

Almena Township
Zoning Ordinance
Van Buren County, Michigan

Approved January 18, 2023
Effective February 2, 2023

Almena Township
27625 County Road 375
Paw Paw, MI 49079
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Article 1. Title and Purpose

Section 1.10 Title

This document shall be known and may be cited as the “Almena Township Zoning Ordinance” and may be referred to as the “Zoning Ordinance” or “ordinance.”

Section 1.20 Intent and Purpose

- A. **Intent.** The provisions of the Zoning Ordinance are intended and determined to be the minimum requirements adopted for the promotion of public health, safety, and welfare, and to ensure orderly growth within Almena Township.
- B. **Purpose Statements.** The purpose of this ordinance is to:
 - 1. Ensure that uses of land are situated in appropriate locations;
 - 2. Limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
 - 3. Facilitate the adequate and efficient provision of transportation systems, sewage disposal, water, energy, recreation, and other public service and facility needs; and
 - 4. Preserve and protect environmental resources and the natural services they provide.

Section 1.30 Applicability

- A. **Building and Structures.** No building or structure may be constructed or altered unless it is demonstrated to comply with the requirements of this ordinance.
- B. **Sites.** No site shall be developed unless it is demonstrated to comply with the requirements of this ordinance.
- C. **Land Use.** No use of land, building, or structure may be established unless it is demonstrated to comply with the requirements of this ordinance.

Section 1.40 Organization

- A. **Parts.** This ordinance is divided into the following six (6) parts:
 - 1. Part I Introduction- An introduction to set the purpose, applicability, organization, and legal basis for zoning regulation.
 - 2. Part II Zoning Districts- Land use, building, and dimensional regulations specific to Zoning Districts.
 - 3. Part III Development Provisions- Regulations related to general property, specific land uses and activities, and the development of land.
 - 4. Part IV Review Processes and Standards- Direction for review of zoning and land development applications.
 - 5. Part V Administration- Administrative and review authorities, regulations concerning enforcement, and restrictions on nonconformities.

6. Part VI Definitions and Checklists- General definitions, land use definitions, and checklists for all application types included in this ordinance.

Section 1.50 Figures and Tables

Graphics are provided as “figures” throughout this ordinance to illustrate the intent of the regulatory language. The ordinance text shall supersede when there is an apparent discrepancy between the ordinance text and a text within a figure. Any text within a table is a requirement.

Section 1.60 Interpretation and Conflict

A. Conflict.

1. This ordinance shall not repeal, annul in any way, impair, or interfere with:
 - a. Existing provisions of other laws, ordinances, or regulations, except those repealed within this ordinance by specific reference;
 - b. Private restrictions placed upon property by covenant, deed, or other private agreement; and
 - c. Restrictive covenants running with the land to which the Township is a party.
2. Where this ordinance imposes greater restrictions, limitations, or requirements upon the use or development of land than federal, state, local, or private regulations, the provisions of this ordinance shall supersede unless zoning regulations are specifically preempted or precluded by federal or state laws or case law.

B. Enforcement of Private Agreements. In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties. All applicants and landowners shall be responsible for obligations and restrictions applicable to subject properties by private agreements.

C. County, State, and Federal Laws. The Township shall not enforce county, state, or federal laws through zoning penalties and enforcement. However, Township approvals of land use and site development may be conditioned upon securing all applicable outside governmental agency approvals. When federal and state laws preempt local zoning authority, the Township recognizes that those regulations supersede zoning regulations.

Section 1.70 Legal Basis

This ordinance is enacted pursuant to P.A. 110 of 2006, the Michigan Zoning Enabling Act, M.C.L. 125.3101 et. seq., as amended, which may be referred to in this ordinance as the Michigan Zoning Enabling Act.

Section 1.80 Validity and Severability

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, the ruling shall not affect any other provisions of this ordinance not specifically included in the ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular property, district, use, activity, building, or structure, such ruling shall not affect the application of the provision to any other property, district, use, activity, building, or structure not specifically included in the ruling.

Section 1.90 Effective Date

- A. **Adoption and Effective Date.** This ordinance is a restatement of the Almena Township Zoning Ordinance, and was adopted by the Almena Township Board of Trustees, Van Buren County, Michigan, at a meeting held on January 18, 2023, and a notice of publication ordered published on January 26, 2023, in the Courier Leader, a newspaper having general circulation in the Township, and has an effective date of February 2, 2023.

- B. **Repeal and Savings Clause.** The Almena Township Zoning Ordinance which was adopted on October 13, 2009, and effective on October 23, 2009, and its subsequent amendments are repealed as of the effective date of this ordinance. The repeal of said ordinance shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under said ordinance, or any part thereof, and such ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

- C. **Pending Applications.** All applications for approvals, permits, appeals, and variance requests pending before the Zoning Administrator, Planning Commission, Township Board of Trustees, or the Zoning Board of Appeals on the effective date of this ordinance shall be acted upon only in conformance with the Zoning Ordinance in effect at the time the application for the request was determined to be complete.

Article 1. Title and Purpose

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Article 2. Zoning District Regulations

Section 2.10 Intent and Purpose

- A. **Introduction.** This article outlines the intent and purpose statements of each zoning district and contains basic information pertaining to the land use, dimensional, and building requirements for properties in Alma Township.
- B. **Zoning Districts.** Alma Township is divided into the zoning districts outlined in Section 2.40. Additionally, certain lands may be designed within overlay zoning districts, as outlined in Article 3. Each zoning district has unique requirements concerning land use and site development.

Section 2.20 Interpretation of Zoning District Boundaries

- A. **Zoning Map.** The location and boundaries of the zoning districts are established and shown on a map titled "Alma Township, Van Buren County, Michigan, Zoning Map," as amended from time to time. The Zoning Map shall be kept on public display at the Alma Township hall. The Zoning Map is declared to be part of the Zoning Ordinance.
- A. **Rules.** Where uncertainty exists with respect to the boundaries of the zoning districts delineated on the Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
 - 2. Boundaries indicated as approximately following platted or other recorded lot lines shall be construed as following such lot lines.
 - 3. Boundaries indicated as approximately following county boundaries shall be construed as following county boundaries.
 - 4. Boundaries indicated as following railroad or designed trail lines shall be construed to be the center line of the right-of-way or easement.
 - 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of a change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the center lines.
 - 6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so constructed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
 - 7. Where physical or natural features existing on the ground vary from those shown on the Zoning Map or in other circumstances not covered by subsections 1-6, the Zoning Board of Appeals shall interpret the district boundaries.
 - 8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns that, for the sake of map clarity, do not cover public right-of-ways, it is intended that the district boundaries extend to the centerline of the public right-of-way.

- B. **Zoning of Vacated Areas.** Wherever any road, street, alley, or other public way is vacated, such road, street, alley, or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.
- C. **Boundaries Dividing a Lot or Parcel.** Where a zoning district boundary line divides a property, each use, building, and structure shall comply with the requirements of the applicable district for where it is placed on the property.

Section 2.30 Principal Buildings and Uses

- A. **Single Use and Building.** All lots and parcels shall have no more than one (1) principal building and one (1) principal use. In the case of residential condominium projects, each building site or unit shall be limited to one principal building.
- B. **Single-Family Dwellings.** Unless otherwise permitted by this ordinance, all lots and parcels shall have no more than one (1) single-family dwelling.
- A. **Principal Use Collectively.** Lots and parcels may have more than one (1) principal building and more than one (1) principal use in districts that allow two-family, multi-family buildings, and non-residential uses when it is determined by the Zoning Administrator that collective principal uses are permitted. The following factors shall be used in this determination:
 - 1. Individual buildings share common parking areas;
 - 2. Access to the buildings/uses is provided via shared access drives or streets;
 - 3. Buildings are under single ownership or association control as a development complex;
 - 4. Individual activities support one another; and
 - 5. The buildings are architecturally consistent and compatible.

Section 2.40 Zoning District Intent Statements

The intent of each zoning district is as follows:

- A. **Agricultural and Residential Districts.**
 - 1. **Agricultural District (AG).** The intent of this district is to protect productive and prime farmland, encourage farm-related businesses, maintain low residential densities, cluster residential development to preserve natural resources, and protect rural character.
 - 2. **Agricultural Low Density District (AGLD).** The intent of this district is to ensure that single-family homes and farming operations can be located in harmony with one another while protecting rural character and farming.
 - 3. **Agricultural Medium Density District (AGMD).** The intent of this district is to allow for higher-density single-family residential homes on smaller lots and two-family dwellings while allowing farming.
 - 4. **Waterfront Residential District (WR).** The intent of this district is to provide areas for residential land use located adjacent to lakes and other surface water features, which preserves the character of waterfronts, protects surface water features, and ensures individual well and septic or community systems that can accommodate residential development.

B. Commercial and Mixed-Use Districts.

1. **Almena Settlement District (AS).** The intent of this district is to provide for residential dwellings, mixed-use buildings, and limited-scale commercial land uses in an area that historically served as the village center of the Township. Buildings and development patterns are intended to be more traditional in design and to maintain a small-town crossroads development area.
2. **Commercial Districts (C-1, C-2, C-3).** The intent of the Commercial Districts is to allow for a range of commercial areas that are calibrated to reflect the desired character of established commercial nodes and one corridor and to support a range of commercial uses. These districts allow retail, office, service, warehousing, light manufacturing, and limited residential uses.
 - a. **C-1.** The intent of this district is to allow for businesses and uses that are appropriate on a state road corridor through the heart of the Township. Although commercial use is not reflected on the Future Land Use Map for this area, it has been historically designated as commercial on the Zoning Map. Due to the lower elevations, high water table, prevalent wetlands, and its location within the North Branch of the Paw Paw River watershed, commercial development in this area is intended to be limited and built in a manner that is sensitive to the natural environment.
 - b. **C-2.** The intent of this district is to allow very limited commercial development options for an area historically zoned for commercial use. Because this area is not reflected on the Future Land Use map and is in close proximity to residential uses, the uses and building options are more limited and restricted than in C-1 and C-3.
 - c. **C-3.** At the intersection of two state highways, this crossroads development node is intended to allow for a wider range of business and light manufacturing and assembly uses, based on its environmental suitability for development, access to state roads, and its historic commercial development pattern extending out from the intersection. Further, an additional C-3 zoned area is intended to support appropriate commercial use in close proximity to a public air strip.

Section 2.50 Land Use Regulation

- A. **Regulation.** Land and buildings shall only be used in accordance with Table 2.50.
 1. **Permitted Use (P).** This use is authorized by-right, subject to all other applicable provisions of this ordinance.
 2. **Special Land Use (S).** This use is subject to review and permitting in accordance with Article 13 and subject to all other applicable provisions of this ordinance.
 3. **Planned Unit Development (PD).** This use is only authorized through the Planned Unit Development Overlay (see Articles 4 and 14)
 4. **Not Permitted.** A cell marked with two dashes (--) indicates that a use is not permitted.
- B. **Other Requirements.** See the referenced section for additional requirements specific to the land use if noted in the far-right column.
- C. **Land Use Definitions.** See Article 21 for definitions of the land use terms in Table 2.50.

Table 2.50: Land Use Regulation									
Use	AG	AG LD	AG MD	WR	AS	C-1	C-2	C-3	Other
Accessory Uses- uses defined in Section 21.20									
Accessory building, non-residential	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	6.20
Accessory building, residential	P	P	P	P	P	P	P	P	2.70 B & 6.20
Accessory building, residential (oversized)	S	S	S	S	S	S	S	S	6.20
Accessory dwelling unit	P	P	P	P	P	--	--	--	6.120 A
Accessory solar energy system	P	P	P	P	P	P	P	P	6.30
Amateur radio and over-the-air-reception antennas	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	6.60
Day care, adult day care (1-4 adults)	P	P	P	P	P	P	P	--	None
Day care, family day care home (1-7 children)	P	P	P	P	P	P	P	--	None
Day care, group day care home (8-13 children)	S	S	S	S	S	S	S	--	6.100
Home occupation, major	S	S	S	S	S	S	S	S	6.180
Home occupation, minor	P	P	P	P	P	P	P	P	6.190
Keeping of animals and bees (non-commercial)	P	P	P	P	P	P	P	P	6.200
Outdoor display and sales, permanent	--	--	--	--	--	S	--	S	6.260
Outdoor storage, commercial	--	--	--	--	--	S	S	S	6.270
Accommodations, Hospitality, and Entertainment- uses defined in Section 21.30									
Banquet or meeting hall	--	--	--	--	P	P	P	P	None
Bed and breakfast	S	S	S	S	S	--	--	--	6.70
Campground or recreational vehicle park	S	--	--	S	--	S	--	S	6.80
Commercial indoor recreation facility	--	--	--	--	--	P	S	P	None
Commercial outdoor recreation facility	--	--	--	--	--	S	--	S	None
Commercial outdoor recreation, low-intensity	S	S	--	--	--	--	--	--	None
Golf course	--	S	--	--	--	--	--	--	6.170
Hotel or motel	--	--	--	--	P	--	--	P	None
Indoor theater	--	--	--	--	--	S	--	P	None
Outdoor theater	--	--	--	--	--	S	--	S	6.280
Restaurant	--	--	--	--	P	P	S	P	None
Restaurant with drive-through	--	--	--	--	--	S	--	S	6.110
Restaurant with micro-brewery, small distillery or small winery	--	--	--	--	P	P	S	P	None
Tavern	--	--	--	--	P	P	S	P	None
Agricultural- defined in Section 21.40									
Farm and farm operation	P	P	P	P	P	P	P	P	6.140
Farm market or roadside stand	P	P	P	P	P	P	P	P	6.150
Farm-related business and agritourism	S	S	S	--	--	--	--	--	6.160
Stables, commercial	P	S	--	--	--	--	--	--	
Stables, private	P	S	--	--	--	--	--	--	

Table 2.50: Land Use Regulation									
Use	AG	AG LD	AG MD	WR	AS	C-1	C-2	C-3	Other
Civic and Institutional- defined in Section 21.50									
Cemetery	S	S	--	--	S	--	--	--	None
Community oriented cultural facility	--	--	--	--	P	P	P	P	None
Community-based indoor recreational facility	--	--	--	--	P	P	P	P	None
Government facility	--	--	--	--	P	P	P	P	None
Public park or preserve	P	P	P	P	P	P	P	P	None
Place of worship	S	S	S	--	S	S	S	S	None
School- college or university	--	--	--	--	S	S	--	S	None
School- private K-12	--	--	--	--	S	S	--	S	None
School- specialized training	--	--	--	--	S	S	--	S	None
School- truck driving	--	--	--	--	--	P	--	P	None
Infrastructure, Transportation, and Manufacturing - defined in Section 21.60									
Air strip or airport	S	S	--	--	--	--	--	--	None
Brewery, winery, distillery	--	--	--	--	--	--	--	S	None
Commercial solar energy system	S	S	--	--	--	--	--	--	6.90
Crematorium	--	--	--	--	--	--	--	S	None
Essential public services and utilities without buildings	P	P	P	P	P	P	P	P	6.130
Essential public services and utilities, with buildings	S	S	S	S	S	S	S	S	6.130
Helicopter landing pad	S	S	--	--	--	--	--	--	None
Marina	--	--	--	S	--	--	--	--	None
Manufacturing, processing, and packaging- light	--	--	--	--	--	--	--	S	None
Mineral extraction	S	S	S	S	S	S	S	S	6.240
Mini-warehouse/self-storage	--	--	--	--	--	S	S	S	6.250
Propane gas sales	--	--	--	--	--	--	--	S	None
Salvage or impound operation	--	--	--	--	--	--	--	S	6.290
Sawmill or planing mill	--	--	--	--	--	P	--	S	
Truck terminal	--	--	--	--	--	--	--	S	None
Warehousing and distribution	--	--	--	--	--	P	--	S	None
Wholesaling and distribution	--	--	--	--	--	--	--	S	None
Wind energy system	S	S	S	--	--	--	--	--	6.360
Wireless telecommunications facility	S	S	S	S	S	S	S	S	6.370
Marihuana Establishments- defined in Section 21.70									
Marihuana grower	--	--	--	--	--	S	--	S	6.230
Marihuana microbusiness	--	--	--	--	--	S	--	S	6.230
Marihuana processor	--	--	--	--	--	S	--	S	6.230
Marihuana retailer	--	--	--	--	--	S	--	S	6.230
Marihuana safety compliance facility	--	--	--	--	--	S	--	S	6.230
Marihuana secure transporter	--	--	--	--	--	S	--	S	6.230
Offices and Services- defined in Section 21.80									
Animal clinic	--	--	--	--	P	P	P	P	None
Animal shelter or commercial kennel	S	--	--	--	--	P	--	P	6.210
Child day care center	--	--	--	--	S	S	S	S	None

Table 2.50: Land Use Regulation									
Use	AG	AG LD	AG MD	WR	AS	C-1	C-2	C-3	Other
Contractor facility	--	--	--	--	--	P	P	P	None
Funeral home or mortuary	--	--	--	--	P	P	--	P	None
General offices and services	--	--	--	--	P	P	P	P	None
General offices and services with drive-through service	--	--	--	--	--	S	S	S	6.110
Hospital	--	--	--	--	--	--	--	P	None
Temporary office	--	--	--	--	--	P	P	P	6.310
Vehicle repair, major	--	--	--	--	--	--	--	S	6.330
Vehicle repair, minor	--	--	--	--	--	P	P	P	
Vehicle service station	--	--	--	--	--	S	--	P	6.340
Vehicle wash	--	--	--	--	--	--	--	P	6.350
Residential, Group Living- defined in Section 21.90									
Adult foster care family home (1-6 adults)	P	P	P	P	P	P	P	--	None
Adult foster care group home (7-20 adults)	S	S	S	S	S	S	S	--	6.40
Agricultural labor housing	S	--	--	--	--	--	--	--	6.50
Foster family home (children)	P	P	P	P	P	P	P	--	None
Nursing home	--	--	--	--	--	--	--	S	None
Residential, Household Living- defined in Section 21.100									
Manufactured home community	--	--	S	--	--	--	--	--	6.220
Mixed-use residential	--	--	--	--	P	--	--	--	None
Multiple-family dwelling	PD	PD	PD	--	PD	--	--	--	None
Single-family dwelling	P	P	P	P	P	P	P	S	6.120 B
Two-family dwelling	--	--	P	P	P	--	--	--	6.120 B
Retail- defined in Section 21.110									
Bakery	--	--	--	--	P	P	P	P	None
Construction and landscape supply, outdoor	--	--	--	--	--	P	--	P	6.260
Greenhouse and nursery (non-farm)	--	--	--	--	--	P	--	P	6.260
Retail sales	--	--	--	--	P	P	P	P	None
Vehicle and equipment sales and rental	--	--	--	--	--	P	--	P	6.260
Other Uses- defined in Section 21.120									
Sexually oriented business	--	--	--	--	--	--	--	S	6.300
Similar land use	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	2.60
Temporary land use	P	P	P	P	P	P	P	P	6.320

Section 2.60 Similar Land Uses

- A. **Intent.** Since every potential land use cannot be addressed in the Zoning Ordinance, each zoning district may accommodate similar uses, as referenced in this section.
- B. **Determination.** All applications for a use not specifically named in Table 2.50, or inquiries concerning a use, shall be submitted to the Zoning Administrator for review and a determination.
 - 1. **Factors.** The Zoning Administrator shall determine that all the following conditions are satisfied:
 - a. The proposed use is not listed as a permitted or special land use in any other zoning district.
 - b. The use is consistent with the district's purpose.
 - c. The use is similar to other allowed uses relative to its character, scale, and overall compatibility.
 - d. The use is not expected to create objectionable impacts on public health, safety, and welfare if it were established in the applicable zoning district.
 - e. The use would not be more appropriate within a different zoning district.
 - 2. **Planning Commission Authority.** The Zoning Administrator may, in their sole discretion, submit a proposed use to the Planning Commission for a similar use determination if consideration of the review factors does not lead to a clear conclusion.
- C. **Compliance.** If a proposed use is determined to be similar to a named permitted use within the district, the similar use shall comply with all the standards or requirements associated with the permitted use. If the named use is a special land use within the applicable zoning district, the similar use shall be reviewed and approved per the applicable requirements for the named use.
- D. **Determination.** The determination of whether a proposed use is similar to another listed use shall be considered as an interpretation of the land use regulations and is not determined to be a use variance. Once a use has been determined to be similar, it shall be specifically determined to be the named use with which it shares similarities.
- E. **Prohibited Use.** If a use is not specifically listed anywhere in this ordinance and is not determined to be similar to any other specifically listed uses, the use is prohibited.
- F. **Accessory Uses.** Accessory uses are permitted in conjunction with all permitted and special land uses. The Zoning Administrator shall review and determine allowable accessory uses to ensure they are customarily associated with the permitted or special land use and are incidental and subordinate to the principal use.

Section 2.70 Dimensional and Building Requirements

- A. **Intent.** This section includes the dimensional requirements for lots and parcels and the location of buildings.
- B. **Applicability.**
 - 1. Lots and Parcels. All lots and parcels shall meet the minimum area and width requirements of Table 2.70-A. Lots and parcels shall not be created or changed in dimension except in conformance with these requirements.
 - 2. Buildings. All placement of principal and accessory buildings shall conform to the minimum dimensional and sizing requirements listed in Table 2.70-B and Table 2.7-C, as applicable.
 - 3. Accessory Buildings. Residential accessory buildings are subject to additional requirements in Table 2.70-D.
 - 4. Farm Buildings. Where permitted, farm buildings are only subject to the setback requirements of Table 2.70-B and no other requirements within this section.

Table 2.70-A: Dimensional Requirements for Lots and Parcels								
Requirement	AG	AGLD	AGMD	WR	AS	C-1	C-2	C-3
Min. Lot Area (s.f., unless noted otherwise) ¹	5 acres	3 acres	2 acres	32,670 s.f.	14,000 s.f.	1 acre	1 acre	1 acre
Max. Density (d.u. = dwelling unit) in PUD ²	1 d.u. per 2 acres	1 d.u. per 1.5 acres	1 d.u. per 1 acre	--	--	--	--	--
Min. Lot Width (ft.) ³	165	145	125	125	90	165	165	165
Max. Depth to Width ratio ⁴	If under 10 acres in area, a lot or parcel shall not be more than four (4) times deeper than its width.							
Min. frontage and accessibility	All lots and parcels shall have a minimum road frontage on a public road or approved private street easement that is at least equal to the minimum width required by the applicable zoning district. Cul-de-sac lots or lots on the outside edge of curved streets shall have a minimum of 40 feet of street frontage. Satisfying this frontage requirement is determined to be the minimum necessary accessibility requirement for land divisions.							

¹ See definition for “lot area” in Section 20.20.

² See Article 4 for PUD development requirements. Maximum density is applied to the gross acreage of the PUD project area and shall not be modified per Section 4.40 G.

³ See definition for “lot width” in Section 20.20. On waterfront lots, the minimum lot width shall also apply to the waterfront yard measured at the ordinary high water line.

⁴ See Section 20.20 for the definitions of “lot depth” and “lot width” to determine ratio. In cases of exceptional topographic or physical conditions, such as wetlands, waterbodies, steep slopes, and stormwater retention or detention areas, or if a parent parcel is an irregular shape, the Township may approve a greater depth to width ratio as long as the resulting parcel(s) or lot(s) remain compatible with surrounding lands. The Zoning Administrator may approve greater ratios for parcels created through land divisions and the Township Board may approve greater ratios for lots as part of tentative preliminary plat review.

Table 2.70-B: Building Requirements								
Requirement	AG	AGLD	AGMD	WR	AS	C-1	C-2	C-3
Min. Principal Residential Dwelling Area (s.f.) ¹	800	800	800	800	800 ²	800	800	--
Max. Principal Non-Residential Building Size (s.f.)	--	--	--	--	--	12,000	10,000	--
Max. Building Height (ft.) ³	35	35	35	35	35	35	35	35
Max. Lot Coverage (%) ⁴	20	30	30	40	80 ⁵	50	50	50
Min. Setback (ft.) for Principal and Accessory Buildings ⁶	Front ⁷	50	50	50	50 ⁸	10	50	50
	Side	20	20	20	See Table 2.70-C	10	20	20
	Rear	25	25	25	25	10	25	25
	Wetland and Water-front ⁹	50						

Table 2.70-C: WR Zoning District Side Yard Setbacks	
Lot Width	Min. Side Setback (ft.)
125 feet or greater	20
100-124 feet	15
70-99 feet	10
50-69 feet	7
Less than 50 feet	5

¹ Individual dwelling units or each individual dwelling unit in a multiple dwelling structure that is a principal use shall satisfy the minimum area requirement.

² Not applicable to second floor dwelling units over non-residential uses.

³ See Section 2.80 for building height measurement and exceptions.

⁴ See definition for “lot coverage” in Section 22.20.

⁵ For lots, units, or parcels two (2) acres in size or greater, the lot area coverage maximum shall be reduced to 30 percent.

⁶ See Section 2.90.

⁷ See Section 2.90 B for front setback measurements.

⁸ Along private roads, platted roads, and easements in the WR district, the minimum front yard setback shall be reduced to 25 feet from the outside edge of the right-of-way or easement boundary line.

⁹ See Section 9.110 Surface Water and Wetland Buffer Requirements. A waterfront setback is measured from the ordinary high water mark, as defined in Section 22.20, or the delineation line of a wetland.

Table 2.70-D: Additional Requirements for Residential Accessory Buildings		
Requirement	All Residential Properties	
Min. Setbacks and Max. Height	See Table 2.70-B. The requirements for accessory buildings are the same as those for principal buildings.	
Min. Setback from other Buildings (ft.)	Minimum separation as required by Building Code.	
Max. Total Building Area	Parcel less than 2 acres	No greater than the ground floor area of the principal dwelling. See Section 6.20 D.2 concerning oversize accessory buildings.
	Parcel 2 acres or greater	No limit, provided, the maximum lot coverage required by Table 2.70-B is met.
Min. Parcel or Lot Size	A parcel or lot with one or more accessory buildings shall not be reduced to a size that would result in nonconforming accessory building square footage.	
Max. Number	No limit.	
Yard Location Restrictions	Residential accessory buildings can be placed in front, side, and rear yards.	
Other	An accessory building shall not be established on a lot or parcel without a principal building. See Section 6.20 for additional requirements.	

Section 2.80 Building Height

- A. **Measurement.** Building height shall be measured from the elevation of the average of the highest and lowest adjacent finished grade to:
 1. Mansard, Gable, Hip, or Gambrel Roof. The average height between the eaves and ridge.
 2. Parapet/Flat Roof. The highest point of the roof for a flat roof.
 3. Other Roof Type. A point equivalent to the roof types specified in this section, as determined by the Zoning Administrator.
- B. **Waterfront Lots- Artificial Grade.** In the case of artificially raising the natural grade of a building site, the average high and low point of the pre-existing natural grade shall be used when calculating building height on waterfront lots.
- C. **Exceptions.** The following shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four (4) feet in height from the adjoining roof, chimneys, cooling towers, elevator bulkheads, fire towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, necessary mechanical appurtenances, and other similar architecture or structural elements and appurtenances.

Section 2.90 Lot Lines, Setbacks, and Yards

- A. **Designations.** Lot line, setback, and yard applicability per lot type is the following:
1. Interior Lot.
 - a. Lot Lines. There is one (1) front lot line, two (2) side lot lines, and one (1) rear lot line (Figure 2.1).
 - b. Setbacks. Buildings shall be subject to one (1) front setback, two (2) side setbacks, and one (1) rear setback (Figure 2.2).
 - c. Yards. There is one (1) front yard, two (2) side yards, and one (1) rear yard (Figure 2.3).
 2. Corner Lot.
 - a. Lot Lines. There is (1) front lot line, one (1) secondary front lot line (side street), one (1) interior side lot line, and one (1) rear lot line (Figure 2.1).
 - b. Setbacks. Buildings shall be subject to two (2) front setbacks, one (1) side setback, and one (1) rear setback (Figure 2.2).
 - c. Yards. There is one (1) front yard, one (1) secondary front yard, one (1) side yard, and one (1) rear yard (Figure 2.3).
 3. Multi-Frontage Lot. If the dwelling is oriented toward one (1) of the two (2) parallel streets, the following applies:
 - a. Lot Lines. There is (1) front lot line, one (1) secondary front lot line, one (1) rear lot line, and one (1) side lot line (Figure 2.4).
 - b. Setbacks. Buildings shall be subject to three (3) front setbacks, and one (1) side setback (Figure 2.5).
 - c. Yards. There is one (1) front yard, one (1) secondary front yard, one (1) side yard, and one (1) rear yard (Figure 2.6).
 - d. If the dwelling is oriented toward the middle street frontage, the Zoning Administrator shall determine lot lines, setbacks, and yard designations.
 4. Through Lot.
 - a. Lot Lines. There is one (1) front lot line, two (2) side lot lines, and one (1) rear lot line (Figure 2.4).
 - b. Setbacks. Buildings shall be subject to two (2) front setbacks and two (2) side setbacks (Figure 2.5).
 - c. Yards. There is one (1) front yard, two (2) side yards, and one (1) rear yard (Figure 2.6).

Figure 2.1 Lot Lines for Interior and Corner Lots

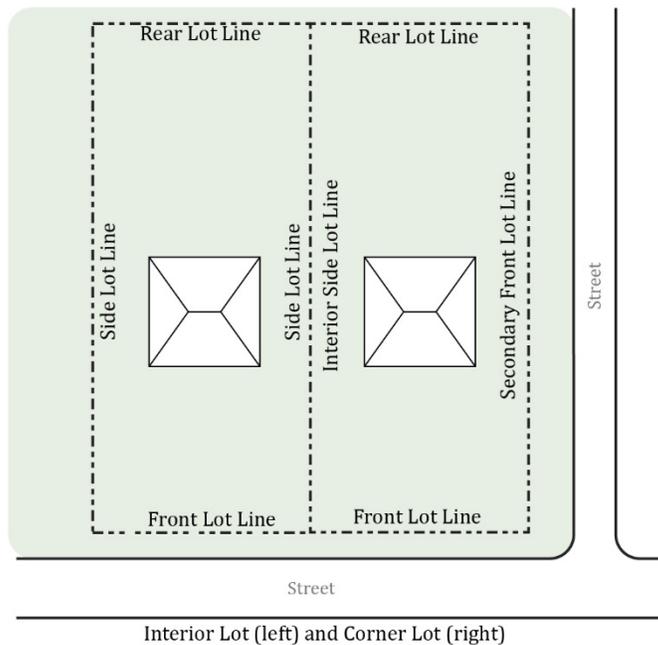


Figure 2.2 Setbacks for Interior and Corner Lots

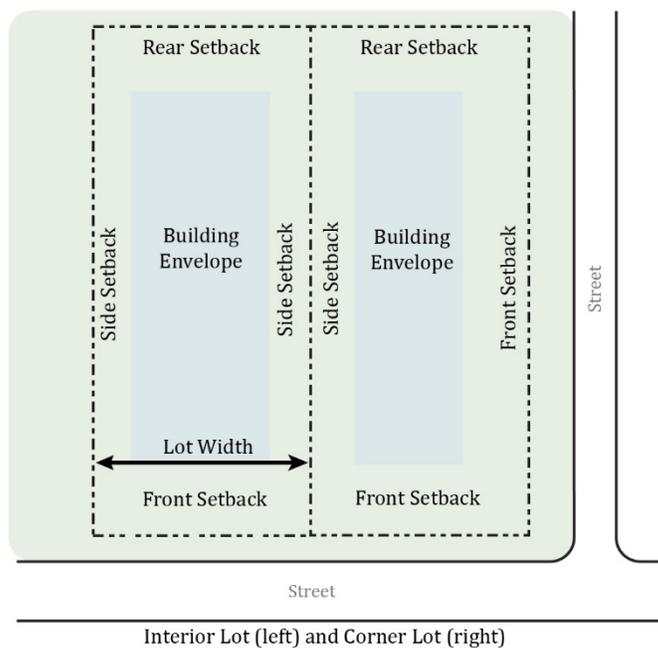


Figure 2.3 Yard Designations for Interior and Corner Lots

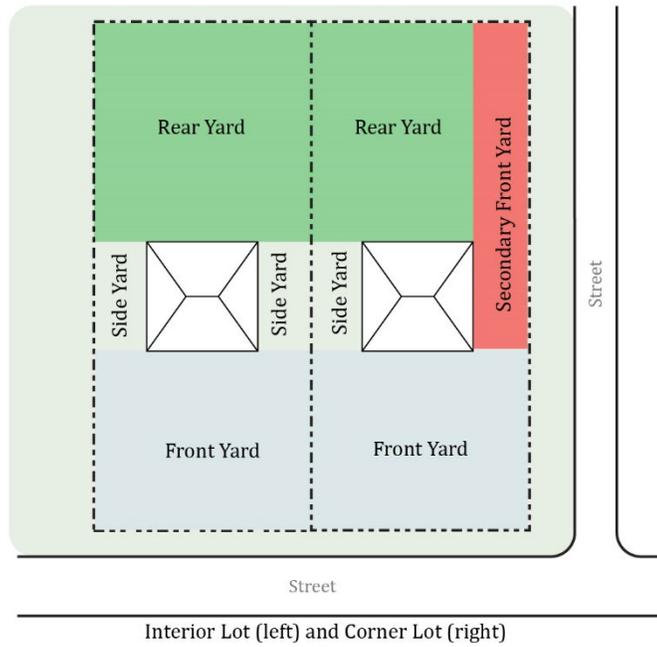


Figure 2.4 Lot Lines for Through and Multi-Frontage Lots

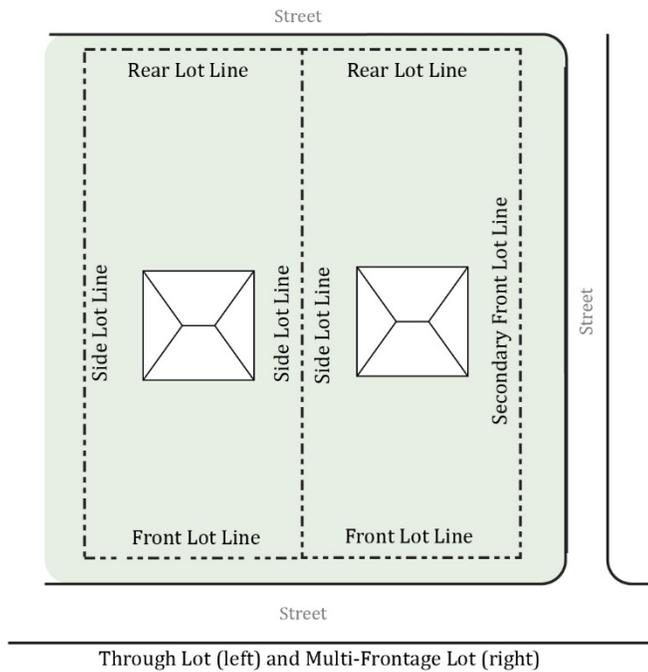


Figure 2.5 Setbacks for Through and Multi-Frontage Lots

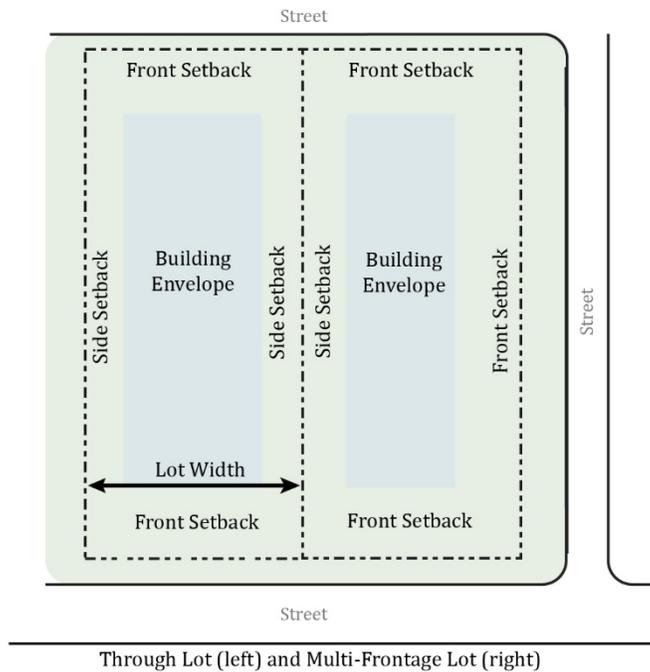
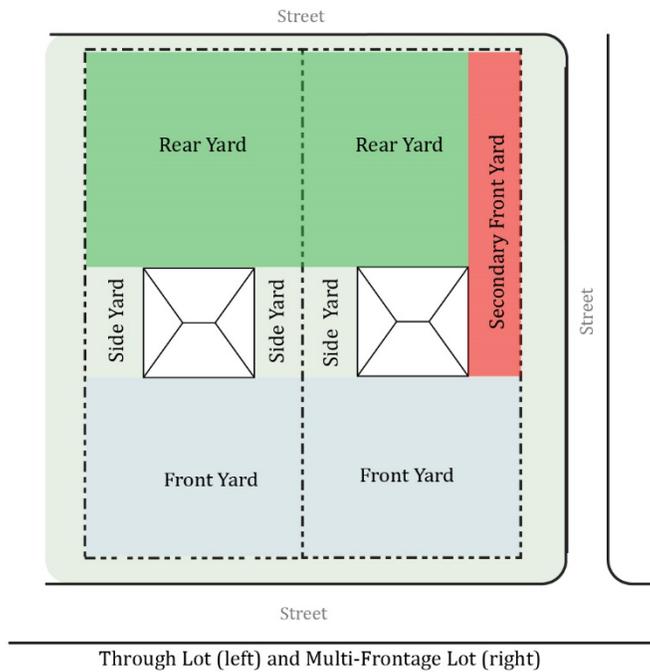


Figure 2.6 Yard Designations for Through and Multi-Frontage Lots



B. Setbacks.

1. Measurement.

- a. Setbacks are measured from lot lines to the exterior edge of the foundation of buildings and structures or the exterior and outermost edge of any structure over 30 inches with or without a foundation. Also included is any portion of a building or structure which is supported by a foundation, regardless of height.
- b. Front setbacks shall be measured from the outside edge of an abutting public road right of way, private street easement, or access easement. Where the right-of-way cannot be indicated on a survey, the outside edge shall be determined and measured from the centerline based on right-of-way width information provided by the Van Buren County Road Commission, Michigan Department of Transportation, or land records.

