

**ALBION TOWNSHIP
CALHOUN COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENTS
ORDINANCE NO. 42**

At a regular meeting of the Township Board of Albion Township, Calhoun County, Michigan, held at the Albion Township Hall on November 12, 2018, at 7:30 p.m., Township Board Member _____ moved to adopt the following ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Albion Township Zoning Ordinance, Ordinance No. 37, as amended, to authorize Small On-Site Solar Energy Systems as permitted uses in all Zoning Districts; authorize Large Solar Energy Systems as conditional uses in the Light Industrial and General Industrial Districts; authorize Event Barns and Bed and Breakfasts as conditional uses in the Agricultural District; authorize Bed and Breakfasts and Boarding Houses as conditional uses within the Rural Non-Farm Residential District; establish standards for the foregoing uses; and amend and add definitions to the Zoning Ordinance.

Albion Township, Calhoun County, Michigan, ordains:

Section 1. Amendment of Article II, Section 2.2, Definitions: The Albion Township Zoning Ordinance, Article II, Section 2.2, shall be amended to add the following new sections as definitions for the following terms:

2.2.0 Abandoned Solar Energy System: Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of six (6) months.

2.2.14.5 Bed and Breakfast: A dwelling in which transient guests do not stay more than seven consecutive days and are provided a sleeping room and a breakfast in return for payment. A Bed and Breakfast shall not contain more than five (5) sleeping rooms for hire.

2.2.50.3 Event Barn: A use of accessory agricultural structures, including barns, as organized meeting or gathering spaces for uses such as weddings, parties, receptions, and other social or community events.

2.2.95.5 Photovoltaic Device: A system of components that generates electric energy from sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

2.2.105.2 Solar Array: Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

2.2.105.4 Solar Energy System, Large: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of

the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.

2.2.105.6 Solar Energy System, Small On-Site: A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the Small On-Site Energy System is located. The power output of the system shall not exceed 150 kilowatts.

2.2.118.5 Unreasonable Safety Hazard: Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

Section 2. Amendment of Article II, Section 2.2.17: The Albion Township Zoning Ordinance, Article II, Section 2.217, defining Boarding House, shall be amended to read:

2.2.17 Boarding House: A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with meals. A Boarding House shall not contain more than ten (10) sleeping rooms for hire.

Section 3. Amendment of Article IV, Section 4.1.1, Agricultural District: The Albion Township Zoning Ordinance, Article IV, Section 4.1.1, shall be amended to add Small On-Site Solar Energy Systems as a permitted use within the Agricultural District, and to add Large Solar Energy Systems, Bed and Breakfasts, and Event Barns as conditional uses within the Agricultural District:

4.1.1 Agricultural District (AG): The Agricultural District is established to protect land best suited for agricultural use from the encroachment of incompatible land uses, to preserve valuable agricultural land for agricultural uses, and to retain land suited for open space and recreation use for the future. The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

a. Permitted Uses:

1. General and specialized farming and agricultural activities including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, furbearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
3. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, including education facilities and interpretive centers, nature centers, and similar areas of low intensity use.

4. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
5. On-site signs in accordance with the regulations specified in Section 5.2.
6. Accessory uses or structures for agricultural purposes.
7. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Quarries.
2. Golf courses.
3. Group or organized camps, camping grounds, and general or specialized resorts or amusement parks.
4. Airports.
5. Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.
6. Convalescent homes, nursing homes, hospitals, sanitariums, and orphanages.
7. Riding academies and stables.
8. Churches and other buildings for religious worship.
9. Cemeteries.
10. Golf driving ranges.
11. Travel trailer parks.
12. Animal hospitals.
13. Kennels.
14. Home occupations in accordance with the regulations specified in Section 5.14.
15. Uses not specifically authorized as permitted uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
16. Single-family detached dwellings, provided that such dwellings do not occupy more than the minimum acreage necessary and do not substantially interfere with or detract from the agricultural use and value of the surrounding lands.
17. Hunt club, hunting preserves, shooting ranges and similar uses.
18. Adult foster care homes for seven (7) or more persons as defined by State law.
19. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.
20. Repair of agricultural equipment including but not limited to combines, tractors, trucks, spreaders, thrashers, tillers, and similar such agricultural equipment.
21. Alternative Tower Structure, Antenna, Telecommunication Towers or Facilities or Tower, or Tower Compound.
22. WECS or Wind Park
23. Bed and Breakfast
24. Event Barns, subject to Article V, Section 5.5.9

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6

Section 4. Amendment of Article IV, Section 4.2, Permitted Uses: The Albion Township Zoning Ordinance, Article IV, Section 4.2 shall be amended to add Small On-Site Solar Energy Systems as permitted uses within all Residential Districts:

SECTION 4.2 – RESIDENTIAL DISTRICTS: The Rural Non-Farm Residential District, Suburban Residential Districts, Urban Residential District, Multiple Family Residential District, Residential Estate District, and Mobile Home Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan that reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards that may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agriculture, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

4.2.1 Rural Non-Farm Residential District (RNF): This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

a. Permitted Uses:

1. Single-family detached dwellings.
2. On-site signs in accordance with the regulations specified in Section 5.2.
3. Accessory uses or structures.
4. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Golf courses, but not including golf driving ranges.
3. Country clubs; public swimming pools, recreation centers; and parks, playgrounds, and play fields.
4. Churches and other buildings for religious worship.
5. Public and private nurseries; primary and secondary non-profit schools.
6. Government-or community-owned buildings.
7. Home occupations in accordance with regulations specified in Section 5.14.
8. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
9. Bed and Breakfasts or Boarding Houses.
10. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height and Bulk Regulations: See Section 4.6

4.2.2 Suburban Residential Districts (RS-1) and (RS-2): These districts are designed to provide residential areas principally for moderate suburban densities generally where necessary urban services and facilities can be feasibly provided or currently exist.

a. Permitted Uses:

1. Single-family detached dwellings.
2. On-site signs in accordance with the regulations specified in Section 5.2.
3. Accessory uses or structures.
4. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and play fields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools.
5. Government-or-community-owned buildings.
6. Golf Courses, but not including golf driving ranges.
7. Home occupations in accordance with regulations specified in Section 5.14.
8. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
9. Bed and Breakfast or Boarding House.
10. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

4.2.3 Urban Residential District (RU): This district is designed to provide areas principally for high-density, single-family residential dwellings where necessary urban services and facilities are provided, including central sanitary sewage and central water systems.

a. Permitted Uses:

1. Single-family detached dwellings and two family dwellings.
2. On-site signs in accordance with the regulations specified in Section 5.2.
3. Accessory uses or structures.
4. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Recreation centers, public swimming pools, parks, playgrounds and play fields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools.
5. Government-or community-owned buildings.
6. Home occupations in accordance with regulations specified in Section 5.14.
7. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
8. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height and Bulk Regulations: See Section 4.6.

4.2.4 Multiple-Family Residential District (RM): This district is designed to permit a high density of population and a high intensity of land use in those areas that are served by a central water supply system and a central sanitary sewerage system, and that abut or are adjacent to such other uses or amenities that support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Multiple-family dwellings.
2. Two-family dwellings.
3. On-site signs in accordance with the regulations specified in Section 5.2.
4. Accessory uses or structures.
5. Rooming houses and boarding houses.
6. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Public swimming pools, recreation centers, parks, playgrounds, and play fields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools, and colleges and universities.
5. Medical and dental clinics.
6. Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
7. Offices.
8. Government-or community-owned buildings.
9. Funeral establishments.
10. Single-family dwellings.
11. Home occupations in accordance with the regulations specified in Section 5.14.

12. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
13. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

4.2.5 Residential Estate District (RE): This district is designed to accommodate large dwellings on large lots at low densities, free of other uses except those that are customarily accessory to such dwellings. The size of lots in this district is intended to accommodate onsite water supply and liquid wastewater disposal.

a. Permitted Uses:

1. Single family detached dwellings, containing a minimum living area of 2,500 square feet on lots of at least 1 acre.
2. On-site signs in accordance with the regulations specified in Section 5.2.
3. Accessory uses or structures.
4. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Country clubs, golf courses, parks, playgrounds, and play fields.
2. Churches and other buildings for religious worship.
3. Government- or community-owned buildings but not including schools.
4. Residential Condominium projects.
5. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.
6. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature to other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

4.2.6 Mobile Home Residential District (MH): This district is composed of those areas of the township whose principal use is or ought to be mobile home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas that are served by a central water supply system and a central sanitary sewerage system, and that abut or are adjacent to such other uses, buildings, structures, or amenities that support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Mobile Home Parks: All mobile home parks as defined in Section 2 of the Michigan Mobile Home Commission Act (1987 PA 96, as amended) shall meet the standards established and reference in that Act and its rules, R 125.1101-125.3069 of the Michigan Administrative Code (the Mobile Home Commission Rules).
2. Mobile Home Subdivisions in accordance with the provisions of RS-2, Suburban Residential District II.
3. Public schools.
4. On-site signs, in accordance with the regulations specified in Sec. 5.2.
5. Mobile homes meeting (c), (d), (e), (g), (h) and (i) of single family dwelling definition, and single family dwellings.
6. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Sales of Mobile Homes, provided that the sales operation is clearly subordinate and incidental to the use of the area for mobile home dwellings. The following conditions shall also apply:
 - (a) No more than one (1) sales area for mobile homes shall be located in the mobile home park or subdivision and the sales area shall be a Mobile Home Residential (MH) zone, single separated designated section within.
 - (b) No more than one (1) mobile home for sale purposes per ten (10) mobile homes located in the mobile home park or subdivision for residential purposes shall be permitted. The total number of mobile homes for sale shall not exceed ten (10).
 - (c) Sales shall be limited to Mobile Homes.
 - (d) The sales operation shall have frontage on a dedicated street and have access to such street or road.
 - (e) The minimum yard requirements for the Mobile Home Residential (MH) zone shall also apply to the portion of the Mobile Home Park or Subdivision utilized for sales purposes.
 - (f) Parking space shall be provided in the designated sales area in accordance with the requirements for the residential area of the Mobile Home Residential (MH) zone.
2. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6

Section 5. Amendment of Article IV, Section 4.3.1, Office District: The Albion Township Zoning Ordinance, Article IV, Section 4.3.1, Office District, shall be amended to add Small On-Site Solar Energy Systems as permitted uses within the Office District:

4.3.1 Office District (O): The Office District is designed principally for office use and those uses that are customarily associated with offices.

a. Permitted Uses:

1. Medical and dental clinics.
2. Funeral homes.
3. Laboratories, dental or medical.
4. Studios for professional work.
5. Offices of architects, engineers, surveyors, and other professions of similar nature.
6. Offices of executive, administrative, legal, accounting, insurance, real estate, and uses of similar nature.
7. On-site signs in accordance with regulations specified in Section 5.2.
8. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Hospitals, sanitariums, and charitable institutions for human care.
2. Schools and colleges.
3. Combined Residential and Office of Business Units: In addition to and as an integral part of such development, the following provisions shall apply:
 - (a) The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 - (b) The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 - (c) The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
 - (d) The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.
4. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
5. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

Section 6. Amendment of Article IV, Section 4.4, Commercial Districts: The Albion Township Zoning Ordinance, Article IV, Section 4.4, Commercial Districts, shall be amended to add Small On-Site Solar Energy Systems as permitted uses within all Commercial Districts:

SECTION 4.4 – COMMERCIAL DISTRICTS: The Local Commercial District, General Commercial District, Highway Service Commercial District, and Planned Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking and utility service; advance public safety; and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well-considered plan that determines the types of such uses and the intensity of land, street and highway use in each such district; potential nuisances and hazards that may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. The specific purpose of each commercial district is further stated below.

4.4.1 Local Commercial District (C-1): This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

a. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service Laundromats; and sale and repair shops for watches, shoes, radios, televisions; tanning salons, health clubs, and spas.
2. Business services including banks, loan offices, real estate offices, and insurance offices.
3. Offices of an executive, administrative, or professional nature.
4. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
5. On-site signs in accordance with the regulations as specified in Section 5.2
6. Accessory uses or structures.
7. Tourist Home.
8. Bed and Breakfast or Boarding House.
9. Rooming House.
10. Ice Cream Parlors and Stores.
11. Donut Shops.
12. Eating Establishments.
13. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Planned-commercial unit developments.
2. Churches and other buildings for religious worship.
3. Government or community owned building but not including schools.
4. Eating and drinking establishments, but not including drive-in types.

5. Combined Residential and Office or Business Units: In addition to and as an integral part of such development, the following provisions shall apply:
 - (a) The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 - (b) The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 - (c) The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
 - (d) The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.
6. Uses not specifically authorized as permitted uses in this district, but that are similar nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
7. Movie Theater.
8. Arcade.
9. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

4.4.2 General Commercial District (C-2): This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments that will retail convenience and comparison goods and provide personal services for the entire area and to accommodate commercial establishments that cannot be practically provided in neighborhood commercial areas.

a. Permitted Uses:

1. Any use permitted in the Local Commercial District (C-1).
2. Business schools; including dance schools, music schools, and art schools.
3. Indoor retail sales establishments.
4. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.
5. Eating and drinking establishments, but not including drive-in or drive through types.
6. Clubs and lodges.
7. Funeral homes.
8. Printing establishments.
9. On-site signs in accordance with the regulations as specified in Section 5.2.

10. Accessory uses or structures.
11. Tourist Home.
12. Bed and Breakfast or Boarding House.
13. Rooming House.
14. Arcade.
15. Medical laboratories.
16. Live theater, except Cabarets
17. Dinner theater, except Cabarets.
18. Dog grooming.
19. Automobile Service Stations.
20. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Hotels or motels.
2. Small animal clinics.
3. Drive-in business services.
4. Churches and other buildings for religious worship.
5. Government-or community-owned buildings, but not including schools.
6. Combined Residential and Office or Business Units: In addition to and as an integral part of development, the following provisions shall apply:
 - (a) The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 - (b) The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 - (c) The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
 - (d) The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.
7. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with general intent of the district.
8. Car Wash.
9. Spas.
10. Physical Fitness Centers.
11. Adult Physical Culture Establishments, Adult Supply Stores, Adult Motion Picture Theaters, Cabarets, and Adult Drive-In Motion Picture Theaters (collectively "Adult Uses"). In addition to other requirements applicable to this District, the following provisions shall apply to all Adult Uses:

- (a) Required Spacing: The establishment of Adult Uses shall meet all of the following setback requirements, with the minimum distance between uses measured horizontally between the nearest points of each property line:
 - (1) One thousand (1,000) feet from:
 - (a) Any other Adult Use.
 - (b) All churches, convents, temples and similar religious institutions.
 - (c) All public, private or parochial nursery, primary or secondary schools, public parks, and hospitals.
 - (d) Any adult foster care or child care facility.
 - (2) Eight hundred (800) feet from:
 - (a) Any Single-Family or Multiple-Family Residential District or use.
 - (b) Any pool or billiard hall, amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, and similar uses generally frequented by children and teenagers.
 - (b) Special Site Design Standards for Adult Uses:
 - (1) The maximum size of the building shall be five thousand (5,000) square feet.
 - (2) The building and site shall be designed, constructed, and maintained so material such as a display, decoration, or sign depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed by pedestrians and motorists on a public right-of-way or from an adjacent land use.
 - (3) Adult Uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
 - (4) The Planning Commission or Township Board shall determine the type of buffer to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
 - (5) The hours of operation shall be approved by the Planning Commission or Township Board.
 - (6) Access shall be from an arterial roadway.
 - (7) Any Adult Use that allows customers to remain on the premises while viewing live, filmed, or recorded entertainment, or while using or consuming the products or services supplied on the premises shall provide at least one (1) security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.
12. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.
13. Medical Marihuana Caregiver Distribution Facility

14. Medical Marihuana Growing Facility

c. Area, Yard, Height, and Bulk Regulations; See Section 4.6.

4.4.3 Highway Service Commercial District (C-3): This district is intended to provide for various commercial establishment offering accommodations, supplies, and services to local as well as through automobile and truck traffic. This district should be provided at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

a. Permitted Uses:

1. Automobile service stations.
2. Sales, rental, and service of motor vehicles, trailers, and boats.
3. Drive-in retail and service establishments, except drive-in theaters.
4. On-site and off-site signs in accordance with the regulations as specified in Section 5.2.
5. Motels and hotels.
6. Eating and drinking establishments.
7. Accessory uses or structures.
8. Indoor and outdoor commercial amusements.
9. Storage sheds and storage facilities for lease.
10. Arcades.
11. Dog Grooming.
12. Retail Sales.
13. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Motor vehicle repair garages, but not wreacking or junk yards.
2. Drive-in theaters, except Adult Drive-in Motion Picture Theaters.
3. Combined Residential and Office or Business Units:

In addition to and as an integral part of development, the following provisions shall apply:

- (a) The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
- (b) The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
- (c) The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.

- (d) The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.
 - 4. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
 - 5. Farm machinery and equipment sales and repair.
 - 6. General Service and repair establishments, including dyeing, cleaning, or laundry works and upholstery or appliance repair.
 - 7. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.
- c. Area Yard, Height, and Bulk Regulations: See Section 4.6.

4.4.4 Planned Commercial District (PC): The intent of the District is to provide flexible land use and design regulations for regulations for regional commercial shopping centers through the use of performance criteria. The Planned Commercial District (PC) shall be designed to relate to the character of surrounding areas, and whenever possible should be capable of functioning as a self-contained commercial development. This district specifically encourages innovations in shopping center development to enable greater variety in type, design, and siting and to achieve a more efficient use of land in such developments. The Planned Commercial District is intended to achieve the following objectives: (1) Encourage creative and innovative techniques for shopping center development; (2) Attain more efficient use of land as a result of smaller networks of utilities and streets; and (3) Encourage adequate buffers, setbacks, internal traffic circulation, and other amenities as needed to protect surrounding properties.

- a. General Requirements for Planned Commercial District:
- 1. Minimum Area. The minimum area required to qualify for a PC District shall be not less than ten (10) contiguous acres of land.
 - 2. Ownership. The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land). In case of multiple ownership, the approved plan shall be binding on all owners.
 - 3. Location of the Planned Commercial District. This District shall be applicable to any area of the Township where commercial shopping center development is appropriate and where the applicant can demonstrate that the characteristics of his/her holdings will meet the objectives of the PC District.

