

CHAPTER 4

GENERAL PROVISIONS

SECTION 4.01 GENERAL INTENT AND APPLICATION

It is the purpose of this Chapter to establish general regulations which have not been specifically provided for in other sections of this Ordinance. Unless specifically noted, these regulations apply to uses in all zoning districts.

SECTION 4.02 THE EFFECT OF ZONING

Except as hereinafter specified, no lot or land or premises shall hereafter be used, maintained, or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zoning district in which it is located.

Nothing in this ordinance shall be deemed to require any change in the plans, construction, or design of any building upon which construction has lawfully begun or for which a valid building permit has been issued; provided, however, that such building shall be completed within two years from the date of passage of this ordinance or subsequent amendments affecting the district in which the building is or will be located.

SECTION 4.03 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or bringing to a safe condition of any building or structure, or part thereof, which does not comply with the building codes in force in the Township and unsafe as determined by the Building Inspector.

SECTION 4.04 REQUIRED AREA OR SPACE

No lot or lots in common ownership and no yard, parking area, or other space shall be so divided, altered, or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

SECTION 4.05 ACCESSORY BUILDINGS

- (a) General Regulations. The following regulations shall apply to accessory buildings in all zoning districts unless otherwise provided:
 - (1) In any zoning district, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building.

- (2) Accessory buildings shall not be erected in any required front or side yard.
- (3) Detached accessory buildings and garages shall not occupy more than 30% of any required rear yard space. Said accessory building, when located in the rear yard, shall not be located nearer than five feet to any side or rear lot line nor nearer than 10 feet to the principal building.
- (4) Accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
- (5) No accessory building shall include residential or living quarters for human beings.
- (6) When an accessory use or building is located on a corner lot, it shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.
- (7) Accessory uses or buildings in a manufactured home development located in an R-3 zoning district shall meet setbacks according to section R 125.1941 of the Mobile Home Commission Act PA 96 of 1987, as amended, and the Manufactured Housing Commission General Rules, as amended.
- (8) Accessory buildings less than two hundred (200) square feet in area do not require a zoning permit but shall conform to the setback requirements for accessory buildings.

SECTION 4.06 EXISTING PLATTED LOTS

Where an existing platted lot has an area of not less than ninety percent of its zoning district requirements and where such lot can provide the side and front yard requirements of its zone, the permitted uses of the district shall be allowed. An existing platted lot, in single ownership, of less than ninety percent of its zoning district requirements may be utilized for such permitted uses, and for such purpose the required side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided that no side yard provision may be reduced to less than ten feet and that off-street parking requirements are also met.

SECTION 4.07 BUILDING HEIGHTS

- (a) ALL DISTRICTS. No building shall exceed 35 feet.
- (b) EXCEPTIONS. Subject to other provisions of law, the requirements of all zones shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators and driers, silos, stacks, water tanks, monuments, cupolas, domes, spires, penthouses housing

necessary mechanical appurtenances, fruit storage facilities, barns, any building or structure used for farming purposes and similar structures.

SECTION 4.08 FRONT YARD AVERAGING AND ENCROACHMENT

Where an existing setback line has been established by existing buildings occupying 50 percent or more of the frontage within the same block or where unplatted, within two hundred feet of the proposed building or the same side of the street, such established setback shall apply. Unenclosed porches, steps, or similar facilities may project into a required front yard for a distance not to exceed five feet.

SECTION 4.09 TEMPORARY DWELLINGS

- (a) A temporary shelter such as a mobile home, motor home or travel trailer may be used for one year for living accommodations while a permanent structure is under construction, upon approval of the Ionia County Health Department. An extension may be granted by the Township Board if it is demonstrated that the permanent structure will be completed within a reasonable period of time.

SECTION 4.10 DWELLING UNITS OUTSIDE OF MOBILE HOME PARKS

All dwelling units located outside of mobile home parks shall comply with the following requirements:

- (a) Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Inspector. If the dwelling is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.
- (b) All dwellings shall provide steps or porch areas where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
- (c) All additions to dwellings shall meet all the requirements of this Ordinance.
- (d) All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half feet.
- (e) All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations, entitled "Mobile Home Construction and Safety standards", effective June 15, 1976, as amended; that is, the mobile home shall have a HUD sticker. All other dwellings shall meet the requirements of the construction code adopted by Orange Township.