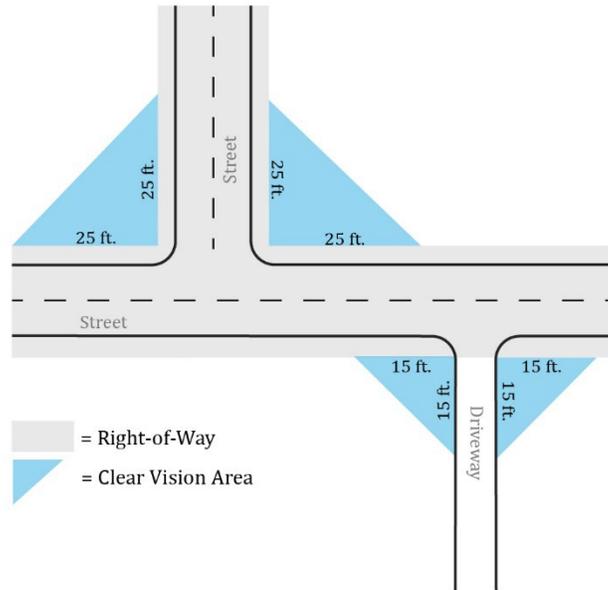
2. Allowable Projections into Setback Areas.

- a. Architectural features such as cornices, bay windows, window wells, eaves, and other cantilevered elements determined by the Zoning Administrator to be similar, may project no further than three (3) feet into a setback area, provided that the projection is at least five (5) feet from any lot line.
- b. Stairs may project into a setback area, provided that the projection is at least five (5) feet from any lot line.
- c. Accessible ramps may project into a setback area to the degree necessary to accommodate the structural improvement.

C. Corner Clearance and Visibility. On a corner lot or a lot with a driveway, there shall be no sight obstruction between two and one-half (2 ½) and 10 feet above the ground within the following clear vision areas (Figure 2.7):

1. Street Intersection. A triangular area formed by the right-of-way lines and a line connecting them measured 25 feet from their point of intersection.
2. Driveway and Street Intersection. A triangular area formed by the street right-of-way line and the driveway line measured 15 feet from their point of intersection.

Figure 2.7 Clear Vision Area



Section 2.100 Common Use and Keyhole Lots

- A. **Applicability.** The following lots and parcels are subject to the requirements of this section.
1. Lots and parcels created after the effective date of this ordinance.
 2. Lots and parcels existing prior to the effective date of this ordinance that did not provide common use access to a water body (riparian rights to non-riparian landowners) prior to the effective date of this ordinance.
 3. Lots and parcels that have been providing common use access to a water body for a defined geographical area or a specific number of lots through an association or subdivision/condominium deed prior to the effective date of this ordinance and where it is proposed to expand the geographical area or number of lots that are provided common use access to a water body through the common use access lot.
 4. Lots and parcels existing prior to the effective date of this ordinance that have been providing common use access to a water body for a defined geographical area or a specific number of lots and parcels may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under the Michigan Inland Lakes and Streams Act.
- B. **General Requirements.**
1. The deed to such lot or parcel shall specify the non-riparian lots or parcels that shall have rights to its use.
 2. Such riparian lot or parcel shall satisfy the minimum frontage standards along the water frontage of the subject zoning district, measured by a straight line that intersects each side lot

line at the water's edge; a minimum lot depth of 150 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge; and a minimum area of three-quarters (3/4) acre.

3. Boat and Watercraft Docks.
 - a. The maximum number of boats and/or personal watercraft which can be docked, moored, or stored at a common use riparian parcel shall be one (1) per 150 feet of riparian frontage.
 - b. If the facility stores four (4) or more boats and personal watercraft, the facility must obtain a permit for marina operation from the Michigan Department of Natural Resources in accordance with Administrative Rules of the Michigan Inland Lakes and Streams Act (P.A. 346 of 1972, as amended). Design for a boat and watercraft dock facility shall meet all of the Michigan Department of Natural Resources standards for marinas.

Section 2.110 Other Requirements

In addition to the requirements of this article, the following articles may apply to the development of land and certain uses and activities.

- A. **General Provisions for All Districts.** Article 5 includes general provisions and requirements for certain activities that are not regulated distinctly by zoning districts.
- B. **Specific Use Requirements.** Requirements specific to certain uses are located in Article 6 if noted in the far-right column in Table 2.50.
- C. **Parking and Loading.** Article 7 will apply to all projects that require off-street parking or loading spaces.
- D. **Lighting.** Article 8 applies to parking lot lighting for non-residential and multi-family development.
- E. **Landscaping and Environment.** Non-residential and multi-family site development will require compliance with Article 9.
- F. **Signs.** If signs are desired on a lot or parcel, the requirements of Article 10 will apply.
- G. **Review Procedures.** All development projects will be reviewed in accordance with Article 11 and articles 12-15, as applicable.
 1. General Processes- Article 11.
 2. Site Plan Review- Article 12.
 3. Special Land Use Review- Article 13.
 4. Planned Unit Development Review- Article 14.
 5. Condominium Review- Article 15.
- H. **Rezoning.** If rezoning is required, Section 16.30 will apply.
- I. **Variance.** If variances are required, Section 18.60 will apply.

Article 2. Zoning District Regulations

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Article 3. Overlay Zoning District Regulations

Section 3.10 Intent and Purpose

- A. **Introduction.** This article outlines overlay zoning district requirements and regulations. Overlay zoning districts add a higher level of review and additional requirements beyond what is required outside of their boundaries. Alma Township has established an Airport Overlay District and a Corridor Overlay District.
- B. **Zoning Map.** While not delineated on the Zoning Map, overlay district boundaries are described within Sections 3.20 C and 3.30 C of this article.

Section 3.20 Airport Overlay District

- A. **Intent.** The Airport Overlay (AP) Zoning District is an additional set of zoning regulations governing development permitted by the terms of the underlying zoning district for specific properties located in proximity of the Alma Airport as required by Section 203 (2) of the Michigan Zoning Enabling Act and the Airport Zoning Act, P.A. 23 of 1950, as amended (Ex. Sess.). The intent of this section is to prevent the location of potential hazards to aviation by restricting the height of buildings and structures located on individual properties abutting airport property or near the Alma Airport.
- B. **Airport Approach (or Layout) Protection Plan.** The Michigan Department of Transportation, Aeronautics Division has prepared, and the Michigan Aeronautics Commission has approved, an Approach (or Layout) Plan prepared pursuant to Section 151 of the Michigan Aeronautics Code, P.A. 327 of 1945, as amended for the Alma Airport. The Approach Plan is composed of two (2) maps and one (1) explanatory sheet:
 - 1. Land Use Zoning Map, which describes accident safety zones on land surrounding the airport where land use planning and regulatory measures will be applied.
 - 2. Accident Safety Zones, Land Use Guidelines and Planning Strategies for New Development which describe specific land use characteristics, land use guidelines, and land use planning strategies for each accident safety zone.
 - 3. Part 77 Surfaces Map which details the maximum allowable height for buildings and structures within the AP - Airport Overlay Zoning District.
- C. **Airport Overlay District Boundaries.** The geographic jurisdiction of the Airport Overlay Zoning District shall be that area defined in the Part 77 Surfaces Map dated February 2007, prepared by the Michigan Department of Transportation, Aeronautics Division and approved by the Michigan Aeronautics Commission as part of the Airport Approach Plan, pursuant to CFR Title 14; Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.25, Civil Airport Image Surfaces of which the Part 77 Surfaces Map shall be incorporated by reference as part of the Official Zoning Map. A copy of the Part 77 Surfaces Map shall be kept on file at the Township Hall and available for review.
- D. **Height Restrictions.** The Airport Overlay Zoning District imposes certain restrictions upon the location and height of buildings and structures specifically allowed in each underlying zoning district classification shown on the Zoning Map. Buildings and structures shall not exceed the maximum height limitation set forth in the Part 77 Surfaces Map.

- E. **Process.** A site plan prepared pursuant to Article 12 shall be approved by the Township Board in advance of the issuance of any non-residential building permit for new construction or renovation of an existing building or structure on any property within the Airport Overlay Zoning District. The site plan shall show the exact location of the building(s) and/or structure(s) upon the property and the location of boundaries of the height requirements imposed by the Part 77 Surfaces Map.
1. Notification of the Federal Aviation Administration (FAA). All applicants for a building permit in the Airport Overlay Zoning District proposing construction of a building or other structure of 200 or more feet in height or a height exceeding the elevation shown in the Part 77 Surfaces Map shall provide notice to the Michigan Department of Transportation, Aeronautics Division and the Federal Aviation Administration as required pursuant to CFR Title 14, Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.13, Construction or Alteration Requiring Notice.
 2. FAA Determination & MDOT Permit to be Filed Prior to Issuance of Building Permit. The Building Official shall not issue a building permit until the applicant has filed with Almena Township the Acknowledgment of Notice and a Determination of No Hazard issued by the Federal Aviation Administration and a Michigan Department of Transportation Tall Structure Permit issued pursuant to P.A. 259 of 1959, as amended, concerning the proposed construction or alteration.
- F. **Land Use Compatibility Review.** All special land use and Planned Unit Development requests shall be reviewed against the Accident Safety Zones, Land Use Guidelines and Planning Strategies for New Development, in addition to all other applicable standards of approval. Special land use and Planned Unit Development proposals shall be designed and configured in a manner consistent with the associated guidelines and strategies to ensure safe future conditions and compatibility between the Almena Airport and future land uses and associated site development.
- G. **Nonconforming Buildings and/or Structures.** It is the policy of Almena Township to eliminate, over time, all nonconforming buildings and structures inconsistent with the height requirements of the Part 77 Surfaces Map. Nonconformities shall not be enlarged or expanded except in conformity with the requirements of the Part 77 Surfaces Map height regulations. Nonconformities may continue until the expiration of their useful life, removal, or destruction by any means or upon being ordered to be removed as a hazard to aviation by the Federal Aviation Administration and/or Michigan Department of Aeronautics.

Section 3.30 Corridor Overlay District

- A. **Intent.** The intent and purpose of the Corridor Overlay District are to ensure safe conditions and efficient traffic flow along M-40 and M-43 while ensuring reasonable access to fronting lots and parcels. This section is intended to respond to continued incremental development along each corridor that will increase traffic volumes and, without standards, would introduce additional conflict points, which will erode traffic operations and increase the potential for vehicle crashes. Findings from numerous studies conclude that restrictions on the number and placement of access points (driveways and side street intersections) can preserve the roadway capacity and reduce the potential for crashes. The requirements and standards in this section are based on recommendations published by various national transportation organizations, the Michigan Department of Transportation, other states, and experience with other similar corridors. In addition, standards are based on a specific Access Management study by the Michigan Department of Transportation (MDOT) and Almena Township for these roadways.

B. Objectives. The standards of this section are intended to help achieve the following objectives:

1. Encourage the efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
2. Improve safety and reduce the potential for crashes.
3. Avoid the proliferation of unnecessary curb cuts and driveways and eliminate or reconfigure existing access points that do not conform to this section when the opportunities arise.
4. Require coordinated access among adjacent lands, where possible, using frontage roads, service drives, and shared access points, where appropriate, as determined by the Planning Commission and Township Board.
5. Avoid the need for unnecessary and costly reconstruction, which disrupts business operations and traffic flow.
6. Establish uniform standards to ensure fair and equal applications that are the minimum necessary to meet the objectives.
7. Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side or rear street, even though the number and location of access drives may not be the arrangement most desired by the landowner or applicant.
8. Promote a more coordinated development review process for the Township with MDOT.

C. Corridor Overlay District Boundaries. The geographic jurisdiction of the Corridor Overlay District includes all lots and parcels with frontage along M-40 and M-43.

D. Applicability.

1. The following projects shall comply with the access spacing standards of this section.
 - a. Land Division and Subdivision. Compliance with this section shall be required to demonstrate that a lot is accessible as required under the Land Division Act (Act 288 of 1967, as amended). This section may require wider lots than permitted by the underlying zoning district.
 - b. Condominium Projects.
 - c. Site Plans and Planned Unit Developments.
 - d. Site Plan Amendments. Planning Commission in conjunction with MDOT, shall determine the extent of upgrades to bring the site into greater compliance with the access standards. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, location and design of median crossovers, and recommendations from MDOT. Required improvements may include removal, rearrangement, or redesign of site access points or median crossovers.
2. Exemptions. The requirements of this overlay district shall not apply to public utility facilities and individual uses that do not require site plan review.
3. Conflict. The requirements and standards in this section were developed collaboratively between Alma Township and MDOT. Where conflict occurs, the more restrictive standards shall apply.

E. Procedure. Review of submittals shall follow the procedure outline in the flow chart titled M-40 and M-43 Corridor Site Plan Access Approval Procedure for MDOT, and Alma Township, when

available. Additionally, the review shall follow any applicable review process for the project type as outlined in the Zoning Ordinance.

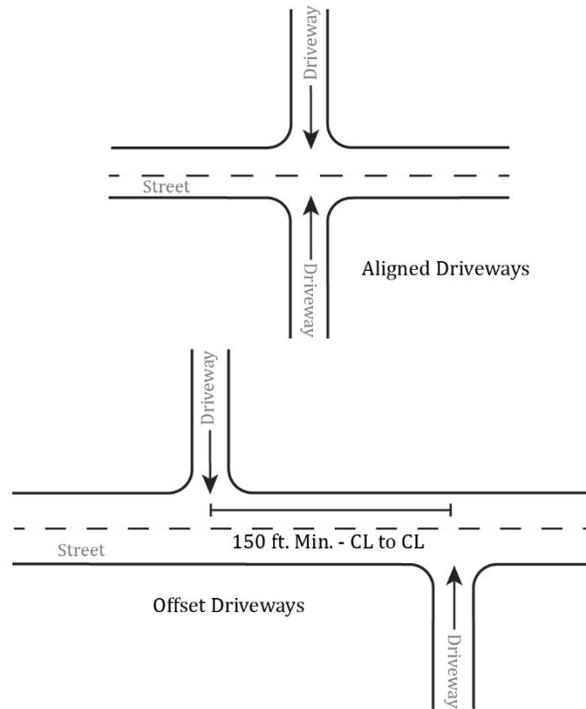
F. Access Management Standards. Access points shall meet the following standards.

1. Corridor Access Management Plan. Access for development proposals, including new construction or changes in use, shall be consistent with the recommendations illustrated in the M-40 and M-43 Corridor Access Management Plan, including driveway closures or redesign, provisions of service drives, and location of new access points.
2. Setbacks. Sufficient setbacks shall be provided between the M-40 and M-43 right-of-way and any proposed building to provide sufficient area for service drives recommended in the Access Management Plan.
3. Spacing and Access Points. Access spacing from intersections and driveways shall meet the standards of this section and MDOT guidelines. In general, the number of access points shall be the fewest needed to allow motorists reasonable access to the site and shall provide the opportunity for shared access with adjoining lots. If secondary road frontage access is available, access to M-40 and M-43 may be restricted.
 - a. Access points shall be spaced from other access points along the same side of M-40 and M-43 (measured from centerline to centerline), based on Table 3.30.

Table 3.30: Driveway Separation	
Posted Speed	Driveway Spacing (in feet)
40	300
45	350
50+	455

- b. Minimum offset spacing from opposing driveways on the other side of the street is 150 feet (Figure 3.1).
 - c. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures.
4. Shared Driveways, Frontage Roads, and Service Drives. The Planning Commission may require shared driveways, frontage roads, or rear service drives connecting two (2) or more lots or uses when it is determined that reducing the number of access points will have a beneficial impact on traffic operations and safety. In particular, service drives shall be required where recommended in the M-40 and M-43 Corridor Plan.
 - a. Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site and the M-40 and M-43 Access Management Plan.
 - b. Shared driveways, frontage roads, or rear service drives shall be within an access easement permitting traffic circulation between properties.

Figure 3.1 Driveway Alignment and Offset



- c. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of 20 feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point, measured between the public street right-of-way and the pavement of the parallel section of the frontage road.
 - d. Service drives and frontage roads shall have a minimum pavement width of 26 feet and be constructed of a base, pavement, and curb with gutter that is in accordance with the Van Buren County Road Commission standards.
 - e. Service drives and frontage roads are intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may require the posting of “no parking” signs along the service road. One-way roads or two-way roads constructed with additional width for parallel parking may be allowed if it can be demonstrated that parking will not significantly affect capacity, safety, or operation.
 - f. The alignment of service drives and frontage roads can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require the use of aerial photographs, property line maps, topographic information, and other supporting documentation.
- G. Maintenance Agreements and Easements.** All required maintenance agreements and easements shall be recorded with the Van Buren County Register of Deeds as a condition of project approval.
- H. Modifications.**
1. Authority. The Planning Commission may approve modifications to the location of the access points and alignment of frontage roads and service drives based on the conditions in this subsection and contingent upon MDOT approval, as applicable.
 2. Conditions. Modifications may be approved upon a finding that the following conditions apply:

Article 3. Overlay Zoning District Regulations

- a. Unique conditions exist that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, existing nonconforming width, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
- b. The use involves an access improvement to an existing site or a new use that will not generate any more traffic than the previous use, or there is only one (1) access point that is not being changed.
- c. The proposed modification is consistent with the general intent of the preceding standards, the recommendations of the M-40 and M-43 Corridor Access Management Plan, MDOT guidelines, and both Alma Township and MDOT staff support the proposed access design.
- d. If deemed necessary by the Van Buren County Road Commission or Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along M-40 and M-43 and is not simply for the convenience of the development. Roadway or intersection control or driveway design change improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
- e. Indirect or shared access has been provided to the extent practical.

Article 4. Planned Unit Development

Section 4.10 Intent and Purpose

- A. **Intent.** The intent of this article is to offer an alternative to conventional development under traditional zoning districts by permitting flexibility in the regulations for development by authorizing the Planned Unit Development (PUD) Overlay District. The standards and requirements in this article are intended to promote and encourage innovative developments that implement the goals and objectives of the Almena Township Master Plan and allow the Open Space Preservation option as included in Section 506 of the Zoning Enabling Act.
- B. **Purpose.** The purpose of this article is to:
1. Encourage innovation and creativity in land use planning and development;
 2. Promote and enhance housing and recreational opportunities;
 3. Promote and encourage the conservation and preservation of natural resources and natural features;
 4. Encourage the efficient use of land by facilitating well-designed arrangements of buildings, streets, utilities, and other features;
 5. Encourage the dedication of open space as an integral part of the development and promote the development of passive and recreational activities;
 6. Provide for and promote coordinated, flexible, and comprehensive land planning and development for the benefit of property owners and to serve the public interest; and
 7. Enhance the compatibility of adjacent uses of land.

Section 4.20 PUD Types

- A. **PUD – Traditional.** A Traditional PUD allows for commercial or residential development with the standard inclusion of open space.
- B. **PUD – Open Space Cluster Residential Development.** An Open Space Cluster Residential Development PUD allows for significantly smaller lot sizes in return for a high proportion of preserved open space.

Section 4.30 Qualifying Conditions

- A. **Unified Control.** The PUD shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as an integral unit.
- B. **Recognizable Benefits.** PUD projects shall achieve recognizable and substantial benefits that would not be possible under the existing base zoning classifications. These recognizable benefits include, but are not limited to, the following:
1. Preservation and protection of significant natural features, open space, and cultural/historic resources, and connectivity of open space with adjacent greenway corridors;
 2. Incorporation of a complementary mix of land uses or housing types;
 3. Innovation in land development in terms of variety, design, layout, and type of structures

constructed;

4. Provision of usable open space and recreational amenities; or
5. Preservation of rural character or small-town appeal.

C. **Minimum Acreage.** PUD projects with the following base districts shall have the following minimum acreages:

1. PUD Traditional:
 - a. AG, AGLD, AGMD, WR. 20 acres minimum.
 - b. AS, C-1, C-2, C-3. 10 acres minimum.
2. PUD – Open Space Cluster Residential Development: No minimum acreage if submitted in accordance with the Open Space Preservation option as included in Section 506 of the Zoning Enabling Act.

Section 4.40 PUD Requirements

A. **Base Zoning District and Overlay.** PUD projects include a dual method of zoning, including a base district and PUD overlay.

1. Base Zoning District.
 - a. A base zoning district is an underlying zoning district applicable to the subject property or a portion of the property. There may be more than one (1) base district per PUD project.
 - b. Should the applicable base zoning district not permit a desired use, a base district rezoning shall be necessary.
 - c. Where Almena Township Master Plan recommends a different zoning district than the current zoning, a rezoning of the base zoning district consistent with the plan may be considered concurrently with the PUD.
2. PUD Overlay. Approval of a PUD amends the Zoning Map to indicate a PUD overlay over the base zoning district.

B. **Land Use.** PUD projects shall comply with the land use regulation applicable to the base district.

C. **Dimensional Requirements.** A PUD shall be compliant with base district dimensional and building requirements and other development requirements unless modifications are approved through the PUD process.

D. **Perimeter Buffer.** At the discretion of the Township, a natural perimeter buffer up to 30 feet in width may be required for PUD projects to ensure land use compatibility and to lessen the visual impact of more intensive development. The Township may also require additional plantings within this area.

E. **Water and Sewer.** Each principal building shall be connected to private water and sanitary sewer systems or to on-site facilities approved by the County and/or State Health Officials. Maintenance of any and all approved common on-site utility systems shall be ensured by the use of a deed restriction, which shall provide for financial participation in maintenance costs by each owner or occupant of the PUD served by the system.

F. **Underground Utilities.** Electrical, telephone, and cable television lines shall be placed underground as feasible and practical.

- G. **Modifications.** Base zoning district requirements and development requirements may be modified as part of PUD approval by the Township Board. The applicant for a PUD shall identify, in a table format, all proposed modifications to zoning requirements (listing of the requirements and proposed modification to requirements). Modifications may be approved if they are demonstrated to result in a higher quality of development that will satisfy one or more of the following criteria:
1. Preserves the best natural features of the site;
 2. Creates, maintains, or improves habitat for wildlife;
 3. Creates, improves, or maintains open space for the residents; or
 4. Results in a higher-quality commercial or residential development consistent with the purposes of PUD expressed in Section 4.10 and the recommendations of the Almena Township Master Plan.

Section 4.50 Density

- A. **Baseline Density.** The number of units permitted in a PUD development, as determined from the parallel plan (Section 14.20 B.2), may be increased at the discretion of the Planning Commission by including one (1) or more of the elements identified in subsection C.
- B. **Bonus.** Each element listed below is worth an additional incremental bonus. The bonus for each element shall be up to 10 percent of the units identified on the parallel plan. The specific amount of the bonus shall be at the discretion of the Planning Commission, depending on the degree to which they have addressed that element and the impact it has in contributing to the objectives sought to be achieved by the PUD. The maximum density increase any development may receive shall be 25 percent of the units identified on the parallel plan.
- C. **Elements.** For those PUD developments eligible to receive a density bonus, the proposed development is required to demonstrate one (1) or more of the following considerations:
1. Inclusion of a variety of building types, quality architecture, durable materials, and superior site design.
 2. Providing frontage transition areas along all public roads at least 150 feet in depth with suitable landscaping.
 3. Providing public amenities such as trails for non-motorized use, playgrounds, picnic facilities, or community centers.
 4. Providing paths, trails, greenways, or other pedestrian and non-motorized transportation facilities accessible to the public and connected to or creating a network of trails throughout the community.
 5. Cleanup of site contamination.
 6. Stormwater management on-site that relies upon manufactured natural systems (such as bio-swales, rain gardens, or installed wetlands) and preserves the quality and integrity of existing natural areas.
 7. Other similar elements as determined by the Planning Commission.

Section 4.60 Open Space

- A. **Required Open Space.** All PUD projects are required to incorporate a minimum amount of preserved open space.
1. **Minimum Requirement.** All PUD shall have the following minimum amount of open space:
 - a. PUD- Traditional- 20 percent.
 - b. PUD- Open Space Cluster Residential Development- 50 percent.
 2. **Permanent Protection.** Open space shall be protected by a permanent mechanism, such as a deed restriction, conservation easement, or similar means approved by the Township.
- B. **Objectives.** Open space areas set aside as part of a PUD project shall accomplish one (1) or more of the following objectives:
1. **Recreational Space.** To provide common active and passive recreational space for use by the residents of the PUD.
 2. **Environmental Protection.** To protect and preserve environmentally sensitive areas, such as floodplains, shorelands, dunes, regulated and non-regulated wetlands, stream corridors, steeply-sloped areas, woodlands, or other sensitive areas that may exist on the development site and enhance the rural character of the area. The Township Board and Planning Commission may require that specific, unique natural amenities be included within the open space area for preservation purposes and maintained in their natural condition.
 3. **Rural Character.** To provide open space along public road corridors so as to maintain a natural character along public roadways in rural portions of the Township.
- C. **Open Space Requirements.** Land dedicated as common open space is subject to the following requirements:
1. To the extent possible, open space areas shall be continuous and connected throughout the development. Open space shall be large enough and of proper dimensions to contribute significantly to the purpose and objectives of the development. Except when provided along waterways or trails and paths, open space shall not be established as thin strips but as larger land masses to encourage general community use rather than simply private use by adjacent property owners.
 2. The majority of the total open space area within the development (minimum of 50 percent of the open space area) shall be located in one (1) contiguous area and shall be available for active or passive use by the residents of the development. The remaining portion of the open space requirement shall be divided into a minimum number of smaller areas.
 3. Access to common open space shall be provided from all areas of the PUD by means of public or private streets or pedestrian access ways. Pedestrian accessways must be located within common open space or within a 20-foot easement. Surface type shall be at the discretion of the Township.
 4. The PUD Concept Plan shall indicate the intended function of the open space, if applicable (i.e. passive use, playground, ball field, picnic area, trail, etc.).
 5. As a condition of PUD approval and prior to the occupancy of any structure within the PUD (or within any phase of the PUD), the applicant shall be required to establish a property owners' association (or other similar organization acceptable to the Township) of which all residents or occupants of the PUD shall be required to become members through appropriate restrictions,

covenants, and conditions. The property owners' association must be legally capable of assuming and shall assume the obligation to maintain the common open space as required by this section.

6. The Planning Commission and Township Board shall review the open space as a part of the site plan to ensure that it satisfies the intent of this section and shall have the discretion to require changes to the open space plan as a condition of approval.

D. Areas Not Considered Open Space.

1. The area within any public street right-of-way or private street easements;
2. Any easement for overhead utility lines, unless adjacent to qualified open space;
3. 50 percent of any flood plain, wetland, water body, or steep slope (25 percent or greater) area and 50 percent of the area of any golf course;
4. The area within a platted lot or site condominium unit, unless the lot or unit has been dedicated to open space, via conservation easement or other means of ensuring that the lot or unit is permanent open space;
5. Parking and loading areas;
6. 50 percent of any stormwater detention or retention areas; and
7. A required perimeter buffer area.

Section 4.70 Process

The PUD review process and standards of approval are included in Part IV Review Processes and Standards, Article 14 Planned Unit Development Review.

Article 4. Planned Unit Development

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Article 5. General Provisions for All Districts

Section 5.10 Intent and Purpose

This article outlines requirements that are applicable for situations that may occur in any location in Alma Township regardless of the zoning district designation unless otherwise specified.

Section 5.20 Fences and Walls

- A. **Measurement.** Fences and walls shall be measured from the natural grade to the uppermost portion of the fence or wall.
- B. **Requirements.**
 - 1. Right-of-Way. Fences and walls are prohibited within the public right-of-way.
 - 2. Clear Area. Fences are subject to clear area requirements included in Section 2.90 C.
 - 3. Barbed Wire and Electric Fences.
 - a. Fences that contain barbed wire, electric current, or charge of electricity shall be permitted in any zoning district for commercial farming purposes such as keeping in animals and livestock, separating fields, or protecting crops.
 - b. Barbed wire fences are permitted on non-residential properties in C-1, C-2, and C-3.
 - c. In all other cases, barbed wire and electric fences are prohibited.
 - 4. Height. Fence height requirements are subject to the maximum heights in Table 5.20:

Location on Site	Zoning District	
	AG, AGMD, AGLD, WR, AS	C-1, C-2, C-3
Front Yard (ft.)	4	8
Secondary Front Yard on Corner Lot at or Behind Building Setback (ft.)	6	8
Side and Rear Yard (ft.)	6	8
Waterfront yard (ft.)	4	8

- 5. **Construction Material.** Fences and walls, including gates, shall be constructed of durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences, such as wood, metal, masonry, chain-link, composite, or vinyl. However, this provision shall not preclude the use of decorative architectural materials when consistent with the intent of this section and the character of the area in which the fence is to be placed, and as approved by the Zoning Administrator. Fence material shall be permitted subject to review and approval by the Zoning Administrator. Fences shall be maintained to ensure they remain free of deficiencies and are kept upright and firmly fastened to the ground and associated supporting structures.

Section 5.30 Flagpoles

- A. **Applicability.** The construction of permanent freestanding flagpoles and the display of flags on these structures are subject to the following requirements.
- B. **Requirements.** Freestanding flagpoles and flags are subject to the following requirements:

Table 5.30: Flagpole and Flag Requirements		
Requirement	Principal Use of Lot or Parcel	
	Residential or Farm	Non-Residential
Maximum number of freestanding flag poles	2	One (1) per 50 feet of street frontage per lot or parcel
Maximum height (ft.)	25	25
Minimum setback from property lines (ft.)	25	25
Maximum flag size (s.f.)	24	60
Number of flags per pole	2	2

Section 5.40 General Marihuana Regulations

- A. **Applicable to All Marihuana Establishments, Facilities, or Operations.** These provisions shall apply to all Marihuana Establishments, Facilities, Primary Caregiver Operations, or individual marihuana cultivation for personal use.
- B. **Code Compliance Required.** All marihuana cultivation, operations, or activity is subject to the State Construction Code Act, Act 230 of 1972, and all building, electrical, plumbing, and mechanical permits as determined by the building official must be obtained for any part of the structure altered for cultivation, growing, or harvesting of marihuana, including changes to electrical wiring, lighting, plumbing, heating, cooling, ventilation, or watering devices.
- C. **No Nuisance.** No marihuana cultivation, use, processing, or activity shall be operated in a manner that creates excessive noise, dust, vibrations, glare, and fumes or odors that are detectible to the normal senses beyond the boundaries of the parcel on which the marihuana establishment operates.
- D. **Indoor Operation.** All marihuana cultivation, growing, harvesting, and storage of marihuana must occur inside a building. Outdoor cultivation, growing, harvesting, or storage of marihuana is prohibited.
- E. **Control and Mitigation of Odor.** Odors from any marihuana cultivation must be abated to the fullest extent reasonably possible through the installation of operable filtration to ventilation and exhaust equipment. Odors must otherwise be effectively confined to the interior of the building from which the odor is generated. Air scrubbing and carbon filtration systems shall be required unless the Township Board or its designated representative approves of Reasonably Available Odor Control Technology for a specific premises.
- F. **Regulations Specific to Individual Use Only.**
 - 1. **Cultivation Limit.** Marihuana grown on the premises of residential dwellings for individual, noncommercial use shall not exceed 12 marihuana plants and must comply with the applicable provisions of the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. (“MMMA”), and the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, et seq. (“MRTMA”).

2. Accessory Use. Marihuana grown on the premises of a residential dwelling shall be considered an accessory use to the principal use of a residential dwelling. Any activity or use related to marihuana use or cultivation must be clearly incidental and a secondary use of a residential dwelling and shall not alter the exterior of the property or affect the residential character of the neighborhood.

Section 5.50 Outdoor Assembly

A. Application and Licensing.

1. License. A person shall not sponsor, operate, maintain or conduct an outdoor assembly in Alma Township without a license for each such assembly.
2. Deadline. The application for a license to conduct an outdoor assembly must be made in writing at least 60 days prior to the date of the proposed assembly and must include a non-refundable fee.
3. Checklists. The application shall include all materials required by this section and Section 22.10, as applicable.
4. Exceptions. The following events are exempt from the requirements of this section:
 - a. An event that is conducted or sponsored by a governmental unit or agency upon public property.
 - b. Any event held entirely within the confines of a permanent or enclosed and covered structure.
 - c. An event held at a permitted or approved facility designed specifically to hold outdoor assemblies.
 - d. An event with fewer than 500 attendees.

B. Process.

1. Outside Agencies. On receipt by the Township Clerk, copies of the application shall be forwarded to the following for review and comment:
 - a. The Van Buren County Sheriff's Office
 - b. The Van Buren/Cass District Health Department
 - c. The Fire Inspector with jurisdiction over the site
 - d. Any other agencies, as determined by the Township Zoning Administrator
2. Board Review.
 - a. The request shall be placed on a Township Board agenda for a meeting not more than 45 days from the receipt of the application. The Township Board may approve, deny, or approve the request with conditions.
 - b. Where conditions are imposed as a prerequisite to the issuance of a license, or where a license is denied, within five (5) days of such action, notice thereof must be mailed to the applicant by certified mail, and in the case of denial, the reasons therefore shall be stated in the notice.
3. Display of License.
 - a. A license shall specify the name and address of the licensee, the kind and location of

assembly, the duration of the license, and any other conditions imposed pursuant to this ordinance. It shall be posted in a conspicuous place upon the premises of the assembly and shall not be transferred to any other person or location.

C. Requirements.

1. **Security Personnel.** The licensee shall employ a professionally licensed security firm, at their own expense. Such security personnel as are necessary and sufficient to provide for the adequate security protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the assembly. Security personnel must be professionally licensed, certified, and insured.
2. **Water & Waste Facilities.**
 - a. The license shall provide potable water as approved by a County Health Officer of sufficient quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand. The number and type of facilities required shall be determined on the basis of the number of attendants in the following manner:
 - i. Toilets and lavatories at a ratio of one (1) to every 200 attendants.
 - ii. Drinking fountains at one (1) to every 500 attendants.
 - iii. Taps or faucets: one (1) for every 500 attendees
 - b. All facilities shall be installed, connected, and maintained free from obstruction, leaks, and defects and shall at all times be in an operable condition as determined by the County Health Officer. Public Bathing Beaches shall be provided or made available or accessible only in accordance with Act 218, Public Acts of 1967, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision of state or local law. Public swimming pools shall be made available only in accordance with Act 230, Public Acts of 1966, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provisions of state or local law). These regulations in this subsection may be altered or waived by the Van Buren/Cass District Health Department or Building Department.
3. **Liquid and Solid Waste Disposal.** The licensee shall provide proper liquid and solid waste disposal so as to neither create nor cause a nuisance or menace to the public health as determined by the Van Buren/Cass District Health Department.
4. **Temporary Building Facilities.** All building facilities erected or assembled on-site shall be reviewed and permitted by the local Building Official.
5. **Food Services.** If food is made available on the premises, it shall be delivered only through concessions licensed to operate in accordance with the provisions of Act 269, Public Acts of 1968, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any applicable state or local law.
6. **Medical Facilities.** Each assembly must have medical services available in a suitable building.
7. **Access and Traffic Control, Parking, Camping, and Trailer Parking.** Access, traffic control, and parking shall be provided to ensure proper ingress, egress, orderly flow of traffic, and orderly parking of vehicles brought to the assembly. Traffic lanes and other spaces shall be provided, designated and kept open for access by emergency vehicles. Prior to the issuance of a license, the Van Buren County Road Commission and Sheriff's Office must approve the plans for access and traffic control. MDOT approval may be required for sites abutting M-43 and M-40. The licensee shall provide a parking area in accordance with Section 7.40 C. The parking area need

not be paved. The licensee shall provide electrical service for camping vehicles.

8. **Sound Producing Equipment.** Including, but not limited to, public address systems, radios, phonographs, musical instruments, and other sound-producing devices shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township, in the opinion of a local, county, or a state police officer responding to the scene of the assembly.
 9. **Insurance.**
 - a. **Amount.** Before the issuance of a license, the licensee shall obtain liability insurance with bodily injury limits of not less than \$300,000.00 and property damage limits of not less than \$50,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons, or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license.
 - b. **Notification.** The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of the Township in writing at least 10 days before the expiration or cancellation of said insurance.
 - c. **Additional Named Insured.** The Liability Policies obtained by the licensee shall include Almena Township as an additional named insured. Original copies of said policies and all renewals shall be delivered to the Township Clerk immediately upon issuance. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Township Clerk in writing at least 10 days before the expiration or cancellation of the insurance policy.
 10. **Bonding.** Before the issuance of a license, the licensee shall obtain from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$100,000.00 in a form to be approved by the Township Board, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers, employees, and the board against any and all loss, injury, or damages whatsoever arising out of, or in any way connected with the assembly and which shall indemnify the attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.
 11. **Fire Protection.** The licensee shall take adequate steps, as determined by the fire department with jurisdiction, to ensure fire protection.
 12. **Fencing.** The licensee shall erect a fence, completely enclosing the site of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.
 13. **Miscellaneous.** Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or citizens of the Township.
- D. Revocation of License.** The Township Board may revoke a license whenever the licensee, his employee, or agent fails, neglects, or refuses to fully comply with all provisions and requirements set forth herein or with all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

- E. **Violations.** It shall be unlawful for a licensee, his employee, or agent to knowingly:
1. Advertise, promote, or sell tickets to conduct or operate an assembly without first obtaining a license as herein provided.
 2. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
 3. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment, or amusement.
 4. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
 5. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
 6. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs, or other substances as defined in Act 343, Public Acts of 1952, or as may be amended.