4. Permitted Uses. Any use permitted in the General Commercial District. Conditional uses include automobile service stations and government-or community-owned buildings, but not including schools.
- b. Area, Yard, Height, and Bulk Requirements: While standard zoning practices are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of pre-regulation and regulatory rigidity that can hinder the creation of more attractive, safe, and efficient commercial shopping centers. Therefore, the intent of this District is to permit enough flexibility in development design so as to allow the development of the most desirable commercial amenities accruing from modern shopping center design techniques, but protecting adjacent residential areas. Where these techniques are deemed appropriate through the rezoning of land for a PC District, use and dimensional specifications elsewhere in this Ordinance are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.
- c. Site Plan Review and Approval: The PC District requires Site Plan Review and Approval in accordance with the provisions specified in Section 5.6.
- d. Site Condominium Projects: All commercial site condominium projects shall be subject to the provisions, rules, regulations and procedures set forth in this Ordinance for a Planned Commercial District (PC). The Planned Commercial District shall apply to any commercial site condominium project regardless of the zoning district in which the condominium project is situated or located; provided that commercial site condominium projects shall not be subject to the minimum sewage requirements of the planned commercial district. This provision shall apply to all commercial site condominium projects subject to and constructed under the Condominium Act, being Act 59 of 1978, as amended.

Section 7. Amendment of Article IV, Section 4.5, Industrial Districts: The Albion Township Zoning Ordinance, Article IV, Section 4.5, Industrial Districts, shall be amended to add Small On-Site Solar Energy Systems as permitted uses in all Industrial Districts, and to add Large Solar Energy Systems as conditional uses within all Industrial Districts:

SECTION 4.5 - INDUSTRIAL DISTRICTS: It is recognized by this Ordinance that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the Township of Albion. In order that this value may be maintained and this use encouraged, this Ordinance has established two zoning districts designed to regulate the location of industrial uses according to a well-considered plan that reflects the types of such use and the intensity of land, street, and highway use in each such district; potential nuisances and hazard that may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of each industrial district is further stated below.

4.5.1 Light Industrial District (I-1): This district is designed to provide suitable space for light industrial uses that operate in a safe, non-objectionable and efficient manner, and that are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning districts. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

a. Permitted Uses:

1. Wholesale merchandising or storage warehouses.
2. Semi-tractor and/or trailer repair garages, but not including truck, auto, or vehicle junk yards.
3. Trucking terminals.
4. Appliance sales and repair.
5. Contractor's yard.
6. Industrial office buildings.
7. Cable television antennas and related transmitting structures.
8. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
9. Skilled trade services, including plumbing, electric, heating, printing, and painting establishments.
10. Research and testing laboratories.
11. Lumber yards.
12. On-site and off-site signs in accordance with the regulations as specified in Section 5.2.
13. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Generally including those light manufacturing uses similar to the permitted uses in this district that do not create any more danger in health and safety in surrounding areas and that do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that generally associated with light industries of the type specifically permitted.
2. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
3. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.
4. Large Solar Energy Systems.

c. Area, Yard, Height Bulk Regulations: See Section 4.6.

4.5.2 General Industrial District (I-2): This district is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this Ordinance and can assure protection of the public interest and surrounding property and persons.

a. Permitted Uses:

1. All industrial uses not in conflict with any enacted state or local laws, or any provisions of this Ordinance.
2. Railroad terminals.
3. Any use permitted in Light Industrial District (L-1).
4. Small On-Site Solar Energy Systems, as provided in Section 5.24.

b. Conditional Uses:

1. Junk yards.
2. Sanitary landfills.
3. Bulk oil storage.
4. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
5. Essential Services and structures.
6. Non-exempt public utility facilities.
7. Large Solar Energy Systems.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

Section 8. Amendment of Article V, SUPPLEMENTAL REGULATIONS: Zoning Ordinance Article V - SUPPLEMENTAL REGULATIONS, is amended to add new Section 5.24, Small On-Site Solar Energy Systems:

SECTION 5.24 – SMALL SOLAR ENERGY SYSTEMS

- a. Any Small On-Site Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building under Section 4.6.5, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.
- b. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- c. Small On-Site Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.

- d. Any Small On-Site Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small On-Site Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
- e. A Small On-Site Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- f. No Small On-Site Solar Energy System shall be installed in such a way as to pose an unreasonable safety hazard.
- g. All Small On-Site Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- h. All Small On-Site Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- i. Any Small On-Site Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of fencing, consistent with Section 5.15, and greenbelts. A landscaped greenbelt may be required by the Township to be installed on a nonresidential site or district in order to provide protective screening for nearby or adjacent Residential Districts or uses. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings shall be kept in a healthy growing condition, neat and orderly in appearance. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
- j. All power transmission lines from a ground mounted Small On-Site Solar Energy System to any building or other structure shall be located underground. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
- k. Any Small On-Site Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times, and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.

- l. An Abandoned Small On-Site Solar Energy System shall be removed by the property owner or occupant within 180 days.
- m. Prior to construction, any Small On-Site Solar Energy System shall be required to obtain building permits, electrical permits, and an engineering evaluation as required by any applicable building or electric codes.

Section 9. Amendment of Article V, Section 5.5.9, Additional Development Requirements for Certain Uses: The Albion Township Zoning Ordinance, Article V, Section 5.5.9, Additional Development Requirements for Certain Uses, is amended to add a new Subsection 5.5.9(l), governing Event Barns, and a new Subsection 5.5.9(m), governing Large Solar Energy Systems:

5.5.9 Additional Development Requirements for Certain Uses: A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body.

a. Quarries

1. Compliance with the following application procedure shall occur prior to the commencement of any quarry that is proposed after the effective date of this Ordinance.
 - a. All applicants shall use forms provided by the Township Clerk, accompanied by the documents enumerated on that form. Conditional use permits shall have a term of not more than five (5) years computed from January 1 of the year in which the conditional use is approved. To be considered for renewal, five copies of the proper application with required attachments must be submitted to the Township Clerk on or before November 1 of the year preceding the year in which the conditional use permit expires. Upon receipt of the five copies of the fully and properly completed application form with the required documents attached, the Township Clerk shall retain an official copy in the Clerk's office and shall forthwith distribute the remaining copies as follows: One copy to the Township Engineer, one copy to the Township Attorney, and two copies to the Chairman of the Planning Commission.
 - b. Upon receipt of an application, the Township Engineer shall review the application and attachments, physically inspect the premises to determine compliance with the prior reclamation plans and operational plans, and report to the Planning Commission on such compliance. The Township Engineer shall also estimate the cost of reclamation upon abandonment for performance guarantee purposes, and make such additional comments regarding general safety, drainage, equipment removal, and other engineering considerations pertaining to the conditional use application as appropriate. The report by the Township Engineer to the Planning

Commission shall be rendered no later than twenty (20) days after receipt of a complete application.

- c. The Township Planning Commission shall make its final recommendation on the approval or disapproval of the submitted reclamation plan and operational plan on or before December 1, in the case of renewals and within sixty (60) days of receipt of the Township Engineer's report in the case of original applications and shall report forthwith its determination concerning the reclamation plan and/or operation plan to the Township Board. The Township Board shall make a final determination on or before January 1 in the case of renewals and within thirty (30) days of receipt of the recommendation of the Township Planning Commission in the case of original applications. Failure of the Township Planning Commission or Township Board to act within such time frames shall not result in an automatic conditional use permit issuance or renewal, but such failure merely results in an extension of any existing conditional use for an additional period up to the time of final determination by the Township Board.

2. Application Contents.

- a. Name of the owner, or owners, of land from which removal is to be made or upon which operation will take place.
- b. Name and address of applicant making a request for the conditional use.
- c. Name and address of the person, firm or corporation who will be conducting the actual removal application.
- d. Location, size, and legal description of the area from which the removal is to be made.
- e. Type of materials or resources to be mined, stockpiled, or hauled away.
- f. Proposed method of removal and general haul route.
- g. General description of types of equipment to be used.
- h. The estimated number of years to complete operations and number of phases where appropriate.
- i. The applicant shall post a performance guarantee in such form and amount determined by the Township Board to be reasonably necessary to insure compliance hereunder. In the absence of any other information, the sum of the performance guarantee shall be Two Thousand Five Hundred (\$2,500.00) dollars for each acre or fraction thereof of the land proposed

for active excavation. The condition of such guarantee being that if upon completion of applicant's activities on the parcel described in the application, the land has been reclaimed to the satisfaction of the Township Board, the guarantee shall be void; otherwise, the Township shall have the right to use the performance guarantee to the extent necessary to reclaim the parcel. This performance guarantee shall be kept in effect by the applicant until the parcel or parcels have been restored as required by this Ordinance and until such time that the Township, and its agents and contractors are hereby granted approval to go on the applicant's premises to fulfill the guarantee requirements. In fixing the amount of performance guarantee, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of reclaiming the premises upon default of the operator, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. The applicant shall notify the guaranteeing company and provide proof thereof that the Township be notified in the event of any lapse in the effectiveness of the guarantee. For each acre restored and reclaimed in accordance herewith, or otherwise, said guarantee may be reduced pro-rata as determined by the Township Board.

- j. As part of the application, the applicant shall submit a plan of operation and will be expected to comply with such a plan for the life of the license. If required by the Planning Commission or Township Board, said plan of operation shall include a topographic survey of the existing parcel drawn to a scale of 1 inch = 100 feet and prepared by a registered civil engineer or registered land surveyor with contour intervals not to exceed 10 feet based upon U.S.G.S. datum. The drawing shall also clearly show the area to be mined, including existing areas and roads within 100 feet of all property lines, areas for stockpiling, maintenance areas, berms, fencing, and similar use areas. The plan of operation shall be accompanied by a projected schedule of mining operation, including the following specific dates:
 - 1. Commencement and completion of mining operations as provided by the plan of operation;
 - 2. Commencement and completion of erosion and drainage control measures to be instituted during mining operations; and
 - 3. Commencement and completion of fencing, roads, utilities, or any other structures or improvements to be located on the site as provided by the plan of operation.
- k. The applicant shall also prepare a plan of reclamation. The plan of reclamation shall be submitted in three parts: (1) A recent aerial

photograph with a general plan of reclamation as an overlay or as a separate drawing; (2) a reclamation contour plat, (3) and a description of reclamation methods and materials proposed for renewal of topsoil and replanting. The general plan of reclamation shall be presented at the same scale as the aerial photograph and shall provide the following information:

1. The general area of completely reclaimed land.
 2. The general area of reclamation under way.
 3. The general area currently used for topsoil and overburden storage.
 4. The general area proposed for reclamation during the period of the conditional use permit.
 5. The general area proposed for topsoil and overburden storage.
 6. The acreage for each item shown on the overlay or separate drawing.
 7. A reclamation contour plat with contour intervals not to exceed two feet indicating the general grade and slopes to which excavated areas are to be reclaimed.
 8. A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount of any type of planting as a part of the reclamation plan.
 9. The projected schedule of reclamation operations, including the following specific dates:
 - a. Commencement and completion of reclamation operations as provided by the reclamation plan;
 - b. Commencement and completion of erosion and drainage control measures to be instituted under the reclamation plan; and
 - c. Commencement and completion of final grading, top-soil replacement, and replanting or landscaping as provided by the reclamation plan.
1. Mining operational and reclamation plans shall be prepared to clearly depict and describe the sequence of mining operations including existing conditions, mining underway, mining completed, reclamation underway, reclamation completed, mining proposed, reclamation proposed, stock piles, roadways, and similar land use elements.

- m. All mining, operational and reclamation plans shall be reviewed by the Township Planning Commission and subject to its recommendation for approval or disapproval.
3. Fees: All applications shall be accompanied by a processing fee to be paid by the applicant in an amount established by resolution of the Township Board, which fee shall approximate the cost of monitoring, considering and issuing the conditional use permit.
 4. Issuance of Conditional Use Permit: Upon finding the applicant has complied with the terms and conditions of this Ordinance and with the terms and conditions of prior permits and prior submitted plans, if any, a conditional use permit shall be issued.
 5. Conditions of Permit: Upon the issuance of renewal of a conditional use permit, the Township Board may impose as conditions any reasonable restrictions or requirements related to the location, design, or operation of a mining site, as required to secure the public health, safety, and general welfare of the community or to ensure that the mining operations will not create a nuisance or unreasonably interfere with the enjoyment or property. Such conditions may be in addition to the express requirements of this Ordinance.
 6. Fencing and Screening:
 - a. All excavated and mined areas shall be fenced as required by the Township Board. In the absence of any other requirement, such fencing shall consist of a six (6) foot high fence and shall be posted so as to indicate the danger of trespassing in the area. The minimum specification for said fencing shall be as follows: #9-gauge top wire; #12-gauge bottom wire with spacing of 6 inches by 12 inches. All stays shall be of 14-gauge wire with spacing of support posts to be no greater than 16 feet apart.
 - b. All active mining excavations shall be visually screened from view all adjacent public highways and residentially used parcels to a person standing on the paved portion of the public highway or from the lot line of adjacent residentially used parcels. The following methods are acceptable for screening of mining areas:
 1. Construction of a raised earth berm area on the mining site along boundary lines thereof where such lines abut a public highway or abut privately owned property that is improved and occupied for residential purposes. This provision with regard to lands improved and occupied for residential purposes shall be applicable to any land upon which dwellings are built and occupied subsequent to the date of this Ordinance. The berm shall be sufficient in length and heights to screen the mining area. During the planting season

next following the placement of the berm and as often as may be necessary to assure the existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area and soil conditions so as to provide vegetation to check erosion and to provide a visible ground cover substantially similar to the vegetation cover growing in adjacent fields. Where the topography of the area acts as a screen, the Township Board may waive the berm requirement. The berm shall have slopes not in the excess of one-foot vertical to two feet horizontal.

2. Planting of coniferous trees along the boundaries of the property with sufficient rows and depth to permit effective screening of the mining area.
 3. To the extent that the foregoing is not practical, the applicant may submit alternate proposals.
 4. The amount and extent of required screening shall be reasonable and practical as determined by the Township Board.
7. Hours of Operation: Maximum hours of operation should be determined by the Township Board. In the absence of any other requirements, the hours of the mining operation shall be 7 a.m. to 5:00 p.m. No hours of operation shall be permitted on Sundays and legal holidays. In emergency situations this time period may be modified by the Township Supervisor provided such emergency order shall not be effective for more than 72 hours.
 8. Road Access: All sites permitted under the provisions of this Section shall have direct access to a County road having a minimum right-of-way width of 66 feet and improved to the specifications of the Calhoun County Road Department. When the permitted operation results in the mined material, overburden and/or similar material being deposited or spilled upon the public roadway, it shall be the responsibility of the applicant to remove such material immediately. The conditional use permit may specify the haul route to be used for access to and from the site, and may require a performance guarantee in an amount sufficient to repair any roads damaged by such hauling to or from the site.
 9. Road Maintenance: Access roads within the permitted site shall be maintained by the applicant so as to minimize the dust arising from the use of said roads. Such maintenance shall be accomplished through the application of chloride, water and/or similar dust retardant material. Application of oil shall be prohibited. A paved road from the entrance and exit, a reasonable distance from the right-of-way line into the area of operation may be required in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Entrances and exits shall be securely locked during hours that the facility is not operating.

10. Operation of Use: All equipment and facilities used in the mining of sand, gravel, and stone shall be conducted, maintained, and operated in such manner as to eliminate insofar as practicable, noises, vibrations, or dust that interfere with the reasonable use and enjoyment of surround property.
 11. Noise Standards: Mining sites shall be operated such that the noise of operation or equipment vibration cannot reasonably be considered disturbing to neighboring uses of land. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses. Equipment on licensed sites at any time or under any condition shall not be operated so as to result in noise exceeding the following levels for specified adjacent land uses when measured at the common property line nearest the active work area.
 12. Dewatering: The Township Board may establish reasonable conditions and procedures for dewatering activities on the site, in order to protect surface water and groundwater rights in the vicinity of the mining site.
- b. Junk Yards: In addition to, and as an integral part of development, the following provisions shall apply:
1. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
 2. All traffic ingress and egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
 3. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance cause by wind-borne dust.
- c. Drive-In Theaters: In addition to, and as an integral part of development, the following provisions shall apply:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
 2. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.
 3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- d. Planned-Unit Development: The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Township of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements:
1. The tract of land to be developed must have a minimum area of not less than 10 acres.
 2. The owner of the property must submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of SECTION 5.6, SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in SECTION 5.6, the application must contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

The plan must contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Township of Albion.
 3. The average density of structures of the tract must not be greater than the density requirements in the district in which the planned-unit development is located.
 4. The use of land must be in conformance with the permitted uses of the district in which the proposed plan is to be located.

5. The proposed development must be served by adequate public facilities and service, such as: highways, streets, police, and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
6. The proposed unit must be of such size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit without dependence on any subsequent unit or development.
7. The common open-space, common properties, individual properties, and all other elements of the development must be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
8. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Developments as open space for common use. The development as authorized must be subject to all conditions so imposed, and must be exempt from other provisions of this Ordinance only to the extent specified in the authorization.
9. Following receipt of a request to approve a planned unit development, the Township Board must hold at least one (1) public hearing on the request. Nothing of the public hearing must be given as follows:
 - a. Method of Notice.
 1. The Township must publish notice in a newspaper of general circulation in the Township; and
 2. The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered; and
 3. The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
 - b. Timing of Notice. The notice must be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification.
 - c. Contents of Notice. The notice must do all of the following:

1. Describe the nature of the planned unit development request.
 2. Indicate the property that is subject of the request. The notice must include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the public hearing will be held.
 4. Indicate when and where written comments will be received concerning the request.
- e. Combined Residential and Office or Business Units: In addition to and as an integral part of development, the following provisions shall apply:
1. The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 2. The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 3. The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
 4. The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office of commercial use.
- f. Animal Parks, Zoos and Aquariums: The nature of animal parks, zoos, and aquariums is such that each project must be reviewed individually, and certain conditions imposed on the use so as not to endanger the life of the residents in the area, or adversely affect the value of properties in the area. Prior to issuing a conditional use for an animal park, zoo, or aquarium the Planning Commission shall consider the following in making its recommendation to the Township Board:
- An animal park, zoo, or aquarium is defined as the temporary or permanent housing, or keeping for display of non-domestic birds, fish, and/or animals. An animal park, zoo, or aquarium is an operation that is open to the public, whether free or for admission, and may be part of a larger park or common area used for other purposes.
1. Whether the public roads are sufficient to handle the increased traffic expected to be generated by such a project.

