. = 40 feet Greater than 2000 sq. ft. = 50 feet However, if greater than 20 feet tall or used for the raising or keeping of farm animals, regardless of square footage = 50 ft. A detached accessory building in the rear yard shall occupy no more than thirty (30) percent of the rear yard between the building line of the principal bldg. and the required accessory building setback line.	If less than 832 sq. ft. shall be similar to principal building, except for buildings accessory to a farm as defined herein. ⁽⁹⁾
Residential Zoning Districts	R-A	Attached ⁽⁴⁾	N/A	Total of 2 acc. bldgs per lot, including attached ⁽⁶⁾	832 sq. ft. or an area equal to the main floor living area of the dwelling, whichever is greater ⁽⁷⁾	35 ft ⁽⁵⁾	For Attached: ⁽⁸⁾ 60 ft.	For Attached: ⁽⁸⁾ 15 ft.	For Attached: ⁽⁸⁾ 100 ft.	Similar to principal building except for buildings accessory to a farm as defined herein. ⁽⁹⁾
	R-A	Detached	Less than 1 acre	Total of 2 acc. bldgs. per lot, including attached ⁽⁶⁾	240 sq. ft.	14 ft. to bldg. peak	For Detached: ⁽⁶⁾⁽⁸⁾ 60 ft. A detached accessory building may be located in front of the principal building, but no closer to the front lot line than the required front setback, if it does not occupy more than thirty (30) percent of the front yard area between the building line of the principal building and the required front setback line and is setback from the side lot line the same distance as required for the principal building.	For Detached: ⁽⁸⁾ 832 sq. ft. or less = 15 feet 833 sq. ft. to 1000 sq. ft. = 20 feet 1001 sq. ft. to 1500 sq. ft. = 30 feet 1501 sq. ft. to 2000 sq. ft. = 40 feet Greater than 2000 sq. ft. = 50 feet However, if greater than 20 feet tall or used for the raising or keeping of farm animals, regardless of square footage = 50 ft. A detached accessory building located in the side yard shall not occupy more than thirty (30) percent of the side yard between the building line of the principal building and the required side yard setback line.	For Detached: ⁽⁸⁾ 832 sq. ft. or less = 15 feet 833 sq. ft. to 1000 sq. ft. = 20 feet 1001 sq. ft. to 1500 sq. ft. = 30 feet 1501 sq. ft. to 2000 sq. ft. = 40 feet Greater than 2000 sq. ft. = 50 feet However, if greater than 20 feet tall or used for the raising or keeping of farm animals, regardless of square footage = 50 ft. A detached accessory building in the rear yard shall occupy no more than thirty (30) percent of the rear yard between the building line of the principal building and the required accessory building setback line.	Similar to principal building except for buildings accessory to a farm as defined herein. ⁽⁹⁾
					832 sq ft	18 ft to bldg peak				
			Over 2 acres	Total of 2 acc. bldgs per lot, including attached ⁽⁶⁾	1,200 sq ft	20 ft to bldg peak				
			Over 2 acres and is a farm building on a farm as defined herein ⁽¹⁰⁾⁽¹²⁾	N/A	N/A	35 ft ⁽²⁾⁽⁵⁾				

Footnotes are an integral part of the above regulations and should be read in conjunction with the above Schedule of Regula

Table 2.1 Accessory Building Schedule of Regulations for the Agricultural and Residential Zoning Districts, Section 2.01(b) of the Zoning Ordinance

	District	Type of building	Minimum lot area	Max # of accessory buildings	Maximum building size ⁽¹⁾	Max building height	Minimum front yard setback ⁽³⁾ and maximum lot coverage	Minimum side yard setback and maximum lot coverage	Minimum rear yard setback and maximum lot coverage	Appearance
Residential Zoning Districts	For Single & Two-Family Dwellings R-1, R-2 & R-3 Residential uses in OSN-PUD & M-PUD	Attached ⁽⁴⁾	N/A	Total of 2 acc. bldgs per lot, including attached ⁽⁶⁾	832 sq ft or an area equal to the main floor living area of the dwelling, whichever is greater ⁽⁷⁾	35 ft or 2 ½ stories ⁽⁵⁾	For Attached: ⁽⁸⁾ 35 ft	For Attached: ⁽⁸⁾ R-1: 5 ft for single-family dwellings and 10 ft for two-family dwellings R-2 and R-3: Total of 30 ft. with a minimum of 10 ft on one side for two-family dwellings	For Attached: ⁽⁸⁾ 50 ft	Similar to principal building ⁽⁹⁾
	For Single & Two-Family Dwellings R-1, R-2 & R-3 Residential uses in OSN-PUD & M-PUD	Detached	Less than 1 acre	Total of 2 acc. bldgs per lot, including attached ⁽⁶⁾	240 sq ft	14 ft to bldg peak	A detached accessory building may be located in front of the principal building, but no closer to the front lot line than the required front setback, if it does not occupy more than thirty (30) percent of the front yard area between the building line of the principal building and the required front setback line and is setback from the side lot line the same distance as required for the principal building.	For Detached: ⁽⁸⁾ 35 ft R-1: 5 ft for single-family dwellings and 10 ft for two-family dwellings R-2 and R-3: Total of 30 ft. with a minimum of 10 ft on one side for two-family dwellings A detached accessory building located in the side yard shall not occupy more than thirty (30) percent of the side yard between the building line of the principal building and the required side yard setback line.	For Detached: ⁽⁸⁾ 5 ft An accessory building in the rear yard shall occupy no more than thirty (30) percent of the rear yard between the building line of the principal building and the required accessory building setback line. A detached accessory building in the rear yard shall occupy no more than thirty (30) percent of the rear yard between the building line of the principal building and the required accessory building setback line.	Similar to principal building ⁽⁹⁾
					832 sq ft garage as defined herein	18 ft to bldg peak				
					1 to 2 acres	Total of 2 acc. bldgs per lot, including attached ⁽⁶⁾				
			Over 2 acres	Total of 2 acc. bldgs per lot, including attached ⁽⁶⁾	1,200 sq ft	20 ft to bldg peak		10 ft A detached accessory building located in the side yard shall not occupy more than thirty (30) percent of the side yard between the building line of the principal building and the required side yard setback line. 832 sq. ft. or less = 10 ft. 833 sq. ft. to 924 sq. ft. = 20 ft. 925 sq. ft. 1016 sq. ft. = 30 ft. 1017 sq. ft. to 1108 sq. ft. = 40 ft. 1109 sq. ft. to 1200 sq. ft. = 50 ft. A detached accessory building located in the side yard shall not occupy more than thirty (30) percent of the side yard between the building line of the principal building and the required side yard setback line.	10 ft A detached accessory building in the rear yard shall occupy no more than thirty (30) percent of the rear yard between the building line of the principal building and the required accessory building setback line. 832 sq. ft. or less = 10 ft. 833 sq. ft. to 924 sq. ft. = 20 ft. 925 sq. ft. 1016 sq. ft. = 30 ft. 1017 sq. ft. to 1108 sq. ft. = 40 ft. 1109 sq. ft. to 1200 sq. ft. = 50 ft. A detached accessory building in the rear yard shall occupy no more than thirty (30) percent of the rear yard between the building line of the principal building and the required accessory building setback line.	
For Multi-Family Dwellings R-2 & R-3 Residential uses in OSN-PUD & M-PUD	N/A ⁽⁴⁾	See Sec. 8.05 or PUD chapters	See Sec. 8.09(b)		35 ft or 2 ½ stories ⁽⁵⁾	See Section 8.09(b), Standards for Accessory Buildings, Multi-Family Dwellings			Similar to principal building ⁽⁹⁾	
R-4	N/A	Governed under The Mobile Home Commission Act, Public Act 96 of 1987								
All Other Uses in R-1, R-2, R-3, OSN-PUD	Detached	N/A	N/A	To be determined during site plan review	35 ft or 2 ½ stories ⁽⁵⁾	35 ft	832 sq. ft. or less = 10 ft. 833 sq. ft. to 924 sq. ft. = 20 ft. 925 sq. ft. 1016 sq. ft. = 30 ft. 1017 sq. ft. to 1108 sq. ft. = 40 ft. 1109 sq. ft. to 1200 sq. ft. = 50 ft.	832 sq. ft. or less = 10 ft. 833 sq. ft. to 924 sq. ft. = 20 ft. 925 sq. ft. 1016 sq. ft. = 30 ft. 1017 sq. ft. to 1108 sq. ft. = 40 ft. 1109 sq. ft. to 1200 sq. ft. = 50 ft.	To be determined during site plan review	

Footnotes are an integral part of the above regulations and should be read in conjunction with the above Schedule of Regulations.

FOOTNOTES for Table 2.1 Accessory Building Schedule of Regulations for the Agricultural and Residential Zoning Districts:

- (1) Maximum building size for accessory buildings equals maximum building area above the grade plane, as defined herein. For zoning purposes only, the maximum building size shall not include that portion of a building having its finished floor level below ground level on all sides, underneath the footprint of the structure above. (Ord. No. 18-02; 5/21/18)
- (2) See Section 2.17, Height Exceptions
- (3) See Sec. 2.01(a)(6), Corner Lots
- (4) See Section 2.25(b), Attached Accessory Buildings
- (5) See definition of *Building, Height Of* for method of measurement
- (6) A lot shall contain no more than two (2) accessory buildings. A detached or attached private garage shall be counted as one accessory building.
- (7) Per building, an attached accessory building shall not exceed 832 sq. ft. or an area equal to the main floor living area of the dwelling (i.e. primary entrance floor), whichever is greater. Living space for human beings as identified in Section 2.01(a)(4) is not included in the maximum allowable area of an attached accessory building.
- (8) See Section 2.06, Farm Animals in Residential Zones
- (9) The exterior of attached or detached accessory buildings shall be constructed of building materials which match or are similar to the exterior building materials of the principal building located on the same lot or on nearby lots. These materials shall include but are not limited to wood, vinyl, or aluminum siding; face brick; decorative block such as fluted block; or decorative metal such as colored ribbed siding. The roof of an accessory building shall also be covered with asphalt, fiberglass, or cedar shingles or another building product which matches or is similar to the roof of the principal building on the same lot or on nearby lots.

The Zoning Administrator shall approve the exterior building materials for an accessory building in conjunction with the issuance of a building or zoning permit according to the following criteria:
 - (i) To ensure that the accessory building is visually and architecturally compatible with nearby principal buildings.
 - (ii) To determine that the proposed exterior building material will not deteriorate over the expected useful life of the accessory building resulting in a detriment to the existing residential integrity and character of the area.
- (10) The front yard setback of buildings used for the raising or keeping of farm animals shall be 60 feet
- (11) See Section 5.02(g) and (h) for related information on specific farm buildings
- (12) See Section 6.02(f) and (h) for related information on specific farm buildings
- (13) Area excluding public road right-of-way and private road easements.

(c) All Other Zoning Districts: The following regulations apply to detached accessory buildings in all zoning districts other than Agricultural or Residential districts and for non-residential uses within the M-PUD zoning district, except as otherwise provided in this Ordinance.

(1) Front Yard Setback and Lot Coverage: The minimum setback from the front lot line shall be the same as required for a principal building. A detached accessory building may be located in front of the principal building, but no closer to the front lot line than the required front setback, if it does not occupy more than thirty (30) percent of the front yard area between the building line of the principal building and the required front setback line and is setback from the side lot line the same distance as required for the principal building.

(2) Side Yard Setback and Lot Coverage: The minimum setback from the side lot line shall be the same as required for the principal building. A detached accessory building located in the side yard shall not occupy more than thirty (30) percent of the side yard between the building line of the principal building and the required side yard setback line.

(3) Rear Yard Setback and Lot Coverage: A detached accessory building located in the rear yard shall be no closer than five (5) feet from the rear lot lines. An accessory building in the rear yard shall occupy no more than thirty (30) percent of the rear yard between the building line of the principal building and the required accessory building setback line.

SECTION 2.02 AUTOMOBILES. Mechanical work on passenger cars not used for racing, owned by the occupant of a dwelling on the premises is permitted in any residential zone, provided it is performed entirely within a building. No parts or vehicles not in legally operative condition shall be stored outside.

SECTION 2.03 PROHIBITED USES AND UN DESIGNATED USES.

(a) Uses, activities, enterprises or purposes that are contrary to, or violate federal, state or county laws or regulations, this Ordinance, or other Township ordinances are prohibited.