- (f) Metal frame bearing mobile homes: Pillars shall be required to support metal frame bearing mobile homes which pillars shall extend into the soil a minimum of 40 inches and have a minimum width of 16 inches. All pillars shall be placed in undisturbed soil. From the top of the pillars to the bottom of the frame of a mobile unit, a pier shall be made of 4" x 8" x 16" solid concrete blocks. The bottom of the pillars may be flared if possible but is not mandatory. If a concrete pad is poured around the pillars, a 1/2" expansion joint shall separate the pad from the pillar to allow movement of the pad. Said pillars shall be spaced not more than 10 feet apart on center with pillars at each end of the unit. Provided, however, such pillars may be spaced up to 13 feet apart on center at the axle area, provided that the number of pillars shall be equal; in number had they been placed at 10 feet intervals.
- (g) Metal frame bearing mobile homes, as an alternative to Section 4.10(f), may be placed upon a concrete pad of not less than four inches thick, reinforced with Number 10 wire mesh. The concrete pad must have not less than the same exterior dimensions of the mobile home that is placed upon the pad.
- (h) Metal frame bearing mobile home shall have a minimum clearance of 16 inches above the ground to the bottom of the frame of the mobile home.
- (i) Perimeter bearing mobile homes: A perimeter bearing mobile home shall have a perimeter frost wall of not less than 42 inches into the ground from the surface of the ground.
- (j) Perimeter bearing mobile homes shall have a minimum clearance of 24 inches above the ground to the bottom of the frame of the mobile home.
- (k) The entire exterior perimeter of a frame bearing mobile home, between the ground level and mobile home, shall be skirted with skirting material that meets exterior sheeting requirements of mobile homes and meets and is installed to mobile home industry standards. Such skirting must be installed with 30 days after placement of the mobile home on the lot or parcel.
- (l) All mobile homes, temporary and permanent, must be anchored by an anchoring system. Such anchoring system shall consist of a combination of the following:
- Ties - straps, cable or securing devices used to connect the mobile home to ground anchors.
 - Anchoring equipment - straps, cables, turnbuckles, and chains, including tensioning devices which are used with ties to secure a mobile home to ground anchors.
 - Ground anchors - any device at the mobile home site designed to transfer mobile home anchoring loads to the ground if the mobile home is supported by pillars; otherwise to transfer such loads to the concrete pad.

(m) All supporting pillars and frost walls shall be placed in undisturbed soil.

SECTION 4.11 CLEAR VISION CORNERS

On any corner, in all zoning districts except the Agriculture zone, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points 25 feet from the intersection of the right-of-way lines.

SECTION 4.12 ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration, or maintenance of essential services shall be permitted in any district. All such uses shall be exempt from the provisions of this Ordinance.

SECTION 4.13 CORNER LOTS

For a lot or parcel bounded by two intersecting streets, there shall be a front yard setback along each abutting street and one side and rear yard setback. The owner, builder or other person with a legal interest in the property may, after consulting with the Zoning Officer, designate which is the rear yard and which is the side yard. For a lot bounded by three intersecting streets, there shall be three front yard setbacks and the remaining setback shall be a rear setback.

SECTION 4.14 PRINCIPAL USE

A lot or parcel shall not contain more than one main building or use, excepting groups of apartment or retail business buildings, or other groups of buildings the Zoning Officer deems to be a main use collectively.

SECTION 4.15 REPAIR OF DAMAGED BUILDINGS

A building damaged by fire, storm, collapse, or act of God, to such an extent that the cost of repair and reconstruction exceed 50% of the market value as determined by the assessed value for tax purposes of such structure at the time of damage, shall either be completely razed so as not to cause a nuisance or safety hazard or shall be substantially rebuilt and the premises cleared of debris within one year from the date such damages occur. Any re-building shall conform to all codes and ordinances of Orange Township.

SECTION 4.16 LANDSCAPE REQUIREMENTS FOR THE R2, COMMERCIAL AND INDUSTRIAL ZONES, M-66 ACCESS MANAGEMENT OVERLAY ZONE AND PLANNED UNIT DEVELOPMENT DISTRICT

(a) Intent. The intent of this section is to set forth minimum standards for required landscape buffer strips. Buffer strips planted with trees and shrubs are intended to maintain or

improve air quality, stabilize soils, increase groundwater infiltration, decrease wind velocity, reduce noise, and create zones of privacy.

(b) **Greenbelt Landscaping.** Where a landscape buffer strip or greenbelt is required by this Ordinance, the following minimum landscape standards shall be observed.