2. Whether the project is located so closely to surrounding residential property that the traffic and noise generated from the project will adversely impact and affect the peace and quiet of surrounding residents.
3. Whether there is adequate parking proposed by the applicant.
4. Whether the proposed fencing of the project will be adequate to prevent animals from within the project from escaping and being a danger to surrounding residents.
5. Whether the applicant has submitted a plan showing sufficient personnel to maintain the quality of life of the animals within the project, order among the visitors to the project, and crowd control within the project.
6. Whether the proposed landscaping is adequate to create an attractive appearance, and to shield the activities from surrounding residential neighborhoods.
7. Whether such applicant has received all applicable federal and state licenses. An applicant who has been denied a federal or state license shall not be approved by the Planning Commission. An applicant who violates a state or federal license, guideline, or regulation shall be deemed to violate the conditional use permit granted under this Section, and if a permit has been issued it shall be subject to revocation by the Township Board for such violation.
8. Whether such animal park, zoo, or aquarium will place an undue burden on public services such as police, fire, water, sewer, or any other public service provided by the municipality.
9. Liability insurance of no less than \$1,000,000 per person and \$2,000,000 per incident to protect the public and persons using the park, zoo, or aquarium from monetary loss and compensate for damages to property or persons caused by the park or zoo, or such other amount as may be required by the Township Board if dangerous or exotic animals are kept on the premises.
10. Whether the nature of the operation is sufficiently removed from residences so as not to cause a nuisance by reason of odors, dust, trash, or noise.
11. In determining any application for a park, zoo, or aquarium the Planning Commission shall consider the appropriateness of the applicant posting a bond to assure compliance with the conditional use permit with respect to odors, dust, trash or noise and restoration of the property if the enterprise is closed. The necessity of said bond would protect the Township by allowing the Township to use the proceeds from said bond to defray costs incurred in the event that the Township was required to remedy a nuisance on the property.

In considering such a conditional use the Planning Commission may make recommendations concerning lighting, hours of operation, parking, landscaping, buffer zones, and any other conditions reasonably calculated to maintain the integrity of the value of surrounding properties and the peace and tranquility of the residents in and about the proposed project.

That a conditional use authorized under this Section preempts any contrary provisions in the Zoning Ordinance, and in particular the prohibition against keeping exotic animals in residential areas. This Section shall take precedence over any other Section of the Zoning Ordinance.

g. Essential Services and Public Utilities:

1. The application shall contain a diagram of the proposed site.
2. The application shall contain a detailed statement as to the intended buffering of the property to minimize structures on the property from surrounding uses. Such buffering shall include but not be limited to the planting of evergreen trees, a fence no less than 6' tall unless otherwise recommended by the Planning Commission, and the material from which the fence will be erected.
3. The proposed height, location, and size of all structures to be erected on the property. A statement as to the types of equipment to be used on the site, which equipment shall not create noise that will interfere with the normal use and enjoyment of abutting and nearby properties.
4. There shall not be displayed any advertising or identification visible to surrounding properties.
5. The structures erected on the site shall meet the minimum setback requirements contained in the Zoning Ordinance for that Zoning District.
6. The use shall conform to all applicable federal, state, and local health and safety standards.
7. All fuel tanks shall be buried or screened with landscaping, fencing or berms. Trash areas must be screened.
8. Noise levels shall not exceed State noise standards and shall conform to recommended decibel standards adopted by the appropriate federal agency.
9. The site shall be secured from intruders.

h. Telecommunication Tower or Alternative Tower Structure: In addition to the standards set forth Section 5.5.5 of this ordinance, any telecommunication tower or alternative tower structure shall meet the following additional standards:

1. Application: The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Township Board related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, alternative tower structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing towers or alternative tower structures are located within the geographic area that meet applicant's engineering requirements.
 - b. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. Setbacks: The following setback requirements shall apply to all towers for which a conditional use permit is required; provided, however, that the Township Board may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

- a. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
 - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
3. Security Fencing: Towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.
4. Landscaping: The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the Township Board may waive such requirements if the goals of this ordinance would be better served thereby.
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth and around the property perimeter may be sufficient buffer.
5. State or Federal Regulations: All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
6. Aesthetics: Towers and antennas shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted neutral color so as to reduce visual obtrusiveness.

- b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source that generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
7. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
8. Compliance with Codes: Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
9. Interference with Residential Reception. Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
10. Signs. No signs shall be allowed on an antenna or tower, except for any sign related to emergency service or controlling agency or owner of tower.
11. Spacing – Towers. Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure containing one or more antenna, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.
12. Spacing – Residences. A tower shall not be located within two hundred (200) feet or two hundred (200%) percent of the height of the tower; whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school,

or other structure normally used and actually used for the congregation of persons.

13. Height. Towers shall have a maximum height of three hundred (300') feet.
14. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond or other letter of credit equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a conditional use permit given pursuant to this section.

i. Wind Energy Conversion Systems and Wind Parks

1. The Township finds that:
 - a. Wind energy is an abundant, renewable and carbon-free energy resource of the Township, and the conversion of wind energy to electricity may reduce dependence on nonrenewable energy sources and decrease the adverse effects that result from the use of conventional energy sources.
 - b. The generation of electricity from properly sited Wind Energy Conversion Systems (WECS) can be cost-effective, and in many cases existing power transmission and distribution systems can be used to transmit electricity from WECS to utilities and transmission companies.
 - c. Regulation of the siting, installation and operation of WECS is necessary to protect the health, safety, and welfare of neighboring property owners and the general public.
 - d. WECS may cause significant potential negative aesthetic effects because of their large size, lighting, and shadow flicker.
 - e. If not properly regulated, installation of WECS can create drainage problems through erosion and lack of sediment control for facility and access road sites, and harm farmlands through improper construction methods.

- f. WECS may present a risk to birds, bats and other creatures if not properly sited.
 - g. If not properly sited, WECS may adversely affect the property values of adjoining property owners.
 - h. WECS may be sources of noise that, if unregulated, can negatively impact the quiet enjoyment, health, and safety of persons and properties in their vicinity.
 - i. Construction of WECS can create traffic problems and damage local roads.
 - j. WECS can cause electromagnetic interference issues with various types of communications.
 - k. To be properly sited, WECS should be located in and surrounded by substantial tracts of largely undeveloped land, referred to in this Ordinance as Wind Parks, thereby diminishing the negative effects of WECS on surrounding properties outside Wind Parks.
 - l. By properly siting WECS in Wind Parks containing substantial surrounding undeveloped land, it is also possible to preserve the surrounding undeveloped land for agricultural uses and purposes that are not inconsistent with the location of WECS.
2. Purpose. The purpose of this Section is to establish standards for the siting, installation and operation of Wind Parks within the AG Agricultural District as a conditional use.
 3. Applicability. On Site Use Residential WECS may be an accessory use in any residential district, provided that they are to be incidental to and subordinate to a use on the parcel and the WECS meets the standards set forth in Section 2.2.92 and the remaining provisions of this Section where applicable.

WECS with a rate capacity of 20 kW or greater, or WECS height exceeding 20 meters, and Wind Parks may be allowed as a conditional use only within the AG Agricultural District, subject to the regulations and requirements of this Section and the general conditional use procedures, standards and criteria of Article V of this Zoning Ordinance.

4. Application; Signatures. The application for the conditional use for a Wind Park shall be submitted on a form prepared for that purpose by the Township, and shall demonstrate the support in writing of each and every legal and equitable owner of each lot or parcel within Albion Township that is located in whole or in part within the Wind Park. If any owners of property within Albion Township that is

proposed to be within the Wind Park do not support the application, the application shall identify those owners by name, address and telephone number, and a copy of the last offer the applicant made to that owner, or if applicant made no offer to the owner, then a copy of any written communications between the applicant and the owner. The Planning Commission shall investigate the basis for each such owner's objections. The record of the investigation shall be made a part of the record in the consideration of the conditional use proceedings, and the Planning Commission shall give due consideration to the basis for the objections in determining whether to permit any properties to be excluded from the Wind Park.

The applicant shall submit eight (8) copies of the application and all supporting materials to the Township Zoning Coordinator. The Zoning Coordinator will cause the application to be placed on the Planning Commission's next regular meeting agenda.

5. Site Plan Drawing and Supporting Materials. All applications for a Wind Park conditional use shall be accompanied by a detailed site plan, drawn to scale and dimensioned, and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - a. All requirements for a site plan contained in Section 5.6 of this Ordinance.
 - b. All lot lines and dimensions, including a legal description of each lot or parcel within the Wind Park.
 - c. Names of the owners of each lot or parcel within Albion Township that is proposed to be within the Wind Park.
 - d. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and all above ground structures associated with each WECS.
 - e. Location and height of all buildings, structures, and above ground utilities located or proposed within the Wind Park. Specific distances to other on-site buildings, structures, and utilities shall also be provided.
 - f. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Wind Park, as well as within 1,000 feet of the outside perimeter of the Wind Park.
 - g. Proposed setbacks between each WECS and from each WECS to all existing and proposed structures within the Wind Park.

- h. Land elevations at each proposed WECS location and its relationship to the land elevations of all existing and proposed structures within the Wind Park.
 - i. Access driveways to each WECS, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Calhoun County Road Department approval, and the use of drives shall be planned so as to minimize the use of lands for that purpose.
 - j. The location of all farmland within the Wind Park that is designated for preservation, a written description of the plan for preservation of farmland within the Wind Park, and copies of all easements, restrictive covenants, or other documents proposed to be used to achieve that plan.
 - k. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers, during both the construction and operation of the WECS.
 - l. A written description of the maintenance program to be used to maintain each WECS, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS become obsolete or abandoned.
 - m. A copy of the manufacturer's safety measures to prevent uncontrolled rotation or over speeding.
 - n. Planned lighting protection measures.
 - o. Additional detail(s) and information as required by the conditional use requirements of this Ordinance, or as requested by the Planning Commission.
6. Compliance with the County Building Code. The applicant shall obtain County approval under the County Building Code as a condition of any conditional use under this section.
7. Construction Codes, Towers, & Interconnection Standard. Each WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. The tower shaft shall not be illuminated unless required by the FAA. Each WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

8. Farmland Preservation. Farmland located within the Wind Park that is not designated as an immediate location of any WECS and accessory structures is encouraged to be preserved for agricultural uses and purposes through the execution and recording of appropriate farmland easements, restrictive covenants, or other documents approved by the Planning Commission. Although such preservation measures are not required, they will be favorably considered by the Planning Commission in the review of a conditional use application under this Section.
9. Design Standards:
 - a. Height: The permitted maximum total height of each WECS (i.e., WECS height) shall be 430 feet including the blade in vertical position.
 1. State and federal regulations may require a lesser height.
 2. As a condition of approval, the Township may require a lesser height for a WECS if it determines that it is reasonably necessary.
 3. Each WECS shall be constructed with a tubular tower, not a lattice tower.
 4. The Planning Commission may approve a WECS height of greater than 430 feet if the applicant clearly demonstrates that such greater height would be in the interest of persons and properties surrounding the Wind Park.
 - b. Setbacks: No part of a WECS (including guy wire anchors) shall be located closer than 150% of the WECS height to any habitable structure and no closer than 100% of the WECS height to any road or utility line.
 - c. Isolation: No WECS shall be located closer than 2,640 feet from the base of the WECS to any point outside the Wind Park within Albion Township, unless the Planning Commission otherwise expressly provides in the permit for the conditional use. If the applicant seeks approval of an isolation distance less than 2,640 feet as required by this section, the applicant shall be required to demonstrate to the Planning Commission with clear and convincing evidence and state-of-the-art modeling, monitoring and measurement techniques that the proposed WECS will have no material adverse effects on any residences, businesses, schools, churches or other places of human habitation within the requested isolation distance from the WECS, as determined by a licensed qualified professional. Such evidence shall include, at a minimum, baseline readings, using state-of-the-art techniques, of the existing noise levels measured at least at ten (10) representative residences outside the Wind Park and state-of-the-art noise modeling data demonstrating that the anticipated noise generated by the WECS will not increase the existing noise levels above a maximum of forty-five (45) decibels on the dBA

scale at any of those representative residences, as determined in the conditional use permit. As a condition of approval for any such lesser isolation distance, the applicant shall also post a performance guarantee in an amount fixed by the Planning Commission to assure that the WECS when installed will not have any material adverse effects on any residences, businesses, schools, churches or other places of human habitation within the requested isolation distance from the WECS, as determined by a licensed qualified professional.

- d. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least seventy-five (75) feet.
- e. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
- f. Tower Access: To prevent unauthorized climbing, WECS must comply with at least one of the following provisions:
 - 1. External tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - 2. A locked anti-climb device shall be installed and maintained.
 - 3. A tower capable of being climbed externally shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
- g. Signs: Each WECS shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
 - 1. Warning high voltage.
 - 2. Warning falling ice.
 - 3. Manufacturer's name.
 - 4. Emergency numbers (list more than one number).
 - 5. FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Albion Township.
 - 6. If fenced, place signs on the fence.
- h. Lighting: A lighting plan for each WECS shall be approved by the Planning Commission. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of

lights, light color and whether any lights will be flashing. All tower lighting will comply with FAA regulations and guidance and shall be consistent with USFWS/MDNR guidelines.

- i. Electromagnetic Interference: Each WECS shall be designed, constructed and operated so far as possible so as not to cause radio, television and other wireless signal interference. In the event that electromagnetic interference is experienced by properties outside the Wind Park, and the WECS is determined to cause radio, television or other wireless signal reception to be degraded from the conditions prior to the installation of the Wind Park through the proper utilization by an expert of relevant facts, data and reliable scientific principles and methods, the WECS owner shall provide alternate service to each individual resident or property owner affected. If a property owner or resident is successful in demonstrating degradation of their radio, television or other wireless signal reception caused by a WECS, then the WECS owner shall also reimburse the property owner or resident for their reasonable costs and fees incurred to prove the existence and cause of the degradation.
 - j. Noise Emissions: All WECS shall be manufactured and constructed with the best available noise reduction technology available at the time of their construction. Noise emissions from the operation of one or more WECS operating within a Wind Park shall not in any case exceed fifty (50) decibels on the dBA scale as measured at any point on the boundary between land within the Wind Park and land outside the Wind Park, and not more than forty-five (45) decibels on the dBA scale as measured at residences outside the Wind Park. A state-of-the-art baseline noise emission study of the proposed site and impact of estimated operating noise levels upon all areas within a one (1) mile radius of each proposed WECS location shall be performed (at the applicant's cost) and submitted to the Township with the application for conditional use.
 - k. Distribution, Transmission and Interconnection: All collection lines and interconnections from the WECS to the electrical substation shall be located and maintained underground inside of the Wind Park. The Planning Commission may waive the requirement that collection lines and interconnections be located and maintained underground if the Planning Commission determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground.
10. Approval Standards. In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any Wind Park conditional use unless it finds that all of the following standards are met:

- a. The general conditional use standards contained in Section 5.5 of this Ordinance; and
 - b. The Wind Park will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
11. Conditions and Modifications. Any conditions or modifications approved by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting. The Planning Commission may in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the AG Agricultural District. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and the authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
12. Completion; Testing. The applicant shall complete the Wind Park construction within twelve (12) months after commencement of construction. Within 12 months of completion and commencement of operation, the applicant shall be required to present a report prepared by a third party, qualified professional, demonstrating that the Wind Park while in operation meets the requirements of this Ordinance and the permit for conditional use with respect to noise emissions and electromagnetic interference, and shadow flicker effect.
13. Inspection. The Township shall have the right upon issuing any Wind Park conditional use to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at the applicant's reasonable cost.
14. Maintenance and Repair. Each WECS must be kept and maintained in good repair and condition at all times. If the Township Zoning Coordinator determines that a WECS fails at any time to meet the requirements of this Ordinance and the permit for conditional use with respect to noise emissions, electromagnetic interference, or shadow flicker effect, or that it poses a potential safety hazard, the applicant shall shut down the WECS within 48 hours after notice by the Zoning Coordinator and not restart the WECS until the condition has been corrected. The applicant shall keep a maintenance log on each WECS that shall be available for the Township's review on a monthly basis. The applicant shall keep all sites within the Wind Park neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions.
15. Roads. Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to the Calhoun County Road Department a description of the routes to be used by

construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries; and a performance guarantee acceptable to the Road Commission in an amount necessary to assure repair of any damage to the public roads cause by construction of the Wind Park or any of its elements.

16. Complaint Resolution. The applicant shall develop a process to resolve complaints from nearby residents and property owners concerning the construction and operation of the Wind Park. 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 the Township from acting on a complaint. During construction and operation, the applicant shall maintain a telephone number during business hours where nearby residents and landowners can reach a project representative.
17. Abandonment. Any WECS that is not used for the production of energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the applicant receives a written extension of that period from the Township Zoning Coordinator in a case involving an extended repair schedule for good cause. All above and below ground materials (down to 4 feet below the ground) must be removed. The ground must be restored to its original condition within 180 days of abandonment.
18. Continuing Security and Escrow. If any WECS is approved for construction under this Ordinance, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the WECS has been finally removed, as provided below:
 - a. Continuing Security: If a conditional use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, corporate bond or surety bond in a form, amount, time and duration deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a conditional use has been approved but before construction commences upon a WECS within the Wind Park. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to have each WECS fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the conditional use permit. Such financial security shall be

kept in full force and effect during the entire time while a WECS exists or is in place, and such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the WECS).

- b. Continuing Escrow Deposit: A continuing escrow deposit to be held by the Township shall be funded in cash by the applicant prior to the commencement of construction of any WECS and shall be maintained by the WECS owner until the WECS has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the conditional use permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the conditional use permit. If the Township is required to expend any portion of the escrow deposit, or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require that the WECS owner place additional monies into escrow with the Township.
 - c. Continuing Obligations: Failure to keep such financial security and escrow deposit in full force and effect at all times while a WECS exists or is in place shall constitute a material and significant violation of a conditional use and this ordinance, and will subject the WECS owner to all remedies available to the Township, including possible enforcement action and revocation of the conditional use.
19. Liability. The applicant shall insure each WECS at all times, and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than \$2,000,000 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2010 dollars based on the CPI).
20. Colors. A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
21. Shadow flicker effect. All reasonable efforts shall be made not to affect any resident with any shadow flicker effect in the operation of any WECS.

22. Vibrations or Wind Currents. Under no circumstances shall a WECS produce vibrations or wind currents humanly perceptible beyond the perimeter of the Wind Park.
 23. Stray Voltage. The applicant shall be responsible for compensation for damages due to any stray voltage caused by a WECS in accordance with the rules of the Michigan Public Service Commission.
 24. Environmental Impact Assessment. At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the Wind Park or surrounding areas. Each such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the conditional use.
 25. Application Escrow Account. An escrow account shall be funded by the applicant when the applicant applies for a conditional use for a Wind Park. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the conditional use review and approval process, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township anticipates it may have done that are reasonably related to the zoning review process for the particular application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the conditional use review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the conditional use review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.
 26. Reasonable conditions. In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a Wind Park as a conditional use.
 27. Other Requirements. Each Wind Park and WECS shall also comply with all applicable federal, state, and county requirements, in addition to other Township ordinances.
- j. Medical Marihuana Caregiver Distribution Facility
1. Purpose and Scope.