(b) Prohibition on Marihuana Facilities and Marihuana Establishments:

(Ord.#18-05; 1/21/19)

(1) Prohibition. Pursuant to Act No. 110 of 2016, as amended, and Section 6 of the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018, as amended, marihuana establishments are prohibited within the boundaries of Alpine Township. Medical Marihuana facilities are also prohibited within the boundaries of Alpine Township.

Under the Medical Marihuana Facilities Licensing Act, marihuana facilities include:	Under the Michigan Regulation and Taxation of Marihuana Act, marihuana establishments include:
a. Growers	a. Growers
b. Processors	b. Processors
c. Provisioning Centers	c. Retailers
d. Safety Compliance Facilities	d. Safety Compliance Facilities
e. Secure Transporters	e. Secure Transporters
	f. Microbusinesses

(2) Violation of this Section 2.03(b). Any person, firm, corporation, trust, partnership or other legal entity who shall commence, conduct, operate, or utilize a marihuana facility or marihuana establishment within the boundaries of the Township shall be guilty of a criminal misdemeanor and shall, upon conviction, be subject to up to 90 days in jail, paying a fine of up to a \$500.00, or both such fine and jail, as well as any other fines, costs, or penalties imposed by law.

Each day on which any violation of this Section 2.03(b), entitled “Prohibition on Marihuana Facilities and Establishments” continues, constitutes a separate offense, and shall be subject to penalties or sanctions as a separate offense. In addition to any remedies otherwise available, the Township may bring an action for an injunction or other process to restrain, prevent, or abate any violation of this Section 2.03(b)

(c) Undesignated Uses: Any use, use of land, activity, structure, or development activity not expressly defined or listed in this Ordinance is prohibited, unless the Zoning Administrator finds that the use is substantially similar in character to a use or item listed in this Ordinance. An individual may apply to the Planning Commission for consideration of an amendment to this Ordinance to include a proposed use in one or more of the zoning districts of this Ordinance, either as a permitted use or a special land use. (Ord. 10-05, 1/17/11)(Or. No. 17-01; 11/5/17)

SECTION 2.04 REQUIRED WATER SUPPLY AND SANITARY SEWER FACILITIES.

No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreation purposes unless it is provided with a safe sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial, and industrial waste. All such installations and facilities shall conform with the minimum requirements as set forth by the Kent County Health Department, the State of Michigan Health Department, and the Subdivision Regulations, Building Code, Plumbing Code, and other applicable ordinances of Alpine Charter Township, as amended. (Ord. No. 90-9; 6/18/90)

SECTION 2.05 DAMAGED BUILDINGS.

- (a) A building damaged by fire, collapse, or an act of God to such an extent that the cost of repair and reconstruction exceeds fifty (50) percent of the assessed valuation for taxes of the building at the time the damage occurred, shall not be repaired or reconstructed unless made to comply in all respects with the provisions of this Ordinance relative to such buildings thereafter erected.
- (b) A building damaged by wear and tear, deterioration and depreciation to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds fifty (50) percent of the assessed valuation for taxes at the time when the repairs or rehabilitation are to be made, shall not be so repaired or rehabilitated unless the building is made to comply in all respects with the provisions of this Ordinance relative to such buildings hereafter erected.

A building so damaged by wear and tear, deterioration, and depreciation to such an extent that the cost of repair and rehabilitation shall exceed the assessed valuation for taxes shall be deemed unfit for habitation unless repaired and rehabilitated pursuant to the provisions of this Ordinance; and in case such building so damaged is not repaired and rehabilitated, it shall be vacated and not again occupied. Before any reconstruction of any building shall be commenced, a building permit must be secured. It shall be the duty of the Building Inspector to determine the extent of such destruction, deterioration or depreciation before issuing a building permit. His determination shall be presumed to be correct until the contrary is proved.

SECTION 2.06 ANIMALS. The keeping and care of animals is subject to other provisions of this Ordinance, other applicable Township Ordinances and state and federal laws. (Ord. No. 21-02; 2/19/21) (Ord. No. 22-05; 12/19/22)

(a) KEEPING OF ANIMALS

- (1) Domestic Animals. If an occupant or owner keeps or allows domestic animals within a dwelling, in a yard, in a structure, or upon a property, the occupant shall remove any odorous or unsanitary condition.
- (2) Farm Animals. Farm animals are permitted in a Residential Zoning District, provided they are kept at least fifty (50) feet from any adjoining property and one hundred fifty (150) feet from the front lot line and not within a residential dwelling unit. Such animals may be kept on parcels of land at least one and one half (1-1/2) acres but only after a permit is first obtained from the Zoning Administrator. The keeping of such animals shall be accessory to the principal use. There shall be no more than one (1) such animal per acre with a maximum of five (5) animals on any parcel. The area on which the animal(s) are kept shall be completely enclosed by a fence or similar barrier to prevent the animal(s) from trespassing on adjoining property.

The Zoning Administrator shall not issue a permit until the premises on which the animals are to be kept are shown to be sanitary. The premises shall be maintained in sanitary condition and may be inspected at any reasonable time, or times, by the Zoning Administrator or his/her designee or County Health Officer. If the premises become unsanitary, or objectionable odors from it annoy adjoining residents, the Zoning Administrator may revoke the permit until the premises are returned to a sanitary condition and the objectionable odors and their cause are removed or remedied.

In the R-A, Rural Agricultural zoning district, the above applies to properties that are not farms as defined in this Ordinance. For the keeping of horses in the R-A, Rural Agricultural zoning district, see Section 6.02(g).

- (3) Wild Animals. The keeping, breeding, or possessing of wild animals is prohibited within the Township. The prohibition on keeping or possessing any wild animal shall not apply to a State of Michigan-licensed Wildlife Rehabilitator for native Michigan wildlife animals.

The interpretation of which of the three classifications as defined in this Ordinance a particular animal or class of animals falls within the above classifications shall be determined by the Zoning Board of Appeals. In addition to the definitions set forth herein, the Zoning Board of Appeals shall consider the potential danger of keeping particular animals within the Township and whether they pose a threat to the health, safety, and welfare of Township residents.

(b) LIMIT ON NUMBER OF DOGS. No household owner may have within his or her

care, custody, or control more than 3 dogs other than dogs under 6 months of age born to a female dog under the care, custody, or control of such household owner or a resident family member, provided that this provision shall not be construed to require any person to dispose of any licensed dog owned by such person at the effective date (May 17, 1993) of the former Animal Control Ordinance (Ord. #93-4).

- (c) **LIMIT ON NUMBER OF CATS.** All households shall have within its care, custody, or control within the Township no more than four (4) cats other than cats under 6 months of age born to a female cat under the care, custody, or control of such household, provided that this provision shall not be construed to require any household to dispose of any cat owned by such person at the effective date (March 23, 2022) of the former Animal Control Ordinance (Ord. #21-01).

The limit on the number of cats shall not apply to working farm cats on farms within the A, Agricultural or RA, Rural Agricultural zoning districts.

SECTION 2.07 DRIVEWAY PERMIT. Prior to the granting of a permit for any construction within Alpine Township, where access to a public street will result, a driveway permit from the State Highway Department and/or the Kent County Road Commission shall be submitted to the Building Inspector.

SECTION 2.08 DUMPING RUBBISH AND WASTE MATERIAL. It shall be unlawful to permit waste water from sinks, septic systems or other similar drains and/or sewage to drain onto the land, yard, or other spaces from dwellings, business places of any types, and/or accessory buildings thereto, or to throw or permit any such waste water and/or sewage to go onto or to be placed onto said land. It shall be unlawful to throw, dump, or permit empty cans, food containers, broken or whole bottles, crockery or utensils of any kind, automobile bodies or parts, old stoves, junk, parts of any machinery or any litter, flammable matter of substances, offal, ashes, industrial by-products or waste, clinkers, cinders, industrial wastes and sludge of any type including sludge generated by sewage treatment plants; or any other similar waste objects, either upon land owned, occupied or used by any individual or company or upon any land in a public place or privately owned, unless such place is and continues to be licensed as a sanitary landfill by the Township as a Special Use within the A-Agricultural District; and it shall be unlawful to drain or place any waste water, water containing waste or foreign substances or any sewage; raw or treated, from any dwelling or business place of any kind either by open ditch or by pipes into any ditch, creek or stream of any kind in the Township. The above shall not apply to the spreading of animal manure of farmland for agricultural purposes. A sanitary landfill must meet the following requirements:

- (a) The sanitary landfill must be continuously licensed by the State of Michigan or its agencies as a sanitary landfill.
- (b) In the event any materials, substance or compound in a liquid, semi-liquid or jelled state, or a sludge of any type, including sludge produced by sewage treatment plants, or anything declared to be hazardous by any agency of the State of Michigan or the United States, including but not limited to toxic materials and metal hydroxides, is to be placed within a sanitary landfill, then the following requirements shall be met:

- (1) There are no existing residential structures within six hundred sixty (660) feet of the point where they are placed.
- (2) There is a uniform two-to-one by volume mix of sand to hazardous or liquid material prior to cover and the mix must be completed the same day the liquid or hazardous material is received.
- (3) One hour before sundown, each day the hazardous or liquid material shall be covered with a four (4) inch dirt cover. Said cover must remain intact and may not be used for later mix or any other purposes.
- (4) The area in which the hazardous material is located must be completely surrounded by a six (6) foot high fence with a twelve (12) inch barb wire barrier on the top and must be equipped with gates that can be locked.
- (5) Hazardous or liquid materials may only be received at a sanitary landfill between the hours of 8:30 a.m. and 4:00 p.m.
- (6) The gate to the area designated for liquid or hazardous wastes shall be locked at all times when the area is not open to receive such materials.
- (7) The area in which the liquid or hazardous material is placed shall have watchmen or supervisors present twenty-four (24) hours a day and they shall be within said fenced area at all times and shall directly supervise the dumping of all such material.
- (8) There must be a layer of clay of a minimal thickness of five (5) feet designed in such a way that all hazardous or liquid material are unable to escape beyond this barrier into surrounding ground. This barrier must also be of a bowl type design with sides of the thickness herein stated completely surrounding the hazardous material or liquid material mass on all sides. The liquid material and/or hazardous material mass may not be closer to the original ground level as existing prior to the construction of landfill than five (5) feet. Said barrier shall be of such a low permeability so as to maintain integrity of the barrier for 500 years.
- (9) There must be a PVC liner of twenty (20) mil thickness between the barrier above provided for and the hazardous or liquid wastes.
- (10) There must be a separation of at least twelve (12) feet from the liquid or hazardous material mass and the highest point the water table has been within the last 50 years.
- (11) Two test water wells shall be drilled within seventy-five (75) feet of area used directly for the placement of hazardous and liquid wastes, and shall be placed such that they are downstream of the subterranean water flow as determined by a hydrological survey conducted by the proprietor of the sanitary landfill, and shall be monitored and tested monthly for purity and the existence of any toxic substances, and copies of those tests shall be filed with the Township Clerk within 30 days of taking the samples. The monitoring and testing of these wells and filing of tests shall continue even after the site is no longer used.

- (12) When the area is no longer used for the disposal of liquid and hazardous materials, the area must be covered with at least five feet of cover of which five feet must be of the same permeability and substance as that described in subsection (8) above for the barrier; and must be graded and planted with grass and must be in such a state as to be walked on without any sinking and usable for at least recreational activities.
 - (13) The hazardous or liquid materials are not placed within one thousand (1,000) feet of any natural or artificial body of water or wetlands.
 - (14) Samples of all liquid or hazardous wastes shall be obtained before disposal and kept and their origin, date of receipt by landfill, quantity, pH level, and chemical composition shall be disclosed along with the name of the materials and point of origin and this information shall be recorded and compiled each month and a copy filed with the Clerk of the Township.
- (c) The Township of Alpine may hire such experts as it deems necessary to review and inspect the construction and operation of the sanitary landfill and to advise it of its feasibility for the proposed site and any effects of the use on surrounding property. The operator and/or owner of any sanitary landfill will pay any and all costs incurred as a result of such review inspection and advice.
 - (d) A licensed engineer must attest that the construction of any landfill meets all the requirements of this Ordinance; all Kent County ordinances, rules and regulations; and all statutes, rules and regulations of the State of Michigan.
 - (e) A cash bond shall be required of all landfill operators or owners equal in value to 10% of the estimated cost of construction of the particular land fill, and such bond shall be defaulted to the Township upon the failure of the operator or owner to comply with any of the regulations of this Ordinance. Such bond shall be held until ten (10) years after the operation of the landfill ceases. The proceeds from any such default shall be used as follows:
 - (1) To bring the operation in compliance with these regulations.
 - (2) To compensate any adjacent landowners who may be injured by the non-compliance.
 - (3) To alleviate the conditions caused by non-compliance that are detrimental to adjacent landowners.
 - (4) To defray any administrative costs caused by non-compliance with these regulations.
 - (5) To pay any experts hired by the Township for matters provided for in subparagraph (c) above.
 - (6) To pay the costs of the enforcement of the Zoning Ordinance. (Ord. No. 5-80; 6/17/80).