- (1) Two trees plus one additional tree for each 20 feet in length of the buffer strip or greenbelt measured along the outer periphery of the required landscape area.
- (2) Two shrubs plus one additional shrub for each 15 feet in length of the buffer strip or greenbelt measured along the outer periphery of the required landscape area.
- (3) All trees planted in a required landscaped area shall be a minimum of one and one half inch caliper at five feet in height. Shrubs shall have a minimum of 36 inches of spread at planting.
- (4) Any and all plantings in the buffer strip shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

(c) **Landscape Requirements for Off Street Parking Lots.**

- (1) All parking areas having at least 20 spaces, except those parking areas for industrial uses which are located in the rear yard, shall be landscaped with one canopy and one evergreen tree for every ten parking spaces, with a minimum of two trees. These trees shall be planted in and adjacent to the parking area.
- (2) Landscape islands or peninsulas shall be installed at the end of those parking rows which are more than 20 spaces long. Within such rows, a landscaped island shall be installed every 20 spaces. As an alternative, the Planning Commission may permit larger but fewer landscape islands to provide shade and to break up the visual monotony of large paved areas.
- (3) Landscape islands or peninsulas at the end of parking rows shall be a minimum of 10 feet in width by the length of the parking space or spaces, with an appropriate radius. Islands within parking rows shall be a minimum of six feet wide by the length of the parking space or spaces.
- (4) Each island within a parking lot shall contain at least two trees. The Planning Commission may require low lying shrubs not to exceed two feet in height to be planted within the islands in order to provide ground cover for the islands and improve the appearance of the parking lot.

- (5) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
- (d) Front Yard Landscaping. Except for necessary driveways, frontage roads, service drives, or walkways, the front yard for Commercial and Industrial zones, the M-66 Overlay zone and the PUD zone shall be landscaped according to the following minimum requirements:
- (1) One canopy tree, two evergreen trees and one understory tree for each 50 feet in length of road frontage.
 - (2) Landscaping shall be located so it does not obstruct the vision of drivers entering or leaving the site.
 - (3) Earthen berms within the front yard are encouraged to provide variety in appearance and for screening of parking areas.
- (e) Landscape Modifications. The landscape requirements of this section may be modified by the Planning Commission in consideration of existing trees on site, proposed building setbacks, existing and proposed uses on adjacent lands, topographical elevations on a site and on adjacent lands. In deciding whether to modify the landscape regulations of this section, the Planning Commission shall determine that the intent of the regulations will still be met if modifications are allowed.

SECTION 4.17 PRIVATE ROADS AND SHARED DRIVEWAYS.

a) DEFINITIONS

- (1) Lot means a parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision or condominium unit intended for individual ownership and use.
- (2) Driveway means an improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
- (3) Shared driveway means an improved or unimproved path or road extending from a public or private road or right-of-way to two lots, dwelling units, principal buildings, or structures, intended to provide ingress and egress primarily for the occupants thereof.
- (4) Private road is any undedicated path, trail or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress and egress to three or more lots, principal buildings, or dwelling units.

- (5) Existing Private Road - a private road which is used to provide access to lots, buildings or dwellings existing as of the effective date of this chapter.
- (6) Private Road Easement - An easement which is granted exclusively for private access to three or more parcels of land and which contains a private road.

b) **APPLICABILITY.**

- (1) Private roads and shared driveways are permitted in all zoning districts.
- (2) Lots in the Agricultural zone which are used for agricultural purposes including placement of farm buildings are exempt from the private road requirements of this Ordinance.

- c) **EXISTING PRIVATE ROAD.** After the effective date of this amendment , no existing private road shall be reconstructed, extended, improved, or relocated, nor shall an existing private road be used or extended to provide access to a lot, dwelling or building which was not provided access by the private road as of the effective date of this amendment, unless the existing private road is re-constructed according to the minimum construction standards and other requirements of this Section.

d) **PROCEDURE FOR PERMITTING OF PRIVATE ROADS**

(1) **Application and Fee**

An application to establish, construct, extend, improve or relocate a private road shall be filed with the Township Zoning Administrator along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:

- (a) The names(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 sealed by a registered engineer or surveyor 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) The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private road right-of-way or within twenty (20) feet either side thereof.
- (g) A road maintenance agreement, access easement agreement and deed restrictions as required in this Section shall also accompany the application.
- (h) A driveway permit from the Ionia County Road Commission.