- a. The Township recognizes that Medical Marihuana Caregivers may not wish to or be able to distribute Medical Marihuana as part of a Medical Marihuana Home Occupation, as provided by Section 5.14. To the extent that such facilities are lawful under state and federal laws, the Township provides the following objectives, standards, and requirements for a Medical Marihuana Caregiver Distribution Facility, which shall be located in General Commercial (C-2) districts only. It is the intent of this section to exercise a measure of control over Medical Marihuana Caregiver Distribution Facilities and their sites and to establish a basic set of standards within which individual solutions may be developed.
 - b. Only one (1) Medical Marihuana Caregiver is permitted to operate such a facility.
 - c. A land use, business, or other operation that provides, sells, or involves Medical Marihuana in any way is prohibited in the Township except as provided in this Ordinance.
 - d. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and the General Rules as they may be amended from time to time. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under State or Federal law. In particular, the Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring, from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.
2. Required Documentation. All Medical Marihuana Caregivers distributing Medical Marihuana from a Medical Marihuana Caregiver Distribution Facility must provide or otherwise make available proof of valid, unexpired registry identification cards.
 3. Location Standards. The parcel on which the Medical Marihuana Caregiver Distribution Facility is conducted shall be located at least at least one thousand (1,000) feet from any parcel on which a school, day care facility, church, house of worship or other religious facility, public or private park and three hundred (300) feet from any other Medical Marihuana Caregiver Distribution Facility or Medical Marihuana Growing Facility, measured horizontally between the nearest points of each property line.

4. Amount of Marihuana. The amount of marihuana on the property must not exceed that amount permitted by state law: no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient to which the Medical Marihuana Caregiver is lawfully connected, up to a maximum of five (5) patients or sixty (60) marihuana plants or 12.5 ounces of usable marihuana per caregiver.
5. Use of Marihuana; Odors. Smoking or consumption of controlled substances, including marihuana, shall be prohibited on the site of the Medical Marihuana Caregiver Distribution Facility. The Facility shall not emit odors, emanating from marihuana, beyond the Facility building or structure.
6. Storage of Marihuana. All medical marihuana must be contained within the main building in a separate Enclosed, Locked Facility for each Medical Marihuana Patient for which a Caregiver is lawfully connected, in accordance with the Michigan Medical Marihuana Act. Medical Marihuana shall not be visible from any location outside of the building.
7. Related Activity
 - a. All activity related to Medical Marihuana must occur indoors.
 - b. Use of Medical Marihuana is prohibited at the Medical Marihuana Caregiver Distribution Facility.
 - c. Growth or cultivation of Medical Marihuana is prohibited at the Medical Marihuana Distribution Facility.
 - d. The sale of foods, equipment, or supplies on the premises is prohibited.
8. Security Measures. The Medical Marihuana Caregiver Distribution Facility shall have secure windows and doors and the owner or occupant shall implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets, and unintended or unlawful access.
9. Signage. Any signage utilized in compliance with the Township's Ordinance, such signage must not use the words marihuana, marijuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marihuana.
10. Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure in which electrical, wiring, lighting, or watering devices that support the storage or distribution of Medical Marihuana are located.
11. Conditions of Approval. Prior to the granting of approval for the establishment of a Medical Marihuana Caregiver Distribution Facility, the Township may impose any conditions or limitations upon the establishment, location, construction,

maintenance, or operation (including hours of operation), of the Facility that are necessary for the protection of the public interest, including inspections. Any evidence, bond, or other performance guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

12. To Whom Marihuana may be Distributed. No person operating a Medical Marihuana Caregiver Distribution Facility shall provide or otherwise make available Medical Marihuana to any person who is not a Medical Marihuana Patient legally connected to that person as a Medical Marihuana Caregiver.

k. Medical Marihuana Growing Facility

1. Purpose and Scope

- a. The Township recognizes that Medical Marihuana Patients or Medical Marihuana Caregivers may not wish to or be able to cultivate or grow Medical Marihuana as part of a Medical Marihuana Home Occupation, as provided by 5.14. To the extent that such facilities are lawful under state and federal laws, the Township provides the following objectives, standards, and requirements for a Medical Marihuana Growing Facility, which shall be located in General Commercial (C-2) districts only. It is the intent of this section to exercise a measure of control over Medical Marihuana growing facilities and their sites and to establish a basic set of standards within which individual solutions may be developed.
- b. Only one Medical Marihuana Patient or Medical Marihuana Caregiver is permitted to operate such a facility.
- c. A land use, business, or other operation that provides, sells, or involves Medical Marihuana in any way is prohibited in the Township except as provided in this Ordinance.
- d. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and the General Rules as they may be amended from time to time. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under State or Federal law. In particular, the Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring, from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

2. Required Documentation. All Medical Marihuana Caregivers or Medical Marihuana Patients growing Medical Marihuana from the facility must provide or otherwise make available proof of valid, unexpired registry identification cards.
3. Location Standards. The parcel on which the Medical Marihuana Growing Facility is conducted shall be located at least at least one thousand (1,000) feet from any parcel on which a school, day care facility, church, house of worship or other religious facility, public or private park and three hundred (300) feet from any other Medical Marihuana Caregiver Distribution Facility or Medical Marihuana Growing Facility, measured horizontally between the nearest points of each property line.
4. Amount of Marihuana. The amount of marihuana on the property must not exceed that amount permitted by state law: no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient; and no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient to which the Medical Marihuana Caregiver is lawfully connected, up to a maximum of five (5) patients or sixty (60) marihuana plants or 12.5 ounces of usable marihuana per caregiver.
5. Use of Marihuana; odors. Smoking or consumption of controlled substances, including marihuana, shall be prohibited on the site of the Medical Marihuana Growing Facility.

The Facility shall not emit odors, emanating from marihuana, beyond the Facility building or structure.

6. Storage of Marihuana. All Medical Marihuana must be contained within the main building in a separate Enclosed, Locked Facility for each Medical Marihuana Patient for which a Caregiver is lawfully connected, in accordance with the Michigan Medical Marihuana Act. Medical Marihuana shall not be visible from any location outside of the building.
7. Related Activity
 - a. All activity related to Medical Marihuana must occur indoors.
 - b. Transfer, distribution, or use of Medical Marihuana is prohibited at the Medical Marihuana Growing Facility.
 - c. The sale of foods, equipment, or supplies on the premises is prohibited.
8. Security Measures. The Medical Marihuana Growing Facility shall have secure windows and doors and the owner or occupant shall implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets, and unintended or unlawful access.

9. Signage. Any signage utilized in compliance with the Township's Ordinance, such signage must not use the words marihuana, marijuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marihuana.
 10. Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
 11. Conditions of approval. Prior to the granting of approval for the establishment of a Medical Marihuana Growing Facility, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation (including hours of operation), of the facility that is necessary for the protection of the public interest, including inspections. Any evidence, bond, or other performance guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.
 12. For Whom Marihuana may be grown. No person operating a Medical Marihuana Growing Facility shall grow or cultivate Medical Marihuana for any person who is not a Medical Marihuana Patient.
1. Event Barns.
1. Intent. The intent of this section is to promote the preservation and viable use of existing agricultural structures in a manner that is harmonious with neighboring properties while maintaining peace and quiet of the area.
 2. Conditional Use Permit Requirements. Event Barns shall be permitted by conditional use permit, subject to the standards and procedures set forth in Article V, as well as the provisions of this Section. Anyone granted a conditional use permit for the operation of an Event Barn shall strictly adhere to, and shall require all persons using the property to strictly adhere to, the following provisions:
 - a. Access. Primary access to the property on which the Event Barn is located shall be via a county maintained road.
 - b. Setback. Event Barns shall be set back 100' from the front lot line and 500' from all neighboring residences.
 - c. Attendance. No event shall involve the presence of more than 250 persons or more than allowed by the applicable state construction code and fire code, whichever is less.
 - d. Lot Size. Event barns shall be located on parcels greater than 20 acres.
 - e. Hours of Operation. Hours of operation for events shall be limited from 8 a.m. through 11 p.m., unless otherwise pre-approved by the township board for good cause shown for a specific event.

- f. Presence of Permit Holder Required. The Event Barn conditional use permit holder or his or her representative shall be on site for all events. The name and contact number of the permit holder or their representative shall be provided to the Township in May of each year.
- g. Use of Outdoor Areas. All events shall take place within a barn and accessory structures on the property. Events shall not include outdoor activities, except accessory activities in areas expressly approved in the Site Plan for the conditional use. All sound amplification equipment, performances, and musical entertainment shall be contained within the barn and accessory structures, except that a wedding ceremony may be outdoors.
- h. Screens or Barriers. Sight and sound barriers such as walls, berms and/or vegetation screens may be required in order to minimize impacts to neighboring properties.
- i. Lighting. All lighting fixtures, including pathway lighting, shall be down-lit and directed in a manner as to not be visible from off the property and on neighboring properties. All lighting must be extinguished at or before the same time for conclusion of the event. All lighting proposed at an Event Barn shall be addressed and approved as part of the Site Plan.
- j. Trash. The Event Barn operator shall require that caterers and sponsors of every event remove all trash associated with the event immediately after the conclusion of the event. Any dumpster maintained or used on the property must be screened from public view and maintained so as not to produce offensive odors that annoy or disturb the comfort or repose of a reasonable person of normal sensitivities.
- k. Noise. No person may unreasonably make, continue or cause to be made any noise that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities outside the boundaries of the property, or that injures or endangers the health, welfare, or peace of any person outside the boundaries of the property. The permit holder shall install noise-elimination and noise-suppression improvements at the property so that the noises emitted from inside any barn or other building meet all the requirements of this subparagraph, and such noise-elimination improvements shall be addressed and approved as part of the Site Plan. The following are declared to be prima facie evidence of unlawful noises, and are deemed to be public nuisances per se:
 - 1. Singing or operating, playing or permitting the operation or playing of any music, radio, music player, television, stereo, public address system, megaphone, musical instrument, drum, loudspeaker or other sound-producing device, amplified or unamplified, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of a

reasonable person of normal sensitivities outside the boundaries of the property; or

2. Singing or operating, playing or permitting the operation or playing of any music, radio, music player, television, stereo, public address system, megaphone, musical instrument, drum, loudspeaker or other sound-producing device, amplified or unamplified, inside either a barn or other building, after 9:30 p.m. on Sunday through Thursday evenings, and after 11:00 p.m. on Friday and Saturday evenings; or
 3. Singing or operating, playing or permitting the operation or playing of any music, radio, music player, television, stereo, public address system, megaphone, musical instrument, drum, loudspeaker or other sound-producing device, amplified or unamplified outside any of the buildings, at any time, except for unamplified music, such as a string quartet, only as part of a wedding, which unamplified wedding music shall cease prior to 8:00 p.m.; or
 4. Yelling, shouting, hooting, or whistling, or making any other noises so as to excessively annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities outside the boundaries of the property.
- l. Food. There shall be no food preparation inside an Event Barn. Any food served, provided or consumed at the venue must be legally prepared in accordance with Calhoun County Health Department rules. Dishwashing associated with any event must be accomplished off site.
 - m. Security. At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any neighboring properties, and to assure that all events begin and end at the times specified in this Ordinance.
 - n. Alcohol. Where the caterer or sponsor of the event intends to sell or provide alcohol or alcoholic beverages, the caterer or event sponsor must provide an event insurance policy, naming the Township as an additional insured, and must comply with all applicable liquor licensing and regulatory requirements. Event Barn permit holders shall not sell or provide alcohol or alcoholic beverages.
 - o. Parking. Adequate parking shall be provided. There shall be no parking on any properties outside the boundaries of the property on which the Event Barn is located, without the express written permission of the property owner. Parking shall be provided on the property on which the Event Barn is located and designated as the “parking lot” on the Site Plan. The parking lot shown on the approved Site Plan shall be grass, gravel, or gravel-type material only, and not paved with blacktop or concrete or any other

impervious substance, in keeping with the rural character of the area. The number of parking spaces shall be in accordance with Township Ordinances and the Americans with Disabilities Act.

- p. Insurance. Event Barn permit holders and operators shall maintain general liability for personal injury and property damage in the amounts of \$1,000,000 per occurrence and \$2,000,000 general aggregate limit. The Township shall be named as an additional insured on the policies and the venue shall provide evidence of insurance to the Township's Zoning Administrator annually or more frequently on request.
 - q. Permits and Approval. The Event Barn permit holders and operators shall obtain all building permits and approvals from agencies that have jurisdiction applicable to the Event Barn or the holding of the events on the property. All facilities shall be approved and inspected by the appropriate agencies.
 - r. Conditional Use Permit, Site Plan and Landscape Design. An applicant for an Event Barn conditional use permit shall submit a proposed Site Plan in addition to its conditional use permit application. The Site Plan shall comply with and be reviewed in accordance with this Ordinance, and shall include all parking facilities, lighting, noise-elimination and noise-suppression improvements, outdoor activity areas, landscaping and plantings. Additional consideration shall be given to facilities that incorporate the preservation or use of existing agricultural structures.
 - s. Temporary Structures; Bathroom Facilities. No temporary structures or tents shall be permitted in connection with any event unless removed within a reasonable amount of time after the conclusion of the event. Exceptions may be made with approval of the Zoning Administrator. Adequate bathroom facilities shall be used at all times at an Event Barn.
3. Term: A conditional use permit for an Event Barn shall be valid only for five (5) years from the date of issuance. Upon expiration, a conditional use permit may be renewed only after an additional application as provided by this Section. Renew process will be available no less than one full year prior to expiration. If the property is sold, the conditional use permit is null and void until new owner applies for a new conditional use permit.
- m. Large Solar Energy Systems.
 - 1. Purpose and Intent: The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems where allowed as a conditional use.
 - 2. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

- a. All requirements for a site plan contained in Section 5.6 of the Township Zoning Ordinance.
- b. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
- c. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
- d. Vicinity map showing the location of all surrounding land uses.
- e. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
- f. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
- g. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
- h. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
- i. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
- j. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Calhoun County Road Department or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
- k. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
- l. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy

System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomic or an Abandoned Solar Energy System.

- m. A copy of the manufacturer's safety measures.
- n. Planned lighting protection measures.
- o. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - 1. Impact on area water resources
 - 2. Impact on air quality
 - 3. Noise impacts caused by the Solar Energy System
 - 4. Impact on utilities and infrastructure
 - 5. Protection of neighboring property owners and occupants
 - 6. Impact on wildlife
 - 7. Effects on floodplains and wetlands
 - 8. Unique farmlands or soils
 - 9. Areas of aesthetic or historical importance
 - 10. Archeological or cultural concerns
 - 11. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility
- p. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Calhoun County Water Resources Commissioner.
- q. A written report of all power supplied to the electrical grid by the Large Solar Energy System. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
- r. Additional detail(s) and information as required by the conditional use requirements of the Zoning Ordinance, or as required by the Planning Commission.
- s. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a Conditional use permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the

amount estimated by the Township Board to cover all reasonable costs and expenses associated with the Conditional use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Conditional use permit review process, the Township Board may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township Board. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Conditional use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.

3. Compliance with State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any Conditional use permit under this section.
4. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
5. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
6. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 20 acres or greater.
7. Project Area. The Project Area of a Large Solar Energy System shall not exceed 250 acres in total. For the purposes of this section, “Project Area” means the surface area of all land covered by Solar Arrays, including spacing between rows of panels, but not including setbacks required by this Ordinance, regardless of whether that land is located on one or multiple parcels within the Township.

8. Setbacks: A minimum setback distance of seventy five (75) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
9. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
10. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 (eight) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
 - a. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or commercial/industrial areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Conditional use permit.
 - b. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Conditional use permit previously granted

- c. All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
11. Signs: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the conditional use permit or other applicable law.
 12. Noise: No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of the project.
 13. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
 14. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto or visible from nearby properties or roadways.
 15. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
 16. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomical or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Conditional use permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that

become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first. If decommissioning is not completed within a 180-day period, the Township Board shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the Large Solar Energy System or any components thereof. Any costs incurred by the Township in pursuing such activities shall be financed by Applicant's continuing restoration security as provided by this Section.

17. General Standards: The Planning Commission shall not recommend for approval any Large Solar Energy System Conditional use permit unless it finds that all of the applicable standards for conditional uses contained in Section 5.5 of this Ordinance are met.
18. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System Conditional use permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
19. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
20. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
21. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the Conditional use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. In addition to such a log, Applicant shall maintain a robust maintenance and

repair diagnostic system, which shall record the electrical output of each Solar Array on a daily basis. Such system shall also maintain a list of any fault codes, descriptions of faults, a notes log of any maintenance or repairs, and recordings indicating the amount of time any Solar Array was offline or otherwise not producing its ordinary allotment of electrical power. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

22. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Calhoun County Road Department or Michigan Department of Transportation (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
23. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
 - a. Continuing Restoration Security: If a Conditional use permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Conditional use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

- b. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded in cash by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Conditional use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Conditional use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
 - c. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Conditional use permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including any enforcement action and revocation of the Conditional use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- 24. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a conditional use.
 - 25. Completion of Construction: Notwithstanding Section 5.5.8 of this Ordinance, the construction of any Large Solar Energy System must commence within a period of one (1) year from the date a conditional use permit is granted, and must be completed within a period of three (3) consecutive years from the date a Conditional use permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the conditional use approval. Failure to complete construction within the permitted time period shall result in the approved Conditional use permit being rendered null and void.
 - 26. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy

provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.

27. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.
28. No Large Solar Energy System shall be installed in such a way as to pose an unreasonable safety hazard.
29. All Large Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
30. Any Large Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of fencing, consistent with Section 5.15, and greenbelts. A landscaped greenbelt may be required by the Township to be installed on a nonresidential site or district in order to provide protective screening for nearby or adjacent Residential Districts or uses. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings shall be kept in a healthy growing condition, neat and orderly in appearance. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
31. All power transmission lines from a ground mounted Large Solar Energy System to any building or other structure shall be located underground. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
32. An Abandoned Large Solar Energy System shall be removed by the property owner or applicant within 180 days after the installation ceases to be used for the generation of electricity.

Section 10. Severability: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

Section 11. Effective Date: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

Section 12. Repeal: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Thomas Frank, Albion Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Albion Township Board at a duly scheduled and noticed meeting of that Township Board held on November 12, 2018, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Albion Township, on _____, 2018.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Calhoun County Clerk on _____, 2018.

ATTESTED:

Kathy Grundemann, Albion Township Clerk

ALBION TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 37

ALBION TOWNSHIP, CALHOUN COUNTY, MICHIGAN

ALBION TOWNSHIP BOARD

**Thomas Frank, Supervisor
Kathy Grundemann, Clerk
Virginia Schultz, Treasurer
Douglas Reichow, Trustee
Gary Harrison, Trustee**

ALBION TOWNSHIP PLANNING COMMISSION

**Bert Fetters, Chairman
Ken Blight, Member
Tom Frank, Member
Jon Grundemann, Member
Wayne Jarvis, Member
Scott McKay, Member
Willie Tabb, Member**

Adopted November 12, 2012

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ALBION TOWNSHIP ZONING ORDINANCE

Ordinance No. 37

Albion Township
Calhoun County, Michigan

THE TOWNSHIP OF ALBION ORDAINS:

PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; and to provide for the administration, enforcement, penalties for violation, and amendment of this Ordinance.