SECTION 2.09 EFFECT OF ZONING. Zoning affects every structure and use and extends vertically. Except as hereinafter specified, no building, structure or premises shall hereinafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except

in conformity with the regulations herein specified for the zone district in which it is located.

SECTION 2.10 ESSENTIAL PUBLIC SERVICES. It shall be lawful for public utilities, municipal departments or commissions to erect, construct, alter or maintain underground or overhead gas, electrical, steam or water distribution or transmission systems, collection, communication supply or disposal systems, including poles and towers, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police equipment and accessories in connection therewith, including buildings, reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for the public health, safety and general welfare, in any zone, area or use district of the Township; provided that the erection or construction of any or all above-grade construction consisting of necessary buildings and structures therefor shall be designed and erected to conform harmoniously with the general architecture and plan for such district in which it is to be erected and shall be subject to the approval of the Planning Commission as hereafter stated.

The Planning Commission hereby is granted the power to permit as a special use any public service corporation, contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building, or a structure for the aforesaid public utility purposes in any permitted district to a greater height or of greater area than the district requirements, herein established; and to permit the location in any use district of a public utility building or structure providing such Planning Commission shall find such use, height, area, building or structure necessary for public convenience and service, provided that such public building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality and a different suitable location is not readily available. A building permit shall be required before commencing any installation. (Ord. No. 13-79; 10/16/79).

SECTION 2.11 EXISTING LOTS.

- (a) Where an existing residentially zoned lot or two or more adjacent lots in one ownership at the time of the adoption hereof have an area of not less than ninety (90) percent of its zone district requirements and where such lot can provide the side yard requirements of its zone, a one-family use is permitted on that one lot or two or more adjacent lots.
- (b) An existing lot in separate ownership of less than ninety (90) percent of its zone district requirements may be utilized for a one-family use and for such purpose the required yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided that no side yard shall be less than five feet and that off-street parking requirements shall be met.
- (c) Where two or more adjacent lots are in one ownership upon adoption of this Ordinance and where such lots contain less than ninety (90) percent of its zone district requirements, such lots shall be utilized as one parcel for a single family dwelling, and the required yards may be reduced by the same percentage the area of such lots bears to its zone district requirements, provided that no side yard shall be less than five feet and that off- street parking requirements shall be met.

- (d) In the event two or three adjacent lots are in separate ownership, and the Building Inspector shall find that there is no practical possibility of obtaining additional land, he may permit their use as separate lots having less than the required lot area if he shall determine that they can be so used without adversely affecting the character of the neighborhood; provided, however, that no side yard shall be less than five feet and that off-street parking requirements shall be met and no yard reduced by a greater percentage than the area of such lot bears to the zone district requirements. (Ord. No. 13-79; 10/16/79) (Ord. No. 2-84; 2/20/84)

SECTION 2.12 (RESERVED) (Ord. 09-03; 11/3/09)

SECTION 2.13 FRONT YARD REQUIREMENTS - BASIS OF DETERMINING. In all zoning districts, the required front yard shall be measured from the existing, proposed or future right-of-way line as specified by the Michigan Department of Transportation, the Kent County Road Commission, or the Alpine Township Master Plan, whichever is more restrictive. The required front yard shall be the distance required for the zoning district in which the building or structure is proposed and shall be measured from the lot line which abuts the future or proposed right-of-way. (Ord. No. 5-88; 1/3/89)

SECTION 2.14 GASOLINE SERVICE STATION ON OTHER THAN CORNER LOCATIONS. No permit shall be granted for the construction or operation of a gasoline service station on other than a corner location unless the land upon which such service station is situated shall have a minimum frontage upon the street of one hundred forty (140) feet. See Districts "C-1" and "C-2" for other requirements.

SECTION 2.15 GRADE PLANE. All dwellings in any zoning district and all places of business shall, subsequent to adoption of this Ordinance, conform to all established and determined grade planes. In areas where there are two or more dwellings or other buildings in any one block, the average of the grade plane thereof shall determine the grade plane for that area. In all areas where no grade plane has been determined or established by buildings thereon, before any building or structure shall be placed thereon, a grade shall first be determined by the Alpine Township Building Department for that area, and when so determined, it shall become the grade plane thereof.

After the adoption of the Ordinance, it shall be unlawful to erect or construct a building in any zoning district with the top of the foundation or basement walls together with the plates thereof, more than 24 inches above the established or determined grade plane except that where the building is set back farther than the required distance, an additional rise of one foot for each additional fifteen feet of setback shall be permitted. (Ord. No. 18-02; 5/21/18)

SECTION 2.16 GREENBELTS. A greenbelt shall be required for any commercial or industrial use which abuts a residential zone on either side yard or rear yard or any existing residential use on the rear. In all instances, this may be provided as part of the side or rear yard requirements. If waived in writing by adjacent residential property owners, the greenbelt may be omitted or a fence substituted for the greenbelt.

SECTION 2.17 HEIGHT EXCEPTIONS. The height requirements of all zones may be exceeded by parapet walls not over four feet in height, chimneys, silos and farm barns and storages, roof mounted television and radio antennas, cupolas, spires, and other ornamental projections, water towers, wind energy systems as regulated in this

Ordinance, and wireless communication towers and antennas as regulated in this Ordinance. In the industrial zones, chimneys, cooling and fire towers, elevator buildings and bulk heads, roof storage tanks and other necessary appurtenances are permitted above the height limitations provided they are located not less than the same distance as their height from any adjoining property. (Ord. No. 09-01; 3/31/09)

SECTION 2.18 HEIGHT MEASUREMENTS ON "THROUGH LOTS" - DETERMINATION. On "through lots" one hundred (100) feet or less in depth, the height of a building may be measured from the curb level on either street. On "through lots" more than one hundred (100) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred (100) feet from the street.

SECTION 2.19 MOBILE HOMES. (Ord. No. 9-81; 9/21/81) (Ord. No. 01-05; 6/18/01)

- (a) It shall be unlawful for any person to use, to park, or cause to be parked, any mobile home on any street, alley, highway or other public place in the Township or use the same as a dwelling or any other use, either temporarily or permanently, or for overnight stops outside of a licensed mobile home park except as provided in this section or as migrant housing accessory to a farm.
- (b) In the event a unit specified in Section 2.19(a) or units of similar structure are used for dwelling purposes during reconstruction of a residential building destroyed or partially destroyed by an "act of God," a permit shall be required for such period as permitted by this section of the ordinance; however, the fee therefor shall be waived.
- (c) Except in mobile home parks licensed and supervised by a duly authorized governing body, none of the units specified in 2.19 (a) or units of similar structure shall be used for dwelling purposes for more than ten days in any one year.
- (d) All mobile homes described in 2.19 (a) used for dwelling purposes twenty (20) feet or more in length, shall be provided with two exits which shall be spaced a sufficient distance apart to insure a means of escape in the event of a fire.
- (e) No mobile home shall be parked between the street right-of-way in the setback of any lot or parcel of land for a period longer than twenty-four (24) hours within any seven-day period. Any such unit parked for over thirty (30) days adjacent to the side of a house shall in all cases observe the side and rear yard requirements of this Ordinance. At no time whatsoever shall there be the parking for any purpose of such a unit within a residential zone other than in a licensed mobile home park of a unit longer than thirty (30) feet.
- (f) Mobile homes are considered dwelling units but are permitted in only those areas as specified in this section notwithstanding the fact that the term "dwelling" is used and stated to be allowed in other areas.
- (g) A mobile home may be used outside of a licensed mobile home park as a single family dwelling within the A, R-1 and R-2 zoning districts provided the following conditions are met in addition to the requirements of the district in which it is placed.

- (1) There shall be a minimum square feet of living area equal to that required for a site-built residence or dwelling in the zoning district in which it is placed.
- (2) There shall be a minimum floor-to-ceiling height meeting the regulations of the United States Department of Housing and Urban Development.
- (3) There shall be a minimum width throughout the entire length of the mobile home of twenty-two (22) feet measured between the exterior part of the walls having the greatest length.
- (4) There shall be a foundation around the entire exterior perimeter of the mobile home of concrete or block of a minimum depth of forty-two (42) inches below grade with a maximum height of sixteen (16) inches of exposed foundation and a minimum of eight (8) inches exposed of foundation above-grade of the same design as required by the Construction Code as adopted by the Township for single-family residences.
- (5) There shall be a crawl space below the entire bottom of the mobile home in accord with the definition of "Dwelling" as contained herein.
- (6) The mobile home shall be firmly attached to the foundation so as to be reasonably watertight.
- (7) All wheels, hitches and axles shall be removed and none of the undercarriage shall be visible from outside the mobile home.
- (8) There shall be connected to the mobile home within public water and sewer and/or a well or septic system approved by the County Health Department.
- (9) No storage of any personal property except legally operable vehicles shall occur outside the interior of the mobile home or a garage or other accessory building as may be allowed.
- (10) There shall be permanently attached to the foundation steps and/or porch areas where an elevation differential exists between any door and surrounding grade.
- (11) There shall be a minimum of a double pitched roof of not less than two and a half (2.5) feet of rise for each twelve (12) feet of run, and the roof shall be covered by either asphalt, fiberglass or shake shingles unless twenty (20) percent or more of the residences, excluding mobile homes, within one-half mile have a double pitched roof of less than two and a half (2.5) feet of rise for twelve (12) feet of run, then a double pitched roof equal to the average pitch of said twenty (20) percent residences may be used.
- (12) There shall be exterior siding consisting of horizontal lap siding or other siding of the same materials and attached in the same manner as allowed under the Construction Code as adopted by the Township or as required by the regulations of the United States Department of Housing and Urban

Development entitled Mobile Home Construction and Safety Standards effective June 15, 1976, as amended.

- (13) There shall be no additions to the living space of the mobile home unless it meets all the requirements hereof and is built according to the same standard as the mobile home or according to the State Construction Code adopted by the Township or unless allowed as a special use by the Building Inspector.
 - (14) There shall be a minimum of two doors to provide means of ingress and egress from the mobile home.
 - (15) Plans, floor plan layouts, and certification of meeting HUD mobile home standards of the mobile home and foundation shall be presented along with a site plan showing compliance herewith and with all other requirements of the Zoning Ordinance, including, but not limited to, the requirement of the district in which it is, to the Building Inspector prior to the issuance of a building permit.
 - (16) The mobile home must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) Regulations and titled Mobile Home Construction and Safety Standards effective June 15, 1976 as amended.
- (h) It shall be unlawful to use, park, cause, or allowed to be parked any house trailer, motor home, travel trailer, truck camper, camping tractor, or tent on any street, alley or highway or any other place or to use the same as a dwelling when temporarily or permanently or for overnight stops outside a licensed travel trailer camp. (Ord. No. 15-83; 1/16/84)

SECTION 2.20 MOVING OF BUILDINGS. The moving of a building to a different location shall be considered as the erection of a new building and all provisions, regulations, and requirements relative to the erection of a new building shall be applicable thereto, and a performance bond may be required prior to such moving as provided in the Township Building Code.

SECTION 2.21 PARKING OF VEHICLES. Parking or storage of commercial trucks and/or vehicles exceeding a rated capacity of one and one-half tons and/or semi-tractors is prohibited in all of the residential districts.

SECTION 2.22 PLAT-LOT AREAS. The lot size requirements in new plats shall be governed by the requirements for new homes in the various zoning districts of the Township except in the Planned Residential Development district where special provisions may apply.

SECTION 2.23 RAZING OF BUILDINGS. No building shall be razed until a permit has been obtained from the Building Inspector who is hereby authorized to require a performance bond in an amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be proscribed in the permit and complying with such reasonable regulations as to health and safety as the Building Inspector may reasonably require and this Ordinance may, from time to time, prescribe, including filling

of excavations and proper termination of utility connections.

SECTION 2.24 REAR DWELLINGS PROHIBITED AS RESIDENCES. No building in the rear of a principal building on the same premises shall be used for residential purposes.

SECTION 2.25 REQUIRED AREA OR SPACE.