Section 5.60 Pools

- A. **Permit Required.** Zoning and building permits are required for the installation of a pool.
- B. **Requirements.**
1. Location. No pool shall be located in a front yard unless 100 feet from abutting street right-of-way or street easement.
 2. Setbacks.
 - a. Side and rear. 10 feet minimum.
 - b. Waterfront. 50 feet minimum.
 3. Building Code. Pools and pool fencing shall be installed per the Michigan Building Code.

Section 5.70 Private Streets

- A. **Purpose.** The purpose of this section is to hold privately developed and maintained streets to the same standards and requirements as public streets to protect public health, safety, and welfare for users and residents served by the streets.
- B. **Process.** Private streets shall be reviewed per Article 12, Site Plan Review, and plan requirements are included in Section 22.50.
- C. **Construction Requirements.** Construction shall comply with the specifications of the Van Buren County Road Commission for paved public streets. In the event that the private street is proposed to serve less than 10 lots or parcels and will connect to an unpaved County Road, the Township Board may approve an unpaved street meeting the specifications of the Van Buren County Road Commission for unpaved public streets.
- D. **Speed Limit.** All private street shall be posted with a maximum speed of no more than 25 miles per hour located at each entrance to the private street. Additional speed limit signs shall be located as recommended by the Sheriff's Department, the Township Board, and/or the Van Buren County Road Commission.
- E. **Approval by the Road Commission.** No private street construction permit shall be issued until the applicant(s) secures a private street connection permit by the Van Buren County Road Commission.

F. Easement and Maintenance Agreement.

1. Review and Recording.
 - a. Applications for private streets shall include a recordable legal instrument describing and granting the easement and a maintenance agreement.
 - b. The easement shall be recorded in the Van Buren County Register of Deeds Office, and a copy of the recorded easement shall be provided to the Zoning Administrator.
2. Easement Width. A private street easement no less than 66 feet shall be established.
3. Content. A copy of a recordable travel surface maintenance agreement, signed by all owners of the lands served by the access easement and other parties in interest, which includes the following:
 - a. Provisions that assure that the travel surface will be maintained, repaired, and snowplowed for the full width and length to ensure safe travel and accessibility by emergency vehicles at all times.
 - b. Provisions that assure that the costs of maintenance of the travel surface and its easement are paid for in an equitable manner.
 - c. A legal description of the easement and a legal description of the individual lots or parcels to be served. All properties served by the easement and travel surface shall be subject to the maintenance agreement.
 - d. Provisions declaring that the maintenance agreement constitutes a restrictive covenant, running with the benefitted lands, and binding on all current and future owners and other parties in interest as to the respective obligations stated therein.
 - e. Provisions to indemnify, save and hold the Township and its officers, employees, and agents harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair, or replace the travel surface.
 - f. Township Authority. Notwithstanding the following, the Township shall have no obligation for private street or maintenance or upkeep. However, the following shall be included:
 - i. Provisions authoring the Township, in its sole discretion, to perform reasonably necessary maintenance of the private street, subject to reimbursement by the owners of the properties served by the private street.
 - ii. Provisions authorizing the Township, in its sole discretion, to enforce the terms of the private street maintenance agreement, by any lawful means, in addition to such enforcement by any of the owners of the lands served by the private street, or by another interested party.

G. Land Divisions, Building, Permits, Occupancy Permits.

1. No land division which results in parcels fronting a private street shall be approved until the 66-foot easement is approved by the Zoning Administrator and recorded.
2. Building permits for any lot or parcel that is served by a private street shall not be issued until the private street and maintenance agreement are approved and the maintenance agreement is recorded.
3. Sealed as-built drawings and an engineer's certification of construction compliance is required to be submitted prior to the approval of completion by the Township. No building occupancy

permit on a lot or parcel that is served by a private street shall be issued until approval of private street completion is issued by the Township.

4. If a land division involves a parcel with an existing dwelling that will be served by the private street in addition to a newly created parcel or parcels, a private street shall be approved and constructed within one year of land division and private street easement approval.

H. Additional Lots and Parcels.

1. **Street Upgrades.** No lot or parcel of land shall access an existing private street, and no existing lot or parcel with frontage on a private street shall be divided unless the street is compliant with this section. If additional lots or parcels are added to a private street or if a lot or parcel fronting on a private street is divided, then the entire length of the private street (that is, the total distance from the point where the private street intersects the public street to the very end of the private street) shall be upgraded or improved to comply with this section.
2. **Maintenance Agreement.** No additional lot or parcel of land may access a private street unless the maintenance agreement is amended to include the owner and future owners of the additional lot or parcel.

Section 5.80 Well and Septic

- A. **Purpose.** The purpose of this section is to protect public health and the natural environment by requiring proper permitting for water and sanitary disposal systems.
- B. **Requirement.** Zoning and building permits shall not be issued for any structure required to have water and sanitary facilities unless well and septic permits are issued by the Van Buren/Cass District Health Department or are proposed to be connected to a public or community water and sewer systems. No building meant for human occupancy may be used without connection to an approved water source and sanitary disposal system.

Article 6. Specific Use Requirements

Section 6.10 Intent and Purpose

This article outlines requirements that are applicable to specific land uses based on the unique operational characteristics that warrant additional regulations to protect public health, safety, and welfare. These requirements apply in addition to all the regulations of the zoning district in which the use is located, as well as all other applicable requirements in this ordinance.

Section 6.20 Accessory Buildings and Uses

- A. **Accessory Uses.** Accessory uses may be authorized as part of the approval process for permitted uses and special land uses.
- B. **Non-Residential Accessory Buildings.** Buildings accessory to non-residential principal buildings and uses are subject to the same requirements as the principal buildings and uses of the site.
- C. **Agricultural Accessory Buildings and Structures.** Agricultural accessory buildings and structures are not subject to the requirements of this section. However, agricultural accessory buildings shall comply with setback requirements set forth in Table 2.70-B. At the time of permitting, the applicant shall demonstrate that the sole use of an agricultural accessory building or structure is intended to support a commercial agricultural operation.
- D. **Residential Accessory Buildings.**
 - 1. **Detached Accessory Buildings.** Detached accessory buildings are subject to the building requirements in Sections 2.70-B and 2.70-D.
 - 2. **Attached Building Additions.** Attached building additions are distinct from detached accessory buildings when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural element no greater than 10 feet in length. Attached building additions are subject to the building requirements in Section 2.70-B and are not subject to the requirements of Section 2.70-D. If the connection is greater than 10 feet, the connected building is regulated as a detached accessory building subject to the requirements of Sections 2.70-B and 2.70-D.
 - 3. **Commercial Use.** Accessory buildings may be used for hobby, storage, or recreational activities but shall not involve the conduct of any business, trade, or industry unless approved as a major home occupation or authorized minor home occupation.
 - 4. **Living Space.** See section 6.120 A for accessory dwelling unit regulations.
 - 5. **Portable Storage Containers.** Up to two (2) storage containers may be used as accessory storage buildings and shall be subject to the same dimensional requirements as constructed buildings.
 - 6. **Oversized Accessory Buildings.** On lots and parcels less than two (2) acres, the Planning Commission may consider requests for oversized accessory building square footage through the special land use process (Section 13.30). In addition to special land use and site plan standards of approval, the Planning Commission and Township Board shall also consider the following factors:
 - a. The intended use of the accessory building(s) is authorized within the applicable zoning

district.

- b. The size, type of construction, and general architectural character of the residential accessory building(s) are compatible with buildings in the vicinity.
- c. The resulting increase in size and scale of the residential accessory building(s) does not result in a visible impact that is overly obtrusive to neighboring residents.
- d. Proposed setbacks from lot lines and separation from dwellings on the adjacent properties are appropriate based on the size and scale of the proposed accessory building(s).
- e. If the property is intended to be divided in the future, the location of the residential accessory building(s) does not impact the ability to divide the land in a compliant manner while maintaining required setbacks from the building(s).
- f. The increase in residential accessory building square footage does not result in adverse stormwater runoff impact and degradation of sensitive natural resources.

Section 6.30 Accessory Solar Energy System

A. Applicability.

1. This section authorizes and regulates accessory building-mounted and ground-mounted solar energy systems in all zoning districts.
2. This section does not permit commercial solar energy systems.
3. This section does not apply to smaller-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than six (6) feet above the ground.

B. Application and Review.

1. In addition to all other required application contents for zoning and building permits, equipment and unit renderings and plans shall be submitted for review.
2. Building-mounted solar energy systems shall be approved administratively by the Township Building Official.
3. Accessory ground-mounted solar energy systems shall be approved administratively by the Zoning Administrator and the Building Official.

C. Accessory Building-Mounted Solar Energy Systems. Systems are permitted on all buildings as long as all components comply with required building setbacks and maximum height requirements for buildings.

D. Accessory Ground-Mounted Solar Energy Systems.

1. Glare and Reflection. The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs glare onto neighboring dwellings or adjacent streets.
2. Location. Systems shall be placed in rear yards unless existing vegetation and other site constraints make rear yard placement unfeasible. The Zoning Administrator shall refer side and front yard placement requests to the Planning Commission in cases where there is a higher likelihood of visual impact to nearby residents.
3. Installation. Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township before

installation.

4. **Wires.** All wires shall be buried underground. Overhead wires are prohibited.
5. **Setbacks.** Accessory ground-mounted solar energy systems shall be subject to the setbacks required for principal buildings. Measurement shall be taken from the outermost edge of the support structure or solar panel, whichever is closer to the property line, to the applicable property line.
6. **Maximum Number.** One (1) accessory non-commercial ground-mounted solar energy system and its associated support structure are permitted per lot or parcel. However, in the case of a unique shaped parcel or lot or extraordinary conditions of the land, a single system with multiple structures and panels may be approved as long as the structures are clustered in close proximity.
7. **Maximum Size.** Systems shall be designed and sized to produce no more than 125 percent of the annual kWh usage or 1,500 square feet, whichever is less. Proposed system power generation specifications and historic annual usage data shall be provided by the applicant for Township review.
8. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
9. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the landowner provides a plan to reinstate the operation of the system within six (6) months. If the system remains non-functional after six (6) months, it shall be determined as abandoned.
10. **Removal.** The landowner shall remove the support structure, panels, and all equipment and restore the site to its condition prior to installation of the system within one (1) year of abandonment.

Section 6.40 Adult Foster Care Group Home

- A. **Location.** An adult foster care group home shall be at least 1,000 feet from an adult foster care family home and another adult foster care group home.
- B. **State Requirements.** The facility shall comply with all State of Michigan requirements, as applicable.

Section 6.50 Agricultural Labor Housing

- A. **Minimum Acreage.** An agricultural labor housing shall be located on a parcel 20 acres or greater.
- B. **Occupancy.** State of Michigan rules, regulations, and standards governing the licensing, occupancy, and operation of agricultural labor housing shall apply to residential buildings.
- C. **Security.** Buildings shall be secured to prevent unauthorized access when not licensed or occupied.
- D. **Setbacks, Separation, and Location.**
 1. **Setbacks.** Agricultural labor housing buildings and amenities shall be located at least 100 feet from the public right-of-way and at least 100 feet from any other property line.
 2. **Building Separation.** The minimum distance between residential buildings shall be 30 feet.

3. Location. Residential buildings shall be located within 30 feet of an internal farm road or driveway to preserve direct access.

E. **Building Size.** Residential buildings shall not exceed one story and shall include no more than six (6) bedrooms.

F. **Density.** One (1) residential building is permitted on the minimum acreage required for agricultural labor housing (subparagraph A). Agricultural labor housing with multiple residential buildings may not exceed an overall building density of one (1) building per 10 acres.

1. To determine overall building density, any contiguous combination of parcels under common ownership may be counted toward the total acreage considered in the density calculation, provided all parcels are used solely for agricultural purposes.

2. For the purpose of this requirement, contiguous parcels qualify for determining total acreage if they share common boundary lines or would share common boundary lines if not for a dividing surface water feature or right-of-way.

3. Actions by the landowner such as transfer of ownership of a qualifying contiguous parcel, land division, or non-agricultural development shall not result in nonconforming residential building density required by this section.

G. **General Requirements for Driveways and Parking.**

1. Emergency Service Access. Clear and unrestricted access for emergency vehicles shall be maintained, and site plans shall be subject to Fire Department review and approval. Driveways and parking areas shall be designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles in all weather conditions.

2. Dust. The applicant shall demonstrate that regular dust control practices will be implemented, including but not limited to as-needed watering, paving high-use areas, or the application of millings.

3. Surface Materials and Design. Unpaved driveways, parking areas, and maneuvering lanes shall be gravel, stone, crushed rock, or a similar aggregate material acceptable to the Planning Commission, subject to the following depth requirements. The Planning Commission may modify this requirement based on anticipated traffic generation and the proposed scale of the agricultural labor housing.

a. Aggregate surface: Six (6) inches minimum.

b. Sand sub-base: 12 inches minimum.

H. **Driveway Requirements.**

1. Width and Surface. The minimum width of the aggregate driveway surface shall be 20 feet, with a sand sub-base minimum width of 22 feet.

2. Passing Lanes. Passing lanes may be required by the Planning Commission or Fire Department.

3. Slope. Aggregate surface and sand sub-base shall have a two (2) percent slope.

4. Grade. Driveways shall not exceed a maximum longitudinal grade of six (6) percent.

5. Clear Area. A minimum 30-foot horizontal clear area shall be maintained with a vertical clearance of 14 feet over the roadbed.

I. Parking Requirements.

1. **Setbacks.** Parking areas shall be set back at least 100 feet from property lines and public right-of-way.
2. **Drainage.** Parking lots shall be graded and/or properly drained to dispose of all surface and stormwater and to prevent drainage onto abutting properties.

J. Compliance. Any deficiencies that arise shall be corrected by the agricultural labor housing operator or owner within 30 days of notification by a Township official.

K. Validity and Removal. If an agricultural labor housing is not licensed by the State of Michigan for five (5) consecutive seasons, the associated residential buildings shall be removed by the landowner at the end of the calendar year of the fifth season. The agricultural labor housing operator or owner may request an extension of this timeframe if the buildings are maintained, stabilized, and safe, and if the site is not considered a blighted premise.

L. Inspections. As a condition of approval, the Township may require an annual report from the applicant or may inspect the premises to ensure compliance with the special land use permit, conditions of approval, and the provisions of this section.

M. State Requirements. The facility shall comply with all State of Michigan requirements, as applicable.

Section 6.60 Amateur Radio and Over-The-Air-Reception Antennas

A. Amateur Radio.

1. **Intent and Purpose.** This section is intended to provide reasonable accommodation for amateur radio services in the township and to constitute minimum practicable regulation to accomplish the Township's legitimate purposes consistent with state and federal laws, including Federal Communication Commission (FCC) regulations pertaining to amateur radio services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include but are not limited to preserving the residential character and preserving public health, safety, and welfare.
2. **General Requirements.** The following shall apply to all amateur radio antennas and/or amateur radio antenna support structures, which are physical components of amateur radio service:
 - a. Systems are allowed in all districts on a lot or parcel with a principal building, subject to requirements of the zoning ordinance.
 - b. All amateur radio antennae and amateur radio antenna support structures shall comply with the FCC required safety standards and regulations pertaining to amateur radio services.
 - c. Amateur radio antenna and/or amateur radio antenna support structures shall be set back from all lot lines a distance no less than 110 percent of its overall height or the required building setbacks of the zoning district, whichever is greater.
3. **Height.**
 - a. For roof-mounted antenna and/or antenna support structures, overall height is measured from the elevation of the finished grade at the front of a building.

Article 6. Specific Use Requirements

- b. For ground-mounted amateur radio antennas and/or antenna support structures, overall height is measured from the established grade adjoining the antenna and/or support structure.
- 4. Maximum Number. Two (2) per lot or parcel.
- 5. Permitting and Review.
 - a. Review Authority. Required review procedures shall be based on the height, as follows:
 - i. 70 feet or less- exempt from permitting.
 - ii. Over 70 feet- special land use review process.
- 6. Content. Applications shall include the following:
 - a. A copy of the manufacturer's specifications for construction, assembly, and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject structure.
 - b. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed amateur radio antenna and/or amateur radio antenna support structures if over 70 feet.
 - c. FCC amateur radio license.
 - d. Site plan showing location, setbacks, and other requirements.

B. Over-the-Air Reception Devices.

- 1. Intent. The intent of this section is to prevent unreasonable delay of permitting these devices, to allow installation, maintenance, and use; to not unreasonably increase the cost of installation, maintenance, or use; to ensure reception of an acceptable quality signal; and to protect public health, safety, and welfare.
- 2. Exemption. The following devices are exempt from permitting and zoning requirements:
 - a. A dish antenna that is one (1) meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
 - b. An antenna that is one (1) meter (39.37") or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
 - c. An antenna that is designed to receive local television broadcast signals.
- 3. Height and Masts. Antennas may be mounted on mast structures to reach the height needed to receive or transmit an acceptable quality signal (e.g. maintain line-of-sight contact with the transmitter or view the satellite).
- 4. Permitting. Mast structures higher than 12 feet above the highest point of a building are subject to Township permitting, and the design standards of this section and the following information shall be provided:
 - a. A copy of the manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject structure.

- b. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed amateur radio antenna and/or amateur radio antenna support structures if over 50 feet.
 - c. Site plan showing location, setbacks, and other requirements.
5. Setbacks. Over-the-air reception devices mounted on mast structures that are 12 feet higher than the roofline of the principal building shall be subject to setbacks of no less than 110 percent of their height.
- C. **Design Standards.** The following standards shall be met and maintained for all amateur radio antenna and/or amateur radio antenna support structures as well as all over-the-air reception devices mounted on mast structures that are 12 feet higher than the roofline of the principal building.
1. Color. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color to reduce visual obtrusiveness.
 2. Location. No roof-mounted amateur radio antenna and/or amateur radio antenna support structures shall be fixed to the side of a structure or roof that faces a street. Ground-mounted amateur radio antenna and/or amateur radio antenna support structures shall not be allowed in the front yard or a side yard facing a street.
 3. Guy Wires. Guy wires may encroach into required rear and side setbacks but shall be no closer than one (1) foot from lot lines.
 4. Security and Safety. Climbable ground-mounted amateur radio antenna and antenna support structures shall be completely enclosed by a fence at least five (5) feet but no more than seven (7) feet in height or shall have appropriate anti-climb devices attached up to a height of five (5) feet or more.
 5. Lighting. Lighting shall be installed per FAA rules and/or regulations if required.

Section 6.70 Bed and Breakfast

- A. **Principal Residence.** A bed and breakfast use shall only be established in a detached single-family dwelling, which shall also be the principal residence of the owner or manager.
- B. **Appearance.** The building shall maintain an exterior appearance that is in character with surrounding residential uses.
- C. **Lot Conformance.** A bed and breakfast shall be located on a conforming lot or parcel.
- D. **Guest Rooms.** The total number of guest rooms in the establishment shall not exceed six (6).
- E. **Term.** The length of stay for a guest or guests shall not exceed 14 consecutive days.
- F. **Cooking.** No separate cooking facilities shall be provided.
- G. **Food Service.** Meals shall only be served to the operator's family, employees, and overnight guests.

Section 6.80 Campground and Recreational Vehicle Park

A. **Minimum Acreage.** 10 acres.

B. **Requirements.**

1. The operation shall have a valid campground permit from the State of Michigan and shall remain in compliance with all State requirements and conditions of approval.
2. All recreational vehicle sites shall include water and sewer services unless separate restroom facilities are available.
3. Accessory sheds and buildings are not permitted on individual RV sites.
4. A park attendant must be on duty at the park or available at all times to address the needs of campers, emergencies, and maintenance issues.
5. Common areas and individual sites shall be kept free of litter and debris at all times.
6. Service buildings shall be maintained in a sanitary condition at all times.
7. The operator shall ensure continued maintenance of landscaping and buildings. Common areas and RV sites shall be mowed and kept free of fallen branches and tall grass and weeds.
8. Each lot shall be provided a concrete, paved, or gravel off-street car parking area of a minimum size to accommodate two vehicles without vehicle encroachment onto internal driveways.
9. Driveways shall be clear for emergency vehicle access at all times. Guest parking shall not obstruct driveways.
10. A dumpster or trash bins shall be required in a common area. The dumpster shall be emptied frequently to avoid the accumulation of waste and debris.
11. No recreational vehicle shall be provided by the owner or operator for rental purposes.
12. No part of any campground shall be used for any other purpose than for temporary living quarters occupancy of individual recreational vehicle units or tent camping, except for such uses that are required for the direct servicing and well-being of campground guests and for the management and maintenance of the campground.
13. The open discharge of gray water within the park shall be prohibited.

Section 6.90 Commercial Solar Energy System

- A. **Principal or Accessory Use.** Commercial solar energy systems may be established as principal or accessory uses.
- B. **Applications.** In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review. Multiple participating commercial solar energy parcels operating as one commercial solar energy system may be requested under a single special land use permit application. However, each participating commercial solar energy parcel is subject to special land use and site plan application fees.
- C. **Lot Coverage.** Solar energy collectors and panels shall not count against the maximum lot coverage required by the Zoning Ordinance.
- D. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs considerable glare onto neighboring dwellings or adjacent streets. The applicant shall provide a glare analysis to

demonstrate compliance with this standard.

- E. **Minimum Setbacks.** Commercial solar energy systems and all equipment, aside from wires, shall be set back a minimum of 100 feet from property lines and public right-of-way. Commercial solar energy systems shall not be subject to property line setbacks between participating commercial solar energy parcels.
- F. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
- G. **Minimum Acreage.** The minimum acreage for a commercial solar energy system on a single parcel is 40 acres. For commercial solar energy systems spanning multiple contiguous participating commercial solar energy parcels, the minimum combined acreage is 40 acres.
- H. **Screening.** Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of fences, screening walls, landscaping, or preservation of existing vegetation that will blend the facility into the natural setting and existing environment.
- I. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the responsible party provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension for reinstatement may be granted by the Township Board.
- J. **Removal.** The responsible party shall remove all equipment and structures and restore the site to its condition prior to the installation of the system within one (1) year of abandonment.
- K. **Decommissioning.** A decommissioning plan signed by the responsible party and the property owner (if different) addressing the following shall be submitted prior to approval:
 1. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)
 2. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
 3. Restoration of property to its original condition, or a condition that is stabilized and graded to be consistent with the character of the area.
 4. The timeframe for completion of decommissioning activities.
 5. Description of any agreement (e.g. lease) with property owner regarding decommissioning, if applicable.
 6. The entity or individual responsible for decommissioning.
 7. The financial plan for decommissioning activities and site restoration.
 8. Protocol for updating the decommissioning plan.
 9. A performance guarantee may be required to be posted in the form of a bond, letter of credit, cash, or another form acceptable to the Township to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with

expiration dates never less than two (2) years from the annual anniversary of special land use approval.

10. The property owner and responsible party shall agree to the decommissioning plan and the Township's requirements for decommissioning in the form of a written agreement with the Township that shall be filed with the Van Buren County Register of Deeds office.

Section 6.100 Day Care, Group Day Care Home (8-13 Children)

- A. **Location.** Group day care homes shall not be located closer than 1,500 feet to another licensed group day care home, adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, PA 218 of 1979, MCL 400.701 et seq., a facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the Michigan Public Health Code, PA 368 of 1978, MCL 333.6101 et seq., or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. **State Requirements.** The facility shall comply with all State of Michigan requirements, as applicable.

Section 6.110 Drive-Through Service

- A. **Access and Circulation.** Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way. Direct access to the building shall not be from an adjoining street, but rather from within the property.
- B. **Stacking Spaces.** The Planning Commission may require additional stacking spaces beyond those required by Table 7.40 based on the characteristics of the use and anticipated traffic volumes.
- C. **Sound.** Loudspeakers shall be modulated so that any generated sound is not audible beyond property boundaries.

Section 6.120 Dwellings

- A. **Accessory Dwelling.**
 1. **Single-Family.** Accessory dwelling units are limited to single-family lots and parcels.
 2. **Number.** Only one (1) attached or detached accessory dwelling unit shall be permitted per principal dwelling.
 3. **Setbacks.** Attached accessory dwelling units shall comply with all setback requirements applicable to the principal dwelling. Detached accessory dwelling units shall comply with all setback requirements applicable to accessory buildings.
 4. **Appearance.** Attached and detached accessory dwellings shall retain a residential appearance consistent with the architectural design and building materials of the principal dwelling, including but not limited to roof material, roof type, siding material, and window type and placement.
 5. **Area.** Accessory dwelling square footage shall not exceed 50 percent of the principal dwelling square footage, or 800 square feet, whichever is less. Minimum area is subject to Building Code compliance.

6. Metering and Mailing Address. The accessory dwelling shall not have a separate meter for public utilities, such as electric and gas service or a separate mailing address.
7. Well and Septic. Well and septic approval by the Van Buren/Cass District Health Department is required. Systems may be shared with the principal system or separate, contingent upon the approval of the Van Buren/Cass District Health Department.
8. Specific Requirements for Attached Accessory Dwelling Units.
 - a. Attached accessory dwellings may be designed as an independent living area that can be isolated from the principal dwelling space; however, an internal connection to the principal dwelling must be maintained, and the principal and accessory living space must both be accessible through the primary entrance of the dwelling. This requirement does not preclude separate entrances to either living space.
 - b. An attached accessory dwelling unit located over an attached garage may be served by a single access point separate from the rest of the building.
9. Specific Requirements for Detached Accessory Dwelling Units.
 - a. A parcel shall not be divided in a manner that separates a detached accessory dwelling unit and principal dwelling unit onto separate parcels if the division results in a nonconformity.
 - b. A new detached accessory dwelling unit to be constructed shall not be located closer to a front lot line than the principal dwelling.
 - c. In the case of a detached accessory dwelling unit over garage space, such as a carriage house, the first-floor garage space shall not count against the maximum square footage applicable to the accessory dwelling unit.
 - d. The minimum square footage shall be the minimum necessary to comply with applicable building codes.
 - e. The height of a detached accessory dwelling unit shall not exceed the height of the principal dwelling. However, the height of a detached accessory dwelling unit over garage space may exceed the height of a single-story principal dwelling by 10 feet.

B. Single and Two-Family Dwellings.

1. Purpose. The purpose of this provision of the zoning ordinance is to provide reasonable standards that ensure that all single-family and two-family dwellings, regardless of construction type (e.g. site-built, manufactured, prefabricated, or modular), are safe and compatible and compare aesthetically within the same residential district.
2. Dimensional Requirements.
 - a. The building shall have a maximum length to width ratio of three (3) to one (1).
 - b. The building shall have a minimum width across any front, side, or rear elevation of 20 feet.
3. Use Group. Living space shall be built as residential use group R-3 per International Building Code for dwellings other than manufactured homes.
4. Additional Requirements for Manufactured Homes. A manufactured home shall be installed with the wheels removed. No manufactured home dwelling shall have any exposed towing mechanism, undercarriage, or chassis. However, this requirement does not apply to manufactured homes located in manufactured home communities within the Township.

Section 6.130 Essential Public Services

- A. **Screening.** Outdoor facilities shall be screened on all sides. See Section 9.70 for screening requirements.
- B. **Lot Coverage.** Facilities on parcels one-quarter (1/4) acre or less are exempt from the maximum lot coverage requirements of Table 2.70-B. Facilities on parcels greater than one-quarter (1/4) acre shall be subject to a 50 percent lot coverage maximum.

Section 6.140 Farms and Farm Operations

- A. **Applicability.** Farms and farm operations are regulated by the State of Michigan Department of Agriculture. Farms that are compliant with the State of Michigan Generally Accepted Agricultural and Management Practices (GAAMPs) are not subject to this section unless farms are prohibited by where they are located, and that prohibition is not superseded by GAAMPs. However, farm buildings are subject to setbacks required by applicable zoning district and parking lot requirements.
- B. **Building Setbacks.** See table 2.70-B.
- C. **Parking.** See Section 7.30 for parking space and drive aisle dimensional requirements.
- D. **Driveways.** Driveways shall meet Van Buren County Road Commission, Michigan Department of Transportation, and Section 3.30 Corridor Overlay District requirements, as applicable.

Section 6.150 Farm Market or Roadside Stand

- A. **Applicability.** Farm markets are exempt from the requirements of the Zoning Ordinance aside from setback, parking, and driveway requirements.
- B. **GAAMPS.** The facility shall operate in accordance with the State of Michigan's Generally Accepted Agricultural and Management Practices for Farm Markets (GAAMPS).
- C. **Building Setbacks.** See table 2.70-B.
- D. **Parking.** See Section 7.30 for parking space and drive aisle dimensional requirements and Section 7.40 for the minimum number of parking spaces for farm markets.
- E. **Driveways.** Driveways shall meet Van Buren County Road Commission, Michigan Department of Transportation, and Section 3.30 Corridor Overlay District requirements, as applicable.

Section 6.160 Farm-Related Business and Agritourism

- A. **Accessory Use.** Businesses and activities shall remain accessory and incidental to the farm use of the property.
- B. **Minimum Acreage.**
 - 1. AG. Three (3) acres.
 - 2. AGLD and AGMD. A single parcel, or contiguously owned farm parcels, not less than 10 acres.
- C. **Setbacks.** Parking and buildings associated with the use shall be 100 feet from all lot lines. The use of existing buildings and parking areas within 100 feet of lot lines may be approved if it is determined that the proposed use will have no harmful effects on adjacent residential uses. However, as a condition of approval, the Township may also require increased setbacks if it is determined that greater separation would better protect adjacent residents and landowners.

- D. **Location of Buildings.** In consideration of the site plan associated with the special land use, the Township shall consider the placement of farm-related business buildings and activities as they relate to the potential impact on adjacent properties.
- E. **Parking and Driveway Surface.** See Section 7.30 for parking space and drive aisle dimensional requirements and Section 7.40 for the minimum number of parking spaces. Parking is prohibited along public roads and right-of-way.
- F. **Annual and Seasonal Events.** The allowable number of annual and seasonal events and activities shall be set by the Township during review and approval of the special land use application. Limitations may be imposed by the Township to preserve existing residential character.
- G. **Hours of Operation.** The hours of operation of annual and seasonal events, as well as permanent uses shall be set by the Township during review and approval of the special land use application. The intent of these restrictions is to ensure the use remains accessory and incidental to the farm use of the property and not a typical commercial use.
- H. **Sanitation.** Permanent or temporary restroom facilities shall be provided for all uses and activities in accordance with the rules and regulations of the Van Buren County Health Department.
- I. **Noise.** Outdoor amplified sound is prohibited.
- J. **Building and Fire Code Compliance.** All buildings or structures accessible to the public shall have permits obtained and inspections completed to ensure building and fire code compliance for the use group specified.
- K. **Buffering and Screening.** At the discretion of the Township, screening and buffering may be required to reduce visual and audible impact to nearby properties, as well as light spillover.
- L. **Farm Micro-Breweries and Small Wineries.** Micro-breweries and small wineries on farms, as defined by the Michigan Liquor Control Commission (MLCC), shall comply with the following requirements:
 - 1. Wine and beer may be produced, sold for off-site and on-site consumption, and served for tasting.
 - 2. The Township may place limitations on by-the-glass sales of alcohol to consumers for on-site consumption.
 - 3. A portion of the ingredients must be grown on the subject site.
 - 4. The operation shall have a valid Small Wine Maker or Micro Brewer License from the MLCC.
 - 5. Operations shall comply with the requirements of the MLCC. In cases where the requirements of this section are stricter than MLCC requirements, this section shall supersede.
- M. **Alcohol Service at Events.**
 - 1. Beer, wine, and spirits may be served at private events under a MLCC Catering Permit, however, alcoholic beverages shall not be sold directly to consumers.
 - 2. Service shall comply with the requirements of the MLCC. In cases where the requirements of this section are stricter than MLCC requirements, this section shall supersede.
 - 3. This section does not apply to private events where a host and/or guests supply alcoholic beverages and there are no charges of any kind, including entry fees and donations to cover the cost of the beverages.
- N. **Lighting.** Site lighting shall comply with Article 8; however, lighting shall not exceed 3.0 foot-

candles in any location on the subject property and shall not exceed an average of .08 foot-candles. Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).

- O. **Outdoor Assembly.** The requirements of Section 5.40 Outdoor Assemblies shall also apply to larger events.

Section 6.170 Golf Course

- A. **Minimum Acreage.** 40 acres.

Section 6.180 Home Occupation, Major

A. **General Requirements.**

- 1. One (1) major home occupation is permitted as an accessory use to the principal residential use of a property.
- 2. Major home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.
- 3. A maximum of 50 percent of the gross floor area of a dwelling and accessory buildings may be devoted to major home occupation business operations. Up to 25 percent of the floor area of the principal dwelling may be devoted to a major home occupation. However, this square footage may be increased by the Township Board through special land use review if no additional impacts will occur with the increase in area.
- 4. There shall be no physical evidence of the major home occupation from other properties or the public right-of-way.
- 5. All equipment and vehicles shall be stored indoors, except for one (1) commercial vehicle and trailer may be parked outdoors.

- B. **Retail Sales.** Accessory retail sales shall only be allowed if incidental to authorized uses and shall be subject to the parking and visitation requirements of this section.

C. **Operation and Employees.**

- 1. Major home occupations shall only be owned and operated by a full-time resident of the dwelling.
- 2. Any occupant of the principal dwelling may be employed by the major home occupation.
- 3. A maximum of four (4) persons who are not residents of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day.

- D. **Minimum Lot Area.** The minimum lot area for a major home occupation is three (3) acres.

- E. **Structure Requirements.** Buildings that must meet special building code requirements, such as automatic fire suppression systems, explosion-proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of fuel, motor oil, lubricants, and anti-freeze), and other similar requirements are prohibited.

- F. **Access.** If applicable, an applicant proposing a major home occupation that is accessed from a private street shall prove that access to the street by heavy equipment or trucks has been approved by the entity or owners who are responsible for ownership and maintenance of the private street.

G. Parking and Visitation.

1. Visitation of the site by clients, customers, or students shall be by appointment only.
2. No more than two (2) individual appointments shall be scheduled at any one (1) time, unless group activities or classes are approved.
3. If open to the public for appointments or other approved activities, see Section 7.30 for parking space and drive aisle dimensional requirements and Section 7.40 for the minimum number of parking spaces.

H. Conditions of Approval. The Township may approve additional conditions, such as limiting the days and hours of operation, screening, buffering, and any other conditions that are within the spirit of major home occupation regulation and the intent of the Zoning Ordinance.

Section 6.190 Home Occupation, Minor

A. General Requirements.

1. A minor home occupation shall only be permitted as an accessory use to the principal residential use of a property.
2. Minor home occupations shall only be owned and operated by a full-time resident of the principal dwelling. Non-resident employees may not work on-site.
3. Home occupations must be conducted entirely within the principal dwelling and not within an accessory building.
4. Up to 25 percent of the floor area of the principal dwelling may be devoted to a home occupation.
5. There shall be no physical evidence of the home occupation from the exterior of the dwelling other than the presence of a permitted sign and parking of one (1) commercial vehicle and trailer. Any other equipment beyond a vehicle and trailer shall be stored indoors.
6. Retail sales from the dwelling are not permitted.

B. Parking and Visitation.

1. Visitation of the site by clients, customers, or students shall be by appointment only.
2. No more than two (2) individual appointments shall be scheduled at any one (1) time. However, up to six (6) students may be scheduled at a time for the instruction of a fine art or craft.
3. Two (2) parking spaces are required if visitations are proposed.

C. Primary Caregiver Operations.

1. Compliance with MMMA. Primary Caregiver Operations shall comply with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. ("MMMA"). A Primary Caregiver Operation shall not provide or otherwise make available medical marihuana to any person who is not a medical marihuana patient legally connected to that medical marihuana caregiver.
2. Local Permit Required. A Primary Caregiver Operation must operate in accordance with a permit issued under the Almena Township Ordinance Regulating Caregivers. Compliance with the terms of the permit shall be a condition of a Primary Caregiver Operation.

3. Enclosed Locked Facility. All medical marihuana must be contained within a separate enclosed, locked facility for each medical marihuana patient for which the medical marihuana caregiver is lawfully connected, in accordance with the MMMA. The enclosed, locked facility shall have secure windows and doors where applicable, and the medical marihuana caregiver shall implement security measures to prevent theft of stored marihuana.
4. Location and Area. Notwithstanding the requirements in Section 6.190 A 3-4, the growing or cultivation area may occur in a compliant accessory building and shall not be restricted by square footage limitations.
5. General Requirements. Section 5.40, General Marihuana Regulations, applies to all Primary Caregiver Operations.

Section 6.200 Keeping of Animals and Bees (Non-Commercial)

A. Livestock.

1. Setbacks. Accessory buildings and shelters for livestock are subject to the requirements for accessory buildings in Table 2.70-D.
2. Fencing. Fences or enclosures are required to keep livestock from leaving a property. Fences are subject to Section 5.20.
3. Manure and Waste. Manure and waste storage areas shall be at least 75 feet from a dwelling, wellhead, pond, creek, or other water feature and 25 feet from a property line.
4. Number. Table 6.200 outlines the maximum number of livestock permitted on a lot or parcel. Minimum acreage cannot be double counted for different categories of livestock.

Table 6.200: Keeping of Livestock (Non-Commercial)			
Requirement	Horses and Cows	Pigs	Sheep, Goats, Llamas, Alpacas, Other
Minimum Acreage	3	3	3
Maximum Number Per Acre	1	3	3

B. Chickens.

1. Setbacks. Coops and shelters for chickens are subject to the requirements accessory buildings in Table 2.70-D.
2. Number and Type.
 - a. No more than 10 chickens per whole acre are permitted for parcels under three (3) acres.
 - b. Roosters are not permitted on lotS and parcels less than three (3) acres.
3. Confinement. Chickens on lots and parcels less than three (3) acres shall be confined in a fenced area. Fences are subject to Section 5.20.