ARTICLE I - ENACTING CLAUSE, TITLE, AND PURPOSES

SECTION 1.1 – ENACTING CLAUSE: This Ordinance is adopted under authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act, as amended, to establish comprehensive zoning regulations for Albion Township, Calhoun County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.2 – TITLE: This Ordinance shall be known and may be cited as “The Zoning Ordinance of Albion Township.” The Zoning Map referred to herein is entitled “Zoning Map, Albion Township.”

SECTION 1.3 – PURPOSES: This Ordinance has been established for the purpose of:

- a. Promoting and protecting the public health, safety, and general welfare;
- b. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
- c. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health.
- d. Lessening and avoiding congestion on public highways and streets;
- e. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate

trend and character of land, building, and population development as studied and recommended by the Planning Commission and the Township Board;

- f. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses that are incompatible with the character of development permitted within specified zoning districts;
- g. Conserving the taxable value of land and structures;
- h. Conserving the expenditure of funds for public improvements and services;
- i. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people; and
- j. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE II - GENERAL PROVISIONS DEFINITIONS

SECTION 2.1 – SCOPE: Every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction was lawful on the date such construction commenced and shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit has been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

SECTION 2.2 – DEFINITIONS: For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; words used in the singular number include the plural number. The word “shall” is always mandatory and not merely permissive. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged” to be used or “occupied.”

2.2.1 Accessory Use, Building or Structure: A detached structure, building or use on the same lot width, and of a nature customarily incidental and subordinate to the principal structures, building or use. No accessory building or structure shall be placed on a lot or parcel of land unless there is an existing principal structure or building on said lot or parcel. No accessory use shall be carried on or conducted on any lot or parcel of land unless there exists a principal use on such lot or parcel of land, except agricultural accessory uses or structures used for farm purposes in agricultural districts.

2.2.2 Adult Drive-In Motion Picture Theater: An open space, area or premises from which persons may view motion picture films, videos or performances that are characterized by an emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas.”

2.2.3 Adult Supply Store: Premises used for the sale, distribution, display or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

2.2.4 Adult Motion Picture Theater: An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed that is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

2.2.5 Adult Physical Culture Establishment: Any establishment, club or business, by whatever name designated, that offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person. The following uses shall not be included with the definition of an adult physical culture establishment.

- a. Establishments that routinely provide such services by a licenses physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional.
- b. Electrolysis treatment by a licensed operator of electrolysis equipment;
- c. Continuing instruction in material or performing arts or in organized athletic activities;
- d. Hospitals, nursing homes, medical clinics or medical offices; and
- e. Barbershops or beauty parlors and/or salons that offer massages to the scalp, the face, the neck or shoulders only.

2.2.6 Alley: A public or private way not more than thirty-three (33) feet wide that affords only a secondary means of access to abutting property.

2.2.7 Alter: Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

2.2.8 Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers, or that currently exist in a manner that would support the placement of an antenna without the need for an additional tower.

2.2.9 Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure or Alternative Tower Structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

2.2.10 Apartment: A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual or group of individuals.

2.2.11 Arcade: Any place, premises, establishment or room within a structure within which are located ten or more amusement devices. For purposes of this Section, amusement devices shall mean any device, machine or apparatus operated by a patron who plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddy rides, juke boxes, bowling alleys, or pool tables.

2.2.12 Automobile Service Station: A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, and minor repairs, but not including major repairs, or bumping, grinding, or refinishing of motor vehicles.

2.2.13 Automobile Wrecking: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

2.2.14 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 shall not be counted as a story.

2.2.15 Billboard: See Outdoor Advertising Sign.

2.2.16 Block: A parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways, bulkhead lines or shorelines, or the corporate boundary lines of any village, city or township.

2.2.17 Boarding House/Bed and Breakfast: A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with meals. A Bed and Breakfast establishment shall not contain more than five (5) sleeping rooms for hire.

2.2.18 Building: An enclosed structure having a roof supported by columns, walls, arches or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

2.2.19 Building Area: See Floor Area.

2.2.20 Building Height: The vertical distance measured from grade to the highest point of the roof for flat roofs, to the average deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip or gambrel roofs.

2.2.21 Bulk: The size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:

- a. The size and height of a building or structure.
- b. The location of the exterior wall of a building in relation to a lot line, street or other building.
- c. The floor area of a building in relation to the area of the lot on which it is located.
- d. The open spaces allocated to and surrounding a building.
- e. The amount of lot area per dwelling unit.

2.2.22 Building Setback Line: The minimum distance that any building must be located from a street right-of-way or high water line.

2.2.23 Business Center: Two or more buildings containing stores or two or more buildings containing a combination of stores and offices usually on separate lots, and sharing a common drive or street and/or off-street parking facilities, and/or identified by a name for the center.

2.2.24 Cabaret: A cabaret is an establishment where live entertainment is provided, presented, permitted or performed, including but not limited to dance, comedy, theatrical, or musical performances, or performances that are distinguished or characterized by an emphasis on, or related to, "specific anatomical areas" (as herein defined) for observation by persons or patrons therein.

2.2.25 Central Sanitary Sewage System: Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a sanitary sewage disposal system from a central location or plant, but not including septic tanks.

2.2.26 Central Water System: Any person, firm corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a central water system from a central location or plant.

2.2.27 Conditional Use: A use that is subject to conditional approval by the Planning Commission and Township Board. A conditional use may be granted only when there is a specific provision in this Ordinance. A conditional use is not considered to be a non-conforming use. The term “conditional use” is synonymous with the term “special use,” and the term “conditional use permit” is synonymous with the term “special use permit.”

2.2.28 Condominium Act: Act 59, Public Acts of 1978, as amended.

2.2.29 Condominium Development: Any development undertaken under the provisions of the Michigan Condominium Act, Act 59 of Public Acts of 1978, as amended, or any other act of the legislature of the State of Michigan providing for development of property under joint or concurrent ownership.

2.2.30 Condominium Documents: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or by-laws that affects the rights and obligations of a co-owner in the condominium.

2.2.31 Condominium Lots: The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

2.2.32 Condominium Subdivision Plan: The drawings and information prepared in accordance with Section 66 of the Condominium Act.

2.2.33 Condominium Unit: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

2.2.34 Consolidating Master Deed: The final amended master for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

2.2.35 Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.

2.2.36 Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.

2.2.37 Court (Open Space): An open space on the same lot with a building or group of buildings and that is bounded on two or more sides by such building or buildings. A court shall be unoccupied.

2.2.38 District: A portion of the Township of Albion within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

2.2.39 Dog Kennel: See Kennel.

2.2.40 Drive-In: A business establishment so developed that its retail or service character is primarily dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building or structure.

2.2.41 Dwelling Area: The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms or similar such rooms.

2.2.42 Dwelling, Mobile Homes: See Mobile Home or Trailer Coach.

2.2.43 Dwelling–Single Family: A detached building containing not more than one (1) dwelling unit designed for one (1) family residential use that shall comply with the following standards:

- a. Minimum living are of seven hundred fifty (750) square feet for one or two bedroom dwelling; one hundred fifty (150) square feet of additional living area for each additional bedroom; and minimum floor to ceiling height of seven and one-half (7.5) feet.
- b. Minimum exterior width of twenty-four (24) feet along side elevations exclusive of porches not a part of the main living room.
- c. The dwelling shall be attached to a permanent foundation constructed on the site that shall be co-extensive with the perimeter of the structure in compliance with the Township Building Code.
- d. No exposed wheels, towing mechanisms, under carriage or chassis shall be permitted.
- e. The dwelling shall be connected to a public sewer and water supply or to private sewer and water supply facilities approved by the Calhoun County Health Department before issuance of a Final building permit approval.
- f. The dwelling shall contain storage areas in the basement, attic, closets, or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles and exclusive of the crawl space of a dwelling not possessing a basement. Such storage areas within the dwelling unit, shall, in the aggregate be equal to at least fifteen (15) percent of the minimum square foot dwelling area requirements of this Ordinance.
- g. The dwelling shall in all respects comply with the Township Building Code and all applicable Federal and State laws, regulations, standards and codes, including but not limited to electrical, plumbing, energy, fire and safety laws, regulations, standards and codes.

- h. In addition to the foregoing requirements, mobile homes shall in all respects comply with the standards for mobile home construction and safety as contained in the United States Department of Housing and Urban Development (HUD) regulations then in effect as adopted pursuant to the provisions of Public Law 93-383, as amended.
- i. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by State or Federal laws and regulations.
- j. Every dwelling shall be constructed with roof overhang of not less than six (6") inches on all sides of the structure, with roof drainage systems designed to concentrate roof drainage along the sides of the structure, and shall be designed with no less than two (2) exterior doors.

2.2.44 Dwelling–Two-Family: A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.2.42, for each of the dwelling units.

2.2.45 Dwelling–Multiple Family: A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.2.42, for each of the dwelling units.

2.2.46 Dwelling–Row: A row of three (3) to six (6) attached one-family dwellings not more than two and one-half (2 ½) stories in height nor more than two rooms deep, with separate housekeeping and cooking facilities for each.

2.2.47 Easement: Any private or dedicated public way other than a street, providing a secondary means of access to a property having a right-of-way not less than twenty (20) feet.

2.2.48 Enclosed, Locked Facility: A closet, room, locker or other area fully enclosed on all sides equipped with locks or other security devices that permit access only to the Medical Marijuana Patient or Medical Marijuana Caregiver responsible for the Medical Marijuana contained therein. Such must be built and maintained in a manner consistent with applicable building and property maintenance codes.

2.2.49 Entrance Ramp: A roadway connecting a feeder road with a limited access highway and used for access onto such limited access highway.

2.2.50 Essential Services: The term “essential services” shall mean the erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards or by other government agencies of underground, surface or overhead gas, electrical, steam, water, or sewer transmission, distribution, collection, supply or disposal systems including poles, wires, mains, pipes, conduits, cables, hydrants, and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service. Telecommunication Towers or Facilities or Towers, Alternative Tower Structures, wireless communication Antenna, Antenna, and Tower Compounds are not included within this definition.

2.2.50.5 Excavation of Gravel, Sand, Topsoil or Earth: Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

2.2.51 Expandable Condominium: A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

2.2.52 Family: An individual or a group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

2.2.53 Free-Standing Identification Sign: A sign designed to identify to persons not on the premises, on which a free-standing identification sign is located, only the title of the business or profession conducted on the premises, and such information shall be supported by a structural frame independent of any other structure.

2.2.54 Freeway: A divided highway of not less than two lanes in each direction to which owners or occupants of abutting property or the public have no right ingress or egress to, from or across the highway, except at points determined by or as otherwise provided by the authorities responsible therefor (Act 106 of Public Acts of 1972).

2.2.55 Floor Area: The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

2.2.56 Floor Area Ratio: The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, a floor area ratio of 80 percent is specified and the lot area is 10,100 square feet, the maximum permitted floor area on the lot is 8,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for each of two (2) stories, 2,000 square feet for each of four (4) stories, or 1,000 square feet for each of eight (8) stories.

2.2.57 Garage–Commercial: Any building available to the public operated for gain and that is used for storage, rental, greasing, washing, servicing, repairing, or adjusting of automobiles or other motor vehicles.

2.2.58 Garage–Private: An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

2.2.59 Home Occupation: An occupation that is traditionally and customarily carried on in the home by resident members of the family or living unit, being clearly incidental and secondary to the principal residential use, provided it means the standards set forth in Section 5.14.

2.2.60 Hotel/Motel: A building or structure or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made, and in which building there may be a general kitchen and/or public dining room(s) for the accommodation of the occupants.

2.2.61 Industrial Park: A group of two or more buildings, usually on separate lots, for industrial, research, or warehousing uses, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

2.2.62 Interstate Highway: A highway officially designated as a part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the Federal government (Act 106 of Public Acts of 1972).

2.2.63 Junk Yard: A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and for the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

2.2.64 Kennel: Any lot or premises on which three (3) or more dogs and/or cats six months of age or older are kept either permanently or temporarily excepting where kept not for the purpose of remuneration or sale, but incidental to the principal use of premises for agriculture activities as provided in agricultural districts.

2.2.65 Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

2.2.66 Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as here in required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds, a lot or portion thereof and a parcel described by metes and bounds, or two or more parcels described by metes and bounds that are combined into a single legal description and taxable entity. Provided further, that where a lot is made up of more than one lot, parcels, or combinations of lots and parcels no portion of said lot shall thereafter be sold or conveyed or any interest created therein if the remaining parcel is of insufficient size to meet the minimum zoning requirements for use, coverage and area.

2.2.67 Lot Area: That area within the lot lines, but excluding that portion in a road or street right-of-way.

2.2.68 Lot Corner: A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

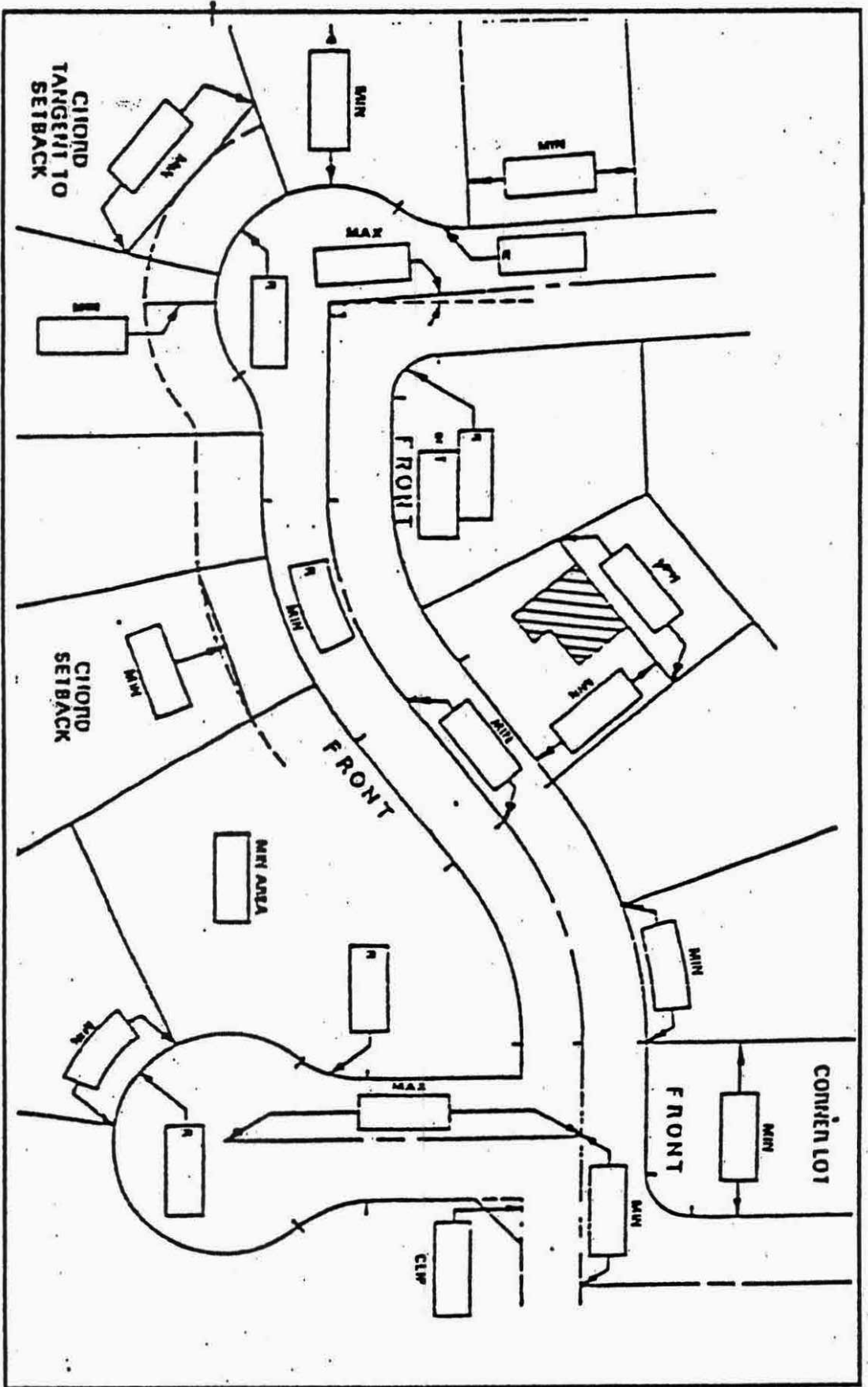
2.2.69 Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

2.2.70 Lot Measurements–Depth, Width and Frontage: See Exhibit 2.2.70* for examples and illustrations.

- a. Depth – The depth of a lot shall be the distance between the midpoints of straight lines in the front and the rearmost points of the side lot lines in the rear.
- b. Width – The “width” of a lot shall be the horizontal distance between the side lot lines measured at 90 degrees to the lot depth, provided that the line used to measure lot width shall be located as close as possible to the rear line of the required front yard, and provided further that no part of said measuring line shall include any portion thereof in a street right-of-way or a street or drive easement. The “frontage” of a lot shall be the horizontal distance between the side lot lines measured at 90 degrees to the lot depth, measured along the street right-of-way line, and shall not be less than the required minimum lot width, except in the case of lots on a turning circle of a cul-de-sac street. On a cul-de-sac the “frontage” shall be measured at the point where 80% of the required width is reached along a line measured parallel to the tangent to the deepest protrusion of the arc describing the road right-of-way through the front of the property. In no case shall the distance between the above described tangent and front yard line be less than the required front yard setback for the zoning district in question. The above described tangent may not be less than 30 feet in width at the road right-of way line.
- c. Lot Frontage – The front of a lot shall immediately abut upon a public or private street. For purposes of front yard setback requirements for corner and through lots the front yards shall be determined by reference to the street faced by the structure on the lot or that portion of the lot abutting the legal address of the lot, and once said front yard is determined it shall remain the same thereafter. For the purpose of determining minimum lot width, the frontage of only one street shall be used. A lot abutting a lake, stream, river, or public body of water may at the election of the owner be considered to front on the water, and such election shall thereafter be binding on the owner and his heirs, successors and assigns for purposes of determining setback requirements and lot frontage.

*Exhibit 2.2.70 is on page 11a.

2.2.71 Lot of Record: A lot that is part of a subdivision and is shown on a map thereof that has been recorded in the Office of the Register of Deeds of Calhoun County, or a lot described by metes and bounds, the deed to which has been recorded in said office.