- (a) REDUCTION OF LOT AREA - No lot being a part of a recorded plat and no parcel of unplatted land or site shall be so reduced that the yard, setback, open space or area is less than the minimum requirements of this Ordinance.
- (b) ATTACHED ACCESSORY BUILDINGS - Accessory buildings and uses, including enclosed and unenclosed porches, and garages attached to a dwelling or to other main buildings shall be deemed a part of such building for the purpose of determining yard space, areas, and setbacks, except as provided in Section 2.39 herein. (Ord. No. 90-2; 5/21/90).
- (c) In determining lot and yard requirements, no area shall be ascribed to more than one main building, or use, and no area necessary for compliance with the space requirements for one main building shall be included in the calculation of the space required for any other building or use. (Ord. No. 2-83; 3/21/83).
- (d) (Reserved) (Ord. No. 23-08; 12/18/23)
- (e) ALLEY - Determination of space adjoining alley or street. In computing the depth of a rear yard or the width of a side yard for any building, where such yard opens onto an alley or street, no part of such alley or street shall be considered to be a portion of the yard.
- (f) CANOPIES - In those zones that permit the retail sale of gasoline and/or diesel fuel not more than three canopies may be placed within the required front and side yards covering the gasoline and/or diesel pumps.
 - (1) There shall be a minimum setback from any property line or road right-of-way private easement line of ten (10) feet.
 - (2) There shall be a minimum setback from any side yard lot line of twenty-five (25) feet.
 - (3) The canopy must be completely open on all sides save at the top or if it attaches to the principal building, then on all sides except its top and the side it is attached to the principal building; the canopy shall be constructed to meet the requirements of the Michigan Construction Code adopted by the Township and shall have a minimum clearance height of twelve and a half (12.5) feet and a maximum clearance height of fifteen (15) feet and a maximum overall height of eighteen (18) feet.
 - (4) The clearance height of the canopy shall be posted on all sides from which access is obtained for the canopy.
 - (5) Support posts for the canopy shall be placed so as not to be a traffic hazard for vehicles using the premises and not in any regularly used portion of the property used by vehicles.

- (6) Fuel pumps shall not be located closer than twenty (20) feet from any property line, road right-of-way line or private easement line. (Ord. No. 31-82; 12/20/82).
- (g) PRINCIPAL USE - No lot or parcel of platted or unplatted land shall be devoted to more than one principal use except that the following uses are permitted and not deemed to be in violation thereof: (Ord. No 09-01; 3/31/09)
 - (1) Office building or buildings in which more than one office is located.
 - (2) Shopping center or shopping mall consisting of retail stores or operations, services established for the general public and/or offices all located within one structure or structures having a common wall or walls and operated as separate businesses.
 - (3) Retail department stores or the like which have individual rackers or other individuals, companies or entities that inventory and/or lease various parts of the store and is operated as one single retail store.
 - (4) Any operation that is conducted as one business by one individual, partnership or corporation that includes retail sales and/or service uses permitted in the district in which it is located.
 - (5) Any business that conducts more than one recreational use which is permitted in this district in which it is located and is operated as one single business.
 - (6) All provisions for signs provided in Section XX shall be met by those uses excepted by the above.
 - (7) The parking provisions and the application of Section 19.01(f) shall apply to the uses excepted above. (Ord. No. 2-83; 3/21/83).
 - (8) A wind energy system greater than 65 feet in height or an anemometer (MET) tower and any other principal use. (Ord. No. 09-01; 3/31/09)
 - (9) Wireless communication towers and antennas 35 feet or greater in height and any other principal use. (Ord. No. 09-01; 3/31/09)

SECTION 2.26 RESIDENTIAL ZONE SPECIAL USES. The following uses are permitted in all residential zones as special uses: municipal, state, federal, or educational administrative or service buildings if found to be essential to service the neighborhood or community; provided, however, that such use shall be permitted only upon special use permit from the Planning Commission after finding that such use will be in conformity with the character of the adjacent neighborhood and that they are essential to serve the neighborhood or community and cannot feasibly be located in a zone where they would otherwise be permitted. The Planning Commission shall establish requirements for setback, side yard, parking, screening, and other conditions necessary to conform the same to the character of the adjacent neighborhood. (Ord. No. 3-88; 1/3/89).

SECTION 2.27 ROW HOUSES. Attached single family dwellings may not be erected and sold as individual units except on a condominium basis.

SECTION 2.28 SWIMMING POOLS. Swimming pools may be installed in any district as an accessory use to any principal permitted use if the conditions provided in this section are met:

(a) **GENERAL REQUIREMENTS FOR ALL POOLS -**

- (1) There shall be erected and maintained a good quality fence not less than four (4) feet in height, with posts embedded in concrete sunk in the ground to a depth of not less than two and one-half (2-1/2) feet at intervals of not more than eight (8) feet, enclosing the entire portion of the premises upon which such pools shall be installed, entirely surrounding an area in which such pool is located.
- (2) Every gate or other opening in the fence enclosing such pool shall be designed or maintained as to reasonably exclude access to the pool except under the supervision of the possessor thereof or by his permission.
- (3) If a public water supply system is available only public water shall be used to supply water for such pool.
- (4) The inlet of the water supply system shall be above the overflow level of the pool.
- (5) Such pool shall be chemically treated in a manner sufficient to maintain bacterial standards established by the provisions of the State Department of Health relating to public swimming pools.

(b) **REAR YARD POOLS -** Pools may be installed in the rear yard of lots in residential and agricultural districts, provided the following conditions are met:

- (1) Such pool shall not be erected closer than five (5) feet from the rear and side property lines of the lot or in the case of a corner lot, closer than ten (10) feet from any property line along and abutting the street.
- (2) Such pool shall not occupy more than forty (40) percent of the area of the rear yard excluding all garages or other accessory structures located in such area.

(c) **FRONT YARD POOLS -** Pools may be installed in the front yard of lots, provided the following conditions are met:

- (1) Such pool shall be installed on a lot of not less than one and one-half (1.5) acres with a minimum width of 200 feet.
- (2) No part of such pool or fencing shall be closer to the street right-of-way line than one hundred twenty-five (125) feet nor shall any part of such pool or fencing be closer to either side lot line than fifty (50) feet.
- (3) Such pool shall not be installed above ground.
- (4) Such pool shall be fenced in such a manner as to screen the pool from the view of passersby.

- (d) MOTEL AND HOTEL POOLS - Pools may be installed in the front yard or the rear yard of lots occupied by motels or hotels.

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provisions of this section of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of one hundred dollars (\$100.00) for a first violation and five hundred dollars (\$500.00) for a second subsequent violation. In addition to the fines set forth above, a person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with this section shall be subject to the penalties and provisions contained in subsections (a-e) of Section 24.05. (Ord. No. 95-06; 7/17/95)

SECTION 2.29 TEMPORARY BUILDINGS. Temporary buildings for uses incidental to construction work and all debris shall be removed within fifteen (15) days after completion or abandonment of the work.

SECTION 2.30 CLEAR VISION AREAS (Ord. No. 96-10; 10/21/96)

- (a) STREET INTERSECTION

A fence, wall or any planting shall not be erected or maintained in such a way as to obstruct vision between a height of three and ten feet within the triangular area formed by the intersection of the street right of way lines and a line connecting two points which are located on those intersection right-of-way lines 20 feet from the point of intersection of the right-of-way lines.

- (b) DRIVEWAY; STREET INTERSECTION

No fence, wall, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three and ten feet within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points which are located on the right-of-way line and the driveway 15 feet from the point of intersection of the right-of-way line and driveway.

SECTION 2.31 BASEMENT DWELLING AND BERMED DWELLINGS. (Ord. No. 1-84; 1/16/84)

- (a) The use of a basement as a dwelling is prohibited in all zones. The use of the basement of a partially built or planned building as a dwelling unit is prohibited in all zones. The use of a basement that is part of a dwelling unit that meets all the requirements hereof for dwelling purposes is permitted, provided the requirements of the Construction Code as adopted and/or enforced by the Township are met.
- (b) Other provisions notwithstanding, in addition to the above, a basement may be used for dwelling purposes and included within the minimum square footage requirements only where the following are met:
 - (1) A site plan is filed and approved as required in Section 11.03(h).
 - (2) No point of the basement shall be more than fifty (50) feet by the way of travel from an exit opening directly to the outside of the dwelling.

- (3) If the basement floor, after construction and final grading is completed, is not greater than forty-two (42) inches below grade at any point around its exterior walls.
- (4) If the basement floor, after construction and final grading is completed, is not more than sixty (60) inches below grade at any point around its exterior walls and at least fifty-five (55) percent of all of the basement's exterior walls are completely exposed and above grade at the base of such exposed exterior walls.

SECTION 2.32 PERSONAL PROPERTY SALES. Personal property sales shall include garage sales, yard sales, basement sales, or any other sales of a similar nature of personal property, and shall be allowed only within the R-1, R-2, R-3, and A zones, provided:

- (a) It has a duration of not longer than three (3) days.
- (b) It does not occur within one hundred twenty (120) days of the last personal property sale held on or at the same location or parcel of property.
- (c) All articles of property that are offered for sale shall be totally enclosed within a lawful structure or building between the hours of 9:30 p.m. and 8:30 a.m.
- (d) All articles of property that are offered for sale after the sale has been complete as allowed herein shall be removed from display so as not to be seen from the outside of any lawful structure, and further any sign or signs that may exist advertising said personal property sale, shall be removed and taken down.

SECTION 2.33 TRANSITIONAL ZONING. The following transitional uses are permitted:

- (a) The first such lot or lots in single ownership or the first one hundred fifty (150) feet thereof, whichever is the lesser of any lower use zone may be utilized in accordance with the provisions of any adjacent higher use zone with the A being the highest use zone and proceeding as follows: R-A, R-1, R-2, R-3, R-4, O-S, C-1, C-2, C-3, I-1, and I-2, which is the lowest use zone. (Ord. No. 91-2; 2/28/91)
- (b) The first one hundred fifty (150) feet of an adjacent zone may be utilized for off-street parking, provided off-street parking is allowed in any one of the adjacent zones.
- (c) The first one hundred fifty (150) feet of any R or A district which adjoins and is adjacent to any C or I district may be utilized for offices or such uses as are allowed in the O-S zone, provided, (a) yards must meet district requirements in which such lot is located, and (b) the building shall conform to the residential character of the neighborhood.
- (d) Once the first one hundred fifty (150) feet as indicated in this section has been utilized for transitional zoning as herein provided, no further extensions can be made of transitional zoning.

2.34 PRIVATE ROADS (Ord. No. 96-02; 1/18/96; Amended in part by Ord. No. 00-04; 6-2-00; Amended by Ord. No 03-04; 05/08/03))

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

- (1) An "existing private road" is a private road which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this Amendment.
- (2) A "lot" as used herein, is a lot which, as of the effective date of this Section, meets the requirements of the Township and at least one of the following conditions:
 - (a) The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Kent County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Kent County Register of Deeds, and
 - (b) The lot has been assigned its own permanent parcel number by the Kent County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - (c) The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Kent County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
- (3) An "existing building" or an "existing dwelling unit" is a building or dwelling unit for which a building permit has been issued by the Township and the construction of which has been initiated as of the effective date of this Amendment.

(b) GENERAL REQUIREMENTS AND APPLICATION TO EXISTING PRIVATE ROADS (Ord No. 00-04; 6-2-00)

- (1) No private road shall be created (including the creation or recording of an easement for the same and lots utilizing a private road), installed, constructed, extended or utilized unless first approved by the Planning Commission as a special use pursuant to the procedures contained in Chapter XXI of this Ordinance. No special use shall be approved by the Planning Commission until and unless it determines that the standards of this Section 2.34 are met as well as those contained in Chapter XXI.
- (2) Private roads (and developments utilizing private roads) may be approved as a special land use by the Planning Commission in all zoning districts except the agricultural, Commercial, Office-Service and Industrial Zones.

- (3) If a private road will serve only one or two lots, a private road (and up to two lots which will utilize the private road) and the lot(s) can be approved by the Alpine Township Planning Director or Zoning Administrator without the requirement of a special use approval so long as all other applicable requirements of this Section 2.34 are satisfied, the Planning Director or Zoning Administrator determines that the general site plan standards contained in Section 18.06 (a) are met, and provided that the applicant agrees that the private road will never serve more than one or two parcels (with the same specified in the recorded maintenance agreement / private road easement agreement / deed restrictions.)

If the Planning Director or Zoning Administrator determines that the proposed private road to serve one or two lots could have a significant impact upon adjoining properties or involve significant safety issues, the Planning Director or Zoning Administrator may refer the matter to the Planning Commission, in which case a special use approval shall be required.