- C. 4-H Animals.** Nothing in this section shall prohibit any child or youth legally residing as a resident in any dwelling in the Township from temporarily keeping and raising a farm or other animal not lawfully permitted in the zoning district as part of a recognized activity under sponsorship of a 4-H Program. It is the specific intent of this exemption to allow the keeping of such animals on a temporary basis until the 4-H event or program is completed or ended, upon which the animal will no longer be housed on the premises.

D. Beekeeping.

1. **Minimum Size.** The minimum lot or parcel size to keep bees is one-half (1/2) acre.
2. **Setbacks.** Colonies must be set back 15 feet from all property lines.
3. **Water Source.** An adequate and constant source of water, as temperatures permit, shall be placed within 10 feet of bee colonies and placed before the establishment of the hive.

E. Wild Animals. The keeping of wild animals outside of a State and Township approved facility is prohibited.

Section 6.210 Kennel, Commercial

A. Minimum Acreage. Commercial kennels with outdoor runs shall not be approved on lots and parcels less than five (5) acres.

Section 6.220 Manufactured Home Community

A. State Requirements. The community shall comply with all State of Michigan requirements, as applicable.

Section 6.230 Marihuana Establishments

A. Intent. The intent of this section is to regulate marihuana establishments in Alma Township and to consider each application on a case-by-case basis to ensure that public health, safety, and welfare are protected. The requirements of this section and the special land use process intend to reduce potential impacts related to odor, noise, light, security, environmental features, public infrastructure, and public services.

B. Prohibited Uses. Marihuana Facilities and Establishments may only be located in buildings or property as specifically provided in this Ordinance. Excess Marihuana Growers, Marihuana Event Organizers, Temporary Marihuana Events, Designated Consumption Establishments, and any other type of marihuana-related business licensed by the Department or as may be defined in the MMFLA or MRTMA are prohibited from operating within the Township.

C. Review. Marihuana establishments shall be reviewed in accordance with the special land standards, site plan standards and requirements, and all other zoning requirements for development.

D. Duration of Permit. Marihuana Establishment special land use permits shall run with the land and are valid, subject to the use operating under a valid Marihuana Establishment Permit issued under the Alma Township Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments or the Alma Township Medical Marihuana Facilities Licensing Ordinance, or both, depending on the proposed Marihuana Establishment. Operating without a valid required Permit may result in revocation of the special land use.

E. Other Laws. All Marihuana Establishments shall remain in compliance with the Alma Township Zoning Ordinance and the Alma Township Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments or the Alma Township Medical Marihuana Facilities Licensing Ordinance as applicable.

F. General Requirements. Section 5.40, General Marihuana Regulations, applies to all Marihuana Establishments.

Section 6.240 Mineral Extraction

A. Applicability. The provisions of this section shall not apply to the following:

1. Where the removal or extraction of natural resources is more than 500 feet from any street or property line, occupies not more than five (5) acres in area, does not constitute a weekly average intensity of use of more than 15 yards of material per day, and creates no area which fills with water other than a watering pond for farms.
2. The incidental excavation of sand and gravel for only on-site use is excluded from the regulations of this section except for the setback and yard requirements.
3. General landscaping activities or the cultivation of land for farming purposes.

B. Plan Checklist. The application shall include a plan and materials in accordance with this section and Section 22.50.

C. Setbacks, Buffers and Separation.

1. No excavation shall occur within 100 feet of a road right-of-way; within 200 feet of an off-site residence, housing development or residential district; and within 100 feet of a property line other than the above limits.
2. The special land use permit may allow mineral extraction within the required setback area set forth above if a property owner, or owners, abutting that portion of the site affected by the minimum setbacks provide written consent prior to the Planning Commission's recommendation of the site plan. However, in no case shall an excavation occur within 200 feet of an off-site residence or 100 feet of a property owned by a non-consenting party.
3. Areas within the setback are considered buffer zones that shall remain in a natural state, farmland, woodland or planted with vegetation. The Township may require berms and/or other screening to reduce sound or vibration impact on neighboring properties when existing vegetation or topography is determined to be insufficient to mitigate impacts.
4. Planted vegetative buffers, when required, shall be continuously maintained and noticeable gaps shall be replanted. Management or thinning is permitted to enhance overall growth, if conducted under the guidance of a certified forester or other qualified professional.
5. Visible posts or markers shall be staked at the excavation limit setback lines every 50 feet during extraction in the active area to warn excavator operators of the limits of site disturbance.
6. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Department of Environment, Great Lakes, and Energy.

D. Processing Plants and Stockpile.

1. Permanent and temporary processing plants and accessory structures shall not be closer than 200 feet from any property line, including the road right-of-way.
2. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, to reduce the visual and noise impact of the plant structure.

- E. **Operational Plan.** With the application for a special land use permit, an operational plan must be submitted for review by the Planning Commission and Township Board. At minimum, the operation plan shall include the following information:
1. The areas to be mined and proposed phases.
 2. The location of permanent structures.
 3. Locations for storage piles.
 4. The points of access upon public streets.
 5. Screening and reclamation plans.
 6. Hours of operation.
 7. Estimated type and quantity of mineral materials to be removed.
 8. Description of extraction and processing methods.
 9. Equipment to be placed on the site.
 10. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this section.
- F. **Security and Safety.**
1. Upon commencement of mining operations, the active mining area shall be enclosed by a fence that is no less than four (4) feet in height and “No Trespassing” signs shall be placed along the fence at least every 100 feet. Fences shall be maintained in an upright position and in good repair.
 2. A gate at the active mining area shall be locked when the mine is not in active operation.
- G. **Nuisance and Impact Mitigation.**
1. Noise and vibration shall not be a nuisance to the general health, safety, and welfare of the residents in the township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, screen plantings and fences.
 2. Air pollution in the form of dust and dirt shall be kept at a minimum. Regular dust control practices shall be implemented for general excavation, moving soils, screening and crushing and records of activities shall be kept on site. Upon a complaint-based inspection or regular scheduled inspection, a Township code enforcement official shall inspect the site for unacceptable dust levels. Whether higher dust levels are due to environmental factors (dry season, wind, etc.) or management practices, upon notice, the operator shall proceed with an appropriate and effective dust control action, including but not limited to:
 - a. As-needed watering to unpaved travel surfaces.
 - b. As-needed sweeping of internal roads.
 - c. Paving additional segments of the internal roadway or applying millings.
 - d. As-needed watering during the crushing operations.
 - e. A temporary pause of operations, should excessive winds result in the ineffectiveness of all other dust control measures.
 3. All equipment used for the mining operation shall be operated in such a manner as to minimize, to the maximum extent practicable, dust, noise and vibration conditions that are

injurious or substantially annoying to persons living in the vicinity.

H. Interior Roads.

1. Interior road surfaces may be gravel, crushed stone, or concrete or asphalt millings. When paving is required, it shall be completed prior to commencement of operations.
2. Internal roads shall be maintained to reduce potholes and ruts as reasonable.
3. Internal road signs shall be established, as required by the Township. Required signs may include, but are not limited to: No Engine Brake, Speed Limit, Slow, and Stop.
4. Operations shall incorporate internal circulation routes that minimize the need for truck reverse movements.

I. Hours of and Days of Operation. The operation of mineral extraction and processing shall be restricted to the Township approved hours and days of the week. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the Planning Commission to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads. Under emergency, unanticipated or unusual circumstances, the hours of operation may be modified for a temporary period not to exceed 14 days, upon receipt of approval of the Zoning Administrator.

J. Financial Guarantee.

1. The operator shall post a financial guarantee for restoration and stabilization determined by the Planning Commission. The Township may adjust the guarantee amount at the time of special land use permitting and on an annual basis.
2. The guarantee shall be provided in one (1) of the following forms:
 - a. Cash.
 - b. Certified check.
 - c. Irrevocable bank letter of credit.
 - d. Surety bond acceptable to the Township Board.
3. Upon reclamation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.

K. Standards of Approval. In addition to review of the standards in this section and Section 12.40, and 13.40, the Planning Commission and Township Board shall also consider the following factors when assessing the likelihood of very serious consequences resulting from the extraction of natural resources:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

6. The overall public interest in the extraction of the specific natural resources on the property.

Section 6.250 Mini-Warehouse/Self-Storage

- A. **Use Restriction.** Use of any storage unit for the conduct of manufacturing, repair, service, sales, fabrication, assembly, or any other business purpose other than the storage of goods or merchandise is prohibited.
- B. **Caretaker's Dwelling.** A single one-bedroom dwelling unit is permitted as an on-site residence for the facility caretaker. This dwelling unit shall be physically attached to the building, which contains the leasing and management office for the facility.
- C. **Building Separation.** Storage buildings shall be separated by drive aisles no less than 24 feet in width.
- D. **Outdoor Storage.**
 1. Areas provided for outdoor storage of automobiles, boats, recreational vehicles, trailers, and similar personal property shall be designated on the site plan.
 2. Outdoor storage shall not be located within any required setback area.
 3. Surface. See Outdoor Storage, Section 6.270 B.
 4. Screening. Outdoor storage areas shall be screened from all sides. See Section 9.70 for screening requirements.

Section 6.260 Outdoor Display and Sales, Permanent

- A. **Setbacks.**
 1. General Retail. General outdoor retail sales areas shall be subject to the setbacks for principal buildings.
 2. Outdoor display for vehicle and equipment sales and rental, construction and landscape supply, nurseries, and greenhouses shall be subject to 20-foot front yard setbacks and side and rear setbacks for principal buildings.
- B. **Maximum Area.** Accessory outdoor display and sales areas as part of a general retail establishment are limited to 20 percent of the principal building's square footage. For businesses where the primary sales area is outdoors, such as landscaping supply, construction supply, nurseries, and similar uses, there is no maximum sales area as long as all other zoning requirements are met.
- C. **Surface.** See Outdoor Storage, Section 6.270 B.

Section 6.270 Outdoor Storage, Commercial

A. Setbacks.

Table 6.270 Outdoor Storage Setbacks		
Location	Adjacent District	Setback (ft.)
Front Setback	All Zoning Districts	50
Side Setback	AG, AGMD, AGLD, WR, AS	25
	C-1, C-2, C-3, I	10
Rear Setback	AG, AGMD, AGLD, WR, AS	25
	C-1, C-2, C-3, I	10

B. Surface. Outdoor storage areas shall be asphalt, concrete, gravel, or crushed stone. Gravel and crushed stone surfaces are subject to the following requirements:

1. Shall be properly drained.
2. Dust generation shall be minimized.
3. Surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.

C. Screening. Outdoor storage areas shall be screened from all sides. See Section 9.70 for screening requirements.

D. Lighting. See Article 8.

E. Hazardous Materials. No flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored outdoors.

Section 6.280 Outdoor Theater

A. Access. Outdoor theaters shall have direct access to a County primary road or state road.

B. Circulation. There shall be sufficient stacking and queuing space for vehicles entering the facility to ensure that there will be no resulting obstructions within the public right-of-way.

C. Design. The site shall be designed to prevent the movie screens from being viewed from residential areas or adjacent major thoroughfares.

Section 6.290 Salvage or Impound Operation

A. Surface. See Outdoor Storage, Section 6.270 B.

B. Screening. Outdoor storage areas shall be screened from all sides. See Section 9.70 for screening requirements.

C. Hazardous Materials. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building and secondary containment measures shall be employed to prevent ground contact of any spilled materials.

Section 6.300 Sexually Oriented Business

A. Purpose. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to an agricultural or residential district, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding

neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential area or other neighborhood.

- B. **Requirements.** Sexually oriented businesses shall not be located within a 1,000-foot radius of any other such use or be located on a lot or parcel within 1,000 foot of a public park, school, child care facility, or place of worship.
- C. **Alcoholic Beverages.** No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
- D. **Retail Display.** No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- E. **Site Lighting.** In addition to the requirements of Article 8, all off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.
- F. **Hours of Operation.** No sexually oriented business shall be open for business prior to 10:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.

Section 6.310 Temporary Office

- A. **Temporary Construction Office.** A temporary office building or yard for construction materials and/or equipment is permitted in any zone without a permit for such period of time as it is both incidental and necessary to construction at the site.
- B. **Temporary Sales Office.** A temporary office is permitted in any zone without a permit for such period of time as it is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

Section 6.320 Temporary Land Use

- A. **Parking Lot Sales.**
 - 1. Location. Parking lot sales may be permitted in the C-1, C-2, C-3, and A-S zoning districts and on non-residential sites in other zoning districts.
 - 2. Permitting. Temporary outdoor parking lot sales are subject to review and approval by the Zoning Administrator in accordance with this section.
 - 3. Application Requirements. Applications shall include a site plan illustrating structures, tents, off-street parking, and lighting.
 - 4. Sales and events shall be permitted a maximum of twice during a calendar year for a maximum of 30 days total per lot or parcel.
 - 5. The sales area shall not extend into the clear vision area at any street intersection.
 - 6. No more than 20 percent of the available parking spaces may be utilized for temporary use.
 - 7. All temporary structures shall be erected in a safe manner in accordance with any applicable Building Codes, ordinances, and standards.

B. Food Truck.

1. Location. Food trucks may be permitted in the C-1, C-2, C-3, and A-S zoning districts.
2. Location. Food trucks shall be located on a privately-owned property where an existing permanent business operates in a building with a certificate of occupancy. A maximum of one (1) food truck shall be allowed on a lot or parcel at any time.
3. Visibility. Food trucks shall not obscure traffic sight visibility or operate in driveways or fire lanes.
4. Parking. Food trucks may operate in parking spaces if the required parking for the property remains in compliance with the parking requirements of this ordinance.
5. Drive-Through. Food trucks shall not provide a drive-through service of any kind.
6. Setbacks. Food truck parking shall be set back at least 20 feet from public right-of-way 50 feet from all other lot lines.

C. Garage and Yard Sales.

1. Permitting. Permits are not required.
2. Number. Yard and garage sales are permitted for durations of four (4) days, no more than four (4) times a calendar year.

Section 6.330 Vehicle Repair, Major

- A. **Vehicle Storage Surface.** Vehicles shall be stored indoors or outdoors. Outdoor storage of vehicles is subject to the surface requirements for Outdoor Storage in Section 6.270.
- B. **Screening.** Outdoor storage of vehicles, auto parts, and dumpsters shall be screened from all sides. Stored items shall not be stacked above the height of the screen. See Section 9.70 for screening requirements.
- C. **Storage Tanks.** Outdoor, above-ground storage/dispensing tanks are prohibited.
- D. **Service Bays.** Where feasible, service bays shall not face residential uses and residential zoned property.
- E. **Inoperable Vehicles.** Inoperative vehicles and vehicles without current license plates and registration, shall not be stored for more than 60 days pending transfer to a junkyard.
- F. **Floor Drains.** All floor drains shall be connected to a public sanitary sewer system or connected to a holding tank approved by the Van Buren/Cass District Health Department.
- G. **Hazardous Materials.** All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact of any spilled materials.

Section 6.340 Vehicle Service Station

- A. **Access and Circulation.** All fueling pumps shall be arranged to prevent queued or parked vehicles, waiting to be serviced, from encroaching upon a sidewalk, street, intersection or public right-of-way.
- B. **Vehicle Repair.** Repair work shall be limited to minor vehicle repair, unless major vehicle repair is approved for the site.

- C. **Surface.** All areas designated for vehicles shall be concrete or asphalt. Notwithstanding any other allowance in this ordinance, alternative surfaces are not permitted.
- D. **Canopy.** A permanent canopy that is open on all sides shall be located over all fuel pump islands. Minimum vertical clearance shall be 13.5 feet. A canopy shall meet all setback requirements per Table 2.70-B.
- E. **Hazardous Materials.** All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact of any spilled materials.

Section 6.350 Vehicle Wash

- A. **Indoor Washing.** All washing activities must occur within a building.
- B. **Vacuum Setbacks.** Vacuuming stations shall be at least 50 feet from an adjoining residential district.
- C. **Access and Circulation.** Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way. Direct access to the building shall not be from an adjoining street, but rather from within the property.
- D. **Wash Water.** Wash water shall be directed to holding tank approved by the Van Buren/Cass District Health Department or recycled.
- E. **Stacking Spaces.** The Planning Commission may require additional stacking spaces beyond those required by Table 7.40 based on the characteristics of the use and anticipated traffic volumes.

Section 6.360 Wind Energy Systems

- A. **On-Site Use Wind Energy Systems and Anemometer Tower.** An on-site use wind energy system is an accessory use which shall meet the following standards:
 1. Designed to primarily serve the needs of a home, farm, or small business.
 2. Shall have a tower height, including the blade, of 66 feet or less, measured to the top of the blade in its vertical position.
 3. **Property Setback.** The distance between an on-site use wind energy system and the owner's property lines shall be equal to 150 percent of the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to 150 percent of the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than 10 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
 4. **Minimum Lot Size.** The minimum lot size for a property to be eligible to have an on-site use wind energy system shall be two (2) acres.
 5. **Number of Towers:** No more than two (2) towers satisfying the requirements of this section may be located on a property at any one time.
 6. **Sound Pressure Level:** On-site use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient

sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

7. **Construction Codes, Towers, & Interconnection Standards.** On-Site Use Wind Energy Systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and other applicable local and state regulations. An interconnected on-site use wind energy System shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
8. **Safety.** An On-Site Use Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

B. Utility Grid Wind Energy System, On-Site Use Wind Energy System Over 66 Feet Tall, and Anemometer Towers Over 66 Feet Tall. A utility grid wind energy system, on-site use wind energy system over 66 feet high, and anemometer towers over 66 feet high are a special use and shall meet the following standards in addition to Section 13.40:

1. **Property Setback.**
 - a. The required anemometer tower setback shall be the greater distance of the following:
 - i. The setback from property lines of the respective zoning district;
 - ii. The setback from the road right-of-way; or
 - iii. A distance equal to 150 percent of the height of the tower from property lines or from the lease unit boundary, whichever is less.
 - b. The required utility grid and on-site use wind energy system setback shall be the greater distance the following:
 - i. The setback from property lines of the respective zoning district;
 - ii. The setback from the road right-of-way; or
 - iii. A distance equal to 150 percent of the height of the tower including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is less.
 - c. An operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property setback requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.
2. **Minimum Lot Size.** The minimum lot size for a property to be eligible to have a utility grid or on-site use wind energy system taller than 66 feet shall be two (2) acres.
3. **Sound Pressure Level.** The sound pressure level shall not exceed 55 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient

dB(A) plus 5 dB(A).

4. Safety. Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
5. Post-Construction Permits, Construction Codes, Towers, and Interconnection Standards. Shall comply with all applicable state construction and electrical codes and local building permit requirements.
6. Pre-Application Permits:
 - a. Utility Infrastructure: Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 et seq.), and other applicable local and state regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
 - b. Environment:
 - i. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
 - ii. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 et seq.) including but not limited to:
 - (a) Part 31 Water Resources Protection (M.C.L. 324.3101 et seq.),
 - (b) Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.),
 - (c) Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
 - (d) Part 303 Wetlands (M.C.L. 324.30301 et seq.),
 - (e) Part 323 Shoreland Protection and Management (M.C.L.324.32301 et seq.),
 - (f) Part 325 Great Lakes Submerged Lands (M.C.L. 324.32501 et seq.), and
 - (g) Part 353 Sand Dunes Protection and Management (M.C.L. 324.35301 et seq.).

as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.
7. Performance Security. A performance security shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.
8. Utilities. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the

Avian Power Line Interaction Committee published standards to prevent avian mortality.

9. The following standards apply only to Utility Grid Wind Energy Systems.

- a. **Visual Impact:** Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the Almena Township Master Plan.
- b. **Avian and Wildlife Impact:** Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.
- c. **Shadow Flicker:** Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the shadow flicker impact analysis.
- d. **Decommissioning:** A Planning Commission approved decommissioning plan shall be provided indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
- e. **Complaint Resolution:** A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project shall be established.
- f. **Electromagnetic Interference:** No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

C. **Site Plans for Anemometer Tower, Utility Grid Wind Energy System, and On-Site Use Wind Energy System.** Site plans and supporting documents for anemometer tower, utility grid wind energy system, and on-site use wind energy systems which are over 66 feet high shall include the following information in addition to the checklist included in Section 22.50.

1. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
2. Proof of the applicant's public liability insurance for the project.
3. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of

the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.

4. The phases or parts of construction, with a construction schedule.
5. The project area boundaries.
6. The location, height, and dimensions of all existing and proposed structures and fencing.
7. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
8. All new infrastructures above ground related to the project.
9. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
10. For Utility Grid Wind Energy Systems only:
 - a. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the Wind Energy System will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC (International Electro-technical Commission) 61400 and ISO (International Organization for Standardization) 9613. After installation of the Utility Grid Wind Energy System, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18.

All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Almena Township within 60 days of the commercial operation of the project.
 - b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four (4) viewable angles.
 - c. A copy of an Environment Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - d. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

- e. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- f. A second site plan, that shows the restoration plan for the site after completion of the project which includes the following supporting documentation:
 - i. The anticipated life of the project.
 - ii. The estimated decommissioning costs net of salvage value in current dollars.
 - iii. The method of ensuring that funds will be available for decommissioning and restoration.
 - iv. The anticipated manner in which the project will be decommissioned and the site restored.
- g. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project.

The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude Alma Township from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

Section 6.370 Wireless Telecommunication Facility

- A. **Purpose.** Alma Township finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character and environment of the Township and its inhabitants. The Township also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Township and of significant benefit to the Township and its residents. In order to ensure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the Township's land use policies, the Township is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this section is to minimize impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of Alma Township.
- B. **Overall Policy and Desired Goals for Special Use Permits for Wireless Telecommunications Facilities.** In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protects the Township's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the

quality of life specifically listed elsewhere in this section, the Township hereby adopts an overall policy with respect to wireless telecommunications facilities for the express purpose of achieving the following goals:

1. Requiring a special use permit for any new wireless telecommunications facility.
2. Implementing an application process for person(s) seeking approval for a new wireless telecommunications facility or co-location/modification of an existing wireless telecommunication facility.
3. Establishing a policy for examining an application for and issuing an appropriate approval for wireless telecommunications facilities that is both fair and consistent.
4. Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers.
5. Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
6. That in granting an approval, the Township has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the Township.

C. Exceptions from a Special Use Permit for Wireless Telecommunications Facilities.

1. Except as otherwise provided by this section no person shall be permitted to site, place, build, construct, or prepare any site for the placement or use of, wireless telecommunications facilities as of the effective date of this section without having first obtained a special use permit. Notwithstanding anything to the contrary in this section, no special use permit shall be required for those non-commercial exceptions in this section.
2. All legally permitted wireless telecommunications facilities, constructed as permitted, existing on or before the effective date of this section shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility will require the complete facility and any new installation to comply with this section.
3. Co-locations, and any repair, maintenance, or modification to an existing wireless facility must be approved administratively and do not require an application for a special use permit.
4. Any applicable exemptions authorized by the Michigan Zoning Enabling Act.

D. Exclusions. The following shall be exempt from this section:

1. The Township's fire, police, or other public service facilities owned and operated by the local government.
2. Any facilities expressly exempt from the Township's siting, building and permitting authority.
3. Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception. See Section 6.60.

4. Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications. See Section 6.60.
5. Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth) where the facility does not require a new tower.

E. Special Use Permit Application and Other Requirements.

1. All Applicants for a special use permit for a new wireless telecommunication facility or an application for an administrative approval of a modification co-location shall comply with the requirements set forth in this section. The Planning Commission is the officially designated agency or body of the Township to whom applications for a special use permit must be made, and that is authorized to review, analyze, evaluate and make a recommendation to the Township Board with respect to granting or not granting or revoking special use permits. (See Article 13). The Township Board shall make the final decision with respect to the granting, not granting or revoking of special use permits.
2. The Township may reject applications for new wireless telecommunication facilities not meeting the requirements stated herein or which are otherwise incomplete.
3. No new wireless telecommunications facilities shall be installed or constructed until the Application is reviewed by the Planning Commission, and the special use permit has been approved by the Township Board.
4. Any and all representations made by the applicant to the Township on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Township.
5. An application for a special use permit shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
6. Application for New Tower.
 - a. In the case of a new tower, the applicant shall be required to submit a written report of alternative buildings or other structures within the Township. If the applicant has approached any other facilities with requests to co-locate, copies of written requests and responses for shared use shall be provided to the Township in the application, along with any letters of rejection stating the reason for rejection.
 - b. In order to better inform the public, in the case of a new telecommunication tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test". The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and 14 days in advance of the first test date in a newspaper with a general circulation in the Township. The applicant shall inform the Township, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four (4) consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the application.

- c. The applicant shall examine the feasibility of designing the proposed tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The tower shall be structurally designed to accommodate at least four (4) additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:
 - i. The foreseeable number of FCC licenses available for the area;
 - ii. The kind of wireless telecommunications facilities site and structure proposed;
 - iii. The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;
- d. Available space on existing and approved Towers.
- e. The owner of a proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other wireless service providers in the future, and shall:
 - i. Respond within 60 days to a request for information from a potential shared use applicant;
 - ii. Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;
 - iii. Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. the charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
 - iv. Failure to abide by the conditions outlined above may be grounds for revocation of the special use permit.
7. The applicant shall provide certification with documentation (structural analysis) including calculations that the telecommunication facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, township, state and federal structural requirements for loads, including wind and ice loads.
8. If proposal is for a co-location or modification on an existing tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
9. All proposed wireless telecommunications facilities shall contain a demonstration that the facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the wireless telecommunications facility.

10. If a new tower, proposal for a new antenna attachment to an existing structure, or modification adding to a visual impact, the applicant shall furnish a visual impact assessment, which shall include:
 - a. If a new tower or increasing the height of an existing structure is proposed, a computer generated "zone of visibility map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.
 - b. Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the Township as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
 - c. A written description of the visual impact of the proposed facility including; and as applicable the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
11. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed wireless telecommunications facility.
12. The wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the Township.
13. All utilities at a wireless telecommunications facilities site shall be installed underground whenever possible and in compliance with all laws, ordinances, rules and regulations of the Township, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
14. At a telecommunications site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
15. All wireless telecommunications facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the township, state, or united states, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

16. An owner of a wireless telecommunications facility shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the Township or other governmental entity or agency having jurisdiction over the applicant.
17. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Both the pre-application meeting and the site visit shall take place within 14 days of the submission of the application.
18. An Applicant shall submit to the Township the number of completed applications determined to be needed at the pre-application meeting. written notification of the application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.
19. The holder of a special use permit shall notify the township of any intended modification of a wireless telecommunications facility and shall apply to the township to modify, relocate or rebuild a wireless telecommunications facility.

F. Location of Wireless Telecommunications Facilities.

1. Applicants for wireless telecommunications facilities shall locate, site, and erect said wireless telecommunications facilities in accordance with the following priorities, “a” being the highest priority and “c” being the lowest priority.
 - a. On existing towers or other structures currently used as wireless telecommunications facilities.
 - b. On existing towers or other structures not currently used as wireless telecommunications facilities.
 - c. On a new tower.
2. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
3. An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Township why co-location is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.
4. Notwithstanding the above, the Township may approve any site located within an area in the above list of priorities, provided that the Township finds that the proposed site is in the best interest of the health, safety and welfare of the Township and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
5. The applicant shall submit a written report demonstrating the applicant’s review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.

Article 6. Specific Use Requirements

6. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Township may disapprove an application for any of the following reasons.
 - a. Conflict with safety and safety-related codes and requirements;
 - b. Conflict with the historic nature or character of a neighborhood or historical district;
 - c. The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the Township, or employees of the service provider or other service providers;
 - d. Conflicts with the provisions of this section.

G. **Shared Use of Wireless Telecommunications Facilities and Other Structures.** An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant.

H. **Height of Telecommunications Tower(s).**

1. The applicant shall submit documentation justifying the total height of any tower, facility and/or antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10) feet lower height to allow verification of this height need. such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the Township, to the extent practicable, unless good cause is shown.
2. No tower constructed after the effective date of this section, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with Township, state, and/or any federal statute, law, local law, Township ordinance, code, rule or regulation.

I. **Visibility of Wireless Telecommunications Facilities.**

1. Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.
2. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this section.
3. If lighting is required, applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

J. **Security of Wireless Telecommunications Facilities.** All Wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

1. All antennas, towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
2. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

- K. **Signage.** Wireless telecommunications facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.
- L. **Lot Size and Setbacks.**
1. All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting lots or parcels and recorded public rights-of-way by the greater of the following distances:
 - a. A distance equal to the height of the proposed tower or wireless telecommunications facility structure plus 10 percent of the height of the tower or structure, or
 - b. The existing setback requirement of the underlying zoning district, whichever is greater.
 2. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the lot or parcel on which it is situated.
- M. **Retention of Expert Assistance and Reimbursement by Applicant.**
1. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections.
 2. An applicant shall deposit \$1,000 with the Township to cover review costs. The special use permit fee shall be included in the \$1,000.
- N. **Public Hearing.** Prior to the approval of any application for a special use permit, a public hearing shall be held by the Township under the process described in Section 11.40 and Section 13.30.
- O. **Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities.** The Township will comply with all applicable Federal and State laws, including timelines for approval or “shot clocks.”
- P. **Performance Security.** The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the Township a bond, or other form of security acceptable to the Township as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a Tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the Township to assure the faithful performance of the terms and conditions of this section and conditions of any special use permit issued pursuant to the Zoning Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the special use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original special use permit.
- Q. **Reservation of Authority to Inspect Wireless Telecommunications Facilities.** In order to verify that the holder of a special use permit for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety,

fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the Township may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

R. Liability Insurance.

1. A holder of a special use permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the special use permit in amounts as set forth below:
 - a. Commercial general liability covering personal injuries, death and property damage:
 - i. \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - ii. Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
 - iii. Workers Compensation and Disability: Statutory amounts.
2. For a wireless telecommunications facility on Township property, the commercial general liability insurance policy shall specifically include the Township and its officers, boards, employees, committee members, attorneys, agents and consultants as additional insureds.
3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Township with at least thirty days prior written notice in advance of the cancellation of the insurance.
5. Renewal or replacement policies or certificates shall be delivered to the Township at least 15 days before the expiration of the insurance that such policies are to renew or replace.
6. Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than 15 days after the granting of the special use permit, the holder of the special use permit shall deliver to the Township a copy of each of the policies or certificates representing the insurance in the required amounts.

S. Indemnification.

1. Any application for wireless telecommunication facilities that is proposed for Township property, pursuant to this section, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Township, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Township, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Township.

2. Notwithstanding the requirements noted in subparagraph 1 of this subsection, an indemnification provision will not be required in those instances where the Township itself applies for and secures a special use permit for wireless telecommunications facilities.

T. Fines.

1. In the event of a violation of this section or any special use permit issued pursuant to this the Zoning Ordinance, the Township may impose and collect, and the holder of the special use permit for wireless telecommunications facilities shall pay to the township, fines or penalties as set forth below.
2. The holder of a special use permits failure to comply with provisions of this section shall constitute a violation of the Zoning Ordinance and shall subject the applicant to the code enforcement provisions and procedures as provided in Section 17.30.
3. Notwithstanding anything in this section, the holder of the special use permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this section. An attempt to do so shall subject the holder of the special use permit to termination and revocation of the special use permit. The Township may also seek injunctive relief to prevent the continued violation of this section, without limiting other remedies available to the Township.

- U. Default and/or Revocation.** If a wireless telecommunications facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this section or of the special use permit, then the Township shall notify the holder of the special use permit in writing of such violation. A permit holder in violation may be considered in default and subject to fines as in Section 17.30 and if a violation is not corrected to the satisfaction of the Township in a reasonable period of time the special use permit is subject to revocation.

V. Removal of Wireless Telecommunications Facilities.

1. Under the following circumstances, the Township may determine that the health, safety, and welfare interests of the Township warrant and require the removal of wireless telecommunications facilities.
 - a. Wireless telecommunications facilities with a permit have been abandoned (i.e. not used as wireless telecommunications facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
 - b. Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard;
 - c. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required special use permit, or any other necessary authorization and the special permit may be revoked.
2. If the Township makes such a determination as noted in subparagraph 1 of this section, then the township shall notify the holder of the special use permit within 48 hours that said wireless telecommunications facilities are to be removed, the township may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facilities.
3. The holder of the special use permit, or its successors or assigns, shall dismantle and remove

such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the Township. however, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the Township.

4. If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within 90 days after the permit holder has received notice, then the Township may order officials or representatives of the township to remove the wireless telecommunications facilities at the sole expense of the owner or special use permit holder.
 5. If, the Township removes, or causes to be removed, wireless telecommunications facilities, and the owner of the wireless telecommunications facilities does not claim and remove it from the site to a lawful location within 10 days, then the Township may take steps to declare the wireless telecommunications facilities abandoned, and sell them and their components.
 6. Notwithstanding anything in this section to the contrary, the Township may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more than 90 days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the special use permit, subject to the approval of the township, and an agreement to such plan shall be executed by the holder of the special use permit and the Township. if such a plan is not developed, approved and executed within the 90 day time period, then the Township may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this section.
- W. **Relief.** Any applicant desiring relief, waiver or exemption from any aspect or requirement of this section may request such, provided that the relief or exemption is contained in the submitted application for either an approval, or in the case of an existing or previously granted approval, a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. however, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. the applicant shall bear all costs of the township in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved by the Township Board unless the applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant effect on the health, safety and welfare of the Township, its residents and other service providers.
- X. **Periodic Regulatory Review by the Township.**
1. The Township may at any time conduct a review and examination of this section.
 2. If after such a periodic review and examination of this section, the Township determines that one or more provisions of this section should be amended, repealed, revised, clarified, or deleted, and then the Township may take whatever measures are necessary in accordance with applicable law in order to accomplish the same. It is noted that where warranted, and in the best interests of the Township, the Township may repeal this entire section at any time.
 3. Notwithstanding the provisions of subparagraphs 1 and 2 of this subsection, the Township may at any time and in any manner (to the extent permitted by federal, state, or local law), amend, add, repeal, and/or delete one or more provisions of this section.

Y. Adherence to State and/or Federal Rules and Regulations.

1. To the extent that the holder of a special use permit has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a special use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
2. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a special use permit, then the holder of such a special use permit shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

Article 6. Specific Use Requirements

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Article 7. Parking and Loading

Section 7.10 Intent and Purpose

- A. **Intent and Purpose.** The intent and purpose of this article are to:
1. Prescribe regulations for off-street parking of personal and commercial vehicles;
 2. Ensure that sufficient space for parking, loading, and access is provided in a safe and convenient manner; and
 3. Alleviate and prevent congestion on public streets.

Section 7.20 General Requirements

- A. **Applicability.**
1. Uses and Zoning Districts. The requirements of this article apply to:
 - a. All commercial uses within the C-1, C-2, C-3, and A-S zoning districts.
 - b. All non-residential uses in all zoning districts.
 - c. Multiple-family residential developments.
 - d. Any parking area intended to serve more than five (5) vehicles.
 - e. Single-family residential, but only for the minimum number of spaces required.
 2. Restriping and Resurfacing. Restriping and resurfacing of existing lots shall conform to the dimensional requirements for spaces and drive aisles.
 3. Required Parking Spaces.
 - a. New Construction. Before any new building or addition to a building is occupied, off-street parking spaces for vehicles shall be provided in accordance with this article.
 - b. Capacity Increase and Change of Use. Before any building capacity increases or changes use, off-street parking spaces for vehicles shall be provided in accordance with this article.
- B. **Determination.** The Zoning Administrator shall provide a final determination regarding the total parking required for all single and multi-use development sites in all cases, except for development applications approved by the Planning Commission or Township Board.

Section 7.30 Parking Lot Design

- A. **Setbacks.**
1. Minimum. Off-street parking lots shall be subject to the following minimum setbacks:

Table 7.30 A: Parking Lot Setbacks		
Min. Front Setback (ft.)		15
Min. Side Setback (ft.)	When adjacent to AG, AGLD, AGMD, WR	20
	When adjacent to AS, C-1, C-2, C-3	5
Min. Rear Setback (ft.)	When adjacent to AG, AGLD, AGMD, WR	25
	When adjacent to AS, C-1, C-2, C-3	5

2. **Measurement.** Front parking setbacks shall be measured from the outside edge of an abutting public road right of way, private street easement, or access easement. Where the right-of-way cannot be indicated on a survey, the outside edge shall be determined and measured from the centerline based on right-of-way width information provided by the Van Buren County Road Commission, Michigan Department of Transportation, or land records.
3. **Waivers.** Side and rear parking setbacks can be waived when parking lots on adjacent non-residential properties are designed and intended for cross-access and driveway connectivity.

B. Dimensions and Layout.

1. **Dimensions.** Parking spaces and aisles shall meet the width and length requirements of Table 7.30 B. Drive aisle width is also subject to review and approval of the Fire Department.

Table 7.30 B: Minimum Dimensional Requirements (Feet)				
Parking Pattern	Parking Space		Drive Aisle Width	
	Width	Length	One-Way	Two-Way
0° (parallel)	10	22	12	22
30° to 53°	9	18	14	22
54° to 74°	9	18	18	24
75° to 90°	9	18	24	24

2. **Clear Passage.** All aisles or driveways shall remain unobstructed at all times and allow for the passage of emergency vehicles.
3. **Stacking.** Stacking spaces shall be at least 10 feet in width by 20 feet in length. Stacking spaces shall be designed to minimize conflicts with pedestrians, cyclists, and parking area traffic.

C. Surface.

1. **Driveway Surface.** Driveways, drive aisles, and spaces shall be surfaced with asphalt, concrete, brick pavers, gravel, or equivalent surface as approved by the Planning Commission.
2. **Maintenance.** Driveways, drive aisles, and parking spaces shall be maintained and free of potholes, debris, or major structural deficiencies.

D. Drainage and Runoff. Parking areas shall be designed to prevent direct runoff onto adjacent properties.

E. Parking Space Indicators.

1. Parking spaces shall be indicated by:
 - a. Asphalt and concrete: Permanently maintained striping.
 - b. Gravel or impervious surface: wheel stops.
2. **Exemption.** Sales lots and storage areas are not subject to this subsection.