(2) Review by Zoning Administrator

- (a) The 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 Planner.
- (b) If the Zoning Administrator finds that the application meets the requirements of this Section, the application shall be approved and a Construction Permit issued for the construction of the private road. This Construction Permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the Township.

This Construction Permit is not a Private Road Permit and does not authorize the construction of any buildings on the private road. The Construction Permit is valid for a period of one year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new Construction Permit shall be required before construction can begin.

- (c) If the Zoning Administrator denies the application, the written reasons for denial shall be provided to the applicant within five working days of the date of denial.

- (d) Final Compliance Requirements - Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:
 - (i) A letter from a registered professional engineer or surveyor 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 Ionia County Register of Deeds office.
 - (iii) The Zoning Administrator shall also conduct an inspection of the private road to ensure that all other requirements of this Section have been met.
- (e) Private Road Permit Issuance - Upon approval of items required for final compliance, the 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 ensure construction of the private road in accordance with the approved private road construction permit. The letter of credit shall be valid for a period of one year from the date of the issuance of the building permit. The Township shall have the right to draw on the funds if the private road is not completed to the satisfaction of the Township prior to the expiration of the letter of credit.

(e) **MINIMUM STANDARDS FOR PRIVATE ROAD**

- (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. For lots on a cul-de-sac the frontage requirement shall be regulated by Section 4.23 herein.

- (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 Ionia 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 28 feet and overhead branches shall be trimmed to a height of 14 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 compacted gravel with a 9 inch sand sub-base. Side ditches shall be one on three front slope and one on three backslope. Ditches shall outlet into a cross culvert or drainage course.
- (7) A private road shall have a minimum roadway width of 22 feet with a minimum shoulder width of three feet on each side.
- (8) All private roads shall widen at any dead end so there is at least a 60 feet radius driving surface turnaround. In the event of severe topography, mature trees or other similar natural feature which prevents the reasonable installation of the turnaround a different turnaround design may be approved.
- (9) A private road shall not exceed a grade of 6 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.
- (10) 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 Ionia County Road Commission and State of Michigan requirements. Such bridge, culvert or other structure must be able to safely support normal Michigan load requirements to ensure fire truck access.
- (11) 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.

- (12) The edge of the private road driving surface shall be no closer than 50 feet from any dwelling unit located on a parcel adjacent to the private road.

(f) **PRIVATE ROAD MAINTENANCE AGREEMENT**

The applicant(s) and/or owner(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 (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall 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 Orange 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.

SECTION 4.18 SWIMMING POOL

- (a) A swimming pool shall not be constructed, installed, enlarged, or altered until a permit has been obtained from the Building Inspector.
- (b) The outside edge of the pool wall shall not be located closer than 10 feet from any rear or side property line. No pool shall be located under any electrical wiring or in a required front yard.

SECTION 4.19 FARM ANIMALS IN RESIDENTIAL DISTRICTS

- (a) Farm animals are permitted in a Residential District, provided:
- (1) They are kept at least 50 feet from any adjoining property and 150 feet from the front lot line.
 - (2) Such animals may only be kept on parcels of land at least one and one half acres.
 - (3) The keeping of such animals shall be accessory to the principal use.
 - (4) There shall be no more than one such animal per acre with a maximum of five such animals on any parcel excluding poultry, rabbits, or other similar sized animals which are typically caged or kept inside a building.
 - (5) 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.
 - (6) The premises shall be maintained in sanitary condition and may be inspected at any reasonable time, or times, by the Building Inspector and/or Township or County Health Officer.

SECTION 4.20 CUL-DE-SAC LOTS.

In the case of lots abutting cul-de-sac streets, the minimum required lot width shall be measured at the minimum required front setback distance for buildings and structures. Such cul-de-sac lots shall have a minimum lot width of 40 feet at the front lot line. For lots in the Agricultural zone which have their entire frontage on a cul-de-sac, a minimum lot width of 150 feet shall be achieved at a point 125 feet from the front lot line.

A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required frontage on the cul-de-sac. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.

SECTION 4.21 ACCESSORY APARTMENTS

- (a) Intent. It is the intent of this section to permit the establishment of accessory apartments in owner occupied single family dwelling units which will provide homeowners with a means of obtaining, through tenants in accessory apartments, companionship, security and services; provide a means for homeowners to care for elderly or ailing relatives and still allow them to maintain the independence and comfort of separate living quarters; and add inexpensive rental units to the housing stock to meet the smaller household needs of both young and old.