(c) **MINIMUM STANDARDS FOR ALL PRIVATE ROADS (Ord. No 03-04; 05/08/03)**

- (1) A private road shall be located within a private road easement. Such easement shall not be less than 66 feet in width at any point. At any dead-end of such easement, the easement shall widen such that there is a minimum radius of 60 feet.
- (2) A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
- (3) A private road shall intersect and connect to a public road.
- (4) The private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name of the private road meeting Kent County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road.
- (5) The area in which the private road is to be located shall be cleared and kept clear of vegetation for a minimum width of 26 feet. The private road may be located anywhere within the private road easement, allowing for the required shoulder, provided that the balance of the right-of-way shall remain unencumbered to allow for future expansion.
- (6) All private roads shall be constructed on a base of at least six inches of gravel with a minimum of a 12-inch sand sub-base.
- (7) A private road which serves only one lot is exempt from the private road construction standards contained in Section 2.34(c)(6) and (11) and the requirements of Section 2.34(d) and 2.34(e)(1)(e) but shall otherwise be subject to all other regulations for private roads.
- (8) A private road serving two, three or four lots shall at a minimum have a gravel surface with a minimum roadway width of 20 feet and an

unimproved shoulder of three feet in width on each side of the roadway. As an alternative, the road width may be a minimum of 24 feet, incorporating two-foot wide valley gutters on either side of two 10-foot wide traffic lanes.

- (9) A private road serving more than four lots shall have a minimum roadway width of 20 feet with a minimum shoulder width of three feet on each side. As an alternative, the paved road width may be a minimum of 24 feet, incorporating two-foot wide asphalt valley gutters on either side of two 10-foot wide traffic lanes. The surface of the roadway shall be asphalt or concrete with a minimum thickness of 3 inches paved in two lifts for asphalt and six inches for concrete. The shoulder may be asphalt, concrete or gravel or similar dustless surface.
 - (10) A private road or interconnected private road system shall not serve more than 20 lots unless a secondary means of ingress and egress is provided for the entire property served. This secondary access shall meet the minimum standards of this Section.
 - (11) All private roads shall widen at any dead end so there is at least a 40 feet diameter turnaround.
 - (12) A private road shall not exceed a grade of 10 percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of four percent.
 - (13) A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer that it complies with applicable Kent County Road Commission and State of Michigan requirements. Such bridge, culvert or other structure must be able to safely support a weight of 40,000 pounds to ensure fire truck access.
 - (14) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three inches in height.
- (d) ROAD MAINTENANCE AGREEMENT

The applicant(s) and/or owners(s) of the proposed private road shall provide to the Township a recordable or recorded road maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (nonpublic) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall include provisions for the following:

- (1) A method of financing such road and/or easements in order to keep the road in a reasonably good and usable condition.
- (2) A method of apportioning the costs of maintenance and improvements

and an enforcement mechanism to ensure that such maintenance and improvements are carried out.

- (3) A notification that no public funds of the Township of Alpine will be used to build, repair, or maintain the private road.
- (4) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
- (5) Each of the owners of property utilizing the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners and ensuring that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by family, guests, invites, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
- (6) If the private road entrance is secured by a locked gate or other similar mechanism the applicant shall arrange for emergency vehicle access with the Township Fire Chief.

(e) **PROCEDURE FOR PERMITTING OF PRIVATE ROADS**

(1) **Application and Fee**

An application for a special use approval and to establish, construct, extend, improve or relocate a private road shall be filed with the Township Planning Director or Zoning Administrator along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information (Ord No. 00-04; 6-2-00):

- (a) The name(s) of the owners and any other parties having any legal interest in the private road.
- (b) Permanent parcel number or legal description of the property over which the private road is to be constructed.
- (c) A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
- (d) A scaled drawing which illustrates all of the lots which will be served by the private road.
- (e) A scaled drawing prepared by a registered engineer showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect. This drawing shall include a profile of the proposed road.
- (f) A road maintenance agreement, access easement agreement and deed restrictions as required in this Section shall also accompany the application.

- a. A driveway permit from the Kent County Road Commission.
 - b. An application for a special use approval pursuant to the requirements of Chapter XXI hereof (Ord. No. 00-04; 6-2-00).
- (2) Review by the Planning Director or Zoning Administrator (Ord. No. 00-04; 6-2-00):
- (a) The Planning Director or Zoning Administrator shall review this information in conjunction with the Township Fire Chief to determine compliance with the standards and requirements for private roads as contained herein and may consult with the Township, Attorney, Engineer or Planning Consultant.
 - (b) The Planning Director or Zoning Administrator shall make a recommendation to the Planning Commission regarding whether or not the application meets the requirements of this Section 2.34, as well as additional information to assist the Planning Commission to make its decision regarding the special use request for the private road and related development.
 - (c) If after the required hearing the Planning Commission approves the private road and development request, the Building Official, Planning Director, or Zoning Administrator may issue a Construction Permit for a private road. No construction shall commence upon the private road until the Construction Permit has been issued. Furthermore, no Construction Permit shall be issued until and unless the applicant has submitted a road maintenance agreement/private road easement/deed restrictions document to the Township and the Township has approved the same. The Construction Permit is not a Private Road Permit and does not authorize the construction of any buildings on the private road nor the issuance of any building permits for any buildings. The Construction Permit is valid for a period of one (1) year from the date of approval. If substantial construction on the private road is not commenced before the one-year time period ends, the permit shall expire. A new Construction Permit shall be required before construction can begin.
 - (d) Final Compliance Requirements - Upon completion of construction of the private road, the applicant shall provide to the Planning Director or Zoning Administrator:
 - (i) A letter from a registered professional engineer that the road has been constructed in compliance with the approved private road plans, and
 - (ii) Documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Kent County Register of Deeds office.
- i. The Planning Director or Zoning Administrator shall also

conduct an inspection of the private road to ensure that all other requirements of this Section have been met.

- ii. Proof that the road maintenance agreement, easement agreement, or deed restrictions document (which received prior approval of the Township) had been properly executed and recorded with the Kent County Register of Deeds office.
- (e) Private Road Permit Issuance - Upon approval of items required for final compliance, the Planning Director or Zoning Administrator shall issue a Private Road Permit.
- (f) Permits for Buildings on Private Roads - A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private road unless (i) the private road has been completed in accordance with an approved Private Road Construction Permit, or (ii) the applicant for the building permit or the owner(s) of the private road right-of-way have provided the Township with an irrevocable letter of credit in an amount determined by the Township to insure construction of the private road in accordance with the approved private road construction permit.

The letter of credit shall contain a provision that among other matters the Township shall have the right to draw on the funds if such letter is not renewed 30 days before the expiration date of the letter.

- (g) Permits for Buildings on Existing Private Roads - A Private Road Permit shall not be required for the issuance of the building permit for a principal building, dwelling or structure which derives its primary access from an existing private road as defined herein except as required by Section 2.34(b) herein.

SECTION 2.35 STORAGE AND PLACEMENT OF TRASH AND JUNK. No person may accumulate, place, store, or allow or permit the accumulation, placement or storage of trash or junk on any premises in Alpine Township, except in a lawful sanitary landfill, provided, however, a person may store or place such item on his property for a period not to exceed eight (8) days storage in watertight storage receptacles designed for the temporary accumulation of trash. Such receptacles must have tight-fitting, watertight covers.

- (a) The terms "Trash" and "Junk" are used synonymously and each as herein shall include the following: Use articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage for rats, ashes, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provisions of this section of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of one hundred dollars (\$100.00) for a first violation and five hundred dollars (\$500.00) for a second subsequent violation. In addition to the fines set forth above, a person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with this section shall be subject to the penalties and provisions contained in subsections (a-e) of Section 24.05.(Ord. No. 95-06; 7/17/95)

SECTION 2.36 STORAGE OF INOPERABLE OR JUNKED VEHICLES OR MOTOR VEHICLES. No person, firm or corporation shall accumulate, store, place, park or permit the accumulation, storage, parking, or placement of any inoperable or junk vehicle or motor vehicle in Alpine Township, for more than forty-eight (48) hours, unless such inoperable or junk vehicle or motor vehicle is stored, parked, or placed in enclosed garage or other structure, or it is stored, placed, accumulated or parked in a Junk Yard as may be permitted in Section 16.02.

- (a) The ownership, occupation or use of land by any person, firm, or corporation upon which an inoperable or junked vehicle or motor vehicle are accumulated, stored, or placed shall be prima facie evidence that such person, firm, or corporation accumulated, stored, or placed such inoperable vehicle or motor vehicle upon such land, or permitted such inoperable vehicle or motor vehicle to be accumulated, stored, or placed upon such land.
- (b) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or use exclusively upon rails or tracks.
- (c) "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- (d) "Inoperable Vehicle or Motor Vehicle" means any vehicle or motor vehicle which cannot be started or legally or physically operated on city streets or public highways by virtue of lacking the equipment required by the laws of the State of

Michigan, or which does not bear valid and current license plates.

- (e) "Junked Vehicles or Motor Vehicles" include all parts or accessories of vehicles or motor vehicles without which vehicles or motor vehicles cannot be operated in a safe manner on city streets or public highways.
- (f) "Junk Vehicles or Motor Vehicles" mean vehicles or motor vehicles which have been so damaged or dismantled as to be total losses.
- (g) "Total Loss" means the cost to repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally recognized appraisal books or method. (Ord. No. 13-79; 10/16/79).
- (h) Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provisions of this section of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of one hundred dollars (\$100.00) for a first violation and five hundred dollars (\$500.00) for a second subsequent violation. In addition to the fines set forth above, a person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with this section shall be subject to the penalties and provisions contained in subsections (a-e) of Section 24.05. (Ord. No. 95-06; 7/17/95)

SECTION 2.37 UNDERGROUND SINGLE-FAMILY DWELLINGS. An underground single-family dwelling is permitted notwithstanding any section to the contrary within the A, Agricultural Zone as a special use approved by the Planning Commission, provided the following conditions are met and that the roof and/or top is completely covered by earth not less than 12 inches thick and sodded:

- a. A site plan is filed and approved by the Planning Commission as required by Section 11.03(h).
- b. The requirements of the State Construction Code, as adopted and enforced by the Township, and all other ordinances of the Township are met.
- c. The parcel upon which it is placed has an area not less than two (2) acres and a minimum width throughout its entire length of three hundred thirty (330) feet. (Ord. No. 90-7; 6/18/90)
- d. There is at least one side of the dwelling that is completely exposed and above grade and/or ground level immediately adjacent thereto when construction and landscaping are completed.
- e. No point within the building shall be more than fifty (50) feet by way of travel from an exit opening directly to the outside of the dwelling.
- f. All entrances to the dwelling on any side of the dwelling that is not completely exposed must be designed to be barrier-free and must be visually unobstructed for a distance of at least thirty (30) feet from the dwelling.

SECTION 2.38 REQUIRED FRONTAGE. A building, dwelling unit, or structure shall be erected only on a lot or condominium building site which abuts a public street or private road as required herein except that accessory buildings in the Agricultural Zoning District and essential service buildings and structures, and radio towers and antennas are exempt from this requirement. (Ord. no. 96-03; 5/2/96)

SECTION 2.39 PERMITTED YARD ENCROACHMENTS. The following yard encroachments shall be permitted under the provisions of this Ordinance:

- (a) Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear setback areas, and two (2) feet into the required side yard setback areas.
- (b) An **un**enclosed porch, deck, or awning may project into the required rear setback area for a distance not to exceed fifteen (15) feet; into a required front setback area for a distance not to exceed six (6) feet; and into a required side setback area for a distance not to exceed three (3) feet, but in no case shall a balcony, enclosed porch, deck, or awning be placed closer than five (5) feet to any lot line. (Ord. No. 94-3; 12/15/94)
- (c) Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard to a maximum of five (5) feet. (Ord. No. 90-2; 5/21/90)
- (d) Required barrier free entrance ramps and/or structures may project into the required setbacks no greater than the minimum amount necessary to meet the minimum construction requirements of the Michigan Barrier Free rules. (Ord. No. 09-07; 12/21/09)

SECTION 2.40 HOME OCCUPATION. (Ord. 10-05; 1/17/11). The regulations of this section are intended to ensure that home occupations remain subordinate to the residential use, that the residential viability of a dwelling is maintained and that home occupations shall not be a detriment to the character and livability of the surrounding neighborhood.

A home occupation shall be permitted in all single and two-family dwelling units after a written determination by the Zoning Administrator that the home occupation meets all of the following standards. As part of the review process, the applicant for a home occupation shall submit a letter stating how he or she intends to comply with the requirements of this section and an accurate drawing illustrating the property, the dimensions and square footage of the dwelling, and the dimensions and square footage within the dwelling to be devoted to the home occupation.