F. Connectivity. The design of commercial sites within the C-1, C-2, C-3, and A-S districts shall be designed to preserve the possibility of future connectivity and cross-access movements of vehicles and pedestrians between adjacent lots and parcels.

G. Driveways. Driveway placement and design shall be subject to review and approval by the Van Buren County Road Commission or the Michigan Department of Transportation, as applicable.

H. Accessible Parking. Pursuant to the Michigan Barrier Free Act, as amended, accessible parking shall be provided for all new and expanded parking lots per the minimum requirements of the Act and other requirements that may be adopted by federal or state law.

- I. **Location.** Required parking shall be provided on the same lot or parcel as the building or use it is required to serve unless shared parking is approved by the Township Board per Section 7.60.

Section 7.40 Required Off-Street Parking

- A. **Intent.** The minimum required parking per lot or parcel shall be provided in accordance with Table 7.40. The purpose of a minimum number of parking spaces is to encourage safety and efficiency within parking lots of businesses and institutions and to reduce the instances of illegally or inappropriately parked vehicles within the Township. Flexibility in parking count requirements is included in recognition that overly large parking lots are a drain on economic vitality, present safety hazards to pedestrians and motorists, and create environmental hazards such as heat islands, stormwater runoff, loss of habitat, and flood hazards.
- B. **Calculating Required Spaces.** The following instructions shall apply:
 1. Floor Area. Off-street parking requirements shall be calculated based on the total floor area served by the parking lot or as otherwise provided in Table 7.40.
 2. Fractions. If the calculation of required parking spaces results in a fraction, the number shall be rounded down to a whole number.
 3. Public Assembly Seating. Each 24-inch segment of bench, pew, or similar seating type shall be counted as one (1) seat for the purpose of determining parking requirements.
 4. Unlisted Uses. For uses not specified in Table 7.40, the required parking spaces shall be determined by the Zoning Administrator and the Planning Commission on the basis of requirements for similar uses.
 5. Multiple Uses. For projects with multiple land uses on the same site or within the same building, the number of parking spaces for each use shall be provided, and the space for one (1) use shall not be considered as providing required spaces for any other use except as permitted by Section 7.60 Shared Parking.

Table 7.40: Minimum Parking Requirements	
Use	Requirement
Accessory dwelling unit	One (1)
Assembly use	One (1) for every four (4) seats in the main place of assembly.
Bed and breakfast or boarding house	Two (2) plus one (1) for each rentable room
Day care (residential)	Two (2)
Drive-through (other than a restaurant)	Three (3) stacking spaces per drive-through service area
Drive-through (restaurant)	Seven (7) stacking spaces per drive-through service area
General offices and services	One (1) per 300 s.f.
Home occupation, major	Four (4) if open to public
Home occupation, minor	Two (2) if open to public
Hotel or motel	One (1) per room and plus parking for offices and other permitted uses
Mini-warehouse/self-storage	One (1) per 20 units
Residential dwelling	Two (2) per dwelling
Restaurant, tavern, coffee shop, etc.	One (1) per 100 s.f.
Retail sales, clinics, etc.	One (1) per 250 s.f.

Table 7.40: Minimum Parking Requirements	
Use	Requirement
Warehousing, truck terminal, and manufacturing	One (1) per 2,000 s.f., or one (1) per employee plus five (5), whichever is more

- C. **Special Event Parking.** It is recognized that there may be special community events or situations that occur infrequently, which would result in a temporary reduction in the availability of required parking spaces or the need for temporary or overflow parking arrangements.
1. **Minimum Requirements.** Parking shall be provided for expected patrons utilizing either existing on-site parking or temporary parking as approved by the Zoning Administrator. Parking will generally be based on one (1) space for every three (3) people on-site at any one time.
 2. **Displacement.** No more than 25 percent of existing parking may be displaced for the special event.
 3. **Requirements.** Temporary and overflow parking areas are subject to the following requirements:
 - a. Parking areas shall be located and designed to ensure safe and efficient circulation for both pedestrians and vehicles, including designated maneuvering lanes, ingress, and egress.
 - b. Aisles and parking rows shall meet the minimum widths required in this section. Lanes and parking rows shall be designated by temporary markings, such as paint, cones, flags, or ribbons.
 - c. Parking areas and maneuvering lanes shall be gravel, stone, or similar material or shall be grassed. Grassed lots shall be maintained, mowed, and seeded to ensure a passable and stable surface.
 - d. Parking lots shall be graded and/or properly drained to dispose of all surface and stormwater and to prevent drainage onto abutting properties.
 - e. Barrier-free spaces shall be provided on asphalt or concrete surfaces, pursuant to the Michigan Barrier Free Act.

Section 7.50 Reduction and Deferment

- A. **Permitted Reductions.** Parking minimums may be reduced when it is demonstrated to the approving authority by the applicant that parking demand is expected to be lower than the requirements of Table 7.40, and the following considerations are taken into account. The Planning Commission may choose to accept or alter the proposal. The purpose of this flexibility is to acknowledge that proposed land uses may vary significantly in terms of their size, scope, and operation and therefore vary in their parking need. Parking may be reduced after considering the following:
1. The applicant has provided a parking study or industry standards demonstrating that the proposed number of spaces would be more appropriate based on the actual number of employees, the expected level of customer traffic, or actual counts at a similar establishment.
 2. In the case of areas where there are multiple uses on a single site or in an integrated development:
 - a. There will be a high proportion of multipurpose visits; or
 - b. Uses have peak parking demands during differing times of the day or days of the week.

- B. **Deferred Parking.** When the appropriateness of a reduction in the number of required parking spaces is demonstrated at the time of an application, but future conditions could warrant increased parking, some of the required parking may be deferred by the Township.
1. Requirements. Deferred parking plans shall be in accordance with the following:
 - a. Site Plan. A site plan shall show all required parking but identify those spaces that will not be constructed until warranted. All deferred parking spaces and aisles shall meet the design and dimensional requirements of this article.
 - b. Landscaping. Any area designated for deferred parking shall be landscaped and not used for any other purpose, such as outdoor storage or accessory buildings. Required parking lot landscaping shall be installed during deferred parking area construction.
 2. Timeframe. Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the Township. The deferred parking shall meet all requirements of the ordinance in effect at the time of construction.
- C. **Agreement.** A written agreement in form satisfactory to the Township requiring the provision of additional parking spaces if a greater number of employees or visitors use the lot of record at a future time shall be executed by the Township and the owner and/or occupant of the property.
- D. **Performance Guarantee.** A performance guarantee may be required by the Township in accordance with Section 11.80.
- E. **Validity.** The site plan approval of lesser parking requirements shall be valid only for the stated use. An occupancy permit for a new use shall not be issued unless a new site plan is reviewed and approved.

Section 7.60 Shared Parking

- A. **Number.** The total parking space requirement shall be the aggregate number of spaces required at any time for the most parking-intensive use or combination of uses.
- B. **Justification.** In order to qualify for this option, an applicant is required to explain in detail, as part of the site plan and to the satisfaction of the Planning Commission, how the shared parking option would function.
- C. **Requirements.**
1. Facilities located on adjoining separate properties must be within 600 feet of each other, measured from the nearest point of the public entrance to the building to the nearest point of the parking lot.
 2. A convenient pedestrian connection shall be provided between the properties.
 3. The availability of parking for all affected properties or uses shall be indicated by directional signs.
 4. Interior vehicular access shall be provided to interconnect all properties sharing the parking facility(ies).
- D. **Change in Conditions.** Any change to the conditions that were considered during the approval shall require a review by the Planning Commission for the exemption to remain valid.
- E. **Agreements.** Prior to establishing shared use of parking, the property owner or owners shall submit a written agreement providing for the shared parking use and a cross access and parking easement to the Zoning Administrator. All shared parking agreements shall run with the land and

such deed restrictions shall be filed with the Van Buren County Register of Deeds. If any party to the agreement withdraws, that party shall be responsible for providing the required parking individually, in accordance with the provisions of this article. The agreement shall be filed prior to the establishment of the use.

Section 7.70 Loading Zones

- A. **Applicability.** For every use involving receipt or distribution of materials or merchandise in trucks, loading zones must be provided.
- B. **Requirements.** Loading zones and maneuvering lanes are subject to the following requirements:
 - 1. **Maneuverability.** Sufficient space for truck maneuvering shall be provided and demonstrated on a site plan based on anticipated truck types. Maneuvering space for trucks using the loading spaces shall be provided on the lot of record and shall not necessitate the use of public right-of-way.
 - 2. **Location.** Loading docks shall not be located on the primary street side of principal buildings unless determined by the Planning Commission that no other options are feasible.
 - 3. **Number and Dimensional Requirements.** The number and dimensional requirements of off-street loading spaces are subject to Table 7.70.

Table 7.70: Minimum Off-Street Loading Requirements	
Number of Spaces Required	
Less than 20,000 square feet of floor area.	1 space
20,000 to 50,000 square feet of floor area.	2 spaces
Each additional 50,000 square feet of floor area	1 additional space
Dimensional Requirements	
Min. Width (ft.)	12
Min. Length (ft.)	40
Min. Vertical Clear Space (ft.)	14
Min. Setback from any Abutting Residential Zoned Property (ft.)	50

- C. **Modification.** The approval authority may modify the required size of loading spaces for uses such as offices or smaller retail businesses that will involve smaller delivery trucks.

Article 8. Lighting

Section 8.10 Intent and Purpose

- A. **Intent and Purpose.** The intent and purpose of this article are to:
1. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site;
 2. Prevent excessive light spillage and glare directed at adjacent properties, neighboring areas, and motorists; and
 3. Provide security for people, buildings, and land.

Section 8.20 General Requirements

- A. **Limitations.** Light shall be confined on-site by the direction of the fixture, shielding, or adjustment of the level of brightness.
- B. **Glare.** Lighting shall not be directed in any manner which causes excessive glare onto neighboring residential property or distraction to drivers.
- C. **Direction.** All outdoor lighting, except ground lights that illuminate governmental flags, shall be directed down or onto the object being illuminated. Flag lighting shall only illuminate the flag and shall be placed so that lighting or glare is not directed toward streets or adjacent properties.
- D. **Prohibited Light Sources.** The following light sources are prohibited:
1. **Laser Source.** The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment is prohibited.
 2. **Searchlights.** The operation of searchlights for advertising purposes is prohibited.
 3. **Flashing Lights.** Except for motion-activated security lighting and temporary holiday lighting, permanent lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color or use intermittent electrical pulsation are prohibited.
 4. **Public Safety.** Lighting that is similar to that used for traffic control devices or emergency vehicles is prohibited.

Section 8.30 Parking Lot and Site Lighting

- A. **Applicability.** This article applies to all non-residential uses and multi-family sites.
- B. **Color Temperature.** The lighting color temperature of new and replacement light fixtures shall not exceed 4,000 Kelvins.
- C. **Fixture Type.** Lighting fixtures for non-residential and multi-family residential uses shall be a down-lighted type and full cut-off and shall not allow light to be emitted above the fixture. For LED lighting, up-light shall be zero for B.U.G. ratings. Fixtures shall comply with the following requirements:
1. A full cut-off fixture shall have no direct up-light and shall reduce glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.

2. If the applicant cannot provide manufacturer confirmation of full cut-off characteristics of light fixtures, the fixture shall be fully shielded, which will be determined by visual inspection of the fixture or a specification sheet. Fully shielded light fixtures are constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal.
3. Under-canopy lighting shall be mounted flush with the canopy surface.
4. Light fixtures shall have a maximum height of 20 feet when in or adjacent to an AG, AGLD, AGMD, or WR zoning district. All other light fixtures shall have a maximum height of 25 feet.

D. Lighting Levels.

1. All non-residential and multi-family residential parking lots shall be illuminated for customer and resident safety.
2. Lighting shall be provided throughout any parking lot. Lights to illuminate parking lots shall not be attached to any building except for illuminating parking spaces that are within 10 feet of building walls.
3. Illumination Levels. Light levels on a lot or parcel that are subject to site plan approval under this ordinance shall meet the requirements in Table 8.30 for the developed portion of the site.

Table 8.30: Required Site Illumination				
Location on Site	Min. fc	Max. fc	Ave. fc	Uniformity Ratio Max. to Min./ Ave. to Min.
Parking Lots, Loading Areas, Storage Areas, Sidewalks, and Building Entrances	.5 fc ¹	10 fc	1 fc	10:1 / 4:1
Under Canopies Such as Gas Stations, Drive-Thru Bank Porte-Cochere	3 fc	20 fc	-	-
Along Front Lot Line Adjacent to the Street Frontage	0 fc	3 fc	-	-
Along a Lot line Adjoining a Non-Residential Use or District	0 fc	1 fc ²	-	-
Along a Lot line Adjoining a Residential Use or District	0 fc	0.5 fc	-	-

Section 8.40 Lighting Plans

A. Submittal Requirements. Compliance with the lighting design criteria shall be demonstrated by submitting the following information as part of the required site plan:

1. Lighting plan (as part of the site plan package) showing light fixture locations and type designations.

¹ The minimum illumination levels shall not apply to portions of the site that are fenced to restrict public access, such as storage yards.

² The light level along a non-residential lot line may be increased to the maximum footcandle level where there is shared access/vehicular connections or the adjacent use is a similar use.

2. Fixture mounting height(s).
3. Type and number of lighting fixtures.
4. Lamp source type (bulb type, i.e. high-pressure sodium, LED, etc.), lumen output, color temperature, and wattage.
5. Lighting manufacturer-supplied specifications (cut sheets) that include photographs or illustrations of the fixture(s), indicating the certified full cut-off characteristics or B.U.G. rating of the fixture or demonstration that the fixture is fully shielded.

B. **Photometric Plans.** A photometric plan is required for all parking areas. The Zoning Administrator or Planning Commission may require a photometric plan for other areas illuminated on a site to ensure that the intent and requirements of this section are met. Photometric plans shall include the following:

1. Maximum illuminance levels should be expressed in ground-level footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square.
2. The grid shall include light contributions from all sources (i.e. pole-mounted, wall-mounted, sign, and street lights).
3. Footcandle measurements shall be shown five feet beyond the property lines.
4. A calculation summary indicating footcandle levels on the lighting plan, noting the maximum, average, and minimum, as well as the uniformity ratio of maximum to minimum and average to minimum levels. Average and uniformity ratios shall only be calculated within the parking spaces and drive aisles and shall exclude other illuminated areas of the site.

Section 8.50 Lighting Modifications

- A. **Authority.** The Planning Commission may modify the illumination requirements in Table 8.30 and other lighting requirements based on a review of the applicant’s proposal against industry standards and advanced lighting technology, so long as lighting plans ensure safe conditions and minimize the impact on adjacent properties.
- B. **Considerations.** The Planning Commission shall consider the following during the review of lighting modification requests:
1. The amount of space on the site available for lighting.
 2. Existing lighting on the site and on adjacent properties.
 3. The type of land use on the site and the size of the development.
 4. The potential impact on existing and proposed adjacent land uses.
 5. The effect that the required lighting would have on the operation of the existing or proposed land use.

Article 8. Lighting

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Article 9. Landscaping and the Environment

Section 9.10 Intent and Purpose

- A. **Intent and Purpose.** The intent and purpose of this article are to:
1. Encourage the creation and preservation of wildlife habitat and green space;
 2. Recognize and preserve the aesthetic and ecological value of natural areas such as woodlands, wetlands, and floodplains within and adjacent to a development site;
 3. Add value to development sites and preserve the value of neighboring property;
 4. Allow for shade and to break up heat islands;
 5. Minimize obtrusive views and headlights from impacting views from the right-of-way and adjacent property;
 6. Provide visual relief between residential and non-residential properties; and
 7. Ensure that stormwater runoff impact on off-site properties and waterways is minimized.

Section 9.20 General Requirements for Landscaping

- A. **Applicability.**
1. **Site Plan Approval.** Landscaping requirements apply to all new buildings and parking lots and the area affected, or the area adjacent to, expansions to existing buildings and parking lots requiring site plan approval.
 2. **Installation.** Required landscaping shall be installed before occupancy or establishment of the use unless the Township authorizes occupancy or establishment of the use prior to complete landscape installation based on unforeseen weather conditions or the timing of construction as it relates to the planting season. In cases where deferment is approved, a performance guarantee may be required per Section 11.80, or the Certificate of Occupancy may be issued on a temporary basis until complete or expired, whichever comes first.
 3. **Zoning Districts.** Landscaping requirements apply to all non-residential and non-farm properties in all zoning districts.
 4. **Separate Requirements.** All landscape plans shall meet each required calculation individually, and in no case shall any required plantings and planting areas be counted towards other landscape requirements.
- B. **Materials, Type, and Installation.**
1. **Type.** All plant material shall be hardy to Van Buren County.
 2. **Substitution.** No substitution of plant species or sizes shall be allowed unless approved by the Zoning Administrator.
 3. **Variety.** No one (1) tree species can exceed 50 percent of the total proposed.
 4. **Minimum Installation Size.** Plantings required by this article shall be installed at sizes no less than outlined in Table 9.20. Tree widths are measured at the diameter at breast height (d.b.h.), which is four and a half (4.5) feet above the ground.

Type	Size
Canopy Tree	2.5 inches d.b.h.
Ornamental Tree	1.75 inches d.b.h.
Evergreen Tree	6 ft.
Shrub	24" spread

5. Preservation of Existing Trees. The preservation of existing trees is encouraged and can be credited for satisfying the requirements of this article. Canopy trees over six (6) inches (d.b.h.) count as two required trees. All other existing trees count as one (1) tree as long as they meet or exceed the minimum installation size required by this section.
6. Rounding. Landscaping calculations that result in a fraction shall be rounded up over .25 (25 hundredths).
7. Planting Separations. Trees shall be planted no less than four (4) feet from a curb, paved area, fence, or property line unless additional space is necessary for healthy growth. Trees shall be spaced in a manner so as not to overlap crown spread at maturity. Grouping of different height trees can overlap, as long as each tree does not interfere with the growth potential of a nearby required tree.
8. Utilities. All plant material shall be installed in a manner that will not cause damage to utility lines (above and below ground) and public streets. Landscape plans shall consider utility easements, overhead power lines, and underground utilities.
9. Drainage. All plant material shall be installed in a manner that does not alter drainage patterns on site or on adjacent properties.
10. Lighting. Landscaping plans shall ensure that the required site illumination is not blocked by the proposed tree installation.
11. Maintenance. All landscaping shall be regularly watered, pruned, and maintained after installation. The owner or controlling party shall be responsible for maintenance. Diseased or dead plants that were required as part of this article shall be replaced within one growing season.

Section 9.30 Landscaping Plans

- A. **Qualifications.** Landscape plans shall be professionally prepared. If requested by the Planning Commission, the plan shall be prepared by a Registered Landscape Architect.
- B. **Submittal Requirements.** Landscape plans shall include the following materials:
 1. Unless it can be clearly shown on a site plan sheet, a separate landscape plan sheet shall be drawn at the same scale as the required site plan. Plans shall indicate all existing or proposed utilities and easements to ensure that landscaping is not affected by, or interferes with utilities. At the discretion of the Zoning Administrator, for simple site plans, plantings may be shown directly on site plans.
 2. Provide existing and proposed contours at intervals not to exceed two (2) vertical feet.
 3. Plans shall show all landscaped areas and plants listed in a table by common and scientific name, including quantities and size at installation. Anticipated mature height shall be indicated, and the crown spread shall be shown on the plan with circles indicating anticipated

plant size at maturity. Plans shall illustrate the location, spacing, species, and size of the proposed plant material.

4. Text shall accompany the landscape plan that provides calculations for the proposed landscaping and describes how the plan complies with the regulations of this article. Required trees or materials cannot be double-counted.
5. Existing natural and man-made landscape features and proposed buildings and structures, as required for the overall site plan, shall be clearly indicated.
6. Landscape plans shall show all existing trees six (6) inch caliper or greater for deciduous and 12 feet or taller for evergreen, located in portions of the site that will be built upon or otherwise altered. Trees shall be labeled "To Be Removed" or "To Be Saved" on the plan.
7. Limits of grading shall be indicated, and measures to protect existing trees to be saved shall be noted on the plans, including but not limited to protective fencing. When protective fencing is proposed, plans shall include the following statement: "Protective fencing shall be installed prior to site disturbance." Tree preservation fencing shall be established at the drip line of the tree, and a detail of the fence shall be provided.
8. Provide planting details to ensure proper installation and establishment of proposed plant material.
9. Identify grass areas and other methods of ground cover.
10. Include a description of irrigation methods for landscaped areas.
11. Identification of snow storage areas.
12. Identify a landscape maintenance program, including a statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this article.

Section 9.40 Front Yard Landscaping

- A. **Required Trees.** For every 100 feet of frontage along a public road or private street, two (2) canopy trees in addition to one (1) ornamental or evergreen tree, are required.
- B. **Planting Area.** Trees shall be placed within a 15-foot green area between the parking lot and buildings and the right-of-way. If overhead wires or underground utilities prevent the first 15 feet from the right-of-way from being unfeasible for planting, the planting area shall be widened to allow for compliance.

Section 9.50 Parking Lot Landscaping and Screening

- A. **Applicability.** This section applies to all parking lots with 12 or more spaces.
- B. **Parking Lot Canopy Trees.** For every 12 parking spaces, one (1) canopy tree shall be installed. At least half of the required trees shall be installed within an island, peninsula, or corner-lot bump-out of at least nine (9) feet in width. The remaining required trees shall be placed within 10 feet of the parking area.
- C. **Screening.** Parking rows within yards that abut public right-of-way shall be lightly screened. Screening may consist of one of the following treatments or other alternatives determined to be suitable by the Planning Commission:
 1. Shrub row at a rate of two (2) shrubs per parking space fronting the right-of-way; or
 2. Decorative fencing, such as split rail, picket, or wrought iron style, no less than two and one-

half (2.5) feet in height.

Section 9.60 Buffering

A. Applicability.

1. Planted buffers are required for non-residential and non-farm use, regardless of if adjacent properties are developed. Required buffer types are outlined in Table 9.60-A.
2. A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.

Table 9.60-A: Minimum Installation Sizes		
Subject Zoning District	Adjacent District	
	WR, AGMD	AGLD, AG
C-1, C-2, C-3	Type 1	Type 2
AG, AGMD, AGLD, WR, A-S	Type 1	Type 2

B. Buffer Types. Buffer planting requirements are outlined in Table 9.60-B.

Table 9.60-B: Buffer Types			
Type	Minimum Width	Minimum Requirements	With Privacy Fence
Buffer Type 1	25 feet	Three (3) evergreen trees, plus one (1) canopy or ornamental tree for every 50 linear feet of buffer area.	Required landscaping may be reduced by 50 percent with a privacy fence of at least 85 percent of the linear footage.
Buffer Type 2	10 feet	One (1) evergreen tree, plus one (1) canopy or ornamental tree for every 50 linear feet of buffer area.	

Section 9.70 Screening

A. Applicability. Screening of certain uses and activities is required in Article 6. Additionally, all dumpsters and commercial trash receptacles shall be screened.

B. Treatments. Acceptable screening treatments include the following:

1. Solid wall or privacy fence of six (6) feet in height in accordance with Section 5.20. Chain link fences with slats, or other fabric screening, only qualify when not abutting residential zoned property.
2. Berm with landscape treatment, providing screening up to six (6) feet in height, fully obscuring activity, structure, or use intended to be screened.
3. Evergreen landscaping, providing screening up to six (6) feet in height, fully obscuring activity, structure, or use intended to be screened.

C. Dumpster and Trash Receptacles.

1. In addition to the screening requirements, enclosures shall be constructed of masonry, concrete, metal, treated wood, or similar materials and must be durable, weather-resistant, rustproof, and easily maintained.
2. Enclosures shall include an access gate which shall be closed at all times between drop-offs and pickups.

3. The minimum enclosure height for rolling carts or garbage cans shall be no less than four (4) feet.

Section 9.80 Landscaping Modifications

- A. **Authority.** The Planning Commission may modify the landscaping and screening requirements within this article under certain circumstances.
- B. **Considerations.** The Planning Commission shall consider the following during the review of landscaping modification requests:
 1. Will existing vegetation or topographic features make compliance with requirements unnecessary or difficult to achieve?
 2. Will the application of requirements result in a significant loss of existing vegetation or natural or cultural features?
 3. Will the modification of requirements clearly result in a superior design that could not be otherwise achieved?
 4. Can existing vegetation be preserved to meet the intent of the screening and buffering intent of this article?
 5. Is the distance between a building, parking area, or use more than 200 feet from a side or rear lot line?
 6. Will the site be overplanted, resulting in the loss of required plantings?

Section 9.90 Grading, Excavation, Ponds

- A. **Banks and Shorelines.** No persons shall alter, change, transform or otherwise vary the edge, bank, or shore of any lake, river, or stream except in conformance with the requirements of the State of Michigan Department of Environment, Great Lakes & Energy.
- B. **Drainage.**
 1. Slope. Elevations for any site with a building located on it, or a site proposed for a building, shall have a grade sloping away from the walls of the building to prevent the ponding of surface water along foundations.
 2. Runoff. No site shall be filled or graded in a way that will discharge surface runoff onto adjacent properties in a manner that increases the amount of runoff more than predevelopment conditions.
- C. **Excavation.** The construction, maintenance, or existence of any unprotected, un-barricaded, open, or dangerous excavations, holes, pits, or wells, which, in the opinion of the Zoning Administrator, constitute or are likely to constitute a danger to the public health, safety or welfare is prohibited; provided, this section shall not apply to any excavation for which a building permit or a temporary permit has been issued by the Township and which is adequately protected and warning signs posted.

Section 9.100 Stormwater Management

- A. **Applicability.** All commercial and non-commercial site development plans, platted subdivisions, and condominium projects shall meet the stormwater design requirements of the Van Buren County Drain Commission.
- B. **Approval.** Applicants shall secure approval from the Van Buren County Drain Commission prior to site development activities.

Section 9.110 Surface Water and Wetland Buffer

A. **Intent.**

- 1. It is the intent of this section to establish natural buffers along regulated wetlands and water frontage in Alma Township in order to prevent impairment and/or destruction of the natural features of the Township. These natural features include a prominent system of streams and wetlands that form the headwaters of the Paw Paw River. There are also a number of small inland lakes in the Township.
- 2. Experience has shown that in the absence of regulation, development will encroach on these features leading to impairment and/or destruction, which is contrary to the public health, safety, and welfare of the community. These areas contribute to plant and animal species diversity by providing habitat areas, they absorb floodwaters and protect surrounding lands from storm surges, they filter sediment and pollutants out of storm water before entering the ground and surface water, and they are attractive areas for everyone to enjoy.
- 3. Development in these areas may also be under the jurisdiction of the Michigan Department of Environment, Great Lakes & Energy (EGLE), or other similar State and County agencies. Documentation of compliance with their requirements may be required prior to the issuance of a building permit.
- 4. Issuance of a building permit by the Township shall not be construed as establishing compliance with the provisions of any State or County agency, and such action shall not create liability on the part of Alma Township, any official or employee thereof, or the EGLE or other State or County agency for any damage to any structure that may result from locating near natural features.

- B. **Natural Vegetative Buffer.** Within the 50-foot required setback from a surface water feature or regulated wetland, a natural vegetation strip shall be maintained in its natural vegetative state, except for the clearing of dead or invasive plants. This restriction will help maintain a root and vegetative barrier to keep soil particles and nutrients from entering the water bodies and wetlands, while also helping to minimize water runoff.

- 1. Within this strip, a space of no greater than 10 feet in width may be selectively trimmed and pruned to allow for the placement of walkways, and /or for a view of the water body, with the approval of the Zoning Administrator or Planning Commission.
 - a. Any walkway constructed inside the strip shall be on the upland side and may be oriented perpendicular or parallel to the water line. A maximum of 20 percent of the total vegetative strip area may be cleared for this purpose.
 - b. Because the intent of the native protective strip is water quality protection, porous materials such as wood chips or gravel shall be used for any trail construction.
 - c. Additional clearing exceeding the 20 percent maximum stated above may be permitted

with the approval of the Zoning Administrator or Planning Commission provided the items cleared are trees only and do not include any additional groundcover.

- d. All clearing shall be done by hand or hand-operated implements. Tilling and heavy machinery shall be prohibited.
 2. The Zoning Administrator may allow limited clearing of the vegetation over and above this purpose only when required for construction of a permitted building or structure elsewhere on the site, provided that the land cleared is returned to a vegetative state, which is approximately the same quality and extent as that which existed prior to clearing.
 3. Planting of native species in the required natural vegetative strip is encouraged, especially where exposed soils and steep slopes exist. A list of approved native species may be obtained from the Township. Invasive or destructive plant species (i.e. Eurasian milfoil, English ivy) shall not be permitted.
 4. The use of chemical pesticides and phosphorous based fertilizers shall be prohibited within the natural vegetative strip.
- C. **Exemptions.** Permitted accessory uses and construction within required waterfront and wetland setback.
1. Accessory structures less than 200 square feet in size shall be exempt from the requirements of this section.
 2. Accessory structures 200 square feet in size and greater shall be required to satisfy all of the setback requirements as set forth in this section of the Ordinance for other permanent structures.
 3. Best management practices shall be employed so as to minimize disturbance of the natural terrain and vegetation during construction on waterfront lots. After construction, the lot, particularly within the wetland and waterfront setback area, should be restored to its prior conditions to the extent possible.
 4. Accessory structures shall be subject to the policies and regulations of the EGLE and other State and County agencies as well as the other requirements of this Ordinance.
 5. Areas immediately adjacent to wetland crossings approved by EGLE that required for reasonable driveway access as determined by the Planning Commission.
- D. **More Restrictive Standards Govern.** Regulations imposed in other areas of this Zoning Ordinance shall govern if such restrictions or regulations impose a higher standard or requirement. Likewise, if other federal, state, county, or local standards are more restrictive, the more restrictive regulation will govern.

Article 9. Landscaping and the Environment

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Article 10. Signs

Section 10.10 Intent and Purpose

- A. **Intent and Purpose.** The intent and purpose of this article are to:
1. Protect free speech;
 2. Minimize and eliminate visual clutter;
 3. Reduce the number and types of distractions experienced by drivers; and
 4. Direct commercial and customer traffic to commercial areas of the Township.
- B. **Findings.** Regarding content neutrality and constitutionally protected free expression, Almena Township finds that:
1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section and the constitutionally protected right to free expression.
 2. The regulations set out in this section are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
 3. Notwithstanding the above, certain classifications of speech are not constitutionally protected due to the harm they cause to individuals or the community.
 4. Sign restrictions are based on compelling public interests, and regulation of the location, number, materials, height, size, and duration of display of temporary signs is essential to preventing visual clutter and ensuring safe conditions in the Township.
 5. Temporary signs are not constructed to withstand long-term exposure to severe weather conditions or other physically damaging events and can result in safety and aesthetic concerns if not replaced or removed.

Section 10.20 Sign Permits

- A. **Applicability.**
1. **Compliance.** All signs and billboards shall be constructed in accordance with this article.
 2. **Permits Required.** No person shall erect, replace, attach, structurally alter, or add to any sign without first obtaining a permit, unless specifically exempted by this article. Sign permits are reviewed administratively as zoning permits, per Section 11.30 B.
 3. **Exempt from Permitting.** Permits are not required for the following:
 - a. **Maintenance.** Painting, repainting, cleaning, maintenance, repair, and change of a sign face, message, or graphics shall not be considered an activity that requires the issuance of a sign permit, provided that no structural alterations or additions to the display area are made.
 - b. **Re-lettering and Rewording Changeable Copy.** Changing copy or message of signs that are specifically designed for a changeable copy shall not require a permit.

- c. Exempt Sign Types. See Section 10.40.
- d. Murals and art.

B. **Plans.** Sign plans shall include the checklist requirements included in Section 22.20.

Section 10.30 General Requirements

A. **Sign Structure and Placement.**

- 1. Signs shall not interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; constitute a nuisance; or cause a hazard to vehicle or pedestrian traffic.
- 2. Signs shall be constructed to withstand all wind and vibration forces that can normally be expected to occur.
- 3. Signs and sign structures shall remain structurally safe and shall not constitute a hazard to safety or health.
- 4. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or because of the effects of the weather.
- 5. Signs shall not be placed in, upon, or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by the Van Buren County Road Commission or Michigan Department of Transportation.
- 6. Signs shall not obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.

B. **Minimum Setbacks for all Signs.**

- 1. Measurement. Front setbacks shall be measured from the outside edge of an abutting public road right of way, private street easement, or access easement. Where the right-of-way cannot be indicated on a survey, the outside edge shall be determined and measured from the centerline based on right-of-way width information provided by the Van Buren County Road Commission, Michigan Department of Transportation, or land records.
- 2. Requirements. A sign and its supporting mechanism shall conform to the following setback requirements:
 - a. M-40 and M-43: 15 feet. For billboards, see Table 10.70-B.
 - b. All other road right-of-way: 10 feet.
 - c. Side and rear property lines: 25 feet.
- 3. Lot Line Adjustment. Adjustment of lot lines that will cause a sign to become nonconforming is not permitted.

C. **Clear Vision Area.** Sign placement shall conform to Section 2.90 C.

D. **Measurement of Sign Area.** No sign shall exceed the maximum sign area allowed for the district in which it is located. The sign area is to be expressed in square feet, computed to the nearest tenth of a square foot.

- 1. Single-Face Sign. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color-forming an integral part of the display or used to

differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

2. **Double-Faced Sign.** The area of a pole and ground signs that have two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are no more than two (2) feet apart at any point, the area of only one (1) face shall be counted toward the maximum size requirement. In this case, if the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as one (1) face.
3. **Wall Signs.**
 - a. For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
 - b. **Multi-Tenant Building Sign Area.** For buildings with multiple tenants, the sign area for wall, projecting, canopy, or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall.

E. Sign Height.

1. **Freestanding Signs.** The height of freestanding pole and grounds signs shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, including the sign base and support standard. Artificially constructed earthen berms raising the overall height shall count against the maximum height.
2. **Wall Signs.** Wall signs shall not extend above the eave of a building with a pitched roof or above the top of a flat roof building.

F. Illumination.

1. **Prohibited Illumination.** Flashing, animation, moving, oscillating, blinking, intermittent illumination, or variable intensity light is prohibited.
2. **External Illumination.**
 - a. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face.
 - b. The light source shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.
3. **Internal Illumination.** Sign faces shall be opaque so that individual lamps are muted and cannot be distinguished behind the sign face.
4. **Electronic Display.** Where permitted, one (1) electronic display sign is allowable per lot or parcel. Electronic display signs are subject to the following requirements:
 - a. Each message on an electronic display shall be static and shall not move, flash, or otherwise be animated.
 - b. Each message shall be displayed for a period of no less than eight (8) seconds.
 - c. Transitions from one message to the next shall be instantaneous and shall not scroll, fade, or otherwise be animated.
 - d. An electronic display sign shall be equipped with automatic dimming technology to adjust the brightness of the sign relative to ambient light conditions.

- e. No electronic display sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on the sign area. The measurement distance shall be the square root of the sign area times one hundred. Example using a twelve square-foot sign: measurement distance = $(12 \times 100) = 34.6$ feet.
- f. An applicant proposing an electronic display sign shall provide a photometric plan or detailed sign lighting specifications to demonstrate compliance with the brightness requirement.
- g. At any time after the establishment of the electronic display sign, upon request, the owner shall provide the Township with sufficient documentation and evidence to demonstrate continued compliance with the brightness requirement.
- h. A nonconforming freestanding sign may not be altered to include an electronic display sign unless it is first made conforming to all requirements of this article.
- i. Electronic displays shall be located no less than 200 feet from an existing residential dwelling.

G. **Nonconforming Signs.** See Section 19.60.

Section 10.40 Exempt Signs

A. **Exempt Signs.** The following signs are exempt from permitting requirements but must comply with the requirements of Table 10.40 and this article.

Table 10.40: Exempt Signs		
Type	Requirement	
Addresses	--	--
Directional Sign	Maximum Number	--
	Maximum Size	4 s.f.
	Maximum Height	4 ft.
	Illumination	Permitted in C-1, C-2, C-3
Device Sign	--	--
Government Signs	--	--
Essential Service Sign	--	--
Nameplates	Maximum Size	2 s.f.
Menu Boards	--	--
Religious Symbols	--	--
Sandwich Board Signs in C-1, C-2, C-3, AS	Maximum Number	1
	Maximum Size	6 s.f.
	Maximum Height	4 ft.
	Illumination	Not permitted.
Sign Less than Two Square Feet	Maximum Number	--
	Maximum Size	2 s.f.
	Maximum Height	--
	Illumination	Not permitted.
Temporary Yard Sign	Maximum Number	2
	Maximum Size	16 s.f. of total sign area
	Maximum Height	6 ft.
	Illumination	Not permitted
Window Signs in C-1, C-2, C-3, and AS	--	--

Section 10.50 Prohibited Signs

- A. **Permissive Regulation.** Any sign which is not expressly permitted as an exempt or permanent sign is prohibited by this ordinance.
- B. **Prohibited Sign Characteristics.**
 - 1. Signs with moving parts, inflatable signs, feather signs, and human signs.
 - 2. Signs mounted on roofs.
 - 3. Signs mounted on vehicles parked in a location for the primary purpose of advertising.
 - 4. Signs shall not be attached to a utility pole, street sign, traffic control device, or other similar object.
 - 5. Signs that are attached to any natural growth, such as trees, shrubs, or other natural foliage.
- C. **Offensive or Profane Messaging.** Offensive or profane signs are prohibited, such as signs displaying images of nudity, semi-nudity, specified anatomical areas, or specified sexual activity, or using obscene material or words. The Zoning Administrator shall also consider the following criteria when providing a determination:
 - 1. An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest, is offensive or profane;
 - 2. The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and
 - 3. The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

Section 10.60 Temporary Signs

- A. **Temporary Signs.** The following temporary signs may be permitted for up to 15 days, twice per calendar year but must comply with all applicable requirements of Table 10.60 and this article.