2.2.72 Lot, Through or Double Frontage: An interior lot having frontage on two parallel or approximately parallel streets.

2.2.73 Manufacturing: The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

2.2.74 Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the by-laws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.

2.2.75 Marginal Access Road: A service roadway parallel to a feeder road; and that provides access to abutting properties and protection from through traffic.

2.2.76 Marihuana (or Marijuana): That term as defined in Section 7106 of the Public Health Code, Public Act 368 of 1978, MCL 333.7106.

2.2.77 Medical Marihuana: Marihuana that is acquired, possessed (externally or internally), cultivated, manufactured, used, delivered, transferred, or transported to treat or alleviate a Medical Marihuana Patient's debilitating medical condition or symptoms associated with the debilitating medical condition; or paraphernalia related to the administration of marihuana to treat or alleviate a Medical Marihuana Patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

2.2.78 Medical Marihuana Caregiver: A person who:

- a. is at least 21 years old; and
- b. has agreed to assist with a Medical Marihuana Patient's medical use of marihuana; and
- c. has never been convicted of a felony involving illegal drugs; and
- d. Otherwise meets all requirements for primary caregivers under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq., and the rules promulgated therefore by the Department of Community Health, R 333.101 et seq., including, but not limited to possession of a valid, unexpired registry identification card.

2.2.79 Medical Marihuana Caregiver Distribution Facility: A location from where not more than one (1) Medical Marihuana Caregiver distributes, transfers, or otherwise make available Medical Marihuana to his or her Medical Marihuana Patients. No medical marihuana may be used, smoked, consumed, or grown at such a facility.

2.2.80 Medical Marihuana Growing Facility: A location where not more than one (1) Medical Marihuana Patient grows marihuana for personal use or a location where not more than one (1) Medical Marihuana Caregiver grows, but does not transfer or distribute, Medical Marihuana for

his or her Medical Marihuana Patients, up to a maximum of five (5) such patients. No Medical Marihuana may be used, smoked, consumed, transferred, or distributed at such a facility.

2.2.81 Medical Marihuana Home Occupation: An occupation, activity, or use related to medical marihuana use under the Michigan Medical Marihuana Act and this ordinance that is clearly incidental or secondary use of a residential dwelling unit and that does not alter the exterior of the property or affect the residential character of the neighborhood.

2.2.82 Medical Marihuana Patient: A person who has satisfied all requirements as set forth in the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.

2.2.83 Mobile Home or Trailer Coach: A detached portable unit prefabricated on its own chassis and intended for long term occupancy. The unit contains sleeping accommodations, flush toilet, tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.

2.2.84 Mobile Home Park: Referred to also as “park” in this Ordinance. Any parcel of land intended and designed to accommodate more than one mobile home for living use that is offered to the public for that purpose; and any structure, facility, area or equipment used or intended for use incidental to the living use.

2.2.85 Mobile Home Site: A plot of ground within a mobile home park designed for accommodation of a mobile home.

2.2.86 Mobile Home Stand: That part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.

2.2.87 Mobile Home Subdivision: A legally platted residential subdivision accommodating mobile homes.

2.2.88 Nonconforming Building or Structure: A structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

2.2.89 Notice of Proposed Action: The notice required by Section 71 of the Condominium Act, to be filed with Albion Township and other agencies.

2.2.90 Office Park: A group of two or more buildings, on individual or one undivided parcel, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

2.2.91 Off-Street Parking Area: A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

2.2.92 On-Site Use Residential WECS: WECS, as defined in this Article, with a rated capacity up to 20kw that supply electric power exclusively for on-site consumption as an incidental and subordinate use on a parcel in a residential district. An On-Site Use Residential WECS must:

- a. satisfy the County Building Code and comply with all applicable state and federal laws; and
- b. not exceed 20 meters in total height (i.e., WECS height); and
- c. restrict tower access, to prevent unauthorized climbing and maintain security at all times; and
- d. be designed, constructed and operated so far as possible so as not to cause radio, television and other wireless signal interference; and
- e. be removed if it has been unused for a period of 180 days or more or has otherwise been determined to be abandoned; and
- f. otherwise meet all standards for WECS as set forth in this Ordinance where applicable.

If the WECS being used on a residential lot does not meet the above criteria, such as by exceeding the total height of 20 meters, it must comply in all respects with the conditional use provisions applicable to WECS.

2.2.93 Outdoor Advertising Sign: A sign situated on private premises on which the written or pictorial information is not directly related to the principal use of the land on which such a sign is located.

2.2.94 Parcel: A “parcel” is a piece or tract of land in single ownership.

2.2.95 Parking Space: A unit of a parking area provided for the parking of one automobile. This space shall have an area of not less than one hundred eighty (180) square feet, and shall be exclusive of curves, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

2.2.96 Pool or Billiard Hall: An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

2.2.97 Primary Highway: A highway, other than an interstate Highway or freeway, officially designated as a part of the federal aid primary system as defined in Section 103 of Title 23 of the United States Code, as amended by the Department of Transportation approved by the appropriate authority of the Federal government (Act 106 of Public Acts of 1972).

2.2.98 Public Utility: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water, or sanitary or storm sewage facilities.

2.2.98 Quarry: Any pit excavation, or mining operation for the purpose of searching for, removing, or processing peat, gravel, sand, clay, earth, or other soils, or marble, stone, slate, or other non-metallic mineral in excess of (50) cubic yards in any calendar year, including the overburdening, or the storage or transporting of such items on a quarry site, or the reclamation of the site after removal or excavation of such items. For the purposes of this Ordinance, a quarry shall not include an oil well. Further, for the purposes of this Ordinance, the following excavation activities are not included within the definition of a quarry and are exempt from the conditional use requirements of this Ordinance:

- a. Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
- b. Excavation that by its nature is of limited scope and duration and that is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, graves, etc.
- c. Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, if no material is removed from the property.
- d. Other excavations where the Township Board determines, in its sole discretion, that the proposed excavation is unlikely to unreasonably interfere with the enjoyment of life or property and will not expose any person or property to the types of dangers inherent in mineral mining sought to be prevented by this Ordinance. The Township Board's determination may be based on a review of the purpose, location, extent or duration of the proposed excavation and other factors that may bear on the potential of any excavation activity to adversely affect the public health, safety, or general welfare of the community.

2.2.99 Roadside Stand: A temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

2.2.100 Rooming House: A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire without meals.

2.2.101 Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure consisting of shrubs, or other growing materials.

2.2.102 Shopping Center: A group of commercial establishments, primarily retail uses, that are compatible with each other and are mutually supportive, in one or more buildings, on a site that

is planned, developed, and managed as one operating unit, with common drive-ways, parking areas, identification signs and other common facilities and services.

2.2.103 Sign: Any device designated to inform, or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- b. Flags and insignias of any government except when displayed in connection with commercial connotations.
- c. Legal notices, identification, information, or directional signs erected, or required by government bodies.
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- e. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

Also see Outdoor Advertising Sign and Free-Standing Identification Sign and sign provisions.

2.2.104 Site Condominium: A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

2.2.105 Site Plan Review: A review by the Zoning Board and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

2.2.106 Specially Designated Distributor's Establishment: A specially designated distributor's establishment is a retail establishment, consisting of less than fifteen thousand (15,000) gross square feet of usable retail space, or any retail establishment where more than ten (10 %) percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to distribute alcoholic liquor, other than wine under twenty (20%) percent alcohol by volume, and beer, in the original package for consumption off the premises.

2.2.107 Specially Designated Merchant's Establishment: A specially designated merchant's establishment is a retail establishment consisting of less than fifteen thousand (15,000) gross square feet of usable retail space, or any retail establishment where more than ten (10) percent of

the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to sell beer and/or wine for consumption off the premises.

2.2.108 Specified Sexual Activities: That term shall include:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

2.2.109 Specified Anatomical Areas: That term shall include:

- a. Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, and (iii) female breast below a point immediately above top of the areola;
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2.2.110 Story: That portion of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between any floor and the ceiling next above it.

2.2.111 Story, One-Half: A story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.

2.2.112 Street, Private: A private thoroughfare that affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

2.2.112.1 Street, Public: A public thoroughfare that affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

2.2.113 Street Line: The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

2.2.114 Structure: Anything constructed, erected or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground, or constructed or placed below the surface of the ground, excepting drives, paving, parking lots, and/or paved ramps.

2.2.115 Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to,

radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication service towers, and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities that are subject to state or federal law or regulations that preempt municipal regulatory authority.

2.2.116 Tourist Homes: Considered or construed to be multiple dwelling, motel, hotel, boarding or rooming house.

2.2.117 Tower Compound: The area enclosing any telecommunication tower or alternative tower structure and the related accessory buildings and structures including, but not limited to, facilities, guy wires, tower access area, antenna, fence, lights, and signs.

2.2.118 Travel Trailer: A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger automobile.

2.2.119 Usable Marihuana: Dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof. The seeds, stalks, and roots of a marihuana plant are not considered usable marihuana.

2.2.120 Variance: A variance is a relaxation of the terms of this Ordinance where not contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in a practical difficulty. A variance is authorized only for matters related to dimensional requirements in this Ordinance, such as height, area, and size of yards and open spaces and parking space. A “use variance” may not be granted, and establishment or expansion of a use otherwise prohibited is not allowed by variance. A variance may not be granted due to the presence of non-conformities in the zoning district or adjoining zoning districts.

2.2.121 Vehicle Repair–Minor: Engine tune-ups; electrical systems, suspension systems, brakes, exhaust systems, cooling systems and heating and air conditioning systems repair; rust proofing; tire replacement; wheel balancing and alignment and diagnostic services.

2.2.122 Vehicle Repair–Major: Engine overhauling or rebuilding, valve and piston repair, transmission repair, axle and universal joint repair, body repair, painting and refinishing.

2.2.123 Wind Energy Conservation System (WECS): A wind-powered device for the generation of energy, commonly referred to as a wind generating tower, windmill, or wind-powered generator, consisting of a combination of:

- a. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and

- b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- d. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

A WECS can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

2.2.124 WECS Height: The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure that supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).

2.2.125 Wind Park: One or more WECS placed upon one or more contiguous lots or parcels with the intent to sell or provide electricity to a utility or transmission company. Although the WECS within a Wind Park may or may not be owned by the owner of the property or properties within the Wind Park, the Wind Park shall consist of all the contiguous lots and parcels located within Albion Township that are in whole or in part within a radius of 2,640 feet from each of the bases of any and all WECS within the Wind Park, unless the Planning Commission expressly provides in the permit for the conditional use that the applicant may use a smaller radius or that any properties may be excluded from the Wind Park. If the Planning Commission permits any properties within the approved radius to be excluded from the Wind Park, then such properties shall be treated for all purposes as outside the Wind Park under this Ordinance.

2.2.126 Yard, Front: An open, unoccupied space extending the full width of the lot and situated between the street line and the front line of the building.

2.2.127 Yard, Rear: An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.

2.2.128 Yard, Side: An open, unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

SECTION 2.3 - UNDEFINED TERMS: Any term not defined herein shall have the meaning of common or standard use.

SECTION 2.4 – APPLICATION OF REGULATIONS: The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this Ordinance.

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS: The Township of Albion is hereby divided into the following zoning districts:

- AG Agricultural District
- RNF Rural Non-Farm Residential District
- RS-1 Suburban Residential District I
- RS-2 Suburban Residential District II
- RU Urban Residential District
- RM Multiple-Family Residential District
- RE Residential Estate Residential District
- MH Mobile Home Residential District
- O Office District
- C-1 Local Commercial District
- C-2 General Commercial District
- C-3 Highway Service Commercial District
- PC Planned Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

SECTION 3.2-OFFICIAL ZONING MAP: The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, “Official Zoning Map, Albion Township, Calhoun County, Michigan, dated November 12, 2012,” a copy of which is attached hereto as Addendum C, or as amended by the Township Board. That Official Zoning Map, with all explanatory matter thereon, is hereby adopted as part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk. The Official Zoning Map shall be located in the office of the Clerk and available for examination.

SECTION 3.3-INTERPRETATION OF DISTRICT BOUNDARIES: Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

ARTICLE IV - ZONING DISTRICTS REGULATIONS

The intent, permitted uses, conditional uses, height, area, density, and sign regulations of each district are set forth in this Article.

SECTION 4.1 – AGRICULTURAL DISTRICT

4.1.1 Agricultural District (AG): The Agricultural District is established to protect land best suited for agricultural use from the encroachment of incompatible land uses, to preserve valuable agricultural land for agricultural uses, and to retain land suited for open space and recreation use for the future. The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

a. Permitted Uses:

1. General and specialized farming and agricultural activities including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, furbearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
3. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, including education facilities and interpretive centers, nature centers, and similar areas of low intensity use.
4. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
5. On-site signs in accordance with the regulations specified in Section 5.2.
6. Accessory uses or structures for agricultural purposes.

b. Conditional Uses:

1. Quarries.
2. Golf courses.
3. Group or organized camps, camping grounds, and general or specialized resorts or amusement parks.
4. Airports.
5. Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.
6. Convalescent homes, nursing homes, hospitals, sanitariums, and orphanages.
7. Riding academies and stables.
8. Churches and other buildings for religious worship.
9. Cemeteries.
10. Golf driving ranges.

11. Travel trailer parks.
12. Animal hospitals.
13. Kennels.
14. Home occupations in accordance with the regulations specified in Section 5.14.
15. Uses not specifically authorized as permitted uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
16. Single-family detached dwellings, provided that such dwellings do not occupy more than the minimum acreage necessary and do not substantially interfere with or detract from the agricultural use and value of the surrounding lands.
17. Hunt club, hunting preserves, shooting ranges and similar uses.
18. Adult foster care homes for seven (7) or more persons as defined by State law.
19. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.
20. Repair of agricultural equipment including but not limited to combines, tractors, trucks, spreaders, thrashers, tillers, and similar such agricultural equipment.
21. Alternative Tower Structure, Antenna, Telecommunication Towers or Facilities or Tower, or Tower Compound.
22. WECS or Wind Park

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6

SECTION 4.2 – RESIDENTIAL DISTRICTS: The Rural Non-Farm Residential District, Suburban Residential Districts, Urban Residential District, Multiple Family Residential District, Residential Estate District, and Mobile Home Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan that reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards that may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agriculture, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

4.2.1 Rural Non-Farm Residential District (RNF): This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

a. Permitted Uses:

1. Single-family detached dwellings.
2. On-site signs in accordance with the regulations specified in Section 5.2.
3. Accessory uses or structures.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Golf courses, but not including golf driving ranges.
3. Country clubs; public swimming pools, recreation centers; and parks, playgrounds, and play fields.
4. Churches and other buildings for religious worship.
5. Public and private nurseries; primary and secondary non-profit schools.
6. Government-or community-owned buildings.
7. Home occupations in accordance with regulations specified in Section 5.14.
8. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
9. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height and Bulk Regulations: See Section 4.6

4.2.2 Suburban Residential Districts (RS-1) and (RS-2): These districts are designed to provide residential areas principally for moderate suburban densities generally where necessary urban services and facilities can be feasibly provided or currently exist.

a. Permitted Uses:

1. Single-family detached dwellings.
2. On-site signs in accordance with the regulations specified in Section 5.2.
3. Accessory uses or structures.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and play fields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools.
5. Government-or-community-owned buildings.
6. Golf Courses, but not including golf driving ranges.
7. Home occupations in accordance with regulations specified in Section 5.14.
8. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
9. Bed and Breakfast/Boarding House.

10. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

4.2.3 Urban Residential District (RU): This district is designed to provide areas principally for high-density, single-family residential dwellings where necessary urban services and facilities are provided, including central sanitary sewage and central water systems.

a. Permitted Uses:

1. Single-family detached dwellings and two family dwellings.
2. On-site signs in accordance with the regulations specified in Section 5.2.
3. Accessory uses or structures.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Recreation centers, public swimming pools, parks, playgrounds and play fields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools.
5. Government-or community-owned buildings.
6. Home occupations in accordance with regulations specified in Section 5.14.
7. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
8. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height and Bulk Regulations: See Section 4.6.

4.2.4 Multiple-Family Residential District (RM): This district is designed to permit a high density of population and a high intensity of land use in those areas that are served by a central water supply system and a central sanitary sewerage system, and that abut or are adjacent to such other uses or amenities that support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Multiple-family dwellings.
2. Two-family dwellings.
3. On-site signs in accordance with the regulations specified in Section 5.2.
4. Accessory uses or structures.
5. Rooming houses and boarding houses.

b. Conditional Uses:

1. Planned-unit residential developments.
2. Public swimming pools, recreation centers, parks, playgrounds, and play fields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools, and colleges and universities.
5. Medical and dental clinics.
6. Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
7. Offices.
8. Government-or community-owned buildings.
9. Funeral establishments.
10. Single-family dwellings.
11. Home occupations in accordance with the regulations specified in Section 5.14.
12. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
13. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

4.2.5 Residential Estate District (RE): This district is designed to accommodate large dwellings on large lots at low densities, free of other uses except those that are customarily accessory to such dwellings. The size of lots in this district is intended to accommodate onsite water supply and liquid wastewater disposal.

a. Permitted Uses:

1. Single family detached dwellings, containing a minimum living area of 2,500 square feet on lots of at least 1 acre.
2. On-site signs in accordance with the regulations specified in Section 5.2.
3. Accessory uses or structures.

b. Conditional Uses:

1. Country clubs, golf courses, parks, playgrounds, and play fields.
2. Churches and other buildings for religious worship.
3. Government- or community-owned buildings but not including schools.
4. Residential Condominium projects.

5. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.
6. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature to other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

4.2.6 Mobile Home Residential District (MH): This district is composed of those areas of the township whose principal use is or ought to be mobile home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas that are served by a central water supply system and a central sanitary sewerage system, and that abut or are adjacent to such other uses, buildings, structures, or amenities that support, complement, or serve such a density and intensity.

a. Permitted Uses:

1. Mobile Home Parks: All mobile home parks as defined in Section 2 of the Michigan Mobile Home Commission Act (1987 PA 96, as amended) shall meet the standards established and reference in that Act and its rules, R 125.1101-125.3069 of the Michigan Administrative Code (the Mobile Home Commission Rules).
2. Mobile Home Subdivisions in accordance with the provisions of RS-2, Suburban Residential District II.
3. Public schools.
4. On-site signs, in accordance with the regulations specified in Sec. 5.2.
5. Mobile homes meeting (c), (d), (e), (g), (h) and (i) of single family dwelling definition, and single family dwellings.

b. Conditional Uses:

1. Sales of Mobile Homes, provided that the sales operation is clearly subordinate and incidental to the use of the area for mobile home dwellings. The following conditions shall also apply:
 - (a) No more than one (1) sales area for mobile homes shall be located in the mobile home park or subdivision and the sales area shall be a Mobile Home Residential (MH) zone, single separated designated section within.
 - (b) No more than one (1) mobile home for sale purposes per ten (10) mobile homes located in the mobile home park or subdivision for residential purposes shall be permitted. The total number of mobile homes for sale shall not exceed ten (10).
 - (c) Sales shall be limited to Mobile Homes.