- (a) The use shall be conducted entirely within a dwelling unit without being evident in any way from the street or from any neighboring premises, including but not exclusively limited to the discharge of any odor, dust, noise, vibration, glare, light, fumes, or electrical interference.
- (b) A home occupation shall not be conducted within any attached or detached garage or accessory building.
- (c) The use shall not change the character of the dwelling in which it is conducted and shall not constitute or create a nuisance.

- (d) Except as provided in Section 2.40(l)(2), only members of the immediate family who reside on the premises shall be involved in the operation of the home occupation plus not more than one non-resident.
- (e) No motors other than electrically operated motors shall be used in conjunction with the home occupation. The total horsepower of all electrical motors utilized in the home occupation shall not exceed three (3) horsepower. No single electrical motor used in the home occupation shall exceed one (1) horsepower. All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties. Provided further that only mechanical equipment which is similar in being usual for household purposes and hobbies and does not affect insurance rates in the premises shall be allowed.
- (f) Except as provided in Section 2.40(l)(5), the operator of a home occupation may display a sign associated with the home occupation, which sign shall be no more than three square feet in area and no more than three feet high. Such sign shall not be lighted and shall be set back a minimum of 15 feet from all lot lines and road right-of-way or access easement. (Ord. 07-03; 8/20/07)
- (g) The home occupation shall not devote more than twenty-five (25) percent of floor area of any one floor to such home occupation; provided further, that in no case shall the home occupation occupy more than three hundred (300) square feet of floor area of the dwelling. No rooms which are constructed in addition to a dwelling or created by the conversion of a garage, porch or other similar part of a dwelling not included in the floor area of the dwelling unit originally shall be considered as part of the floor area until two (2) years after the date of the completion thereof as shown by the records of the Building Inspector.
- (h) No sales of merchandise or products shall be conducted upon the premises. The home occupation shall not involve the keeping of stock in trade, except those items that are produced on the premises by such home occupation.
- (i) In no event shall the use of a dwelling unit for a home occupation alter the residential character of the dwelling.
- (j) The home occupation shall not require internal or external alterations, construction, or repair of any kind not customary to residential uses nor cause the necessity of internal or external alterations, construction, or repairs more frequently than is required by a residential use. Compliance with the Michigan Building Code for non-residential uses is required.
- (k) The home occupation shall not increase vehicular traffic and parking such that more than two (2) additional vehicles, other than those owned and operated by the resident family, are parked on the premises at any time. Such parking spaces shall be provided in an off-street area other than in a required front yard as regulated herein. (Ord. No. 90-8; 6-18-90)
- (l) A registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the "General Rules"), the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq (the "Act"), and

the requirements of this section, shall be allowed as a home occupation.

Nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from prosecution for growing, selling, consuming, using, distributing or possessing of marihuana.

Since federal law is not affected by the Act or the General Rules, nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law. The Act does not protect users, caregivers or the owners of properties on which medical use of marihuana is occurring from federal prosecution, or from having property seized by federal authorities under the Federal Controlled Substances Act. In addition to the regulations for all home occupations listed above, the following additional requirements for a registered primary caregiver shall apply:

1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 2. Not more than one primary caregiver per dwelling unit shall be permitted. The dwelling unit shall be the principal residence of the primary caregiver.
 3. Medical marihuana shall be delivered to the qualifying patient where the qualifying patient resides. Pick up of medical marihuana from the primary caregiver's dwelling is prohibited. Transactions relating to compensation of costs associated with assisting a qualifying patient are prohibited from occurring at the primary caregiver's dwelling.
 4. All medical marihuana shall be grown and contained within the dwelling unit in an enclosed, locked facility inaccessible on three sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Township's Building Official.
 5. A registered primary caregiver shall not display a sign associated with the home occupation.
- (m) Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provisions of this section of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of twenty-five dollars (\$25.00) for a first violation, fifty dollars (\$50.00) for a second violation and one hundred dollars (\$100.00) for a third or subsequent violations. In addition to the fines set forth above, a person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with this section shall be subject to the penalties and provisions contained in subsections (a-e) of Section 24.05. (Ord. No. 95-06; 7/17/95)

SECTION 2.41 DUAL ZONING OF PROPERTY. Where a zoning district boundary line divides a lot which is in single ownership at the time of adoption of this section, the following regulations shall apply: (Ord. No. 93-2; 1/18/93)

- (a) The regulations for the zone of least intensity shall apply to the entire lot provided that the least intensive zone consists of Sixty percent (60%) or more of the total area.
- (b) For purposes of this Ordinance, the zone of least intensity shall be the A, Agriculture Zone proceeding up through the other districts to the zone of most intensity, the I2, Industrial Zoning District.

SECTION 2.42 ANTENNAS AND TOWERS. Freestanding radio, television or microwave antennas or towers (including cellular telephone antennas) which are less than 35 feet in height are permitted in all zoning districts as an accessory use provided the following provisions are satisfied and provided further that Special Land Use approval under Chapter 21 shall be obtained if the height exceeds 35 feet unless otherwise permitted by law. (Ord. 96-03; 5/2/96)

- (a) The antenna shall be permanently secured to a stable foundation.
 - (b) No portion of the antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name. The antenna shall be painted or have a color which will fit the visual character of the area in which it is located.
 - (c) A freestanding antenna shall not exceed a height of 35 feet above grade, or have any dimension exceeding 35 feet, including its mounting structure, except that freestanding antennas or towers exceeding such height or other dimension may be permitted by the Planning Commission as a special land use under Chapter 21.
- a. An antenna or tower (including a cellular telephone antenna) shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the depth of the required rear or side yard setback, whichever is the greater.
 - b. An antenna may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of 10 feet, as measured from the base of the antenna.
 - c. All antennas must be grounded to protect against damage from lightning as required by the Alpine Township Building Code.
 - d. Amateur radio antennas (being antennas operated for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and operated under a license issued by the Federal Communications Commission shall be subject to the provisions of this section, but if the effect of any such provision upon the operation of an amateur radio antenna would be to preclude or prevent the operation of such an antenna, the provisions of this Section shall not apply.
 - e. The co-location of multiple cellular communication antennae or panels onto an

approved communication tower is encouraged, both to increase the efficiency of the entire infrastructure system and to avoid unnecessary tower construction.

The administrative processing of co-locations onto communication towers that have been approved as special land uses shall be regulated per Section 21.07 (j).

The administrative processing of co-locations onto pre-existing towers, buildings or structures (e.g., pre-existing water towers, radio towers) shall proceed as follows:

1. An application letter for co-location shall be submitted to Alpine Township. Copies of any co-location lease agreements shall also be provided in order to prove the legal right to use the property.
2. Two copies of engineered and professionally sealed site plans detailing the specific property location, legal description and survey, plus the design, placement, size, and scale of the proposed co-location units must accompany the application letter.
3. The site plans must also detail the placement, size, design and scale of any accessory buildings proposed to enable the co-location by housing new electronics and other infrastructure.
4. The application letter and accompanying site plans shall be reviewed by the Alpine Township Planning Director and Zoning Administrator for compliance with local laws and regulations.
5. An approval or denial letter shall be generated and forwarded to the applicant. If approved, one copy of the approved site plan will be signed by the Alpine Township Planning Director and Zoning Administrator and sent to the applicant for their records. The other copy will be retained for Alpine Township records.
6. If approved, the applicant is then required to apply for building permits as required by federal, state, and local codes, rules, and regulations. (Ord. # 02-02, 06/14/02)

SECTION 2.43 FENCES, WALLS AND SCREENS (Ord. No. 96-10; 10/21/96), (Ord. No. 08-01; 3/17/08)

(a) **APPLICABILITY**

This section shall apply to all residential, office, commercial, industrial, and planned unit development zoning districts, except as otherwise noted. These regulations do not apply to lawful temporary fences to enclose construction sites or retaining walls as defined herein.

(b) **LOCATION AND HEIGHT REQUIREMENTS**

(1) **Front Yard.**

(a) Within the required front yard in the R-A, R-1, R-2, R-3, and residential PUD zoning districts, the following fences and walls are permitted:

- (i) For interior lots, a solid fence or wall with a maximum height of six feet, provided it is located on or immediately adjacent to the side lot line and is a minimum of 15 feet from the front lot line. (See Figure II-1)
- (ii) For corner lots, a solid fence or wall with a maximum height of six feet may be placed within that required secondary front yard which is along the side of the dwelling, provided such fence or wall is a least 15 feet from that front lot line which is parallel to the side of the dwelling. (See Figure II-2)

(b) Within the front yard in the R-A, R-1, R-2, R-3 and residential PUD zoning districts the following fences and walls are permitted:

- (i) Any solid fence or wall with a maximum height of three feet.
- (ii) A substantially open fence such as chain link, wrought iron, picket or split rail with a maximum height of four feet. A substantially open fence shall mean a fence which is at least 40 percent open when viewed perpendicular to the fence.

(c) Within the front yard in the commercial and industrial districts fences or walls with a maximum height of three feet are allowed.

(2) **Side and Rear Yard.** A maximum fence or wall height of six feet is allowed, except in commercial and industrial zones where the maximum height is eight feet.

(3) Fences or walls which exceed the maximum height otherwise permitted by the zoning district may be allowed by the Planning Commission or Site Plan Review Committee if it is demonstrated that such fence is necessary for public safety, proper screening, or is necessary for the proper operation of the principal use.

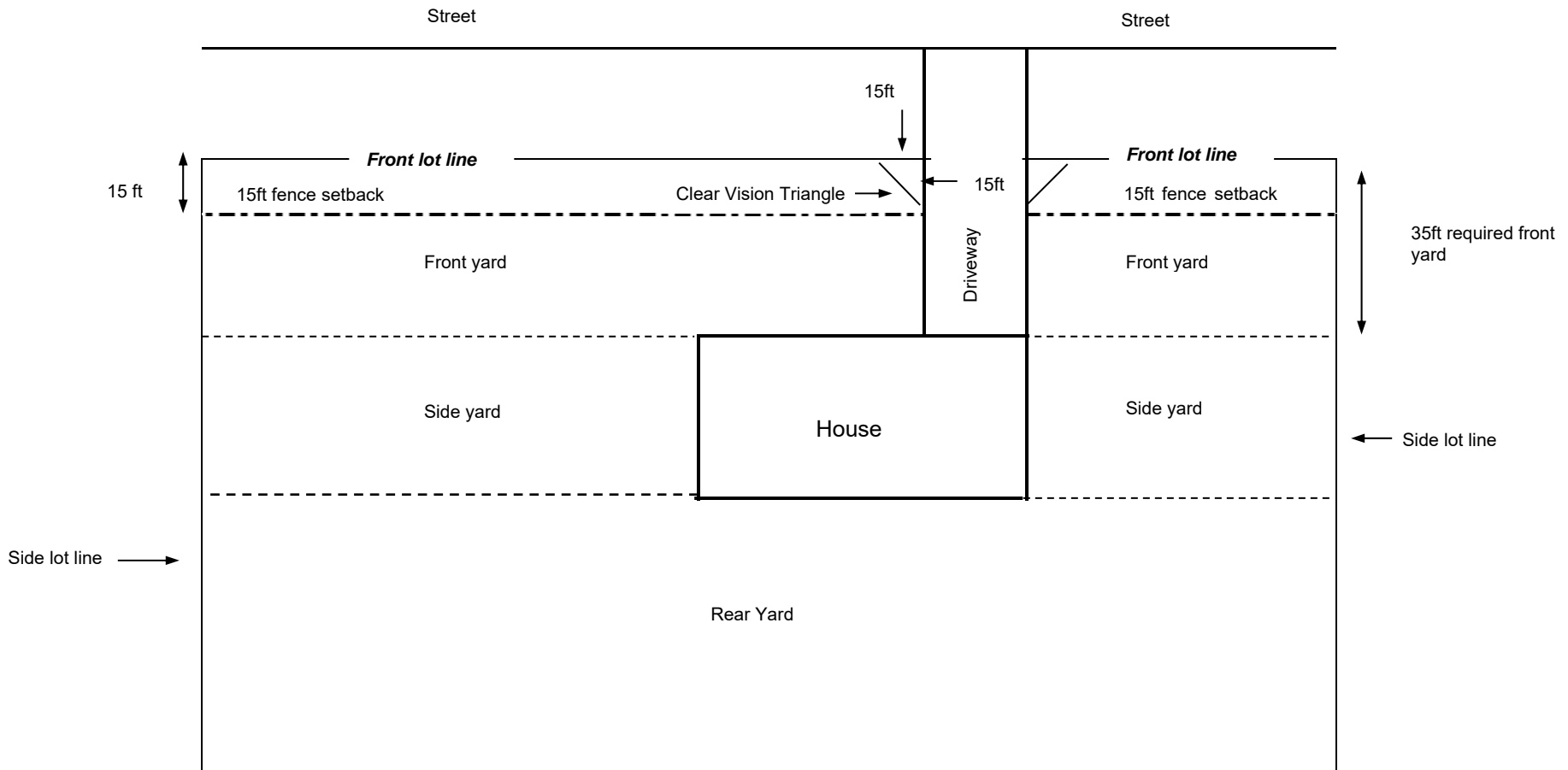
(4) **Clear Vision.** A fence or wall shall comply with the requirements of Section 2.30 herein.