Table 10.60: Temporary Signs	
Banners or Oversized Temporary Yard Signs	
Maximum Number	1
Maximum Size	32 s.f.
Maximum Height	6 ft.
Illumination	Not permitted
Portable Signs	
Maximum Number	1
Maximum Size	32 s.f.
Maximum Height	6 ft.
Illumination	Internal illumination

Section 10.70 Permanent Signs

- A. **Permanent Signs.** All permanent signs shall comply with the requirements of Table 10.70 A & B and this article.
- B. **Changeable Copy.** All permanent signs may have changeable copy.

Table 10.70-A: AG, AGLD, AGMD, WR, and AS Districts	
Wall Sign- Major Home Occupation and Bed and Breakfast	
Maximum Number	1
Maximum Size	8 s.f.
Location	Flat on the wall surface, no more than 3 inches deep.
Illumination	Not permitted
Freestanding Ground Sign- Bed and Breakfast	
Maximum Number	1
Maximum Size	16 s.f.
Maximum Height	6 ft.
Illumination	External Illumination
Wall Sign for Non-Residential Property	
Maximum Number	1
Maximum Size	18 s.f.
Location	Flat on the wall surface, no more than 12 inches deep.
Illumination	External Illumination
Freestanding Ground Sign for Non-Residential Use, Subdivision, Condominium Development, or Farm	
Maximum Number	1 per non-residential use, 1 per entry for residential use
Maximum Size	32
Maximum Height	5 ft.
Illumination	External Illumination

Table 10.70-B: C-1, C-2, and C-3 Districts	
Wall Sign	
Maximum Number	No limit
Maximum Size	1 square foot per linear foot of building façade width. Each individual sign shall not exceed 32 square feet.
Location	Flat on the wall surface, no more than 12 inches deep.
Illumination	Internal, external, and electronic display. Electronic displays shall not exceed 24 square feet.
Freestanding Ground Sign	
Maximum Number	1 freestanding ground or pole sign per street frontage, no more than 2
Maximum Size	100 s.f. fronting M-40 and M-43 32 s.f. fronting all other roads
Maximum Height	8 ft.
Illumination	Internal, external, and electronic display. Electronic displays shall not exceed 24 square feet.
Freestanding Pole Sign	
Maximum Number	1 freestanding ground or pole sign per street frontage, no more than 2
Maximum Size	100 s.f. fronting M-40 and M-43 32 s.f. fronting all other roads
Maximum Height	15 ft. with 8 ft. clearing under sign face
Illumination	Internal, external, and electronic display. Electronic displays shall not exceed 24 square feet.
Billboards	
Maximum Number per Parcel	1
Maximum Number in Almena Township	5
Maximum Size	500 s.f. If the billboard has two faces, and only one face is visible when viewed from any direction, then the total area calculation shall be based on the area of just one face and not the total of both faces.
Location	On properties fronting M-40 and M-43
Minimum Setbacks	100 ft.
Minimum Separation	500 ft. from a property zoned AG, AGMD, AGLD, or WR, or a residential dwelling. No more than three billboards within any one (1) linear mile facing either direction.
Maximum Height	20 ft.
Illumination	External

Article 10. Signs

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Article 11. General Processes

Section 11.10 Intent and Purpose

The intent and purpose of this article are to establish a uniform set of submittal, processing, and review requirements for land development proposals and new structure requests to determine compliance with the requirements and standards of this ordinance.

Section 11.20 Application, Contents, Fees, and Completeness

A. Application.

1. **Application.** Requests for review and approval of uses, activities, construction, and development required by the Zoning Ordinance shall be provided on official Township application forms. An application is considered to be officially accepted when received by a Township official during normal office hours.
2. **Authority to File Applications.** Applications shall only be submitted by an owner of the property subject to the request, a purchaser under a sale or option to purchase the subject property, or an agent authorized in writing by the owner.
3. **Deadline.** For all requests that require Planning Commission or Zoning Board of Appeals review, complete applications shall be submitted by the deadlines established annually by the Planning Commission and Zoning Board of Appeals for the meeting in which the applicant desires the request to be considered.
4. **Contact Person and Meeting Representation.** The application shall indicate one person as the primary contact. The Zoning Administrator or other authorized Township official will communicate with the contact person concerning the application and review procedures. The applicant shall notify the Township in writing if there is a change in the contact person. The contact person shall be present at all scheduled review meetings, or consideration of the application may be postponed due to lack of representation.

B. Fees.

1. **Administrative Fee.** Required administrative fees shall be paid to the Township at the time of application submittal. Administrative fees are non-refundable unless the project is withdrawn prior to administrative time and effort spent on review and processing. The fee schedule is approved by the Township Board resolution, is available at the Township office, and may change from time to time.
2. **Professional Review Fees.** An applicant shall also submit a professional review fee determined by the Township Board. This fee is an estimate of the costs which may be incurred by the Township in reviewing and acting upon development proposals, in accordance with an escrow policy adopted by Township Board resolution, is available at the Township office and may change from time to time.

C. Content.

1. **Submittal Checklists.** Applicants shall refer to the submittal checklists in Article 22 and shall provide the items required that are specific to the request.
2. **Waiver Requests.** The applicant may request waivers for items required on submittal

checklists.

D. Completeness Review.

1. Requirement. An application submitted for review in accordance with this article shall be submitted in complete form, including the application, required checklist items, and applicable fees.
2. Waivers. On a case-by-case basis, the Zoning Administrator or other authorized Township official may waive checklist items if determined to be unnecessary or not applicable to the review process based on the scope of the development proposal. However, the final decision-making authority may subsequently require the submittal of waived items if determined to be necessary to act on an application.
3. Completeness Determination. If deemed to be complete by the Zoning Administrator or other authorized Township official, an application will be formally processed and reviewed. If the Zoning Administrator or other authorized Township official waives the required checklist items, the application may be deemed complete if all other items are received.
4. Incomplete Application. If deemed incomplete by the Zoning Administrator or other authorized Township official, the applicant will be informed, and the application will not be formally processed and reviewed until it is determined to be in complete form.

Section 11.30 Review Authorities and Application Types

A. **Review Authorities.** Table 11.30 summarizes application types and review authorities under the Zoning Ordinance.

Table 11.30: Review Authorities					
Application Type	Zoning Admin.	Building Official	Planning Commission	Township Board	Zoning Board of Appeals
Zoning Permits	D ¹	--	--	--	A
Minor Site Plan Amendments	D	--	--	--	A
Site Plans & Major Amendments	R	--	R	D	A
Building Permits and Certificates of Occupancy	--	D	--	--	--
Special Land Use	R	--	R	D	--
Planned Unit Development	R	--	R	D	--
Site Condominium	R	--	R	D	A ²
Zoning Map or Text Amendment	R	--	R	D	--
Variances	R ³	--	--	--	D
Other duties assigned to the Zoning Board of Appeals	R ³	--	--	--	D

R= review and recommendation authority; D= decision-making authority; A= appeal authority

¹ Structure compliance may be delegated to the Building Official for review and approval.

² If not a Planned Unit Development.

³ If requested by the Zoning Board of Appeals.

B. Administrative Reviews.

1. Zoning Permits.
 - a. Zoning Permit- Use Compliance. A change from one permitted use to another permitted use, or establishment of a new permitted use, is subject to use compliance review. If it is determined that the change of use requires site improvements, such as increased parking per Article 7 or use-specific requirements per Article 6, a site plan review will be necessary in accordance with Article 12.
 - b. Zoning Permit- Structure Compliance. Buildings and structures that do not require site plan review per Article 12 are required to be approved administratively. Zoning permits are valid for one (1) year and expire if the structure or building construction does not commence within this timeframe. Zoning permits are required for the following:
 - i. Accessory buildings and structures (Section 6.20).
 - ii. Accessory ground-mounted solar energy systems (Section 6.30 D).
 - iii. Amateur radio and antennas- lower heights (Section 6.60).
 - iv. Accessory dwellings, single-family dwellings, and two-family dwellings (Section 6.120).
 - v. Farm buildings (Section 6.140).
 - vi. Minor home occupations (Section 6.190).
 - vii. Keeping of animals and bees- Non-Commercial (Section 6.200).
 - viii. Temporary offices (Section 6.310)
 - ix. Temporary land uses (Section 6.320).
 - x. On-site use wind energy systems and anemometer tower (Section 6.360 A).
 - xi. Wireless communication facilities exceptions (Section 6.370 C)
 - xii. Non-exempt signs (Section 10.60 and Section 10.70).
 - c. Zoning Permit- Certification of Conditions. After approval of a final PUD plan, special land use, or site plan, the Zoning Administrator shall issue a zoning permit when all conditions of Township Board approval are satisfied.
 - d. Zoning Permit- Certification of Site Compliance. Once all site work associated with a final PUD plan, special land use, or site plan is finalized, the Zoning Administrator shall issue a zoning permit.
 - e. Zoning Permit- Minor Site Plan Amendment. For a minor amendment to a site plan in accordance with Section 12.20 C, which meets zoning requirements, the Zoning Administrator shall issue a zoning permit.
2. Building Permits and Certificates of Occupancy. Building permits and certificates of occupancy are processed in accordance with the State Construction Code. However, as the process relates to the Zoning Ordinance, the following applies:
 - a. Building permits shall not be issued for building construction until all applicable zoning, site plan, and special land use approvals are secured, as applicable, and after all conditions of approval are satisfied (Zoning Permit- Certification of Conditions). However, at the discretion of the Zoning Administrator, building permits may be issued conditionally so

long as site plan requirements are satisfied prior to the issuance of a certificate of occupancy.

- b. Certificates of Occupancy shall not be issued until all applicable site improvements are installed and certified as complete by the Zoning Administrator or other authorized Township Official (Zoning Permit- Certification of Site Compliance). However, at the discretion of the Zoning Administrator, certificates of occupancy may be issued conditionally so long as required site improvements are completed within a specified timeframe. Performance guarantees may be required per Section 11.80.
- C. **Site Plans.** Site plans are reviewed in accordance with Article 12, and review is required for new land uses with associated site development and plan amendments.
- D. **Special Land Use.** Special land uses, as classified in Table 2.50, are subject to review and approval in accordance with Article 13.
- E. **Planned Unit Development.** Planned Unit Development projects are subject to review and approval in accordance with Article 14.
- F. **Site Condominium and Subdivisions.** Site condominium projects are subject to review and approval in accordance with Article 15, and platted subdivisions are reviewed and permitted in accordance with the Almena Township Land Subdivision Regulations.
- G. **Zoning Map and Text Amendment.** Zoning Map (rezoning) and text amendments are subject to review in accordance with Article 16.
- H. **Variances and Other Duties Assigned to the Zoning Board of Appeals.** Applications under the authority of the Zoning Board of Appeals are reviewed per Article 18.

Section 11.40 Notices for Public Hearings

All applications that require a public hearing shall be noticed, at minimum, in accordance with Section 103 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. At its discretion, the Township may also adopt and implement noticing procedures above and beyond that which is required by Section 103 of the Zoning Enabling Act.

Section 11.50 Recommendations, Decisions, and Records

- A. **Recommendations.** A recommending authority shall review an application against applicable zoning requirements and standards and shall provide a recommendation to the decision-making authority.
- B. **Decisions.** The decision-making authority provides final decisions on all applications.
- C. **Appeals.** Final decisions may be appealed to an appeal authority.
- D. **Actions.** Recommendations and final decisions are limited to the following:
 - 1. Approval.
 - 2. Approval with conditions (see Section 11.70).
 - 3. Denial.
 - 4. Postpone or table action (not available for administrative approvals).
- E. **Records and Findings.** Action taken regarding an application, along with the findings in support of that action, shall be recorded in the meeting minutes and by resolution or ordinance, if

applicable. Actions of the Zoning Administrator shall be documented in writing. Copies of all officially approved plans shall be filed at the Township Offices.

Section 11.60 Appeals to the Zoning Board of Appeals

See Section 18.50.

Section 11.70 Conditions of Approval

- A. **Applicability.** Reasonable conditions of approval may be recommended by the Planning Commission and approved by the Township Board for site plans, special land uses, Planned Unit Developments, and condominiums. Conditions may also be applied to variance approvals by the Zoning Board of Appeals.
- B. **Criteria.** Conditions shall be designed to ensure compliance with the intent of the Zoning Ordinance and shall be based on the following criteria. Conditions shall:
 - 1. Ensure that there will be no adverse impact on public services and facilities.
 - 2. Ensure that the use is compatible with adjacent land uses and activities.
 - 3. Protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
 - 4. Ensure compatibility between the proposed use or activity and the rights of the Township to perform its governmental functions.
 - 5. Meet the intent and purpose of the Zoning Ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
 - 6. Ensure compliance with the intent of other Township ordinances that are applicable to the site plan.
 - 7. Ensure compatibility with other uses of land in the vicinity.
- C. **Performance Guarantee.** A performance guarantee in accordance with Section 11.80 may be incorporated as a condition of approval.

Section 11.80 Performance Guarantees

To ensure compliance with this ordinance and any conditions of project approval, the Township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of improvements be deposited with the Township Clerk to ensure completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township shall not require the deposit of the performance guarantee until it is prepared to issue the permit. The Township shall rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements based on an established policy.

Article 11. General Processes

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Article 12. Site Plan Review

Section 12.10 Intent and Purpose

The intent and purpose of this article are to outline the site plan approval and amendment process and standards for approval to ensure that site development and land use comply with zoning requirements.

Section 12.20 General Requirements

- A. **Authority.** Major site plans and amendments are reviewed and recommended by the Planning Commission and approved by the Township Board. Minor site plan amendments are reviewed and approved administratively.
- B. **Site Plans and Major Amendment Applicability.**
1. All new non-residential uses, buildings, structures, and associated site development.
 2. Special land uses.
 3. Multi-family buildings.
 4. Final Planned Unit Development (PUD) plans.
 5. Any other type of development required by the Zoning Ordinance to receive site plan approval.
 6. Any amendment not considered to be minor under Section 12.20 C.
- C. **Minor Site Plan Amendment Applicability.** Amendments to site plans approved by the Township Board may be approved administratively if specified in this subsection and if the changes do not alter the basic design of the site or any specified conditions imposed as part of the original approval. Where the changes cannot be approved administratively, the site plan amendment shall be processed as a major amendment. At the discretion of the Zoning Administrator, any site plan amendment may be referred to the Planning Commission for minor site plan amendment approval.
1. Reduction of building size or additions to principal buildings up to 10 percent.
 2. Reduction in parking lot size or parking lot expansions up to 10 spaces.
 3. Movement of the proposed location of buildings or structures by no more than 25 feet.
 4. Replacement of plant material specified in the landscape plan with comparable materials.
 5. Changes in building materials to a comparable or higher quality.
 6. Addition of non-residential accessory structures or expansion.
 7. Other minor changes determined by the Zoning Administrator not to be material or significant in relation to the entire plan and the use or uses covered by the plan.

Section 12.30 Review Process

- A. **Application Requirements.** See Article 11 for the general processes for submitting site plan applications and Section 22.50 for submittal checklists.
- B. **Major Site Plans and Major Amendment Process.** The Township review authorities shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 12.40). The following process shall be followed:
1. Application submittal (Section 11.20) by the published deadline.
 2. Zoning Administrator review and recommendation.
 3. Planning Commission review and recommendation.
 4. Township Board review and decision.
- C. **Minor Site Plan Amendment Process.** If site plan changes are determined to be minor per Section 12.20 C, the Zoning Administrator shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 12.40). The following process shall be followed:
1. Application submittal (Section 11.20).
 2. Administrative review and decision. Decisions of the Zoning Administrator shall be documented in writing.
- D. **Decisions.** The Planning Commission and Township Board shall decide upon site plan requests as follows:
1. Planning Commission.
 - a. Recommendation of Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the recommendation and any conditions imposed.
 - b. Recommendation of Denial. In the case of a recommendation of denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
 - c. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
 2. Township Board.
 - a. Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
 - b. Denial. In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
 - c. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
- E. **Appeals.** The Zoning Board of Appeals shall hear appeals to decisions regarding site plans in accordance with Section 18.50.

Section 12.40 Site Plan Approval Standards

- A. **Zoning Compliance and Compatibility.** Site plan proposals shall conform to all dimensional and building requirements (Article 2), general requirements (Article 3), and any applicable specific use requirements (Article 6). If necessary, variances shall be secured prior to the Planning Commission's recommendation (Section 18.60). Site planning shall consider both zoning compliance and compatibility with adjacent properties and land uses.
- B. **Access Management, Circulation, and Emergency Access.** Driveway placement, connectivity, and shared access shall be designed to promote safe and efficient access to and from the site and circulation within the site. Compliance with access management requirements of Section 3.30 shall be demonstrated if applicable. All sites and buildings shall be accessible to emergency services vehicles and personnel to respond to emergencies and calls for service.
- C. **Parking, Stacking, and Loading.** Parking lot design shall demonstrate compliance with all dimensional and circulation requirements and shall be arranged to provide safe and convenient access to buildings and land uses (Article 7). If applicable, stacking and loading spaces shall be designed to minimize the impact on internal circulation routes and off-site traffic patterns.
- D. **Lighting.** Lighting plans shall demonstrate compliance with all requirements and shall be designed to ensure safe conditions and minimal impact on neighboring properties and the night sky (Article 8).
- E. **Landscaping and Screening.** All applicable landscaping, buffering, and screening requirements shall be satisfied (Article 9), and sites shall not be significantly disturbed in ways beyond what is appropriate for the reasonable development of a site. Site plans shall demonstrate that the impact of exterior uses and activities is minimized by required landscaping and screening.
- F. **Stormwater and Water Quality.** Stormwater detention, retention, and drainage systems shall be designed to protect neighboring properties from negative impacts of increased stormwater run-off and flooding (Section 9.100). Systems shall be designed to function with public stormwater drainage systems under the authority of the Van Buren County Drain Commission, Van Buren County Road Commission, or the Michigan Department of Transportation (MDOT). Site development shall comply with Surface Water and Wetland Buffer requirements (9.110).
- G. **Signs.** Proposed signs shall meet dimensional and location requirements and shall be placed in locations that limit driver distraction and prevent visual clutter (Article 10).
- H. **Outside Agencies.** Applicants shall secure all applicable outside agency approvals, including but not limited to the Van Buren/Cass Health Department, Van Buren County Road Commission, Van Buren County Drain Commission, Fire Department, and State of Michigan regulatory agencies.

Section 12.50 Term, Validity, and Compliance

- A. **Timeframe.** Building construction and site improvements shall be commenced within one (1) year after the date of approval of an application. If permit validity expires prior to the commencement of construction, the approval shall become null and void. Building construction and land development shall not commence until authorized by a zoning permit.
- B. **Completion.** Completion of site improvements shall occur within two (2) years of approval.
- C. **Extension.** The Zoning Administrator may approve one (1) extension of up to one (1) year if requested in writing by the applicant prior to the expiration date of the original approval. The extension shall be approved if the Zoning Administrator determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties

beyond the control of the applicant, and the project will proceed within the extension period. If the extension expires prior to the commencement of construction, the site plan approval shall become null and void.

- D. **Compliance.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site plan. Any property owner who fails to maintain the property in accordance with the approved site plan shall be deemed in violation of the applicable use provisions of the Zoning Ordinance and shall be subject to penalties and enforcement of Section 17.30.

Article 13. Special Land Use Review

Section 13.10 Intent and Purpose

- A. **Intent.** Special land uses are generally consistent with the purpose of the zoning district in which they are permitted, but due to unique operational characteristics or specific circumstances surrounding the use, they may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, visual impact, odor, intensity of use, or similar potential effects require that special land uses be evaluated for appropriateness on a case-by-case basis.
- B. **Purpose.** Special land uses may be authorized after Planning Commission review and Township Board approval, following a review of the use and its potential impact on its surroundings. This article establishes the review procedures for special land uses and the general standards that must be met for all special land uses.

Section 13.20 General Requirements

- A. **Applicability.**
 - 1. Designation. Land uses classified as special land uses in Table 2.50 shall only be established in accordance with this article.
 - 2. Reclassification. Any use which was established as a permitted use and subsequently reclassified as a special land use may continue and is not considered to be a nonconforming use. However, any change to the use or its associated building or site shall require special land use review, regardless of how minor.
- B. **Site Plan.** Site plan review in accordance with Article 12 and Section 13.30 B or concept plan review in accordance with Section 13.30 C is required for all special land uses. The site plan approved in conjunction with the special land use approval shall become part of the approval record. Ongoing conformance with the terms and conditions of the approval is required.

Section 13.30 Review Process

- A. **Application Requirements.** See Article 11 for general processes for submitting special land use and site plan applications. Special land use and site plan review shall be processed concurrently under subsection B, or may occur in a two-step process in accordance with subsection C.
- B. **Special Land Use and Site Plan Review.** The Planning Commission and Township Board shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 12.40) and special land use approval standards (Section 13.40). See Section 22.50 for the submittal checklist. The following process shall be followed:
 - 1. Application submittal (Section 11.20) by the published deadline.
 - 2. Public hearing noticing per Section 11.40.
 - 3. Zoning Administrator review and recommendation.
 - 4. Planning Commission public hearing, review, and recommendation.
 - 5. Township Board review and decision.

C. Special Land Use and Concept Plan Review Option.

1. **Concept Plan.** The Planning Commission and Township Board shall review all details of the application and submittal to ensure the satisfaction of special land use approval standards (Section 13.40) and to provide a cursory authorization of the general site layout (see Section 22.10 for checklist). Concept plan review and approval shall not be construed as a final confirmation of zoning compliance. The following process shall be followed:
 - a. Application submittal (Section 11.20) by the published deadline.
 - b. Public hearing noticing per Section 11.40.
 - c. Zoning Administrator concept plan review and recommendation.
 - d. Planning Commission public hearing, concept plan review, and recommendation.
 - e. Township Board concept plan and special land use decision.
2. **Final Plan.** The Planning Commission and Township Board shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 12.40). The final plan shall generally reflect the concept plan, or a new public hearing shall be necessary (see Section 22.50 for checklist). The following process shall be followed:
 - a. Application submittal (Section 11.20) by the published deadline within one (1) year of special land use approval and concept plan approval. If not submitted within one (1) year, the concept plan is determined to be expired.
 - b. Zoning Administrator review and recommendation.
 - c. Planning Commission review and recommendation.
 - d. Township Board review and decision.

D. Decisions. The Planning Commission and Township Board shall decide upon special land use requests as follows:

1. **Planning Commission.**
 - a. **Recommendation of Approval.** The motion and minutes shall indicate the findings and conclusions serving as the basis for the recommendation and any conditions imposed.
 - b. **Recommendation of Denial.** In the case of a recommendation of denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
 - c. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
2. **Township Board.**
 - a. **Approval.** The motion and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
 - b. **Denial.** In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
 - c. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.

E. Appeals. The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on special land uses.

Section 13.40 Special Land Use Approval Standards

In addition to site plan approval standards of Section 12.40, the following special land use approval standards shall be considered by the Planning Commission and Township Board.

- A. **Zoning Ordinance and Master Plan.** The special land use will be consistent with the goals, intent, and purposes of the Zoning Ordinance and the Almena Township Master Plan.
- B. **Use Compatibility and Character.** It will be designed, constructed, operated, and maintained to ensure compatibility with adjacent and nearby land uses, and it will not change the essential character of the area in which it is proposed. Further, it will not impede the normal and orderly development and improvement of surrounding property.
- C. **Public Services and Infrastructure.** It will be adequately served by essential infrastructure and services, such as roads, stormwater drainage infrastructure, schools, law enforcement, and fire protection; will not create excessive additional requirements at public cost for infrastructure; and will not be detrimental to the economic welfare of the community.
- D. **Impact and Nuisances.** The use and its site design will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole, and it will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive activity, noise, vibration, smoke, fumes, glare, odor, or visual impact.
- E. **Environmental Impact.** The use will not cause environmental degradation or significant change to landscapes, topography, and sensitive natural resources.
- F. **Traffic.** The use will not result in unsafe traffic conditions or negative impacts on bicycle and pedestrian travel.

Section 13.50 Term and Validity

- A. **Term and Ownership.** Special land use approval, with all associated benefits and conditions, shall run with the land. Change in property ownership does not invalidate the special land use approval, provided all conditions of approval continue to be met during operation.
- B. **Validity.** A special land use approval shall be valid for as long as the approved special land use continues in accordance with the terms and conditions of the approval. The special land use approval shall expire on the occurrence of one (1) or more of the following conditions:
 1. If replaced or superseded by a subsequent special land use approval.
 2. If replaced or superseded by a permitted use.
 3. If the applicant requests the rescinding of the special land use approval.
 4. If the site plan associated with the special land use expires per Section 12.50 or the concept plan expires per Section 13.30 C.
 5. The permitted special land use ceases operation for 12 consecutive months.
- C. **Revocation.** The Township Board shall have the authority to revoke special land use approval at a public meeting if building construction and site development do not proceed in conformance with the approved site plan or the operation violates the terms and conditions of approval. Notice of the meeting date shall be provided to the applicant no less than 10 days prior to the date of the meeting.

Section 13.60 Special Land Use Amendments

All changes to special land use operation or any specific condition of approval shall be processed in the same manner as the original application. However, the Zoning Administrator may approve amendments to site plans if determined to be minor per the criteria of Section 12.20 C.

Article 14. Planned Unit Development Review

Section 14.10 Intent and Purpose

The intent and purpose of this article are to outline the review process for Planned Unit Development (PUD) projects to ensure compliance with the purpose and intent of Section 4.10 and all standards of approval.

Section 14.20 Review Process

- A. **Pre-Application Conference.** A pre-application conference is required as a prerequisite for acceptance and review of PUD proposals. The purpose of a pre-application conference with the Zoning Administrator is to review the concept of the proposed PUD, discuss the review process, and determine the eligibility of the request.
1. Conference Request. A request for a pre-application conference shall be made to the Zoning Administrator. A pre-application conference may occur in person, by video conference, or by phone.
 2. Requirement Materials. As part of the pre-application conference, the applicant shall submit a copy of an initial concept plan or a sketch plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, land use for the entire site, and proposed locations of buildings and structures.
 3. Guidance. The Zoning Administrator shall advise the applicant of the conformance of the PUD concept with the objectives of the Township, whether the concept qualifies under the requirements of this article and Article 4, and whether the general concept is substantially consistent with the Almena Township Master Plan. Formal action shall not be taken at a pre-application conference, and statements made at the pre-application conference shall not be considered binding commitments or approval of the concept.
- B. **Application Requirements.**
1. Submittal Checklist. See Article 11 for the general processes for submitting an application and Section 22.30 for the submittal checklist.
 2. Parallel Plan and Residential Density Bonuses.
 - a. To determine the density achievable with the underlying zoning district, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional, utility availability, and density allowed by right in the zoning district in which the land is located. Only the net buildable area of the residential portion of the site shall be considered, which is considered to be the portion of the site that is not encumbered by regulated wetlands, steep slopes, existing rights-of-ways, easements that cannot be included in residential lots, and other site features that would prevent the use of the site for residential purposes.
 - b. The Planning Commission shall determine the base number of dwelling units allowable for the PUD based on the parallel plan, and any density bonus (see Section 4.50) granted by the Township will be applied to this number.

- C. **Review Steps.** Review of PUD proposals shall be processed in accordance with the following steps:
1. Rezoning to PUD Overlay and PUD Concept Plan and base district rezoning if applicable.
 2. Final PUD Site Plan.
- D. **Rezoning to PUD Overlay and PUD Concept Plan.** The Planning Commission and Township Board shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of PUD approval standards (Section 14.30). The following process shall be followed:
1. Pre-application conference per 14.20 A.
 2. Application submittal (Section 11.20) by the published deadline.
 3. Planning Commission Public hearing noticing per Section 11.40.
 4. Zoning Administrator review and recommendation.
 5. Planning Commission review, public hearing, and recommendation.
 6. Township Board Public hearing noticing per Section 11.40.
 7. Township Board review, public hearing, and decision.
 8. Publication of the approval notice within a newspaper of general circulation within the Township within 15 days.
 9. The effective date of the approval is seven (7) days after publication.
- E. **Decisions.** The Planning Commission and Township Board shall decide upon a rezoning to PUD Overlay and PUD Concept Plan requests as follows:
1. Planning Commission.
 - a. Recommendation of Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the recommendation and any conditions imposed. A draft ordinance to recommend approval of the PUD Overlay District rezoning and approval of the associated Concept Plan shall be provided.
 - b. Recommendation of Denial. In the case of a recommendation of denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
 2. Township Board. The Township Board may deny, approve, or approve with conditions a request for PUD approval.
 - a. Approval. PUD Overlay District rezoning and approval of the associated Concept Plan shall be in the form of an ordinance to amend the Zoning Map and to formally accept the plan. The ordinance shall outline the findings and conditions of approval.
 - b. Denial. In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.

- F. **Final PUD Site Plan.** A final PUD site plan shall follow the review procedures of the applicable process depending on the type of development. A final PUD development plan may be one of the following types of submittals:
1. Site plan review for a single parcel and use (Article 12). A use approved as part of a PUD process which is a special land use within a base district does not require special land use review for final PUD site plan approval.
 2. Site condominium review (Article 15).
 3. Subdivision review plan for a platted residential development per the Almena Township Land Subdivision Regulations.
- G. **Appeals and Variances.** The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on PUDs. Additionally, no variances may be requested for zoning requirements within an approved PUD.

Section 14.30 PUD Approval Standards

Approval of a rezoning to PUD Overlay District and an associated PUD Concept Plan shall be based on the satisfaction of the following standards:

- A. **Purpose.** The PUD satisfies the purpose and intent of Section 4.10.
- B. **Qualification.** The proposal qualifies as a PUD per Section 4.30 by being under unified control, demonstrating a recognizable benefit, and having the minimum acreage required for PUD development.
- C. **Compliance.** The PUD satisfies all requirements per Section 4.40 and all zoning requirements unless modifications are approved.
- D. **Master Plan.** The PUD is consistent with the Almena Township Master Plan or specifically implements the vision and goals of the plan.
- E. **Compatibility.** The project is designed to integrate harmoniously with the essential character of the area and the natural environment.
- F. **Public Services.** Land uses do not exceed the capacity of public services and county roads and the capacity of the site to handle demands for on-site wells and sewage treatment.

Section 14.40 Term and Validity

- A. **Validity and Expiration.** Approval of PUD overlay rezoning and concept plan by the Township Board shall confer upon the owner the right to proceed with the development of a Final PUD Site Plan in accordance with Section 14.20 C.2. The final PUD site plan shall be submitted within two (2) years from the date of approval.
- B. **Extension.** The Township Board may approve an extension of up to one (1) year if requested in writing by the applicant prior to the expiration date of the original approval. The extension may be approved if the Township Board determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
- C. **Termination of Rights.** Upon expiration of a PUD Concept Plan, the approval shall automatically become null and void, and all rights of development based on the plan shall terminate. The Township may take action to remove the PUD Overlay Designation from the Zoning Map after the PUD Concept Plan becomes null and void.

D. **Final PUD Site Plan.** See Section 12.50 or Section 15.50, as applicable.

Section 14.50 Amendments

A. **Minor Change- Administrative Approval.** A minor administrative change to an approved final PUD site plan may be reviewed and approved by the Zoning Administrator. Minor changes are those outlined in Section 12.20 C or Section 15.60 B for condominiums.

B. **Board Approval.**

1. Major Change.

a. Major changes are those that do not qualify as minor changes and:

- i. Reflect the overall intent and design of the PUD concept plan, along with permitted uses and density.
- ii. Comply with all conditions of approval, approved modifications, and all other zoning requirements.

b. A major site plan change to an approved final PUD site plan may be approved by the Township Board after review and recommendation by the Planning Commission. A public hearing or ordinance amendment is not required.

c. A major change between a PUD concept plan and a final PUD site plan may be approved by the Township Board during the review of the final PUD site plan after review and recommendation by the Planning Commission. A public hearing or ordinance amendment is not required.

2. Ordinance Amendment. Any change not qualifying as a minor or major change shall require an ordinance amendment and processing in accordance with Section 14.20.

Article 15. Condominium Review

Section 15.10 Intent and Purpose

- A. **Condominium Act.** This article regulates projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this section, all other applicable Township regulations, and the Condominium Act (P.A. 59 of 1978, as amended).
- B. **Equivalency.** Condominium plans shall be regulated by this section and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township’s zoning requirements. The intent of this section is to ensure that condominium plans are developed in compliance with all applicable standards of the Zoning Ordinance and the design requirements of the Almena Township Land Subdivision Regulations, except that the review procedures and application requirements of this section shall also apply.

Section 15.20 General Requirements

- A. **Applicability.** The following types of condominium units shall be permitted under this section, subject to conformance with the development district standards of the Zoning Ordinance:
 - 1. **Single-Family Detached Units.** Condominium projects in any residential district shall comply with all dimensional and spatial requirements in the same manner as would be applied to platted lots in a subdivision. In the case of a site condominium project, not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit in a site condominium may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered comparable to a “lot” under the zoning ordinance.
 - 2. **Attached Residential or Multiple-Family Residential Units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units shall conform to the Zoning District requirements which apply to the site.
 - 3. **Single Buildings.** Single-building non-residential condominium projects shall be reviewed in accordance with Article 12 and are not subject to the requirements of this section. However, the master deed and bylaws shall be reviewed and approved as a condition of site plan approval.
 - 4. **Condominium Conversions.** Conversions of lawfully conforming and existing buildings or an existing development site into a condominium form of ownership without changes to the building or site and comply with all other zoning requirements are subject to the follow:
 - a. If the conversation requires physical changes, such as a private driveway being upgraded to a private street for frontage requirements to be met, or any other improvement for zoning compliance, then the application shall be processed in accordance with Section 15.30.
 - b. Applicable condominium conversions are subject to administrative review and approval by the Zoning Administrator, and to the discretion of the Township, review of the master deed and bylaws by the Township Attorney.

- c. The Zoning Administrator may refer any application for a proposed condominium conversation to the Planning Commission for full review under the provisions of Section 15.30 if the Zoning Administrator has concerns about whether the application may raise questions about continuing compliance of the building or development site with other applicable provisions of the Zoning Ordinance.
- B. **Area Computation.** The minimum area of the site condominium unit shall be equivalent to the minimum lot area and lot width requirements for the development district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

Section 15.30 Review Process

- A. **Application Requirements.** See Article 11 for general processes for submitting an application.
- B. **Review Steps.** Review of condominium proposals shall be processed in accordance with the following steps:
- 1. Tentative Preliminary Condominium Plan.
 - 2. Final Preliminary Condominium Plan and Construction Plans.
 - 3. Site Construction.
 - 4. Final Condominium Plan, Master Deed, and Bylaws.
- C. **Tentative Preliminary Condominium Plan.** The Planning Commission and Township Board shall review all details of the application to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of condominium approval standards (Section 15.40). The following process shall be followed:
- 1. Application submittal (see Section 22.40 for checklist).
 - 2. Zoning Administrator review and recommendation.
 - 3. Planning Commission review and recommendation.
 - 4. Township Board review and approval.
- D. **Final Preliminary Condominium Plan and Construction Plans.** The Township Board shall review the final preliminary condominium plan to confirm compliance with the tentative preliminary condominium plan and shall confirm that the applicant has secured all outside agency construction permits, including but not limited to the Van Buren/Cass Health Department, Van Buren County Road Commission, Van Buren County Drain Commission, Fire Department, Michigan Department of Transportation, and Michigan Department of Energy and Great Lakes, as applicable. The following process shall be followed:
- 1. Plan submittal (see Section 22.50 for checklist).
 - 2. Zoning Administrator review and recommendation.
 - 3. Township Board review and approval.
- E. **Site Construction.**
- 1. The Zoning Administrator shall authorize site construction by a zoning permit if all Township Board conditions of approval are satisfied.

2. Once the project is complete, the following shall occur:
 - a. The engineer of record shall certify that the project was constructed per the plans.
 - b. The applicant shall provide letters from applicable outside agencies demonstrating that the required improvements are complete.
 - c. The Zoning Administrator shall issue a project close-out letter acknowledging uncompleted work, such as the top coat of the streets, if applicable.
- F. **Final Condominium Plan and Master Deed.** The Township Board shall review a final plan, as-built conditions, and the master deed and bylaws to ensure that the development is completed prior to the issuance of building permits. The Township Board may accept financial surety for uncompleted work, such as a letter of credit, bond, or cash. Upon approval by the Board, satisfaction of conditions, and recording of the master deed and bylaws, building permits may be issued. The following process shall be followed:
 1. Zoning Administrator review and recommendation.
 2. Township Board review and approval.
- G. **Concurrent PUD Review.** A condominium project that is also proposed as a PUD shall be reviewed concurrently:
 1. Rezoning to PUD Overlay and PUD Concept Plan along with Tentative Preliminary Condominium Plan review.
 2. Final PUD Site Plan along with Final Preliminary Condominium Plan and Construction Plans.
- H. **Decisions.** The Planning Commission and Township Board shall decide upon each step of the condominium process as follows:
 1. Planning Commission.
 - a. Recommendation of Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the recommendation and any conditions imposed.
 - b. Recommendation of Denial. In the case of a recommendation of denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
 - c. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
 2. Township Board.
 - a. Approval. The motion and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
 - b. Denial. In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
 - c. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
- I. **Appeals.** Except in the case of PUDs, the Zoning Board of Appeals shall hear appeals to decisions regarding any step of the condominium process in accordance with Section 18.50.

Section 15.40 Condominium Approval Standards

Approval of condominium projects shall be based on the satisfaction of the following standards:

A. Tentative Preliminary Condominium Plan.

1. The plan conforms to all zoning requirements and PUD requirements, if applicable.
2. The condominium plan shall conform to Article IV, Subdivision Design Standards, of the Almena Township Land Subdivision Regulations and Section 12.40 Site Plan Approval Standards.