These regulations are also designed to protect the stability, property values, and single family residential character of a neighborhood by ensuring that accessory apartments are

installed only in owner occupied houses in such a manner that the appearance of the building remains that of a single family residence.

For purposes of this section, an accessory apartment is defined as a dwelling unit designed for and occupied by one family which is a separate housekeeping unit complete with kitchen and bathroom facilities contained within or attached to the structure of a single family dwelling and which is accessory to it.

- (b) Authorization and Development Standards. The Zoning Officer shall only issue a permit for an accessory apartment in those zoning districts which permit single family dwelling units when the following development standards have been met:
- (1) The accessory apartment shall be a complete housekeeping unit, containing kitchen and bathroom facilities, which is separate from the principal single family dwelling unit.
 - (2) Only one accessory apartment shall be created within or attached to the principal single family dwelling unit.
 - (3) The accessory apartment and principal single family dwelling unit shall be attached by a common wall, ceiling, or floor and shall be contained within a single building.
 - (4) The owner(s) of single family dwelling unit in which the accessory apartment is created or to which it is attached shall occupy one of the dwelling units in the building.
 - (5) The accessory apartment shall comply with all applicable requirements of the Orange Township BOCA/National Building Code as amended, and shall consist of a minimum of 300 square feet of floor area.

The entire accessory apartment shall consist of no more than 35% of the total square footage of the principal single family dwelling unit but shall not result in the floor area of the principal building being reduced below the requirements of the zoning district in which it is located.

- (6) A minimum of three parking spaces shall be provided on the premises for use by occupants of the accessory apartment and the principal single family dwelling unit.
- (7) The accessory apartment shall be installed or constructed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence. Exterior doorways constructed to serve the accessory apartment shall, where possible, be located on the side or rear of the building. If an exterior doorway is to be constructed to face the street, it shall be subject to review and approval of the Zoning Officer.

- (8) An accessory apartment shall be constructed in compliance with all applicable Zoning Ordinance regulations as contained herein.
- (9) A site plan shall accompany a permit application for an accessory apartment. For purposes of this section, the site plan shall illustrate, at a minimum, the following:
 - (i) Dimensions of the site.
 - (ii) Dimensions of the building, including any additions required for the accessory apartment.
 - (iii) Existing and proposed building setback distances.
 - (iv) Floor plan of the accessory apartment illustrating room dimensions and location of the accessory apartment relative to the original single family house.
 - (v) Location of existing and proposed exterior doorways.
 - (vi) Dimensions and location of existing and proposed off-street parking area.
- (c) General Regulations. Accessory apartments shall also comply with the following general regulations:
 - (1) The establishment of an accessory apartment in a single family dwelling unit shall not result in any building site or use situation which is nonconforming.
 - (2) An accessory apartment shall not be subject to the regulations contained herein which are applicable to two-family dwelling units.
 - (3) The following shall not be considered as accessory apartments:
 - (i) A single family dwelling unit whose occupants share kitchen and bathroom facilities.
 - (ii) A detached single family dwelling unit located on the same lot with an existing single family dwelling unit.
 - (iii) Dwelling units designed for and occupied by transient or migrant workers.

SECTION 4.22 LOTS WITHOUT PUBLIC OR PRIVATE ROAD FRONTAGE

A lot may be created which does not abut a public or private street. Such lot shall not contain a dwelling unit but may contain farm buildings as defined herein as well as essential service buildings and structures and radio towers and antennas. Such lot need not comply with the minimum lot size and width requirements of this Ordinance.

SECTION 4.23 MINIMUM LOT FRONTAGE

- (a) Except as allowed by Section 4.22 above, a building or dwelling unit shall be erected only on a lot or parcel which abuts or has frontage on a public street, private road or shared driveway easement in accordance with the lot width requirements for the zoning district in which it is located and in accordance with Section 4.06 herein.

- (b) Except as allowed by Section 4.22 above, any lot created after the effective date of this Ordinance shall front upon a public street, private road right-of-way, shared drive or access easement meeting the requirements of the Township private road regulations, for the minimum lot width required by this Ordinance.

SECTION 4.24 LOTS WHICH CONTAIN MORE THAN ONE DWELLING

If a lot contains more than one dwelling as of the effective date of this Ordinance, the dwellings may be removed and replaced with the same number of dwellings or dwelling provided the new dwellings or dwelling complies with all other applicable regulations of this Ordinance.