- (5) Fences or walls shall not be erected within any public road right-of-way or private road easement.

(c) MEASUREMENT, ORIENTATION, MATERIALS AND MAINTENANCE

- (1) The height of a fence or wall shall be measured as the vertical distance from the highest point of the fence to the finished grade of the ground immediately beneath the fence excluding any artificially constructed earthen berms.
- (2) All fences and walls shall be erected so that the finished side of the fence or wall faces away from the property, with any visible posts or supports located on the inside of the fence or wall.
- (3) Any fence, wall or landscape screen shall be of uniform design, construction and appearance and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials shall be of a kind normally and customarily associated with the uses permitted in the zoning district.
- (4) All fences, walls and landscape screens shall be well maintained at all times, including but not limited to not becoming a visual nuisance or pose a safety hazard to nearby residents or passersby.
- (5) Barbed wire fences are prohibited in all residential zoning districts except that:
 - (a) Barbed wire strands may be permitted on fences used to enclose essential public service structures or buildings, wireless communication antennas or towers over 35 feet high, and wind energy systems and anemometer (MET) towers. The strands shall be a minimum of six feet above ground level. (Ord. No. 09-01; 3/31/09)
 - (b) Barbed wire fences may be permitted for farms, as defined in the Zoning Ordinance or for the keeping of farm animals as approved by the Building Official, which are located within a residential zoning district.
- (6) In commercial and industrial zoning districts, barbed wire fences are permitted provided the barbed wire strands are at least six feet aboveground level.
- (7) Above-ground electrically-charged fences shall not be erected in any district, except for farms as defined in the Zoning Ordinance, may use above-ground electrically charged fences.

Figure II-1 INTERIOR LOT – FENCE AND CLEAR VISION REQUIREMENTS (Sections 2.30 and 2.43)



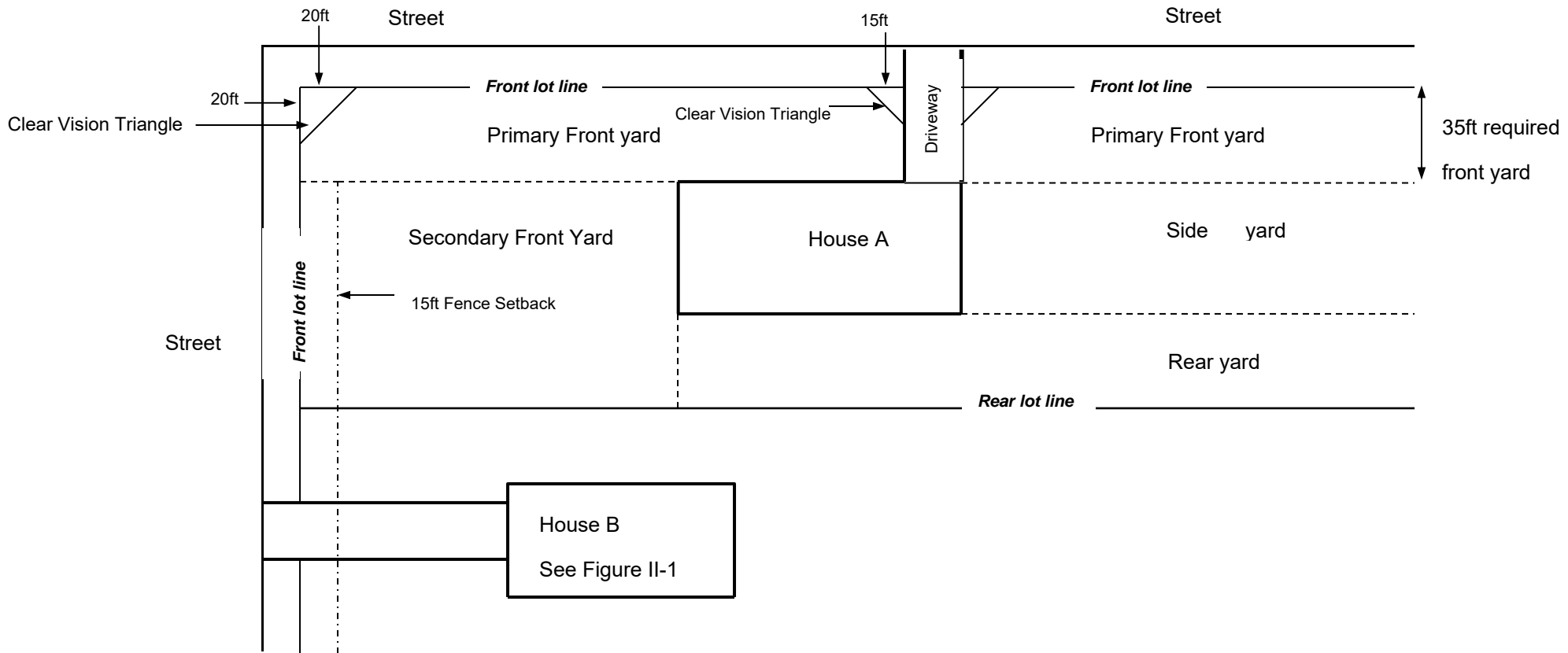
Front yard: Maximum 6-foot solid fence adjacent to side lot line and setback 15 ft. from front lot line.

3-foot solid fence or wall, or 4 foot “see-through” fence anywhere in front yard.

Side yard: Maximum 6-foot solid fence.

Rear yard: Maximum 6-foot solid fence.

Figure II-2 CORNER LOT – FENCE and CLEAR VISION REQUIREMENTS
(Sections 2.30 and 2.43)



Primary front yard: 3-foot solid fence or wall, or 4-foot “see-through” fence anywhere in front yard.

Secondary front yard: Maximum 6-foot solid fence or wall setback 15 feet from front lot line parallel to side of building.
 3-foot solid fence or wall, 4-foot “see-through” fence.

Side yard: Maximum 6-foot solid fence or wall.

Rear Yard: Maximum 6-foot solid fence or wall.

SECTION 2.44: COMMERCIAL BUILDING DESIGN STANDARDS (Ord. 04-03; 5/7/04). The purpose of this section is to provide design standards for the review and approval of commercial buildings in order to achieve the following community objectives:

- To encourage commercial and office building façade treatments that are articulated and enhanced in order to reduce the massive scale and impersonal appearance of large commercial and office buildings.
- To maintain and improve community character by creating a pedestrian scale element for commercial projects.
- To combine and coordinate architectural styles, building forms and building relationships within the commercial and office districts.
- To encourage developers to use a more creative approach in the design of commercial and office buildings.
- To create a sense of “place” and add elements of uniqueness to commercial projects, thereby boosting the value, quality and economic sustainability of Alpine Township’s commercial areas.
- To promote the efficient use of commercial and office land via an intelligent arrangement of buildings.

These standards are intended to balance the property owner’s right to develop land with the cultivation of commercial projects that are built to human scale, create an attractive street frontage, and incorporate means and materials that enhance visual interest, economic value and retail market sustainability in the Alpine Township commercial areas. (Ord. No. 08-01; 3/17/08)

A. Commercial Building Façades: (Ord. No. 08-01; 3/17/08)

See Chapter 1 (Definitions) for written and graphic definitions of “façade.”

Façade materials are to be complementary to existing or proposed commercial buildings within and around the site, provided that such buildings adhere to the standards herein. It is not intended to discourage contrasts in design materials, but special attention shall be given to avoid adverse effects on the economic stability and value of surrounding businesses.

1. Façade material and colors

At least 80% of the building façade must be constructed from one or more of the following materials:

- a. Traditional hard-coat stucco
- b. Brick
- c. Natural or cultured stone
- d. Tinted and/or textured concrete masonry units
- e. Glass
- f. Textured pre-cast concrete panels
- g. Similar materials as approved by the Planning Commission

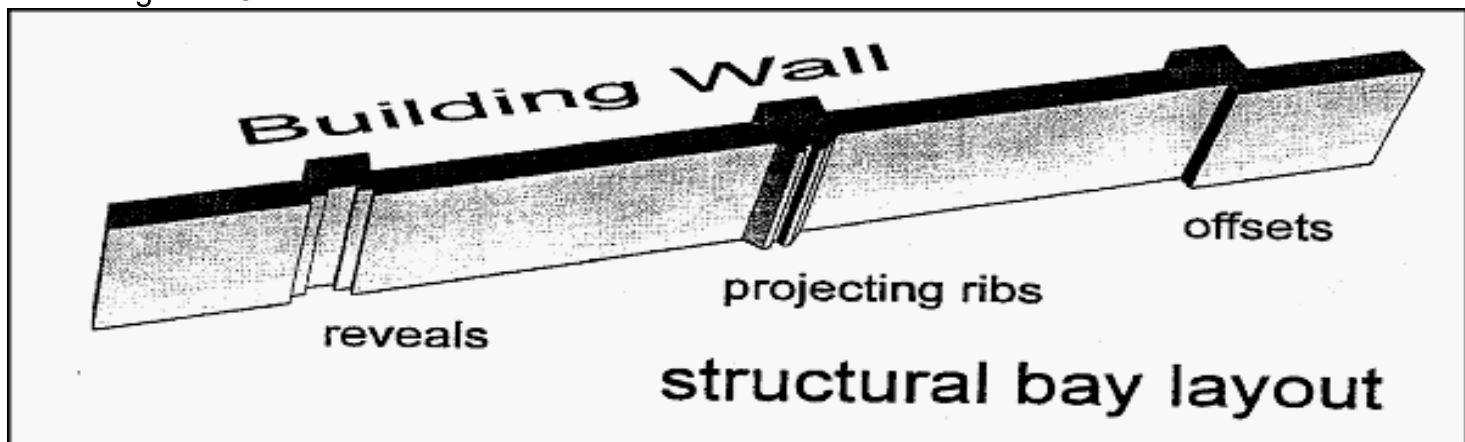
2. Smooth-faced gray concrete masonry units and smooth-faced pre-cast concrete panels are prohibited.
3. Metal and vinyl sidings, E.I.F.S. (Exterior Insulation Finishing Systems) and wood are prohibited as primary exterior surface materials. These materials may be used as trim materials covering no more than twenty (20) percent of the façade.
4. Façade colors shall only be earth tone colors or muted landscape colors (e.g., blues, grays, greens, burgundy, etc.) with a low reflectance. Building trim and accent areas may feature colors that blend visually, but not bright colors or sparkly coatings.
5. All facades shall include materials consistent with, but not necessarily identical to, those on the front. Use of markedly inferior materials for side and rear facades shall be prohibited.

B. Wall Designs and Features

1. Facades visible from a public or private street or service drive shall be designed to eliminate large expanses of blank walls. Among other methods, this can be accomplished via the application of two (2) or more of the following every fifty (50) feet in wall length:
 - a. Doors with corniced parapets over the main entry door
 - b. Display windows that orient street-level customers to products
 - c. Arched entryways, awnings, arcades or outdoor patios
 - d. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as offsets, reveals or projecting ribs. See Figure II-3.
 - e. Change in texture, color or masonry pattern
 - f. Pilasters, piers or columns
 - g. Other applications as approved by the Planning Commission.

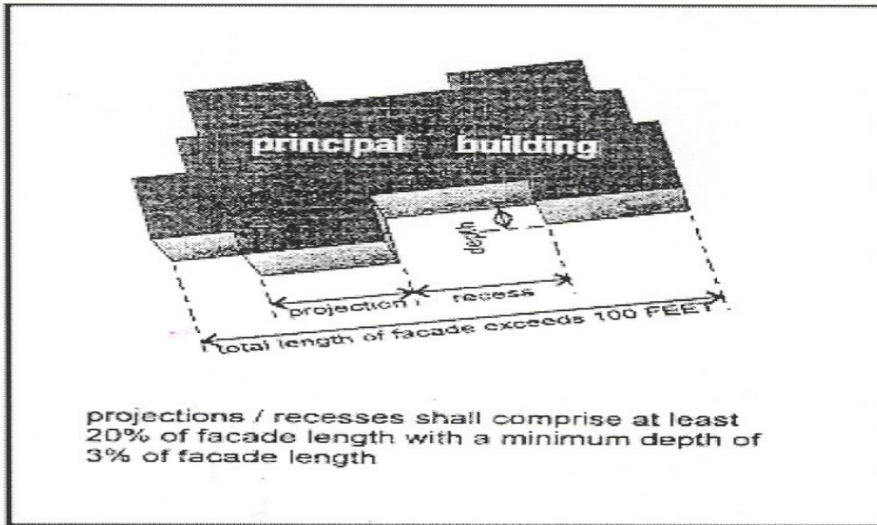
At least one (1) of the elements above shall repeat horizontally or vertically.