B. Final Preliminary Condominium Plan and Construction Plans.

1. The plan conforms to the tentative preliminary condominium plan.
2. All required outside approvals are secured, including but not limited to the Van Buren/Cass Health Department, Van Buren County Road Commission, Van Buren County Drain Commission, Fire Department, Michigan Department of Transportation, and Michigan Department of Energy and Great Lakes, as applicable
3. All tentative preliminary condominium plan conditions of approval have been satisfied.

C. Final Condominium Plan, Master Deed, and Bylaws.

1. All required monuments are placed in the condominium development per the Condominium Act.
2. All roads, streets, trails, bike paths, sidewalks, bridges, and culverts are completed.
3. All stormwater management systems and retention and detention areas proposed in the condominium project are completed.
4. Any flood plains within the proposed condominium project are restricted as provided by the Condominium Act. These restrictions are submitted to the Township Board for review and approval prior to recording at the register of deeds as part of the master deed.
5. All utilities servicing the condominium project are installed.
6. All underground utility installations, including street lighting systems that traverse privately owned property, are protected by easements granted by the developer and approved by the utility provider. These easements must be recorded as part of the master deed or provided by a separate instrument.
7. All public improvements, such as street lights, amenities, parks, etc., required by the Township are completed.
8. A complete master deed and bylaws are provided.
9. Documentation is provided that all outside agencies have approved the installation of required improvements, including but not limited to the Van Buren/Cass Health Department, Van Buren County Road Commission, Van Buren County Drain Commission, Fire Department, Michigan Department of Transportation, and Michigan Department of Energy and Great Lakes, as applicable.

Section 15.50 Term and Validity

- A. **Tentative Preliminary Condominium Plan.** Approval shall confer upon the owner the right to proceed with the development of the Final Preliminary Condominium Plan and Construction Plans in accordance with Section 15.30 D. The Final Preliminary Condominium Plan and Construction Plans shall be submitted within one (1) year from the date of approval.
- B. **Final Preliminary Condominium Plan and Construction Plans.**
 - 1. Approved site improvements shall be commenced within one (1) year after the date of approval of an application. If permit validity expires prior to the commencement of construction, the approval shall become null and void.
 - 2. Approval confers upon the applicant for a period of two (2) years to complete the construction of the project.
- C. **Extension.** The Township Board may approve one (1) extension of up to one (1) year if requested in writing by the applicant prior to the expiration date noted in subsections A and B. The extension shall be approved if the Township Board determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant and the project will proceed within the extension period. If an extension expires, the approval shall become null and void.

Section 15.60 Amendments

- A. **Tentative and Final Preliminary Condominium Plans.** Amendments to condominium plans during the preliminary review processes may be considered and approved by the Township Board. However, at the discretion of the Township Board, changes may be referred back to the Planning Commission for review and recommendation.
- B. **Final Condominium Plan.** The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot may be approved if permitted by the Condominium Act (P.A. 59 of 1978, as amended).
 - 1. Minor. Minor amendments include lot line and boundary adjustments and may be approved by the Zoning Administrator.
 - 2. Major. Major amendments shall be reviewed by the Planning Commission and approved by the Township Board and shall comply with the requirements of this article.

Article 15. Condominium Review

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Article 16. Zoning Amendment Review

Section 16.10 Intent and Purpose

The Township Board may, on recommendation from the Planning Commission, amend the Zoning Map boundaries or the provisions and regulations of the Zoning Ordinance whenever determined to be in the best interest of Almena Township.

Section 16.20 Initiation

- A. **Authority.** Amendments to the Zoning Map or Zoning Ordinance may be initiated by the Township Board, the Planning Commission, or by petition of a Township property owner or resident.
- B. **Methods of Initiation.**
1. Township Board. Amendment to the Zoning Ordinance and Zoning Map may be initiated by the Township Board on its own motion to direct the Planning Commission to pursue a review of a proposal for change.
 2. Planning Commission. The Planning Commission may, at its discretion, initiate amendments to the Zoning Ordinance and Zoning Map and provide recommendations to the Township Board.
 3. Property Owners and Residents.
 - a. A request for a Zoning Map amendment may be filed by a property owner or an authorized applicant.
 - b. A request for Zoning Ordinance text amendment may be filed by a property owner or resident. Unless direction is received by the Township Board, the Planning Commission is not obligated to set a public hearing or act upon zoning text amendment if it is determined that the standards under 16.40 B will not be met or for any other reason.

Section 16.30 Review Process

- A. **Application Requirements.** See Article 11 for general processes for submitting an application and Section 22.60 for a submittal checklist.
- B. **Review Steps.** Review of condominium proposals shall be processed in accordance with the following steps:
1. Application submittal (Section 11.20) by the published deadline.
 2. Public hearing noticing per Section 11.40.
 3. Zoning Administrator review and recommendation.
 4. Planning Commission review, public hearing, and recommendation.
 5. Township Board review and approval.
 6. Publication of the approval notice within a newspaper of general circulation within the Township within 15 days.
 7. Effective date of the approval is seven (7) days after publication.

Section 16.40 Approval Standards

- A. **Zoning Map Amendment.** The following standards shall be considered by the Planning Commission and Township Board while reviewing a proposed Zoning Map amendment:
1. The request is consistent with the recommendations of the Almena Township Master Plan and the Future Land Use Map.
 2. The allowable land uses within the proposed zoning district are compatible with nearby land uses and zoning districts.
 3. The site is adequately served by public or private streets, and the rezoning will not impact the delivery of public services. Additionally, the site can be reasonably served by on-site well and septic systems.
 4. There are no natural constraints to the development of land in accordance with the desired zoning district, and the zoning map amendment will not impact sensitive natural resources.
- B. **Zoning Text Amendment.** The following factors will be considered by the Planning Commission and Township Board while reviewing a proposed Zoning Ordinance text amendment.
1. The amendment will implement the Township's Master Plan.
 2. The amendment addresses changing conditions in development trends, housing types, industrial standards, environmental best practices, or citizen preferences.
 3. The proposed text amendment would clarify the intent of the Zoning Ordinance.
 4. The proposed text amendment would correct an error in the Zoning Ordinance.
 5. The proposed text amendment would address changes to the State legislation, recent case law, opinions of the Attorney General of the State of Michigan, or any other county, state, or federal regulations.
 6. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
 7. The amendment shall not create incompatible land uses within a zoning district or between adjacent districts.
 8. The proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
 9. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

Section 16.50 Conditional Rezoning

- A. **Intent.**
1. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by the applicant property owners as part of a request for a rezoning. It is the intent of this section to recognize the provisions of Section 405 of the Michigan Zoning Enabling Act by which an applicant seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2. This is not intended to be a tool to be used to circumvent the vision for the property or area presented in the Township Master Plan or allow for significant shifts in Township land use policy. Rather, this tool provides a mechanism for the development of rare, unique sites that do not fit neatly into a particular zoning district even though they are consistent with that area's Master Plan designation. The procedure and criteria for the use of conditional rezoning are the same, with those modifications indicated below, as for conventional rezoning.
3. The Township shall not require an applicant to offer conditions as a requirement for rezoning. The lack of a voluntary offer shall not otherwise affect a landowner's rights under the Zoning Enabling Act.

B. Application.

1. An owner of land or authorized applicant may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested.
2. An offer of conditions shall be a documented list of restrictions that the applicant voluntarily requests to place on the property in order to create what they believe will be a more attractive rezoning application.
3. The voluntary offer must be submitted at the time an application is filed. However, conditions may be amended by the applicant during the review process.
4. An applicant may withdraw all or part of its offer of conditions any time prior to the final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Provisions and Restrictions.

1. Conditional rezoning shall not authorize uses or developments that are prohibited in the requested new zoning district.
2. Conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
3. Any use or development proposed as part of an offer of conditions that would otherwise require a special land use permit under the terms of this ordinance will still require special land use permit review and approval following the conditional rezoning approval if granted.
4. Any use or development proposed as part of an offer of conditions that would otherwise require a variance under the terms of this ordinance will still require variance approval by the ZBA following the conditional rezoning approval if granted.
5. Any use or development proposed as part of an offer of conditions that would otherwise require site plan approval under the terms of this ordinance will still require site plan approval following the conditional rezoning approval if granted.

D. Review Process and Standards. A conditional rezoning shall be reviewed in accordance with Section 16.30 and reviewed against the standards of Section 16.40 A.

E. Formal Statement of Conditions. If approved, the applicant shall work with the Township Board and Township Attorney on formatting the conditions into a more formal agreement or Statement of Conditions. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

1. Be in a form recordable with the Van Buren County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 2. Contain a legal description of the land to which it pertains.
 3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land unless the applicant has offered as a condition of rezoning approval some specific point in time at which the conditions shall cease and the site shall be reverted back to its previous zoning designation.
 4. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds.
 6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- F. **Recording.** The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- G. **Compliance with Conditions.** Failure to comply with all conditions contained within the Statement of Conditions shall constitute a violation of the Zoning Ordinance.
- H. **Timeframe.** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if:
1. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 2. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- I. **Reversion.** If approved development and/or use of the rezoned land do not occur within the time frame specified under subsection H, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board in accordance with 16.20 B.1.
- J. **Subsequent Rezoning of Land.** When land that has been conditionally rezoned is thereafter rezoned to a different zoning classification, or there is a request to amend or rescind the Statement of Conditions, the Statement of Conditions imposed under the conditional rezoning approval shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds a notice that the original Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development or use or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone. Nothing in the Statement of Conditions or in the provisions of this section shall be deemed to prohibit the Township from subsequently rezoning all or any portion of land that has been conditionally rezoned to another zoning classification in accordance with 16.20 B.1.

Article 16. Zoning Amendment Review

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Article 17. General Administration and Enforcement

Section 17.10 Intent and Purpose

The provisions of the Zoning Ordinance shall be administered by the Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board. This article outlines authorities involved in Alma Township zoning practice and the penalties for violation of this ordinance.

Section 17.20 Authorities

A. Zoning Administrator.

1. Role. The Alma Township Zoning Administrator is an appointed officer who acts as the primary administrator of the Alma Township Zoning Ordinance. Assistant Zoning Administrators may be appointed to aid the Zoning Administrator in the performance of their duties.
2. Duties. The Zoning Administrator:
 - a. Provides official interpretations and determinations regarding the provisions and requirements of the Zoning Ordinance;
 - b. Provides recommendations to the Planning Commission, Zoning Board of Appeals, and Township Board, as requested; and
 - c. Approves development applications administratively, as noted in this ordinance.
3. Administration. The Zoning Administrator keeps a record of administrative approvals, determinations, and interpretations related to their role.

B. Planning Commission.

1. Duties. The Planning Commission:
 - a. Carries out a continuous review of the effectiveness and appropriateness of this ordinance and the official Zoning Map and recommends to Township Board any appropriate changes or amendments in accordance with Article 16;
 - b. Provides the Township Board with recommendations concerning all development applications as specified in this ordinance; and
 - c. Performs such other duties assigned by this ordinance in accordance with the Michigan Zoning Enabling Act and Michigan Planning Enabling Act.
2. Administration.
 - a. The Planning Commission shall keep minutes of its proceedings showing the official action of the Commission and the vote of each member. Minutes and the records of all official actions shall be filed with the Township Clerk and kept as a public record.
 - b. The concurring vote of the majority of Planning Commission members present during a quorum shall be necessary to take any action authorized by the Zoning Ordinance.
 - c. The Planning Commission shall adopt rules and procedures governing its activities.

- C. **Zoning Board of Appeals.** See Article 18.
- D. **Township Board.** Upon receipt of a recommendation by the Planning Commission, the Township Board shall decide upon the following:
 - 1. Zoning Ordinance amendments.
 - 2. Zoning Map amendments.
 - 3. Planned Unit Developments.
 - 4. Site plans, special land uses, condominiums, and subdivisions.
 - 5. The Township Board shall perform such other duties assigned by this ordinance in accordance with the Michigan Zoning Enabling Act.

Section 17.30 Violations and Penalties

- A. **Violation.** Any person who violates, disobeys, neglects, or refuses to comply with any provision of this ordinance, any administrative decision made under the ordinance, or any permit or approval issued under the ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same shall be deemed to be responsible for a violation of this ordinance. Any person responsible for a violation of this ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.
- B. **Municipal Civil Infraction.**
 - 1. A violation of this ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

Offense	Minimum Fine	Maximum Fine
First Offense	\$100.00	\$500.00
Second and Subsequent Offenses	\$200.00	\$500.00

- 2. See the Almena Township Civil Infraction Ordinance regarding general penalties and sanctions for violations, continuing violations, and injunctive relief.

Article 18. Zoning Board of Appeals

Section 18.10 Intent and Purpose

This article outlines the Zoning Board of Appeals as a Township authority and its role, as authorized by the Michigan Zoning Enabling Act, as it relates to the requirements and administration of the Zoning Ordinance.

Section 18.20 General Provisions

- A. **Establishment.** The Almena Township Zoning Board of Appeals exists in accordance with Section 601 of the Michigan Zoning Enabling Act.
- B. **Membership.**
1. Based on the 2020 population of Almena Township, the Zoning Board of Appeals shall include five (5) members.
 2. The Chairperson and Vice-Chairperson of the Zoning Board of Appeals shall be elected from among its members each year at the first regular meeting held at the beginning of each calendar year.
 3. At least one (1) member of the Zoning Board of Appeals shall be a member of the Planning Commission but shall not serve as Chairperson if already serving as the Chairperson of the Planning Commission.
 4. The remaining regular members and any alternate members shall be selected from the electors of Almena Township. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.
 5. One (1) regular or alternate member of the Zoning Board of Appeals may be a member of the Almena Township Board. However, this member shall not serve as Chairperson.
 6. The Township Board may appoint up to two (2) alternate members for the same term as regular members. An alternate member may be called as specified in the Zoning Ordinance to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member is unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.
 7. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.
- C. **Terms and Appointment.**
1. The terms of office for an appointed member of the Zoning Board of Appeals shall be three (3) years, except for a member serving because of their membership on the Planning Commission or Township Board, whose term shall be limited to the time they are a member of that body.
 2. When members are first appointed, appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after

the term of the preceding member has expired.

3. A vacancy on the zoning board of appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

D. **Per Diem.** Members of the Zoning Board of Appeals may be paid a reasonable per diem and be reimbursed for expenses actually incurred in the discharge of their duties.

E. **Removal.** A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.

F. **Meetings and Records.**

1. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present.
2. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the Zoning Board of appeals in its rules of procedure may specify.
3. The Chairperson or, in their absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses.
4. The Zoning Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk.
5. The Zoning Board of Appeals shall state the grounds and reasoning for all decisions.

G. **Deadlines and Public Hearing Noticing.**

1. Following receipt of a complete Zoning Board of Appeals application, supplemental information, and associated fees by a posted deadline, the Zoning Board of Appeals convene at the scheduled meeting date or within a reasonable timeframe.
2. A public hearing in accordance with Section 11.40 shall be scheduled for all applications heard by the Zoning Board of Appeals. However, in accordance with Section 604 (5) of the Zoning Enabling Act, an appeal of a determination or interpretation not involving a specific property does not require written public notice to landowners, but only to the appealing party. The Chairperson shall make the determination of whether this exception can be made.

H. **Voting.**

1. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a variance from the Zoning Ordinance. For a five (5) member Zoning Board of Appeals, no less than three (3) votes in favor of a motion are required for it to pass regardless of the number of members participating at the meeting.
2. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

I. **Procedures.** The Zoning Board of Appeals may adopt rules to govern its procedures.

Section 18.30 Authority

- A. **Types of Considerations.** The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including:
1. Interpretations. Hear and decide upon questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning language and the Official Zoning Map.
 2. Appeals. Hear and decide upon appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Zoning Ordinance. As authorized by Section 603 of the Michigan Zoning Enabling Act, the Almena Township Zoning Ordinance does not authorize appeals to be taken to the Zoning Board of Appeals for Township Board decisions regarding special land uses and Planned Unit Developments.
 3. Variances. Hear and decide upon non-use variance requests. Applications for land use variances shall not be accepted and heard.
 4. Nonconformity Special Exceptions. Hear and decide upon requests to change a nonconforming use or to expand a nonconforming use.
- B. **Decisions and Appeals.**
1. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court of Van Buren County.
 2. An appeal from a decision of the Zoning Board of Appeals shall be filed within whichever of the following deadlines comes first:
 - a. Thirty (30) days after the Zoning Board of Appeals issues its decision in writing, signed by the Chairperson; or
 - b. Twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.
 3. If the Township receives notice of an appeal within this period, no further action shall be taken by the Zoning Administrator until the matter has been heard and decided by the Circuit Court.

Section 18.40 Interpretation

- A. **Authority.** The Zoning Board of Appeals shall have the power to hear and decide the following interpretation matters:
1. Ambiguity. To determine the meaning of ordinance requirements when ambiguity exists in those provisions.
 2. District Boundaries. To determine the precise location of the boundary lines between zoning districts.

Section 18.50 Appeal

- A. **Appealing Party and Filing.**
1. An appeal to the zoning board of appeals may be taken by an aggrieved party.
 2. An appeal under this section shall be taken by filing with the body or officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal.

- a. **Appeal of Township Board and Planning Commission.** An appeal of a final decision must be filed within 30 days after the certification of the minutes Planning Commission or Township Board meeting from which the appeal is taken or within 30 days after the Planning Commission or Township Board issued its decision in writing, whichever comes first.
 - b. **Appeal of Zoning Administrator.** Appeals to an administrative decision must be filed within 30 days after the decision is finalized in writing.
 3. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed was taken.
 4. An appealing party may appear personally or by an agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- B. **Stay of Proceedings.** An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would, in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the zoning board of appeals or a circuit court.

Section 18.60 Variances

- A. **Authorized Variances.** Variances may be requested that relate to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance or related to any other nonuse-related standard in the Zoning ordinance.
- B. **Administrative Determination.** A variance request shall be preceded by a written compliance determination by the Zoning Administrator.
- C. **Submittal Checklist.** See Section 22.10.
- D. **Practical Difficulties.** If there are practical difficulties in way of carrying out the strict letter of the Zoning Ordinance, the Zoning Board of Appeals may grant a variance in accordance with this section, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
- E. **Stay of Proceedings.** A request for a variance may also stay code enforcement proceedings related to the specific compliance issue.
- F. **Conditions.** The Zoning Board of Appeals may impose conditions as authorized by the Zoning Enabling Act if necessary and appropriate in accordance with Section 11.70. The Zoning Board of Appeals may impose greater or more restrictive conditions, restrictions, and requirements than are included in this ordinance. Violations of approved conditions, restrictions, and requirements shall be deemed a violation of this ordinance. Conditions, restrictions, and requirements may include the provision of financial security to guarantee performance in accordance with Section 11.80.
- G. **Standards for Approval.** The Zoning Board of Appeals shall not grant a variance from a Zoning Ordinance requirement unless it finds that a practical difficulty exists. A practical difficulty is determined to exist if the Zoning Board of Appeals provides a positive answer to all of the following six questions and documents its findings verbally during the meeting and within written

meeting minutes:

1. Would strict compliance with the zoning requirement unreasonably prevent the landowner or applicant from using the property for a permitted land use, or would strict compliance render conformity with the zoning requirement unnecessarily burdensome? The Zoning Board of Appeals shall not consider the cost to conform with the zoning requirement or financial return when reviewing this standard.
2. Is the predicament caused by a unique circumstance related to the property? A unique circumstance is one that is not similarly shared by neighboring properties within the general vicinity and within the same zoning district. Unique circumstances are determined to exist if at least one of the following conditions is identified by the Zoning Board of Appeals:
 - a. Exceptional narrowness of the width or depth of a lot or parcel, or an irregular shape, as compared to a conforming lot or parcel.
 - b. Exceptional natural or topographic features located on the lot or parcel, such as steep slopes, ravines, wetlands, surface water features, existing significant trees, or other unique or extreme physical conditions of the land.
 - c. An extraordinary or unusual location of an existing lawful building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land where such expansion is otherwise lawful and reasonable.
 - d. Other natural, topographic, or dimensional conditions or characteristics of land, a lot, or a parcel, which are determined by the Zoning Board of Appeals to be exceptional or extraordinary.
3. Did the predicament result from a circumstance other than a self-created problem caused by the current landowner or any previous landowner? A self-created problem is described as one or more of the following conditions:
 - a. A problem or situation that occurs when one can use or reasonably develop a property in a manner that complies with this ordinance, but the landowner or applicant's personal desire, convenience, or preference for property use or development would not comply with all zoning requirements.
 - b. A problem or situation that occurs when a property is currently built-out under current zoning regulations, but the landowner or applicant's personal desire, convenience, or preference for expansion would not comply with all zoning requirements.
 - c. A problem or situation that results from the action, preference, or desire of the landowner or applicant that is not a result of a unique or unusual characteristic of the subject property.
 - d. A problem or situation that exists because the landowner or applicant, or previous landowner, took a specific action that created the need for the variance, such as adjusting a lot line, constructing or expanding a building or structure dividing a lot, or developing a site in a manner that does not allow for future construction, building expansion, or site development that complies with all zoning requirements.
4. Will granting the requested variance, or a variance of a lesser degree, provide substantial justice to the landowner or applicant and neighboring landowners and occupants? Substantial justice to neighboring landowners and occupants means that the requested variance will not grant special privileges to the applicant that are denied to nearby, similar-situated properties located in the same zoning district.

5. Will there be an acceptable impact, or no impact, to impact public health, safety, and welfare, and to the character of the area?
6. Will granting the variance align with the intent and spirit of the Zoning Ordinance and its requirements?

H. Voiding and Re-Application.

1. Each variance granted under the provisions of this ordinance shall become null and void unless the use and construction authorized by such variance or permit have been commenced within one (1) year of approval.
2. No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on the grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 18.70 Nonconforming Use Special Exceptions

- A. **Expansion of Nonconforming Uses.** No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of the Zoning Ordinance, except as may be permitted by the Zoning Board of Appeals based on the standards of Section 18.70 D.
- B. **Substitution of Nonconforming Use.** A nonconforming use may be changed to another nonconforming use except as may be permitted by the Zoning Board of Appeals based on the standards of Section 18.70 D.
- C. **Submittal Checklist.** See Section 22.10.
- D. **Standards of Approval.** The Zoning Board of Appeals must determine that the request for a nonconforming use special exception:
 1. Shall be as compatible as or more compatible with the surrounding neighborhood;
 2. Shall not have a substantially detrimental effect on the use and enjoyment of adjacent uses or properties;
 3. Shall not negatively impact public health, safety, and welfare;
 4. Shall not result in traffic safety concerns;
 5. Shall not cause serious impact on the natural environment;
 6. Shall comply with requirements for the zoning district in which it lies and any applicable specific use requirement; and
 7. Shall not be larger than 25 percent of the original nonconforming area if expansion is requested.
- E. **Conditions.** The Zoning Board of Appeals may impose conditions as authorized by the Zoning Enabling Act if necessary and appropriate in accordance with Section 11.70. The Zoning Board of Appeals may impose greater or more restrictive conditions, restrictions, and requirements than are included in this ordinance. Violations of approved conditions, restrictions, and requirements shall be deemed a violation of this ordinance. Conditions, restrictions, and requirements may include the provision of financial security to guarantee performance in accordance with Section 11.80.

Article 19. Nonconformities

Section 19.10 Intent and Purpose

In Alma Township, there exist lots, parcels, sites, structures, and uses of land and structures which were lawfully established prior to the adoption of the Zoning Ordinance or prior to amendments to the Zoning Ordinance, which are not in conformance with current requirements. It is the intent of the Zoning Ordinance to allow these nonconformities to continue but not to encourage their prolonged existence. It is determined that nonconformities prevent the full realization of the goals and objectives of the Alma Township Master Plan and the intent of the Zoning Ordinance, so the intent and purpose of this section is to allow continuance, but to reduce, rather than increase, the nonconformities over time.

Section 19.20 Nonconforming Uses

- A. **Continuation.** Land uses lawfully established on or prior to the effective date of this ordinance, or amendment to this ordinance, may be continued, even though the use does not conform with the current use requirements for the applicable zoning district within Table 2.50 or does not comply with specific use requirements established in Article 6.
- B. **General Changes, Re-Establishment, and Substitution.**
1. Changes of Tenancy, Ownership, or Management. There may be a change of tenancy, ownership, or management of any existing nonconforming use of land, structures, and premises; however, there shall be no change in the nature or character of the nonconforming use without the approval of the Zoning Board of Appeals in accordance with this section.
 2. Re-establishment of Nonconforming Use. If a nonconforming use of any structure is terminated and replaced by a permitted use, a nonconforming use shall not be later re-established.
 3. Substitution of a Nonconforming Use. A nonconforming use shall not be changed to another nonconforming use except if permitted by the Zoning Board of Appeals in accordance with Section 18.70.
- C. **Expanding a Nonconforming Use.**
1. Within Structures and Buildings. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for the use at the effective date of this ordinance, or amendment to this ordinance, but no such use shall be extended to occupy any portion of a building which was not manifestly arranged or designed for the use, nor shall the use be extended to occupy any land outside the building.
 2. Not Involving Structure and Buildings.
 - a. No nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied on the effective date of this ordinance or amendment to this ordinance.
 - b. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use on the effective date of this ordinance or amendment thereto.
 3. Zoning Board of Appeals Approval. Notwithstanding the limitations of this subsection, the Zoning Board of Appeals may approve the expansion of nonconforming uses in accordance

with Section 18.70.

D. Abandonment.

1. **Within Structures and Buildings.** When a nonconforming use of a structure is discontinued or ceases to exist for 12 consecutive months, with an intent to abandon the use, the structure shall no longer be used except in conformance with the regulations of the district in which it is located.
2. **Use Not Involving Structure and Buildings.** If any nonconforming use of land ceases for any reason for more than six (6) months, any subsequent use of the land shall conform to the requirements of this ordinance. Maintenance of the land or buildings or structures, including the provision of maintaining utility service or postal service, shall not constitute a continuation of the use of land.
3. **Determination.** A determination that a nonconforming use has ceased, with an intent to abandon the use, shall be made by the Zoning Administrator based on any one or more of the following:
 - a. Government records, such as inspection reports, dated photographs/aerial photographs, or notarized statements that provide clear evidence that the nonconforming use has ceased.
 - b. Changes to listings in telephone directories or online information providing clear evidence that the nonconforming use has ceased.
 - c. Changes to utility records providing clear evidence that the nonconforming use has ceased.
 - d. Dated advertising or other information published in a newspaper, magazine, or website, such as a "going out of business sale," "moving sale," or "grand opening" at a new location providing clear evidence that the nonconforming use has ceased.
 - e. The property, buildings, and grounds have fallen into disrepair.
 - f. Signs or other indications of the existence of the nonconforming use have been removed.
 - g. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
 - h. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

Section 19.30 Nonconforming Lots or Parcels

- A. **Existing Lots or Parcels.** In any zoning district, notwithstanding limitations imposed by other provisions of this ordinance, where an existing lot or parcel which does not abut any lot or parcel in the same ownership fails to meet minimum area, width, depth-to-width ratio, and frontage requirements of the zoning district in which it is located, the lot or parcel may be used for the permitted and special uses authorized by the zoning district, provided that all other dimensional requirements for buildings and structures can be met.
- B. **Abutting Nonconforming Lots or Parcels Under Single Ownership.** Where one or more abutting lots or parcel in the same ownership do not, when considered individually, meet the requirements for minimum area, minimum width, or both, of the zoning district in which the lots or parcels are located, the lot or parcels shall be considered as one for the purposes of this ordinance. Contiguous lots or parcels so combined shall not be divided or reduced in dimensions or area so as to increase noncompliance with the minimum requirements of this ordinance.

Section 19.40 Nonconforming Site Development

- A. **Applicability.** This section applies to multi-family residential developments and non-residential developments that do not comply with the requirements of Articles 6-9, as applicable.
- B. **General Provisions.** The use of nonconforming sites may be continued, and sites are not required to be upgraded to conformance with this ordinance, so long as no site development improvements are initiated.
- C. **Conformance.** Conformance with all applicable site development requirements shall be demonstrated during site plan amendment review or plan reviews for the complete redevelopment of sites. However, for site plan amendments, only the affected area of a site must be brought to conformance.

Section 19.50 Nonconforming Buildings and Structures

- A. **Applicability.** Structures that do not conform to the spatial and dimensional requirements of this ordinance, or amendment thereto, are subject to the following restrictions.
- B. **Alteration of Nonconforming Buildings and Structures.** Except as otherwise permitted in this article, nonconforming buildings and structures shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conformance with the spatial and dimensional requirements of this ordinance.
- C. **Reconstruction and Restoration after Damage.** A nonconforming building or structure or nonconforming dwelling that is destroyed or damaged may be reconstructed as it existed prior to destruction or damage. If construction has not commenced and is not substantially completed within 12 months, the building or structure shall only be rebuilt in full compliance with the Zoning Ordinance.
- D. **Repairs and Maintenance.**
 - 1. **Basic Repairs.** Ordinary repairs or repair or replacement of non-bearing walls, fixtures, wiring, mechanical equipment, or plumbing of nonconforming buildings and structures are permitted, provided that the structure is not enlarged, extended, moved, or structurally altered.
 - 2. **Safety Improvements.** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public health upon order of the official.
- E. **Building Permits Issued Prior to Ordinance Changes.**
 - 1. Any structure on which actual construction was lawfully begun prior to the effective date of this ordinance, or amendment thereto, but, which under this ordinance, or amendment thereto, is classified as nonconforming, shall be considered existing and legally nonconforming pursuant to construction purposes and the intended use. Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or use of the structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction, the demolition or removal shall be deemed actual construction. All construction shall be done pursuant to the issuance of a building permit by Almena Township.

2. **Incomplete Projects.** If a permitted construction project is not completed within the time authorized by the building permit and any extensions of the permit approved by the Building Official, the completion of the building must conform to the spatial and dimensional requirements of this ordinance.

Section 19.60 Nonconforming Signs

- A. **Continuation.** A lawfully established sign that does not conform to the type, setback, height, area, location, or any other requirements of Article 10 as of the effective date of the article, or amendments to Article 10, is determined to be nonconforming. The intent of this section is to permit the continuance of nonconforming signs until they are removed or destroyed and to encourage overall compliance with Article 10.
- B. **Illegal Nonconforming Signs.** Signs installed without sign permits that do not conform to the requirements of this section, or permitted signs that have been constructed in a nonconforming location, are considered illegal nonconforming signs and shall be either removed or made to conform to this Article 10, and a permit shall be required.
- C. **Change or Replacement.** Nonconforming signs shall not be changed to another nonconforming sign or replaced with a nonconforming sign.
- D. **Relocation.** Nonconforming signs shall not be moved completely or in part to another location unless the sign at the new location conforms to Article 10.
- E. **Alternations, Refacing, Repair, and Maintenance.**
 1. **Alteration.** Structural alterations that prolong the life of the sign or change the shape, size, or type of sign are prohibited. The replacement of a sign cabinet is considered an alteration.
 2. **Refacing.** The face of a nonconforming sign may be replaced as long as the nonconforming nature of the sign is not expanded or increased.
 3. **Repair.** Any nonconforming sign, sign structure, frame, or standard damaged by any means shall not be repaired or rebuilt if the damage exceeds 50 percent of present-day replacement value, considering a sign of equal and similar size, building materials, construction, and quality. The sign owner shall provide an estimate acceptable to the Zoning Administrator for an official determination concerning restoration and repair eligibility.
 4. **Normal Maintenance.** Nonconforming signs may be painted, cleaned, and maintained.

Section 19.70 Exceptions

- A. **Errors and Violations.** The issuance or granting of a permit or approval of plans or specifications shall not be considered as approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel any provision of this ordinance shall be valid.
- B. **Illegal Nonconformities.** Any lot, parcel, use, site development, building, or structure established in violation of the provisions of this Ordinance or any prior Zoning Ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies, and safeguards of this article.

Article 20. General Definitions

Section 20.10 Construction of Language

- A. **Applicability.** The following listed rules of construction shall apply to the text of this ordinance.
1. The particular shall control the general.
 2. Except with respect to the definitions which follow in Section 21.20, the headings which title an article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this ordinance or as enlarging or restricting the terms and provisions of this ordinance in any respect.
 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 4. Unless the context clearly indicates to the contrary:
 - a. Words used in the present tense shall include the future tense;
 - b. Words used in the singular number shall include the plural number; and
 - c. Words used in the plural number shall include the singular number.
 5. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination of any of them as well as a natural person.
 6. The word "used" or "occupied," as applied to any land, building or structure, shall be construed to include the words "intended," "arranged," "designed to be used," or "occupied."
- B. **Common Understanding.** For the purpose of their use in this ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 20.20 General Definitions

Access Management Plan. The Township Corridor Access Management Plan is published in two separate reports, one for M-40 and another for M-43. The Corridor Plan illustrates recommended location of access points and service drives along the corridor.

Access, Reasonable. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road, as consistent with the purpose and intent of this ordinance and any other applicable plans and policies of Alma Township, with Act 200 of 1969, or with other applicable law of the State of Michigan. Reasonable access does not necessarily mean direct access.

Addition. Any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area, such as a porch, attached garage, or a new room or wing.

Alley. A publicly controlled right-of-way affording only secondary means of vehicular access to abutting lots and land and which is not intended for general traffic circulation.

Altered or Alteration. Any change, addition, or modification in the construction of any building or structure, including, without limitation, any change in the supporting members, bearing walls, columns, posts, beams, girders, or roof structure, any architectural change of the interior or exterior of

a building or structure which may affect its structural integrity, or any addition to or diminution of a structure or building.

Animal, Domestic. An animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents, and similar animals, and they are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.

Animal, Farm. Any animal or fowl customarily raised on a bonafide commercial farm for the production of income, including but not limited to goats, rabbits, horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese or that are customarily raised for non-commercial consumption or production by the residents of the premises.

Animal, Wild. An animal not domesticated by humans or any animal which a person is prohibited from possessing by law.

Basement. That portion of a building that is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement is not counted as a story.

Buffer. A strip of land that provides visual separation and aesthetic relief between potentially incompatible uses or provides protection to natural resources through the use of landscaping, preservation of existing vegetation, berms, screening, or a combination of materials.

Building. A permanent independent structure with a roof, supported by walls, columns, or other supports that is designed for the shelter, housing, or enclosure of persons, animals, possessions, or property of any kind or to conduct business activities. A combination of materials, whether portable or fixed, forming a structure with a roof, affording a facility or shelter for use or occupancy by persons, animals, or property.

Building, Principal. A building in which is conducted the main or principal use of the lot or parcel on which the building is located.

Condominium. The ownership of a land, dwelling, office, commercial, or an industrial unit, including the space enclosed by the description thereof, as contained in the Master Deed, together with ownership of an interest in the common elements, as contained in the Master Deed.

Condominium Act. The Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended.

Condominium, Master Deed. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, P.A. 59 or 1978, as amended.

Condominium, Site. A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot.

Condominium Unit. The portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act, P.A. 59 of 1978, as amended.

Cul-De-Sac. A circular vehicle turn-around area constituting the terminus of a street that has only one outlet to another street.

Develop or Development. The act of constructing permanent structures or buildings, conducting site preparation, excavation, and grading for future construction, or installing site improvements and infrastructure in support of an existing or future structure, building, or land use.

Dwelling Unit. A building or portion of a building designed for use and occupancy by one family, having permanent provisions for living, sleeping, cooking, and sanitation. A recreational vehicle, portable building, tent, or other transient residential use, such as hotels/motels and bed and breakfasts, are not considered a dwelling.

Easement. A designated area surveyed, legally described, and recorded, which authorizes a person, government, agency, or public utility company to use public or private land owned by another for a specific purpose.

Easement, Private Street. A designated area surveyed, legally described, and recorded, applied to a private street, which authorizes vehicle travel and the installation and maintenance of public utilities.

Family. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together within a dwelling, or a collective number of individuals domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Fence. A constructed barrier intended to prevent access, create an enclosure, or to mark a boundary.

Floor Area. The area of a building measured around the exterior of a building foundation and the perimeter measurements of upper stories.

Garage. A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises.

Grade, Finished. The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alterations.

Household. All persons occupying a house, apartment, group of rooms, or a single room occupied as separate living quarters, regardless of their relationship to one another.

Land Division. The act of creating a lot or parcel of land defined by a metes and bounds description pursuant to the provisions of the Michigan Land Division Act, P.A. 87 of 1997, as amended (formerly the Michigan Subdivision Control Act) or the act of creating a condominium plat pursuant to the provisions of the Condominium Act, P.A., 59 of 1978, as amended, for the purpose of recording same with the Register of Deeds of Van Buren County. (See: Land Division Act and Condominium Act.).

Land Division Act. The Michigan Land Division Act, P.A. 87 of 1997, as amended (formerly the Michigan Subdivision Control Act) and any ordinance adopted by the Township Board in furtherance of Township duties required of said act

Loading Space. An area designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold, or made on the premises.

Lot Area. The area of land included within a lot or parcel as defined by lot lines but excluding any public rights-of-way and private street easements.

Lot, Corner. A lot with at least two contiguous sides abutting two intersecting streets and where the interior angle of the intersecting streets is less than 135 degrees. Also, a lot located on a curved street or streets, if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

Lot, Interior. A lot other than a corner, multi-frontage, through, or corner lot, bordered on three sides by other lots.

Lot, Multi-Frontage. A lot bordered by streets on three (3) sides.

Lot, Through. An interior lot bordered by two, more or less parallel streets. For the purposes of this definition, if one side of the lot is bordered by an alley opposite of a street the lot is not considered a through lot.

Lot, Waterfront. A lot with one or more of its lot lines adjoining a stream, river, or lake.

Lot Coverage. The lot area, stated as a percentage of the total, covered by all buildings, areas under roof, driveways, parking lots, patios, decks, and other impervious surfaces.

Lot Depth. The average distance between the front lot line and the rear lot line. The average shall include measurements of the side lot lines if extending from the front lot line to the rear lot line, and the shortest measurement from the front lot line to the farthest point of the rear lot line

Lot Frontage. The length of the front lot line measured at the public street right-of-way or private street easement.