- (d) The sales operation shall have frontage on a dedicated street and have access to such street or road.
 - (e) The minimum yard requirements for the Mobile Home Residential (MH) zone shall also apply to the portion of the Mobile Home Park or Subdivision utilized for sales purposes.
 - (f) Parking space shall be provided in the designated sales area in accordance with the requirements for the residential area of the Mobile Home Residential (MH) zone.
2. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
- c. Area, Yard, Height, and Bulk Regulations: See Section 4.6

SECTION 4.3 – OFFICE DISTRICT

4.3.1 Office District (O): The Office District is designed principally for office use and those uses that are customarily associated with offices.

- a. Permitted Uses:
- 1. Medical and dental clinics.
 - 2. Funeral homes.
 - 3. Laboratories, dental or medical.
 - 4. Studios for professional work.
 - 5. Offices of architects, engineers, surveyors, and other professions of similar nature.
 - 6. Offices of executive, administrative, legal, accounting, insurance, real estate, and uses of similar nature.
 - 7. On-site signs in accordance with regulations specified in Section 5.2.
- b. Conditional Uses:
- 1. Hospitals, sanitariums, and charitable institutions for human care.
 - 2. Schools and colleges.
 - 3. Combined Residential and Office of Business Units: In addition to and as an integral part of such development, the following provisions shall apply:
 - (a) The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 - (b) The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 - (c) The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or

occupied solely by non-family members of the owner of the building or the business.

- (d) The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.
- 4. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
- 5. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

SECTION 4.4 – COMMERCIAL DISTRICTS: The Local Commercial District, General Commercial District, Highway Service Commercial District, and Planned Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking and utility service; advance public safety; and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well-considered plan that determines the types of such uses and the intensity of land, street and highway use in each such district; potential nuisances and hazards that may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. The specific purpose of each commercial district is further stated below.

4.4.1 Local Commercial District (C-1): This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

a. Permitted Uses:

- 1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service Laundromats; and sale and repair shops for watches, shoes, radios, televisions; tanning salons, health clubs, and spas.
- 2. Business services including banks, loan offices, real estate offices, and insurance offices.
- 3. Offices of an executive, administrative, or professional nature.
- 4. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
- 5. On-site signs in accordance with the regulations as specified in Section 5.2
- 6. Accessory uses or structures.
- 7. Tourist Home.

8. Bed and Breakfast/Boarding House.
9. Rooming House.
10. Ice Cream Parlors and Stores.
11. Donut Shops.
12. Eating Establishments.

b. Conditional Uses:

1. Planned-commercial unit developments.
2. Churches and other buildings for religious worship.
3. Government or community owned building but not including schools.
4. Eating and drinking establishments, but not including drive-in types.
5. Combined Residential and Office or Business Units: In addition to and as an integral part of such development, the following provisions shall apply:
 - (a) The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 - (b) The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 - (c) The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
 - (d) The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.
6. Uses not specifically authorized as permitted uses in this district, but that are similar nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
7. Movie Theater.
8. Arcade.
9. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

4.4.2 General Commercial District (C-2): This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments that will retail convenience and comparison goods and provide personal services for the entire area and to accommodate commercial establishments that cannot be practically provided in neighborhood commercial areas.

a. Permitted Uses:

1. Any use permitted in the Local Commercial District (C-1).
2. Business schools; including dance schools, music schools, and art schools.
3. Indoor retail sales establishments.
4. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.
5. Eating and drinking establishments, but not including drive-in or drive through types.
6. Clubs and lodges.
7. Funeral homes.
8. Printing establishments.
9. On-site signs in accordance with the regulations as specified in Section 5.2.
10. Accessory uses or structures.
11. Tourist Home.
12. Bed and Breakfast/Boarding House.
13. Rooming House.
14. Arcade.
15. Medical laboratories.
16. Live theater, except Cabarets
17. Dinner theater, except Cabarets.
18. Dog grooming.
19. Automobile Service Stations.

b. Conditional Uses:

1. Hotels or motels.
2. Small animal clinics.
3. Drive-in business services.
4. Churches and other buildings for religious worship.
5. Government-or community-owned buildings, but not including schools.
6. Combined Residential and Office or Business Units: In addition to and as an integral part of development, the following provisions shall apply:
 - (a) The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 - (b) The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 - (c) The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
 - (d) The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.

7. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with general intent of the district.
8. Car Wash.
9. Spas.
10. Physical Fitness Centers.
11. Adult Physical Culture Establishments, Adult Supply Stores, Adult Motion Picture Theaters, Cabarets, and Adult Drive-In Motion Picture Theaters (collectively "Adult Uses"). In addition to other requirements applicable to this District, the following provisions shall apply to all Adult Uses:
 - (a) Required Spacing: The establishment of Adult Uses shall meet all of the following setback requirements, with the minimum distance between uses measured horizontally between the nearest points of each property line:
 - (1) One thousand (1,000) feet from:
 - (a) Any other Adult Use.
 - (b) All churches, convents, temples and similar religious institutions.
 - (c) All public, private or parochial nursery, primary or secondary schools, public parks, and hospitals.
 - (d) Any adult foster care or child care facility.
 - (2) Eight hundred (800) feet from:
 - (a) Any Single-Family or Multiple-Family Residential District or use.
 - (b) Any pool or billiard hall, amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, and similar uses generally frequented by children and teenagers.
 - (b) Special Site Design Standards for Adult Uses:
 - (1) The maximum size of the building shall be five thousand (5,000) square feet.
 - (2) The building and site shall be designed, constructed, and maintained so material such as a display, decoration, or sign depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed by pedestrians and motorists on a public right-of-way or from an adjacent land use.
 - (3) Adult Uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
 - (4) The Planning Commission or Township Board shall determine the type of buffer to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
 - (5) The hours of operation shall be approved by the Planning Commission or Township Board.

- (6) Access shall be from an arterial roadway.
 - (7) Any Adult Use that allows customers to remain on the premises while viewing live, filmed, or recorded entertainment, or while using or consuming the products or services supplied on the premises shall provide at least one (1) security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.
 - 12. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.
 - 13. Medical Marihuana Caregiver Distribution Facility
 - 14. Medical Marihuana Growing Facility
- c. Area, Yard, Height, and Bulk Regulations; See Section 4.6.

4.4.3 Highway Service Commercial District (C-3): This district is intended to provide for various commercial establishment offering accommodations, supplies, and services to local as well as through automobile and truck traffic. This district should be provided at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

a. Permitted Uses:

- 1. Automobile service stations.
- 2. Sales, rental, and service of motor vehicles, trailers, and boats.
- 3. Drive-in retail and service establishments, except drive-in theaters.
- 4. On-site and off-site signs in accordance with the regulations as specified in Section 5.2.
- 5. Motels and hotels.
- 6. Eating and drinking establishments.
- 7. Accessory uses or structures.
- 8. Indoor and outdoor commercial amusements.
- 9. Storage sheds and storage facilities for lease.
- 10. Arcades.
- 11. Dog Grooming.
- 12. Retail Sales.

b. Conditional Uses:

- 1. Motor vehicle repair garages, but not wreacking or junk yards.
- 2. Drive-in theaters, except Adult Drive-in Motion Picture Theaters.
- 3. Combined Residential and Office or Business Units:

In addition to and as an integral part of development, the following provisions shall apply:

- (a) The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 - (b) The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 - (c) The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
 - (d) The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.
- 4. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
 - 5. Farm machinery and equipment sales and repair.
 - 6. General Service and repair establishments, including dyeing, cleaning, or laundry works and upholstery or appliance repair.
 - 7. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area Yard, Height, and Bulk Regulations: See Section 4.6.

4.4.4 Planned Commercial District (PC): The intent of the District is to provide flexible land use and design regulations for regulations for regional commercial shopping centers through the use of performance criteria. The Planned Commercial District (PC) shall be designed to relate to the character of surrounding areas, and whenever possible should be capable of functioning as a self-contained commercial development. This district specifically encourages innovations in shopping center development to enable greater variety in type, design, and siting and to achieve a more efficient use of land in such developments. The Planned Commercial District is intended to achieve the following objectives: (1) Encourage creative and innovative techniques for shopping center development; (2) Attain more efficient use of land as a result of smaller networks of utilities and streets; and (3) Encourage adequate buffers, setbacks, internal traffic circulation, and other amenities as needed to protect surrounding properties.

a. General Requirements for Planned Commercial District:

- 1. Minimum Area. The minimum area required to qualify for a PC District shall be not less than ten (10) contiguous acres of land.
- 2. Ownership. The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such

- application be deemed to be an owner of such land). In case of multiple ownership, the approved plan shall be binding on all owners.
3. Location of the Planned Commercial District. This District shall be applicable to any area of the Township where commercial shopping center development is appropriate and where the applicant can demonstrate that the characteristics of his/her holdings will meet the objectives of the PC District.
 4. Permitted Uses. Any use permitted in the General Commercial District. Conditional uses include automobile service stations and government-or community-owned buildings, but not including schools.
- b. Area, Yard, Height, and Bulk Requirements: While standard zoning practices are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of pre-regulation and regulatory rigidity that can hinder the creation of more attractive, safe, and efficient commercial shopping centers. Therefore, the intent of this District is to permit enough flexibility in development design so as to allow the development of the most desirable commercial amenities accruing from modern shopping center design techniques, but protecting adjacent residential areas. Where these techniques are deemed appropriate through the rezoning of land for a PC District, use and dimensional specifications elsewhere in this Ordinance are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.
- c. Site Plan Review and Approval: The PC District requires Site Plan Review and Approval in accordance with the provisions specified in Section 5.6.
- d. Site Condominium Projects: All commercial site condominium projects shall be subject to the provisions, rules, regulations and procedures set forth in this Ordinance for a Planned Commercial District (PC). The Planned Commercial District shall apply to any commercial site condominium project regardless of the zoning district in which the condominium project is situated or located; provided that commercial site condominium projects shall not be subject to the minimum sewage requirements of the planned commercial district. This provision shall apply to all commercial site condominium projects subject to and constructed under the Condominium Act, being Act 59 of 1978, as amended.

SECTION 4.5 - INDUSTRIAL DISTRICTS: It is recognized by this Ordinance that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the Township of Albion. In order that this value may be maintained and this use encouraged, this Ordinance has established two zoning districts designed to regulate the location of industrial uses according to a well-considered plan that reflects the types of such use and the intensity of land, street, and highway use in each such district; potential nuisances and hazard that may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial

activities and the purpose of these districts have been excluded. The purpose of each industrial district is further stated below.

4.5.1 Light Industrial District (I-1): This district is designed to provide suitable space for light industrial uses that operate in a safe, non-objectionable and efficient manner, and that are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning districts. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

a. Permitted Uses:

1. Wholesale merchandising or storage warehouses.
2. Semi-tractor and/or trailer repair garages, but not including truck, auto, or vehicle junk yards.
3. Trucking terminals.
4. Appliance sales and repair.
5. Contractor's yard.
6. Industrial office buildings.
7. Cable television antennas and related transmitting structures.
8. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
9. Skilled trade services, including plumbing, electric, heating, printing, and painting establishments.
10. Research and testing laboratories.
11. Lumber yards.
12. On-site and off-site signs in accordance with the regulations as specified in Section 5.2.

b. Conditional Uses:

1. Generally including those light manufacturing uses similar to the permitted uses in this district that do not create any more danger in health and safety in surrounding areas and that do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that generally associated with light industries of the type specifically permitted.
2. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
3. Essential services and structures of a non-industrial character but not including maintenance depots and warehouses, water treatment plants or sewage treatment plants.

c. Area, Yard, Height Bulk Regulations: See Section 4.6.

4.5.2 General Industrial District (I-2): This district is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this Ordinance and can assure protection of the public interest and surrounding property and persons.

a. Permitted Uses:

1. All industrial uses not in conflict with any enacted state or local laws, or any provisions of this Ordinance.
2. Railroad terminals.
3. Any use permitted in Light Industrial District (L-1).

b. Conditional Uses:

1. Junk yards.
2. Sanitary landfills.
3. Bulk oil storage.
4. Uses not specifically authorized as permitted uses in this district, but that are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
5. Essential Services and structures.
6. Non-exempt public utility facilities.

c. Area, Yard, Height, and Bulk Regulations: See Section 4.6.

SECTION 4.6 - AREA, YARD, HEIGHT, AND BULK REGULATIONS: Area, yard, height and bulk permitted in each District shall be in accordance with Addenda A and B to this Ordinance.

4.6.1 Compliance with Regulations:

- a. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
- b. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- c. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

4.6.2 Yard Measurements:

- a. Lots that abut on more than one street shall provide the required front yards along every street.
- b. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

4.6.3 Lot Width: The width of a lot shall be the horizontal distance between the side lot lines measured at 90 degrees to the lot depth, provided that the line used to measure lot width shall be located as close as possible to the rear line of the required front yard, and provided further that no part of said measuring line shall not include any portion thereof in a street right-of-way or a street or drive easement. The frontage of a lot on a street shall not be less than the minimum required lot width, except in the case of lots on a turning circle of a cul-de-sac street. On a cul-de-sac the front yard line shall be at the point where 80% of the required width is reached along a line measured parallel to the tangent to the deepest protrusion of the arc describing the road right-of-way through the front of the property. In no case shall the distance between the above described tangent and front yard line be less than the required front yard setback for the zoning district in question. The above described tangent may not be less than 30 feet in width at the road right-of-way line.

4.6.4 Height Exemptions: Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions.

- a. **Height Limitations:** The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances; Parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, water tanks, and On Site Use Residential WECS.
- b. **Increased Height:** Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection can be demonstrated.

4.6.5 Accessory Structures:

- a. No detached accessory building or structure shall be located closer than then (10) feet to any other building or structure unless the accessory building or structure shall have rated fire walls as provided by the Michigan Construction Code. Detached structures with rated fire walls may be located within three (3) feet of any other building or structure.
- b. All detached accessory structures in any residential district shall be subject to the same dimensional requirements and setback affecting the principal structures within such districts.

- c. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- d. Accessory structures exceeding 120 square feet require a building permit and a permanent foundation. Agricultural structures shall not require building permits.

4.6.6 Distance between Grouped Buildings: In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semidetached and multiple dwellings) the following minimum distances shall be required between each said dwelling:

- a. Where buildings are front to front or front to rear, three (3) times to the height of the taller building, but not less than seventy (70) feet.
- b. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.
- c. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

4.6.7 Pets:

- a. In all residential zoning districts, dog houses, pens, kennels and runs shall be placed not less than five (5) feet from any rear or side lot line.
- b. The keeping of wild or undomesticated animals is prohibited in all residential zoning districts, such animals to include but not to be limited to opossum, raccoon, bears, deer, moose, elk, snakes, wild cats such as mountain lions, tigers, leopards, panthers, ocelots, wolves, elephants, and other such wild game.

ARTICLE V - SUPPLEMENTAL REGULATIONS

SECTION 5.1 – PURPOSE: It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 – SIGN REGULATIONS

5.2.1 Purpose: The purpose of this Section is to regulate on-site and outdoor advertising to protect the public health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township of Albion. The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose

of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards) that advertise products or businesses not connected with the site or building on which they are located are deemed to constitute a principal use of a lot.

5.2.2 Definitions: In addition to the definitions specified in Section 2.2, the following definitions apply specifically to signs under this Ordinance:

- a. Abandoned Sign: A sign that no longer advertises or identifies a business, lessor, owner or activity conducted upon or product available on the premises where such sign is displayed.
- b. Billboard: See “Outdoor Advertising Sign”
- c. Business Center: A group of two or more stores, offices, research or manufacturing facilities that collectively have a name different than the name of any of the individual establishments and that have common off-street parking and entrance facilities.
- d. Canopy or Marquee Sign: Any sign attached to or constructed within or on a canopy or marquee.
- e. District: Zoning District as established by the Albion Township Zoning Ordinance.
- f. Free Standing Sign: A sign supported by a structure independent of any other structure.
- g. Height of Sign: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- h. Identification Sign: A sign that carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.
- i. Off-Site Sign (Off-Premises Sign): A sign other than an on-site sign.
- j. On-Site Sign (On-Premises Sign): A sign that advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
- k. Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and that is intended primarily for advertising purposes.
- l. Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, that displays or includes any

numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of an announcement, advertisement, direction, or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, that is located on any land or in any building, in such manner as to attract attention from outside the premises. Except signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, or names of occupants of premises.

- m. Temporary Sign: A sign that is intended to be displayed for a limited period of time, as specified in Section 5.2.10 herein.
- n. Wall Sign: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- o. Window Sign: A sign installed on or in a window for the purposes of viewing from outside the premises. This term does not include merchandise located in a window.
- p. Portable Sign: Any sign not permanently attached to the ground or a building.

5.2.3 General Sign Regulations: The following regulations shall apply to all signs in Albion Township:

- a. Illuminated Signs:
 - 1. Residential Districts – Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
 - 2. Commercial, Wholesale-Warehouse, Office, Research Development and Industrial Districts – Indirectly or internally illuminated signs are permitted provided such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
 - 3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color, or that are so constructed and operated as to create an appearance of writing or printing or a traffic signal, except that movement showing date, time, message and temperature exclusively shall be permitted. Nothing contained in this Ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes except as provided in Section 5.2.10, Temporary Signs. No sign described in this subsection shall be located closer than ten (10') feet of ground level.
 - 4. All illuminated signs shall comply with the applicable National Electrical Code provisions concerning signs and wiring.

- b. Measurement of Sign Area: The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed as measured three (3") inches in from the outside border of said geometric form or combination of forms.
- c. Height of Sign: No free standing sign shall exceed a height of thirty-five (35) feet.
- d. Setback Requirements for Signs: All signs shall be set back from the adjacent road by a distance of not less than one-half (1/2) of the setback required for a structure on said parcel as provided for in the setback requirements of this Zoning Ordinance.
- e. Business Flags: Business flags shall be permitted in commercial, office, wholesale, and warehousing, research and development, and industrial zoning districts, subject to the following regulations:
 - 1. The flags shall be located on the same lot as the business building or use.
 - 2. Notwithstanding any other provision of this Ordinance, business flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which located.
 - 3. The area of each business flag shall not be included in the sign area that is permitted on a lot.
 - 4. Not more than one (1) business flag shall be permitted for each public road frontage of the lot on which located.
 - 5. All business flags shall be set back from adjacent roads no less than one half (1/2) of the minimum setback required for a structure on said parcel as provided for in this Zoning Ordinance.