Figure II-3.



2. Façade walls more than one-hundred (100) feet in total length must also incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. See Figure II-4.

Figure II-4



3. Side or rear walls that face walkways or service drives may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible.

C. Customer Entrances

1. Building facades shall exhibit clearly defined, highly visible and articulated customer entrances that feature at least two (2) of the following:
 - a. Canopies or porticos
 - b. Overhangs
 - c. Recesses or projections of at least three (3) percent of wall length
 - d. Arcades
 - e. Raised cornice parapets over the door
 - f. Distinctive roof forms
 - g. Arches
 - h. Outdoor patios
 - i. Display windows
 - j. Planters or wing walls that incorporate landscaped areas and/or places for sitting.

See Section 2.45 regarding sidewalks at customer entrances.

Figure II-5: Articulations

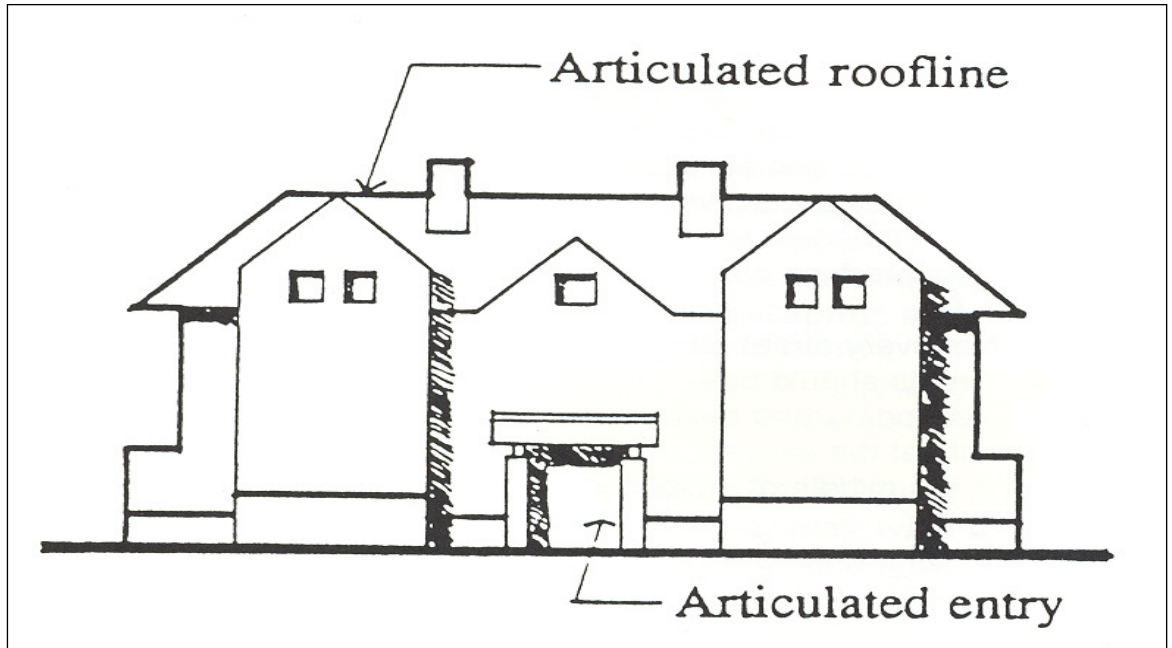
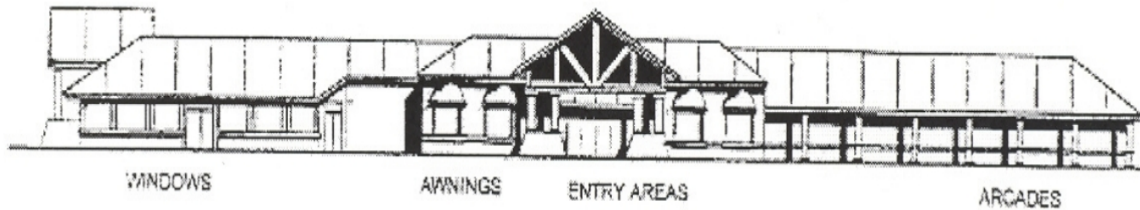


Figure II-6: Example of an Articulated Customer Entrance



Figure II-7: Example of an Articulated Customer Entrance



D. Bases and Top Treatments

1. All facades shall have:

a. A recognizable "base" consisting of one (1) or more of the following:

- i. Thicker walls, ledges or sills
- ii. Integrally textured materials such as stone or other masonry
- iii. Integrally colored and patterned materials such as smooth-finished stone or tile
- iv. Lighter or darker colored materials, mullions or panels
- v. Planters.

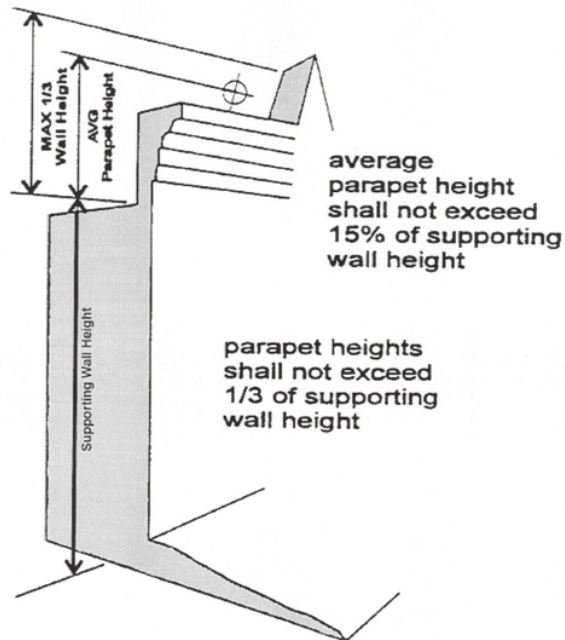
b. A recognizable "top" consisting of one (1) or more of the following:

- i. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials
- ii. Sloping roof with overhangs and brackets
- iii. Stepped parapets.

E. Roofs

- 1. Parapets shall be used to conceal flat sections of roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. (See Figure II-8.)**

Figure II-8



2. Bright colors or sparkly coatings are prohibited on any roof area visible from a public or private right-of-way or service drive. The rationale for this requirement is to prevent roofs to draw so much attention that it serves as signage. All metal roofs shall be designed to withstand weather elements, and to not rust. Natural patinas are acceptable. (Ord. No. 08/01; 3/17/08)

F. Illumination of Building Facades (Ord. No. 08-01; 3/17/08)

1. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building façade.
2. Lighting fixtures mounted on the building and designed to “wash” the façade with light are preferred.
3. Neon lights, L.E.D. lights (light-emitting diodes), or florescent light tubes shall not be permitted as a building trim or accent.
4. The light shall not materially trespass onto surrounding properties.
5. Except for necessary security lighting, all outdoor light fixtures shall be turned off no later than one hour after the end of daily business hours and turned back on no earlier than one hour before business opening.
6. All building façade lighting shall be included within the calculations of the required lighting plan per Chapter 18.

G. Building Elevation Plan Submittal Requirements

At the time of application for site plan review, the applicant shall submit the appropriate

number of copies of the proposed building elevation plans and materials list to the Alpine Township Planning Director. These will be distributed to the Planning Commission or Site Plan Review Committee. The Planning Commission or Site Plan Review Committee may seek comment from the Alpine Township Building Official and/or a third-party architect to determine if and how the submitted plans meet the standards of this Section. In order to assure compliance with this Section, the building elevation plans and materials list shall be approved as part of the final site plan.

H. Exterior Renovations and Alterations to Existing Buildings

When exterior renovations, alterations or additions are made to an existing building in the O-S, C-1, C-2, C-3 or C-PUD zone, the exterior facades of the entire building shall be brought into compliance with the standards of this Section. However, the Planning Commission or Site Plan Review Committee may moderate the extent of required improvements based on the following standards:

1. The pre-existing building's size, shape and construction materials.
2. The potential visual impact on adjacent sites.
3. The pre-existing building's setbacks, location and orientation.

If the pre-existing building façade renovation, alteration or addition does not require Planning Commission or Site Plan Review Committee approval, then the Alpine Township Planning Director shall apply the standards noted above and decide the extent of required improvements. (Ord. No. 08-01; 3/17/08)

SECTION 2.45: PUBLIC SIDEWALKS AND WALKWAYS (Ord. 04-03; 5/7/04)

The purpose of this section is to provide standards for the review and approval of public sidewalks and walkway systems in order to achieve the following community objectives:

1. To provide a safe onsite pedestrian access system.
2. To combine and coordinate non-motorized transportation networks into a coherent and connected system.
3. To encourage developers to use a more creative approach in the design of development sites.
4. To increase site accessibility for people of all ages and abilities.
5. To promote the efficient use of land via an intelligent arrangement of onsite improvements.

Public sidewalks and walkways shall be installed throughout the site. The Planning Commission shall review the site plan to ensure a logical interconnection of pedestrian access points. At a minimum, sidewalks and walkways shall connect focal points of non-motorized pedestrian activities, such as transit stops, street crossings, building entry points and other pedestrian links.

Sidewalks of no less than six (6) feet in width shall be provided along the full length of a building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least four (4) feet from the façade of the building to provide room for planting beds for foundation landscaping, except where features such as display windows, arcades or entryways are part of the

façade or when determined by the Planning Commission to be impractical or unnecessary.

All internal sidewalks and walkways shall be distinguished from driving and parking surfaces through the use of pavers, bricks or concrete, in order to enhance pedestrian safety and add to the attractiveness of the walkway system.

Roadside public sidewalks may be placed in accordance with the standards of the Kent County Road Commission or may be installed on private property with a public sidewalk easement provided by the developer to Alpine Township. The latter may be desirable to provide additional safety space between motorized traffic and pedestrians. The public sidewalk easement document shall note that sidewalk maintenance is the responsibility of the property owner.

SECTION 2.46 WIND ENERGY SYSTEM (WES) ALLOWED AS A PERMITTED USE.
(Ord. No. 09-01: 3/31/09)

The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township in order to promote the safe, effective, and efficient use of wind energy. See Chapter 21 for definition of Wind Energy System and all related definitions.

Any On-Site Use Wind Energy System, including Structure-Mounted WES, which is 65 feet or less in total height, shall be a permitted use in all zoning districts as an accessory use, subject to the following:

- (a) Each lot or parcel is allowed one Freestanding WES and an unlimited number of Structure-Mounted WES.
- (b) The height of the WES with the blade in vertical position shall not exceed 65 feet.
- (c) A Freestanding WES shall be set back from all property lines a distance which is at least equal to the height of the WES. No portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.
- (d) A Structure-Mounted WES shall have a distance from the nearest property line which is at least equal to the distance between the point of attachment to the structure or building to the top of the WES with the blade in the vertical position. Blade arcs created by a horizontal axis WES mounted on an existing structure shall have a minimum clearance of eight feet. The minimum clearance height for blade arcs created by a vertical axis WES mounted on an existing structure shall be determined on a case by case basis based upon the design of the WES.

- (e) Construction permits shall be required to be obtained from Alpine Township prior to the construction and operation of an On-Site Use WES 65 feet or less in total height. A permit shall be issued after an inspection of the WES by Alpine Township or an authorized agent of the Township, and where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions.

The WES shall not operate nor remain on the property unless all applicable construction permits have been issued and complied with. A copy of the manufacturer's installation instructions and construction information shall be provided to the Township.

- (f) An On-Site Use WES may provide electrical power to more than one building, provided the buildings are located on the same lot or parcel on which the WES is located.
 - (g) An On-Site Use WES shall comply with the regulations of Section 21.09(b), Standards For All Wind Energy Systems.
 - (h) Prior to applying for construction permits to install an On-Site WES, documentation that the listed items (a-g) above have been complied with shall be supplied to the Planning Director for review and approval.
-