Lot Width. The horizontal distance between side lot lines measured at the two (2) points where the required setback intersects the side lot lines or along the front property line on a curvilinear lot.

Lot Lines. The lines bounding a lot, as defined below:

1. **Lot Line, Front.** The lot line separating the lot from the street right-of-way or road easement in the direction the lot and building area oriented.
2. **Lot Line, Interior Side.** The lot line connecting the front and rear lot lines of a corner lot.
3. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line. On irregularly-shaped lots, the rear lot line is determined based on a line perpendicular to the front lot line extending to the point where a rear lot line would be 10 feet in width and parallel to the front lot line. This rear lot line is intended for the purpose of establishing the rear setback and lot depth only.
4. **Lot Line, Secondary Front.** On a corner lot or multi-frontage lot, the lot line separating the lot from the street right-of-way or road easement which is not the front lot line, opposite of the interior side lot line on a corner lot and the side lot line on a multi-frontage lot.
5. **Lot Line, Side.** The lot lines connecting the front and rear lot lines of an interior lot or connecting the front lot lines of a through lot.

Master Plan. The Township Plan adopted pursuant to the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, including graphic and written materials indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Nonconforming Building or Structure. A structure or building lawfully constructed that does not conform to the dimensional requirements of the Zoning Ordinance but existed prior to the effective date of this ordinance or any amendment to this ordinance.

Nonconforming Lot. A lot lawfully existing on the effective date of this ordinance, or its subsequent amendment, that does not meet the current area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Site. A developed site that does not conform to the regulations of the zoning district in which it is situated, applicable specific use requirements of Article 6, or any applicable development provisions.

Nonconforming Use. A land use that does not conform to the regulations of the zoning district in which it is situated, as required by Table 2.50, or specific use requirements of Article 6 and lawfully existed on the effective date of this ordinance, or any amendments to the ordinance.

Ordinary High-Water Mark. The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level.

Planning Commission. The Almena Township Planning Commission.

Plat. A map of a subdivision of land, recorded with the County Register of Deeds, pursuant to the Subdivision Control Act, PA 288 of 1967, Land Division Act, PA 591 of 1996 (MCL 560.101 et seq.), as amended.

Pond. An outdoor body of standing water, accumulated in a natural or artificially constructed basin or depression in the earth, either above or below or partly above and partly below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity.

Principal Use. The primary or predominant use of a lot or parcel.

Reasonably Available Odor Control Technology (“RAOCT”). An odor control technology that limits odor from a particular source or source category within the limits of Township ordinances by the application of control technology that is reasonably available considering technological and economic feasibility. RAOCT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.

Recreational Vehicle. Any of the following: recreation camper, boat, boat trailer, snowmobile, snowmobile trailer, motorcycle or motorcycle trailer, all-terrain vehicle, all-terrain vehicle trailer, enclosed trailers, utility trailers, or similarly licensed vehicles, trailers, or equipment.

Setback. The minimum horizontal distance that buildings and any structure 30 inches in height or greater shall be separated from a public street right-of-way or private street easement, lot line, shore of a lake, wetland, edge of a stream, or river bank, to meet the minimum requirements of this ordinance.

1. **Setback, Front.** The line marking the required setback from the public street right-of-way or private street easement.
2. **Setback, Rear.** The line marking the required setback distance from the rear lot line.
3. **Setback, Side.** The lines marking the required setback distance from the side lot lines.

Sign. Any object or device containing letters, figures and/or other means of communication, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service, or to bring attention to a message.

1. **Sign, Awning.** A sign that is part of or located on a canopy or awning that is attached to and projects from a building wall.
2. **Sign, Billboard.** A sign advertising a land use, business, general message, product, or service not typically located on, related to, or available upon the premises where the sign is located. These signs are distinguished from other types of freestanding signs by their larger than otherwise permitted size and typical location along Interstate, U.S. and State routes. Additionally, billboards are often erected to attract the attention of motorists that may be unfamiliar with the area, such as tourists or pass-through travelers.
3. **Sign, Electronic Display.** A sign with content can be changed or altered by means of electronically controlled electronic impulses.
4. **Sign Face.** The portion of a sign structure which includes a message or image. A sign face may be a removable sign panel, permanently attached element(s), trivision, or electronic display.
5. **Sign, Feather.** A freestanding sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft. Also known as a feather flag.
6. **Sign, Government.** Any sign erected by the township, county, state, or federal government.
7. **Sign, Ground.** A freestanding sign that is supported by a standard or base, or installed directly upon the ground.
8. **Sign, Human.** A sign represented by a person, such as a person covered with a sandwich board or other message or a person holding a sign for commercial purposes.
9. **Sign, Inflatable.** A tethered sign consisting of an envelope inflated with pressurized or heated air or a lighter-than-air gas and displayed for the purpose of advertising or attracting attention.
10. **Sign, Menu Board.** A sign board accommodating drive-in or drive-through businesses.
11. **Sign, Permanent.** A sign constructed of durable material and affixed, lettered, attached to, or placed upon a fixed, non-movable, nonportable supporting structure.
12. **Sign, Portable.** Any sign designed to be moved easily and not permanently affixed to the ground, a building, or a structure. Portable signs shall include, but are not limited to, trailer-mounted signs, A-frame signs, sandwich board signs, etc., but not including signs on a motor vehicle.
13. **Sign, Projecting.** A sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined.
14. **Sign, Pole.** A sign having a sign face that is elevated above the ground by one or more uprights, pylons, or poles.
15. **Sign, Temporary Yard.** A sign that is intended to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building.
16. **Sign, Vehicle.** A sign mounted on a vehicle or trailer, designed to be visible to motorists or

pedestrians while the sign is being transported. A logo painted on a vehicle identifying the business owning or using the vehicle, or a lettering depicting the name of the owner of the vehicle, is not considered a vehicle sign.

17. **Sign, Wall.** A sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, not projecting more than 12 inches from the wall, and which does not have any part of such sign or sign supports extending above the uppermost building line, not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions. This definition shall include writing, letters, or numbers placed or painted directly on a building wall surface.
18. **Sign, Window.** A sign placed on the inside of a window and intended to be viewed from the outside.

Site Plan. A plan of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this ordinance.

Special Event. A temporary and non-commercial community event, such as a festival, fair, car show, or sporting event.

Special Land Use. A use of land that can be permitted within a zoned district if certain conditions exist to assure compatibility with surrounding property and within conformance to the provisions of all township ordinances. Special land uses can be approved with stipulations to ensure that nuisances are not generated as a result of the land use.

Story. The portion of a building included between the surface of any above floor grade and the surface of the floor next above it, or if there is no floor above it then the space between any floor and the ceiling next above it. A story shall have vertical walls.

Street, Private. A privately maintained thoroughfare constructed on a private street easement used for travel by vehicles and which affords traffic circulation, provides access to more than one (1) lot or parcel, and serves as principal means of access to abutting property (i.e., road).

Street, Public. A publicly maintained thoroughfare used for travel by vehicles that affords traffic circulation and serves as the principal means of access to abutting property, not including alleys (i.e., road).

Structure. A combination of materials constructed, erected, or placed in or upon the ground or is attached to something having such a location. Structures may include but are not limited to: buildings, elevated decks, radio towers, signs, and storage bins, but exclude sidewalks and paving on streets, driveways, parking areas, or patios placed at grade.

Surface Water Feature. The Great Lakes and their connecting waters, all inland lakes, rivers, streams, impoundments, open drains, wetlands, and other surface bodies of water within the confines of the state.

Swimming Pool. A structure located inside, outside or partly in each, designed to hold water to a depth of greater than 24 inches when filled and intended to be used for swimming purposes.

Township Board. The Alma Township Board of Trustees.

Tree, Canopy. A deciduous shade tree.

Tree, Evergreen. A tree with foliage that persists and remains green throughout the year.

Tree, Ornamental. A small deciduous tree grown for its foliage and/or flowers.

Variance. An allowed modification to a requirement of this ordinance, as authorized by the Zoning Board of Appeals under the provisions of this ordinance.

Vehicles and Trailers, Commercial. Any vehicle or trailer bearing or required to bear commercial license plates and/or DOT numbers. Examples include, but are not limited to:

1. Semi-truck tractors;
2. Semi-truck trailers, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures;
3. Food trucks and vehicles of a type that are commonly used for the delivery of food or vending supplies;
4. Pickup trucks, vans, and trailers commonly used by construction industry contractors;
5. Tow trucks and repair service trucks;
6. Vehicles designed to transport 16 or more passengers, including the driver; and
7. Commercial trailers designed to haul heavy equipment, materials, and supplies.

Yard. An open space at grade between a building and the adjoining lot lines.

1. **Yard, Front.** An open space between the front of a principal building and the front lot line, generally adjacent to a street, and extending the full width of the lot or parcel.
2. **Yard, Primary Front.** The narrower of the two (2) front yards on a corner lot. Where the lot lines are of equal length, and/or the primary front yard is not evident, the Zoning Administrator shall determine the primary front yard. In the case where there is an existing principal building, it is the front yard that the front building elevation faces.
3. **Yard, Rear.** An open space between the rear of a principal building and the rear lot line and extending the full width of the lot or parcel.
4. **Yard, Secondary Front.** A front yard on a corner lot that the front building elevation does not face, which extends from the rear of the front yard designation to the rear lot line.
5. **Yard, Side.** An open space between the side of a principal building and the side lot line extending from the front yard to the rear yard.

Zoning Administrator. A Township official authorized to administer, interpret, and enforce the Almena Township Zoning Ordinance.

Zoning District. A designation on the Official Township Zoning Map in which requirements for the use and dimensions of the land and buildings are prescribed.

Article 21. Land Use Definitions

Section 21.10 Intent and Purpose

This article includes all land use definitions included Table 2.50 Land Use Regulation.

Section 21.20 Accessory Use

A use of a nature customarily and clearly incidental and subordinate to the main use of the land, lot, building, or structure.

- A. **Accessory Building or Structure.** A detached building or structure on the same lot with and of a customarily incidental nature that is subordinate to the principal structure and accommodates an accessory use.
- B. **Accessory Dwelling Unit.** An attached or detached dwelling unit that is secondary and subordinate to a principal single-family dwelling that contains an independent living area, including sleeping quarters, bathroom, living area, and kitchen facilities.
 - 1. **Accessory Dwelling Unit, Attached.** An accessory dwelling unit that is physically attached to a principal single-family dwelling as an addition; incorporated internally within a principal dwelling within the basement or attic; or above an attached garage. Except for an accessory dwelling unit above an attached garage, an attached accessory dwelling unit is connected by internal access between separate living spaces. The inclusion of a secondary kitchen or kitchenette within the principal dwelling does not alone result in the classification as an attached accessory dwelling unit.
 - 2. **Accessory Dwelling Unit, Detached.** An accessory dwelling unit that is physically detached from a principal single-family dwelling as a standalone and separate building.
- C. **Accessory Use.** A land use or activity that is customarily and clearly incidental and subordinate to the principal use of the land or building.
- D. **Accessory Solar Energy System.**
 - 1. **Accessory Non-Commercial Building-Mounted Solar Energy System.** A solar energy collector that is attached to the roof or wall of a building.
 - 2. **Accessory Non-Commercial Ground-Mounted Solar Energy System.** A solar energy collector that is mounted directly to a support structure on the ground and is not connected to a building. The system is intended to generate energy for the principal and accessory land uses and buildings on the lot or parcel of land on which the system is located.
- E. **Amateur Radio and Over-The-Air Reception Antennas.**
 - 1. **Amateur Radio Service.** A federally licensed radio-communication service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, particularly with respect to providing emergency communications.
 - 2. **Over-The-Air Reception Device and Satellite Dish Antennas-** Antennas and dish antennas designed to receive direct broadcast satellite service, including direct-to-home satellite service, to receive or transmit fixed wireless signals via satellite, receive video programming services

via broadband radio service (wireless cable), receive or transmit fixed wireless signals other than via satellite, or receive local television broadcast signals.

- F. **Day Care, Adult Day Care (1-4 Adults).** A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.
- G. **Day Care, Family Day Care Home (1-7 Children).** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a private home in which one (1), but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
- H. **Day Care, Group Day Care Home (8-13 Children).** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a private home in which more than six (6), but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
- I. **Home Occupation, Major.** A business operated on a residential parcel that, because of its nature, intensity, and characteristics, is not customary for residential property and does not qualify as a minor home occupation. A major home occupation is an incidental and secondary use of the property. Business operations include financial advisors, accountants, business services, personal services, making of handcrafted products, accessory retail sales, independent trucking, and instruction of a fine art or craft.
- J. **Home Occupation, Minor.** A use that includes any activity which is clearly secondary to residential use and carried out for economic gain. It is conducted within a dwelling, carried out by its occupants utilizing equipment typically found in a home, and is not evident from the outside.
- K. **Keeping of Animals and Bees (Non-Commercial).** Raising and keeping livestock, fowl, and bees on a property for hobby or family food production and not for commercial purposes.
- L. **Outdoor Display and Sales, Permanent.** The outdoor placement, storage, or keeping, for display purposes, of equipment, vehicles, trailers, and other similar goods for sale on premises.
- M. **Outdoor Storage, Commercial.** The outdoor placement of goods such as building or construction materials, equipment, vehicles, trailers, and other supplies, for future use, production, assembly, preservation, or disposal, as an accessory function to a principal building and use. This definition does not include materials related to permitted on-site construction projects.
- N. **Primary Caregiver Operation.** The cultivation, storage and/or distribution of marihuana by a medical marihuana primary caregiver in accordance with the MMMA and Township ordinances.

Section 21.30 Accommodations, Hospitality, and Entertainment

- A. **Banquet or Meeting Hall.** A use that provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings, and other similar gatherings, along with the catering of food services off the premises.
- B. **Bed and Breakfast.** A house, or portion of a house, where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises or

in adjacent premises.

- C. **Campground or Recreational Vehicle Park.** A form of temporary lodging approved by the State of Michigan where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience the natural environment. Campgrounds rent pads or spaces to guests and may also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.
- D. **Commercial Indoor Recreation Facility.** A facility, open either to the general public or to members and their guests, located in an enclosed building that is designed to accommodate sports, recreational activities, training or related enterprises. Also included are accessory uses that are clearly in support of the primary use, such as sporting goods shops, food service and party/banquet facilities serving patrons of the indoor recreation use, spectator accommodations, changing/locker rooms, and employee offices.
- E. **Commercial Outdoor Recreation Facility.** A facility providing a variety of outdoor recreational opportunities and entertainment services, often for a fee, including, but not limited to amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. It may also include commercial facilities customarily associated with the above indoor commercial recreational uses, including bars and restaurants, arcades, etc.
- F. **Commercial Outdoor Recreation, Low-Intensity.** An outdoor venue for nature-based recreation and ecotourism activities, including but not limited to disc golf, ropes courses, eco-challenges, adventure racing and events, zip-line courses, and other activities which rely primarily on the preserved natural environment as a core element of the activity and use.
- G. **Golf Course.** A use consisting of regulation and par three golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant; locker and shower facilities; pro shops for on-site sales of golfing equipment and clothing; and golf cart storage facilities.
- H. **Hotel or Motel.** A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included, such as but not limited to meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities, and similar facilities/services intended principally to serve registered guests.
- I. **Indoor Theater.** A building or part of a building used to show movies or a facility used for drama, dance, musicals, or other live performances. This use may also include accessory concession and retail sales.
- J. **Outdoor Theater.** An outdoor commercial facility that shows movies on outdoor screens. This use may also include accessory concession and retail sales.
- K. **Restaurant.** A business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building but does not include drive-through services, which are separately defined and regulated. The service of alcoholic beverages by the drink is incidental to the service of food, and food receipts exceed 50 percent of sales.
- L. **Restaurant with Drive-Through.** A business establishment whose method of operation involves the delivery of prepared food or beverages to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor or outdoor seating.

- M. **Restaurant with Micro-Brewery, Small Distillery, or Small Winery.** A restaurant that produces and serves beer, wine, or spirits intended for retail sales and consumption on the premises and duly licensed by the State of Michigan Liquor Control Commission (MLCC).
- N. **Tavern.** A commercial establishment licensed to sell at retail and serve beer, wine, liquor, or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages. Taverns include nightclubs, lounges, and bars.

Section 21.40 Agricultural

- A. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- B. **Farm Market.** This term shall be defined in the same manner as it is defined in the version of the Generally Accepted Agricultural and Management Practices for Farm Markets, as promulgated by the Michigan Commission of Agriculture & Rural Development, in effect at the time of when the Township applies this term to a particular matter.
- C. **Farm Operation.** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products and includes, but is not limited to:
 - 1. Marketing produce at roadside stands or farm markets.
 - 2. The generation of noise, odors, dust, fumes, and other associated conditions.
 - 3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
 - 4. Field preparation and ground and aerial seeding and spraying.
 - 5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
 - 6. Use of alternative pest management techniques.
 - 7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
 - 8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
 - 9. The conversion from a farm operation activity to other farm operation activities.
 - 10. The employment and use of labor.
- D. **Farm-Related Businesses and Agritourism.** Agriculturally-oriented commercial endeavors on farm parcels that are accessory to and have a direct and intrinsic relationship to the principal agricultural use of the subject property, unless determined to be preempted by the Right to Farm Act and the State of Michigan Generally Accepted Agricultural and Management Practices (GAAMPS), conducted by a farmer or rancher for the enjoyment or education of the public to promote the products of the farm and generate additional farm income.
 - 1. Seasonal or year-round agricultural tourism activities, including but not limited to animal

- displays, mazes, hayrides, haunted barns, bonfires, trick-or-treat, and sleigh/wagon rides.
2. Coffee shop or tea room.
 3. Temporary tent camping.
 4. Artisan craft sales.
 5. Production and sale of cider, wine, and beer.
 6. Venue for banquets, educational events, and recreational activities
- E. **Roadside Stand.** A structure for the display and sale of agricultural products grown on-site or off-site in accordance with the State of Michigan’s Generally Accepted Agricultural and Management Practices for Farm Markets, with no space for customers within the structure itself.
- F. **Stables, Commercial.** A structure designed for the feeding, boarding, breeding, and exercising of horses that are owned by someone other than the owner of the premises and for which the owner of the premises receives compensation. This definition also includes riding stables, riding academies, and horse show facilities.
- G. **Stables, Private.** A structure designed for the feeding, boarding, breeding, and exercising of horses that are owned by the occupant of a principal dwelling on the premises.

Section 21.50 Civic and Institutional

- A. **Cemetery.** One (1) or a combination of more than one (1) of the following: a burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the inurnment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium.
- B. **Community Oriented Cultural Facility.** A public or non-profit facility that provides educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers, and theaters predominantly used for live performances, and zoos. It may also include accessory retail uses such as a gift/book shop, restaurant, etc.
- C. **Community-Based Indoor Recreation Facility.** A facility providing a variety of indoor recreational opportunities including, but not limited to: gymnasium, swimming pool, tennis, racquetball and/or handball courts, batting cages, and other indoor sports activities. This use includes all public, government, and not-for-profit organizations chartered to provide community-based recreation services.
- D. **Government Facility.** Buildings, structures, and facilities that may include administrative offices, public works services, law enforcement, fire protection, libraries, museums, cemeteries, recreational centers, and storage areas for public equipment and materials for local, county, state, and federal public agencies.
- E. **Public Park or Preserve.** A facility providing a variety of outdoor recreational opportunities including, but not limited to: playground equipment, playing fields, tennis and basketball courts, swimming pools, boat ramps, and fishing piers, and areas for passive recreation such as hiking trails, picnic areas, and bird blinds.
- F. **Place of Worship.** A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, daycare, counseling, and kitchens.

G. School:

1. **College or University.** A facility for post-secondary education, other than a trade or commercial school, that provides education, whether full-time or part-time, and that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.
2. **Private K-12.** A school that is not a publicly owned or publicly operated school that offers courses of instruction for students in one or more grades from kindergarten through 12th grade.
3. **Specialized Training.** A specialized instruction establishment that provides individual and group instruction, education, and/or training, including, but not limited to: the arts, dance, music, tutoring, photography, martial arts, health and wellness, business and vocational schools, passenger vehicle driver education schools, barbering, hairdressing, appliance and computer repair, and teaching of industrial or trade skills which machinery is employed as a means of instruction.
4. **Truck Driving.** Commercial facilities which provide instruction and education concerning the driving of trucks.

Section 21.60 Infrastructure, Transportation, and Manufacturing

- A. **Air Strip.** A runway without formal facilities, such as a check-in service desk, TSA security checkpoints, and baggage handling.
- B. **Airport.** A facility accommodating air travel with a runway and formal facilities, such as a check-in service desk, TSA security checkpoints, and baggage handling.
- C. **Brewery, Winery, Distillery.** The industrial production of beer, wine, and spirits.
- D. **Commercial Solar Energy System.** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.
- E. **Crematorium.** A facility consisting of one or more furnaces for cremation services.
- F. **Essential Public Services and Utilities.** Any facility furnishing to the public, transportation, water, gas, electricity, telephone, cable television, communication, steam, telegraph, sewage disposal, or other similar service, including the Township. The erection, construction, alteration, or maintenance by a public utility, or municipal department, of underground, surface, or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply, or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants, and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network); wind energy turbines; offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment; or maintenance depots.
- G. **Helicopter Landing Pad.** A designated area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging passengers or cargo.
- H. **Marina.** A facility extending into or over a body of water that offers service to the public or members of the marina for docking, loading, servicing, or other activities related to recreational or commercial watercraft.

- I. **Manufacturing, Processing, and Packaging- Light.** A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production, such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include but are not limited to: artisan/craft product manufacturing; clothing and fabric product manufacturing; furniture, fixtures, and appliance manufacturing; electronics manufacturing and assembly; cabinet shop; food preparation, processing, and packaging; welding and sheet metal fabrication; sign manufacturing; and machine shops. This definition does not include uses and activities where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community, including but not limited to: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; and pulp and pulp product manufacturing.
- J. **Mineral Extraction.** The extraction, by mining, of natural resources from underground.
- K. **Mini-Warehouse/Self-Storage.** A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled access rooms, stalls, or lockers for storing customers' goods or wares.
- L. **Propane Gas Sales.** An establishment providing LPG dispensing and bulk containers for sale.
- M. **Salvage or Impound Operations.** Any land or structure used for storing, dismantling, reconditioning, collecting, purchasing, or selling scrap metal or other discarded goods and materials, including the collection, dismantlement, and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperative vehicle associated with towing or wrecker services.
- N. **Sawmill or Planing Mill.** A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce lumber and other wood products.
- O. **Truck Terminal.** A facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded, and where vehicles and trailers are regularly maintained and stored.
- P. **Warehousing and Distribution.** Facilities for redistributing goods from one truck to another that serve as intermediate transfer points and are primarily used for staging loads and temporary storage, where vehicles and trailers are regularly maintained and stored.
- Q. **Waste Management and Recycling.** A facility used for collecting waste and recyclables, sorting, and transferring materials.
- R. **Wholesaling and Distribution.** An establishment engaged in selling merchandise in bulk quantities to retailers; to contractors, industrial, commercial, agricultural, institutional, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.
- S. **Wind Energy System.** Any structure-mounted wind energy conversion system, or series of systems, that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any, for the purpose of supplying electricity to off-site customers.
- T. **Wireless Telecommunications Facility.** The plant, equipment, and property including, but not

limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.

Section 21.70 Marihuana Establishments

- A. **Department.** As it relates to this section, the Michigan State Department of Licensing and Regulatory Affairs or any designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Marihuana Establishment.
- B. **Marihuana Establishment.** A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business Licensed by the Department under the Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101, et seq or the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, et seq. (“MRTMA”).
 - 1. **Designated Consumption Establishment.** As that term is defined by the Department or as may be defined in the MRTMA or MMFLA.
 - 2. **Excess Marihuana Grower.** As that term is defined by the Department or as may be defined in the MRTMA or MMFLA.
 - 3. **Marihuana Event Organizer.** As that term is defined by the Department or as may be defined in the MRTMA or MMFLA.
 - 4. **Marihuana Grower.** As that term is defined in the MRTMA or MMFLA.
 - 5. **Marihuana Microbusiness.** As that term is defined in the MRTMA.
 - 6. **Marihuana Processor.** As that term is defined in the MRTMA or MMFLA.
 - 7. **Marihuana Retailer.** As that term is defined in the MRTMA or MMFLA.
 - 8. **Marihuana Safety Compliance Facility.** As that term is defined in the MRTMA or MMFLA.
 - 9. **Marihuana Secure Transporter.** As that term is defined in the MRTMA or MMFLA.
 - 10. **Temporary Marihuana Event.** As that term is defined by the Department or as may be defined in the MRTMA or MMFLA.

Section 21.80 Offices and Services

- A. **Animal Clinic.** An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.
- B. **Animal Shelter or Commercial Kennel.** A facility for the boarding, breeding, and/or grooming of animals that are not owned by the operator for a fee, or a facility that keeps stray, homeless, abandoned, or unwanted animals indefinitely or until adoption. This use includes pet daycare facilities, and animal training facilities, and may include grooming as an accessory use.
- C. **Child Day Care Center.** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a facility other than a private residence in which one or more preschool or school age children are given care and supervision for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. A child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care

center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

- D. **Contractor Facility.** An office and storage or warehouse facility accommodating a construction, skilled trade, landscaping, extermination, tree care, industrial service contracting business, or other similar trades.
- E. **Funeral Home or Mortuary.** A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or related services, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies. For the purposes of this ordinance, this use does not include a crematorium.
- F. **General Offices and Services.** Establishments that offer financial, business, business support, medical, personal, professional, and administrative services.
 - 1. **Financial Services.** Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security, and commodity exchanges.
 - 2. **Business Services.** Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, and travel agencies.
 - 3. **Business Support Services.** Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, and mailing and mailbox services.
 - 4. **Medical.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff).
 - 5. **Personal Services.** Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, tattoo parlors, dry cleaners pick-up and drop-off, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, and tanning salons. These uses may include incidental retail sales related to the services they provide.
 - 6. **Professional and Administrative Services.** Office-type facilities occupied by businesses or agencies that provide professional or government services or are engaged in the production of intellectual property.
- G. **General Offices and Services with Drive-Through Service.** Facilities where services may be obtained by motorists without leaving their vehicles. Examples of drive-through services include bank teller windows and drive-up ATMs, dry cleaners pick-up and drop-off, etc.
- H. **Hospital.** An institution licensed by the State, where people, including inpatients, receive medical, surgical, or psychiatric treatment and nursing care.
- I. **Temporary Office.**
 - 1. **Temporary Construction Office.** An office, typically mobile, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.
 - 2. **Temporary Sales Office.** An office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions or other housing developments.
- J. **Vehicle Repair, Major.** The servicing, repairing, refinishing, equipping, or adjusting of vehicles, or

their components, for compensation, including but not limited to powertrain and suspension repair or rebuilding, body work, frame alignment, and other vehicle repair work creating noise, glare, fumes, or smoke, but not including vehicle wrecking, junking or salvaging or fuel sales.

- K. **Vehicle Repair, Minor.** A business providing general maintenance on motor vehicles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.
- L. **Vehicle Service Station.** An establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services (see vehicle repair, minor); retail sales of convenience items (see retail), restaurant (see restaurant and restaurant with drive-through), and a single bay vehicle wash (see vehicle wash), but not overnight vehicle storage.
- M. **Vehicle Wash.** A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of vehicles and heavy equipment. This use may also include accessory outdoor vacuums.

Section 21.90 Residential Group Living

- A. **Adult Foster Care Family Home (1-6 Adults).** A private residence with an approved capacity of six (6) or fewer adults, where foster care is provided 24 hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks. It is licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The person issued the adult foster care family home license is a member of the household and an occupant of the residence.
- B. **Adult Foster Care Group Home (7-20 adults).** A private residence where adults are provided with foster care 24 hours a day, five (5) or more days per week, and for two (2) or more consecutive weeks. A foster care group home with an approved capacity of at least seven (7), but not more than 12 adults is a “small group home”. A group home with an approved capacity of at least 13, but not more than 20 adults is a “large group home”. An adult foster care facility is licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended, and the person issued the adult foster care group home license is a member of the household and an occupant of the residence.
- C. **Agricultural Labor Housing.** A tract of land and all vehicles, buildings, dwellings, or other structures pertaining to it, part of which is established, occupied, or used as living quarters for migratory laborers engaged in agricultural activities, including related food processing.
- D. **Foster Family Home (Children).** A private home, licensed under Act 116 of the Public Acts of 1973, in which at least one (1), but not more than seven (7) minor children who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended), are given care and supervision 24 hours per day, four (4) or more days per week for two (2) or more consecutive weeks, unattended by a parent or guardian. The person issued the license is a permanent resident of the home. This zoning definition includes the foster family group homes, as defined by the Act.
- E. **Nursing Home.** A facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.), as amended. A nursing home shall include an extended care facility, hospice, and convalescent home.

Section 21.100 Residential, Household Living

- A. **Manufactured Home Community.** A property that has been planned, designed, improved, and maintained for the placement of two (2) or more manufactured homes and permitted accessory uses where home sites are leased to individuals who retain customary leasehold rights.
- B. **Mixed-Use Residential.** A dwelling attached to a commercial building or on an upper floor, or a single-family dwelling on the same parcel as a commercial business.
- C. **Multiple-Family Dwelling.** A building containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of one another.
- D. **Single-Family Dwelling.** A freestanding dwelling unit designed and intended for one family that is physically separate from any other dwelling.
- A. **Temporary Dwelling.** A secondary mobile home on a property for the purpose of housing the aged, infirmed, or caregiver relatives of the family occupying the principal single-family dwelling located on the same lot or parcel.
- B. **Two-Family Dwelling.** A building containing two (2) dwelling units on a single lot designed for or used by two (2) families living independently of one another (also be referred to as a duplex).

Section 21.110 Retail

- A. **Bakery.** An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on or off-site, and the use may include accessory food service.
- B. **Construction and Landscape Supply, Outdoor.** A commercial establishment that sells supplies for building construction and/or landscaping projects, where such supplies are placed outdoors.
- C. **Greenhouse and Nursery (Non-Farm).** A retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery).
- D. **Retail Sales.** Stores and shops that sell goods and merchandise to the general public.
- E. **Vehicle and Equipment Sales and Rental.** An operation selling cars, trucks, vans, boats, recreational vehicles, heavy equipment, manufactured homes, landscaping machinery, trailers, farm equipment, and similar items or renting the same items. It may also include accessory repair shops and the sales of parts and accessories incidental to dealerships.

Section 21.120 Other Uses

- A. **Sexually Oriented Business.** The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios.
 - 1. **Adult Book Store.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals, videotapes, movies, or adult-related novelties which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
 - 2. **Adult Cabaret.** An establishment including, but not limited to, a café, restaurant, or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.

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3. **Adult Motion Picture Theater.** An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
 4. **Massage Establishment.** Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops, beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A Massage is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.
 5. **Nude Artist and Photography Studio.** Any building, structure, premises or part thereof used solely or primarily as a place that offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.
- B. **Similar Land Use.** A land use determined to be similar in nature, character, function, and operation as a land use listed in Table 2.50, per Section 2.60.
- C. **Temporary Land Use.** Outdoor sales approved for temporary durations and in temporary locations.

Article 22. Checklists

Section 22.10 Zoning Permit, ZBA, and Special Land Use Concept Review

Table 22.10: Checklist for Zoning Permit, ZBA, or Special Land Use Concept Review	
General Information	
Name and firm address of the professional individual responsible for preparing site plan and professional seal, if applicable (plan should be to-scale, but is not required to be professionally drawn)	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Date of original plan and document revisions	
Scale and north arrow	
Acreage excluding public right-of-way	
Legal property description	
Existing Conditions	
Vicinity map showing overall location	
Lot lines and required setbacks (building envelop)	
Location, width, and purpose of all existing easements	
Site Planning Elements	
Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable	
Lot width, lot coverage, and setbacks noted for all buildings and structures	
Proposed changes to lot lines, if applicable	
Well and septic or connections to existing water and sewer lines, if applicable	
Supplemental Information	
Project description and brief narrative description of the project, including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	
Building Details	
Exterior elevations, showing building height and describing building materials	
Any other information required by the Zoning Administrator, Zoning Board of Appeals or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.	
For special land uses, provide responses to standards of approval in Section 13.40	
For variances, provide responses to standards of approval in Section 18.60 E	
For a nonconforming use special exceptions, provide responses to standards of approval in Section 18.70 C	

Section 22.20 Zoning Permit- Signs

Table 22.20: Checklist Zoning Permit- Signs	
General Information	
Installer name, address, signature	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
The identification of the type of sign and method of illumination, if any	
The name of business or name of premises to which the sign belongs or relates	
Sign Information	
A scaled drawing of the proposed sign showing the dimensions, display area, and location	
For freestanding signs, a site plan drawn to scale, accurately identifying the location of the proposed sign and setbacks from the nearest public or private road right-of-way and property lines	
Details concerning grade changes, if applicable	
For freestanding signs, the height of the sign	
For wall signs, the height and width of the building wall	
Details concerning sign illumination	

Section 22.30 PUD Concept Plan

Table 22.30: Checklist for PUD Concept Plan	
General Information	
Name and firm address of the professional individual responsible for preparing site plan and professional seal	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Date of original plan and document revisions	
Scale and north arrow	
Acreage excluding public right-of-way	
Zoning of adjacent properties	
Legal property description	
Existing Conditions	
Vicinity map showing overall location	
Lot lines and required setbacks (building envelop)	
Streets, right-of-way, buildings, and properties within 100 feet of the site	
Location, width, and purpose of all existing easements	
Topography with contour intervals of no more than two (2) feet	
Site Planning Elements	
Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable	
Lot width, lot coverage, and setbacks noted for all buildings and structures	
Surface description of all parking lot and driveway surfaces	
Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.	
Proposed changes to lot lines, if applicable	
Parking calculation and proposal	
Initial landscaping concepts	
Initial lighting concepts	
Initial stormwater management concepts	
Parallel plan	
Supplemental Information	
Project description and narrative concerning buildings, structures, parking, driveways, open space, and site development	
Responses to standards of approval in Section 14.30	
Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.	

Section 22.40 Tentative Preliminary Condominium Plan

Table 22.40: Checklist for Tentative Preliminary Condominium Plan	
General Information	
Name and firm address of the professional individual responsible for preparing site plan and professional seal	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Date of original plan and document revisions	
Scale and north arrow	
Acreage excluding public right-of-way	
Zoning of adjacent properties	
Legal property description	
Existing Conditions	
Vicinity map showing overall location	
Lot lines and required setbacks (building envelop)	
Streets, right-of-way, buildings, and properties within 100 feet of the site	
Location, width, and purpose of all existing easements	
Site Planning Elements	
A cover sheet that lists all documents included in the condominium plan	
A survey plan signed and sealed by the licensed professional surveyor preparing the boundary survey for the condominium project	
A floodplain plan, if the condominium lies within or abuts a floodplain area	
A site plan	
Utility plan	
Floor plans	
The size, location, area, and horizontal boundaries of each condominium unit	
A number assigned to each condominium unit	
The vertical boundaries for each unit comprised of enclosed air space	
Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping, or an access road, these items shall be shown and designated as "must be built", but the obligation to deliver these items exists whether or not they are so shown and designated.	
The nature, location, and approximate size of the common elements	

Section 22.50 Site Plan, Special Land Use, Final PUD Site Plan, Private Street, and Final Preliminary Condominium Plans

Table 22.50: Checklist for Site Plan, Special Land Use, Final PUD Site Plan, Private Street, and Final Preliminary Condominium Plans	
General Information	
Name and firm address of the professional individual responsible for preparing site plan and professional seal	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Date of original plan and document revisions	
Scale and north arrow	
Acreage excluding public right-of-way	
Zoning of adjacent properties	
Legal property description	
Existing Conditions	
Vicinity map showing overall location	
Lot lines and required setbacks (building envelop)	
Streets, right-of-way, buildings, and properties within 100 feet of the site	
Location, width, and purpose of all existing easements	
Topography with contour intervals of no more than two (2) feet	
Site Planning Elements	
Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable	
Cross section of all parking lot and driveway surfaces	
Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.	
Proposed changes to lot lines, if applicable	
Parking calculation and proposal	
Photometric plan and light fixture specifications (see Section 8.40 B)	
Landscape plan including landscape materials, location, size, type, and calculations (see Section 9.30 B)	
Well and septic or connections to existing water and sewer lines, if applicable	
Location, connections, and spacing of fire hydrants, if applicable	
Location and type of all proposed surface water drainage and stormwater facilities	
Proposed grading at no more than two (2) foot contour intervals.	
Supplemental Information	
Project description and brief narrative description of the project, including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.	

Article 22. Checklists

Building Details	
Exterior elevations, showing building height and describing building materials.	
Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.	
Outside agency permits, or proof of application or initial contact, including but not limited to: Van Buren/Cass District Health Department, Van Buren County Drain Commission (SESC and stormwater); Van Buren County Road Commission; Michigan Department of Transportation; Michigan Department of Energy, Great Lakes, and Environment.	
For special land uses, provide responses to standards of approval in Section 13.40, if special land use not already approved through concept plan review process	
Private Streets, If Applicable	
Street cross section, crown height	
Street layout, easement width, drainage, longitudinal grade	
Street name	
Street signs and traffic control signs	
Recordable legal instrument(s) describing and granting private street easement(s)	
Private street maintenance agreement	

Section 22.60 Rezoning

Table 22.60: Checklist for Rezoning	
General Information	
Project address and parcel number	
Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)	
Name, address, phone number, signature, and email of applicant	
Survey of property or map	
Legal property description	
Supplemental Information	
Project description and brief narrative description of proposal	
Provide responses to standards of approval in Section 16.40	
For a conditional rezoning, see Section 16.50	

Article 22. Checklists

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