5.2.4 Signs Permitted In All Districts: Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township of Albion.

- a. Off-premise signs that bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted. Each sign shall be not more than eight (8) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single-frame, if more than one sign is placed at one location.
- b. Signs that direct traffic movement onto or within a property and that do not contain any advertising copy or logo, and that do not exceed eight (8) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed eight (8)

square feet. Directional signs shall be located on the property on which they are directing traffic and shall be located behind the front right-of-way line.

- c. One church, civic organization, public building, or school announcement bulletin shall be permitted on any site that contains a church, civic organization, public building, or school regardless of the district in which it is located, provided said bulletin does not exceed thirty-two (32) square feet in area where the speed limit is forty-five (45) miles per hour or less, and sixty (60) square feet in area where the speed limit is forty-six (46) miles per hour or more and a height of twenty-five (25) feet, and is set back from an adjacent road a minimum of one-half (1/2) of the setback required for a structure on said parcel as provided in this Zoning Ordinance. When a church, civic organization, public building or school has an identification sign as permitted elsewhere in this Ordinance, an announcement bulletin shall not be permitted.

5.2.5 Prohibited Signs: The following signs shall be prohibited in all Districts:

- a. **Miscellaneous Signs and Posters:** Tacking, pasting, or otherwise affixing signs or posters that are visible from a public way, and located on the walls of buildings, barns, sheds, or on trees, poles, posts, or fences shall be prohibited. Warning signs, such as “no trespassing” and “no hunting” and other postings required by law, shall be exempt from this provision.
- b. **Banners:** Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures shall be prohibited except as provided in Section 5.2.10(g) – Temporary Signs.
- c. **Swinging Signs:** Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment shall be prohibited.
- d. **Moving Signs:** Except as otherwise provided in this Section, any sign or any portion thereof that moves or assumes any motion constituting a non-stationary or non-fixed condition shall be prohibited.
- e. **Parking of Advertising Vehicles:** No person shall park any vehicle or trailer on a public right-of-way, public property, or on private property so as to be visible from a public right-of-way, that has attached thereto or located thereon any sign or advertising device for the purpose of directing people to a business or activity. Currently licensed vehicles and trailers that have painted upon them in a permanent manner the name of the product that they deliver and/or the name and address of the owner shall be excluded from this provision.
- f. **Abandoned Signs:** Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.

- g. Flags: Flags other than those of any nation, state or political subdivision or business as otherwise provided in this Ordinance shall be prohibited except as permitted under Section 5.2.10(e).
- h. Portable Signs: Portable signs, except any temporary sign permitted in Section 5.2.10 herein, shall be prohibited.
- i. Unclassified Signs: The following signs are prohibited.
 1. Signs that imitate an official traffic sign or signal that contains the words “stop,” “go slow,” “caution,” “danger,” “warning,” or similar words except as otherwise provided in this Section.
 2. Signs that are of a size, location, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or that hide from view any traffic or street sign or signal or that obstruct the view in any direction at a street or road intersection.
 3. Signs that contain statements, words or pictures of an obscene, pornographic or immoral character.
 4. Signs that are painted directly on a wall or any other part of a building.
 5. Signs that are painted on or attached to any fence or any wall that is not a structural part of a building except to identify a residence.
 6. Signs that emit audible sound, odor, or visible matter.
 7. Roof signs that extend above the peak of the roof.

5.2.6 Permitted Signs in Agricultural District: Subject to the other conditions of this Ordinance, the following signs are permitted in the AG District:

- a. One sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twenty-four (24) square feet in area.
- b. One identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building or other authorized use or lawful non conforming use except a home occupation. Where a church has an announcement bulletin as permitted in Section 5.2.4 hereof, said identification sign shall not be permitted. Each sign shall not exceed thirty-two (32) square feet in area.
- c. One identification sign shall be permitted for a home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

5.2.7 Permitted Signs in Residential Districts: Subject to the other conditions of this Ordinance, the following signs are permitted in the RNF, RS-1, RS-2, RU, RM, RE and MH Districts:

- a. One identification sign shall be permitted for each public street frontage of a subdivision, multiple-family building development, or a mobile home park. Each sign shall not exceed thirty-two (32) square feet in area. One additional sign advertising “For Rent” or “Vacancy” may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign. Each sign shall be set back not less than five (5) feet from the right-of-way line of any public street, and shall not exceed four (4) feet in height.
- b. One identification sign shall be permitted for each public street frontage having a driveway for a school, church, public building, or other authorized use or lawful non conforming use, except home occupations. Where a church has an announcement bulletin as permitted in Section 5.2.4(c) herein, said identification sign shall not be permitted. Each sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.
- c. One identification sign shall be permitted for a home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

5.2.8 Permitted Signs in Commercial, Office and Industrial Districts: On-site canopy or marquee signs, wall signs, and free standing signs are permitted in the O, C-1, C-2, C-3, PC, I-1 and I-2 Districts, subject to the following conditions and other applicable conditions of this Ordinance:

- a. Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a business center subject to Section 5.2.8(b):
 1. Area – Each developed lot shall be permitted at least eighty (80) square feet of sign for all exterior on-site signs. The area of exterior on-site signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length that faces one (1) public street.
 2. Number – Each developed lot shall be permitted two (2) exterior on-site signs. For every developed lot that has frontage on two (2) collector or arterial streets, three (3) exterior on-site signs shall be permitted. Only one (1) freestanding identification sign shall be permitted on any street frontage. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot. The total area of all exterior signs shall not exceed the total sign area permitted in Section 5.2.8(a)(1).

- b. Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 5.2.8.
1. Free Standing Signs – Each business center shall be permitted one free-standing identification sign for each frontage on a public street. Each sign shall state only the name of the business center and the major tenants located therein. The maximum permitted sign area shall be determined as one (1) square foot for each one (1) linear foot of building that faces one public street. The maximum area for each free standing sign shall be two hundred (200) square feet. Tenants of a business center shall not permit individual free-standing identification signs.
 2. Wall Signs – Each business in a business center with ground floor frontage shall be permitted on exterior wall sign. The sign area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than twenty-four (24) square feet in area.
 3. Park Signs – A free-standing sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no longer than eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of a public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be located no closer to an adjacent road than one-half (1/2) of the minimum setback required for a structure on said parcel as provided in this Zoning Ordinance.
- c. A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
- d. No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning Board of Appeals. In granting such a variance the Board of Appeals shall assure that the requirements of Section 7.3 of this Ordinance are complied with; that the minimum clearance of such sign is eight (8) feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.
- e. In addition to the provisions of Section 5.2.8(a) and (b), an automobile service station may have one additional sign for each public street frontage having a driveway, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted

sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed. Said sign shall not exceed eight (8) square feet in area.

- f. Service Station Signs – Notwithstanding any of the provisions of this Article, no signs shall be located on the fuel pump islands, except those constituting an integral part of the pump or those required by State law or regulation. No signs shall be attached to light standards. No signs shall be attached to fuel pump canopies except those identifying “self-service” and “full-service” pumps or similar messages, in which case the maximum sign size shall be six (6) square feet.

5.2.9 Outdoor Advertising Signs (Off-Site Signs): Outdoor advertising signs shall be permitted only in accordance with the following regulations:

- a. Outdoor advertising signs shall be permitted only on undeveloped and unimproved lots in agricultural districts on state or federal highways, C-3, I-1, and I-2 districts, and shall be considered the principal use of such lots. Signs shall not be placed on a lot with any other building thereon, and no other structure shall be placed on a lot where such sign is located.
- b. Where two (2) or more outdoor advertising signs are located along the frontage of a street or highway, they shall be not less than one-thousand (1,000) feet apart. A double-face (back to back) of a V-type structure shall be considered a single sign provided the interior angle of such signs does not exceed twenty (20) degrees.
- c. The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two faces, or panels.
- d. Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Zoning Coordinator if it can be shown that excessive grades, buildings, bridges, and similar conditions obstruct views of the sign.
- e. Outdoor advertising signs shall not be erected on the roof of any building nor have one sign above another.

5.2.10 Temporary Signs:

- a. In single-family and two-family districts one sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed sixty-four (64) square feet in area. Each sign shall be removed within two (2) years after it is erected or when seventy-five (75) percent of all lots or units within the subdivision or development are sold, whichever first occurs.
- b. In multiple-family district one sign, not to exceed sixty-four (64) square feet in area shall be permitted on each public street frontage of a new multiple-family development for the

purpose of advertising new dwelling units for rent or sale. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy (70) percent of the dwelling units within the development.

- c. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six (6) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions join together in one identification sign, such sign shall not exceed thirty-two (32) square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a minimum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after the issuance of a final building permit approval.
- d. Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed thirty-two (32) square feet. Signs shall be allowed no more than fourteen (14) days in a calendar year. If building mounted, signs shall be flat wall signs and shall not project above the roof line. If ground mounted, signs shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 5.2.3(d) of this Ordinance.
- e. Banners, pennants, search lights, balloons, or other gas filled figures shall be permitted at the opening of a new business in a commercial or industrial district, for a period not to exceed fourteen (14) consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.
- f. Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an open house, only for the day of the open house. Signs shall not exceed three (3) feet in height.
- g. In residential districts one (1) temporary real estate “For Sale,” “For Rent,” or “For Lease” sign, located on the property and not exceeding six (6) square feet in area shall be permitted. In all other zoning districts one (1) sign of this type shall be permitted, provided it does not exceed thirty-two (32) square feet in area and is set back in accordance with Section 5.2.3(d) of this Ordinance. If the lot has multiple frontages, one additional sign not exceeding six (6) square feet in area in residential districts or thirty-two (32) square feet in area in all other districts shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot. Such signs shall be removed within seven (7) days following the sale, rent, or lease. In no case shall a sign advertising the sale, rent, or lease of a building that is not located on the property on which the sign is located, be permitted.

5.2.11 Exempted Signs: The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

- a. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- b. Political campaign signs shall be removed no later than five (5) days following the election or primary.
- c. Names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.

5.2.12 Nonconforming Signs: Nonconforming signs shall not:

- a. Be re-established after the activity, business or usage to which it relates has been discontinued for ninety (90) days or longer.
- b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
- c. Be re-established after damage or destruction, if the estimated expense or reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Building Inspector.

5.2.13 Permits and Fees:

- a. A permit shall be required to erect or replace a sign, or to change the copy of a sign, that is regulated by Section 5.2.4 and 5.2.6 through 5.2.10(e) herein. The application shall be made by the owner of the property, or authorized agent thereof, to the Township Zoning Coordinator by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.
- b. An application for a sign permit shall contain the following:
 - 1. The applicant's name and address in full, and a complete description of the relationship to the property owner.
 - 2. If the applicant is not the property owner, the signature of the property owner concurring in submittal of the application.
 - 3. The address of the property.
 - 4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.

5. A complete description and scale drawing of the sign, including all dimensions and the area in square feet.
- c. All signs shall be inspected by the Township Zoning Coordinator for conformance to this Ordinance prior to placement on the site.
- d. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Coordinator.
- e. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.
- f. Signs for which a permit is required shall be inspected periodically by the Zoning Coordinator for the compliance with this Ordinance and other codes, requirements and laws of the Township of Albion, including but not limited to the National Electrical Code, State Construction Code and State Mechanical Code.

5.2.14 Removal of Signs:

- a. The Zoning Coordinator shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal non conforming signs. Thirty (30) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign or to comply with this Ordinance. The Township may after thirty (30) days notice remove the sign. The Township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.
- b. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with the provisions stated in Section 5.2.14(a). These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

SECTION 5.3 – OFF-STREET PARKING REQUIREMENTS: In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by

structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

5.3.1 Plans: Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Coordinator for review at the time of application for a building permit for the erection or enlargement of a building.

5.3.2 Location of Off-Street Parking Areas: Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

5.3.3 Parking In Residential Districts: Parking of motor vehicles in residential district shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

5.3.4 Off-Street Parking Area Design:

- a. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- b. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- c. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
 1. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
 3. For forty-45 (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- d. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.

- e. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials that will have a dust-free surface resistant to erosion.
- f. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- g. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side that adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- h. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited.

5.3.5 Collective Parking: Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

5.3.6 Determining Requirements: For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- a. Floor Area: In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.
- b. Places of Assembly: In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- c. Fractions: When units of measurement determining the number of required parking spaces result in requirement of a fractional space; any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

5.3.7 Schedule of Off-Street Parking Spaces: The minimum required off-street parking spaces shall be set forth in the following Schedule. Where a use is not specifically mentioned in this Schedule, the parking requirements of a similar or related use shall apply.

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery Sales and Service Garages	One space of each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools	One (1) space for each four (4) seats.
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed, excluding bassinets, plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
Automobile, Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Restaurants, Beer Parlors, Taverns, and Night	One (1) space for each three (3) patrons of

Clubs	maximum seating capacity plus one (1) space for each two (2) employees.
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private or Public	One (1) space for each employee normally engaged in or about the building or grounds plus (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Super Market, Self-service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

5.3.8 Exception: The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non conflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any such contiguous land uses.

5.3.9 Off-Street Parking in Residential Areas: Off-street parking and parking lots for office, commercial or industrial purposes shall be located only in office, commercial or industrial districts.

SECTION 5.4 – OFF-STREET LOADING AND UNLOADING REQUIREMENTS: In connection with every building, structure, or use hereafter erected (except single-and two-family dwelling unit structures) that customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space as provided in this Section.

5.4.1 Plans: Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Coordinator for review at the time of application for a building permit.

5.4.2 Off-Street Loading Area Design:

- a. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) feet in height clearance.
- b. Any loading and unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on sides by a wall, fence or compact planting not less than six (6) feet in height.
- c. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

5.4.3 Off-Street Loading Area Space Requirements:

- a. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading and unloading facilities shall be the sum of the various uses computed separately.
- b. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading and unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading and unloading space.
- c. All industrial and wholesale commercial land uses shall provide one (1) loading and unloading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading and unloading spaces.

SECTION 5.5 – CONDITIONAL USES: The formulation and enactment of this Ordinance is based upon the division of the Township of Albion into districts in each of which are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses that may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township of Albion. Such uses, on account of their peculiar occasional need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

5.5.1 Authority to Grant Permits: The Planning Commission as hereinafter provided, shall have the authority to recommend to the Albion Township Board to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Albion Township Board may determine for all conditional uses specified in the various district provisions of this Ordinance.

5.5.2 Application and Fee: Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Albion Township Clerk by filling in an official conditional use permit application form; submitting

required data, exhibits, and information; and depositing the required fee as established by resolution of the Albion Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

5.5.3 Data, Exhibits, and Information Required in Application: An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

5.5.4 Public Hearings:

- a. Notice Requirements. The Planning Commission must hold a public hearing on every application for a conditional use permit, and give notice as set forth below:
 1. The Township must publish notice in a newspaper of general circulation in the Township; and
 2. The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered; and
 3. The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township; and
 4. Each notice must be given not less than 15 days before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- b. Contents of Notice. The notice must do all of the following:
 1. Describe the nature of the conditional use permit request.
 2. Indicate the property that is the subject of the request. The notice must include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the public hearing will be held.
 4. Indicate when and where written comments will be received concerning the request.

5.5.5 Required Standards and Findings for Making Determinations: The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

- a. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- b. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- c. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public costs for public facilities and services.

5.5.6 Determination and Imposition of Conditions: If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Albion Township Board that said Albion Township Board should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Albion Township Board, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best interest of the Township of Albion and the surrounding property, and to achieve the objectives of this Ordinance.

5.5.7 Approval, Grant, or Permit: Upon holding a public hearing and the finding that the requirements of subsections 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Albion Township Board. When the Albion Township Board gives final approval, a transferable conditional use permit shall be issued only to the individual applicant for use only at the requested location. In all cases where conditional use permits are granted in agricultural or residential districts, if the structure on the premises is also used for a dwelling unit then it shall be a requirement of the conditional use permit that the owner of the premises reside in the structure for which the conditional use permit is granted. This requirement shall not apply to conditional use permits granted for offices or clinics. The Township Board shall forward a copy of the permit to the applicant, Clerk, Building Inspector, and Planning Commission. The building inspector shall not issue a building permit until he has received a copy of the conditional use permit approved by the Albion Township Board.

5.5.8 Voiding of Conditional Use Permit: Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is completed within five hundred seventy-five (575) days of the date of issuance. A violation of a requirement, condition, or safeguard of any conditional use permit shall be considered a violation of this Ordinance and grounds for the Planning Commission to terminate and cancel such conditional use permit.

5.5.9 Additional Development Requirements for Certain Uses: A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body.

a. Quarries

1. Compliance with the following application procedure shall occur prior to the commencement of any quarry that is proposed after the effective date of this Ordinance.

a. All applicants shall use forms provided by the Township Clerk, accompanied by the documents enumerated on that form. Conditional use permits shall have a term of not more than five (5) years computed from January 1 of the year in which the conditional use is approved. To be considered for renewal, five copies of the proper application with required attachments must be submitted to the Township Clerk on or before November 1 of the year preceding the year in which the conditional use permit expires. Upon receipt of the five copies of the fully and properly completed application form with the required documents attached, the Township Clerk shall retain an official copy in the Clerk's office and shall forthwith distribute the remaining copies as follows: One copy to the Township Engineer, one copy to the Township Attorney, and two copies to the Chairman of the Planning Commission.

b. Upon receipt of an application, the Township Engineer shall review the application and attachments, physically inspect the premises to determine compliance with the prior reclamation plans and operational plans, and report to the Planning Commission on such compliance. The Township Engineer shall also estimate the cost of reclamation upon abandonment for performance guarantee purposes, and make such additional comments regarding general safety, drainage, equipment removal, and other engineering considerations pertaining to the conditional use application as appropriate. The report by the Township Engineer to the Planning Commission shall be rendered no later than twenty (20) days after receipt of a complete application.

c. The Township Planning Commission shall make its final recommendation on the approval or disapproval of the submitted reclamation plan and

operational plan on or before December 1, in the case of renewals and within sixty (60) days of receipt of the Township Engineer's report in the case of original applications and shall report forthwith its determination concerning the reclamation plan and/or operation plan to the Township Board. The Township Board shall make a final determination on or before January 1 in the case of renewals and within thirty (30) days of receipt of the recommendation of the Township Planning Commission in the case of original applications. Failure of the Township Planning Commission or Township Board to act within such time frames shall not result in an automatic conditional use permit issuance or renewal, but such failure merely results in an extension of any existing conditional use for an additional period up to the time of final determination by the Township Board.

2. Application Contents.

- a. Name of the owner, or owners, of land from which removal is to be made or upon which operation will take place.
- b. Name and address of applicant making a request for the conditional use.
- c. Name and address of the person, firm or corporation who will be conducting the actual removal application.
- d. Location, size, and legal description of the area from which the removal is to be made.
- e. Type of materials or resources to be mined, stockpiled, or hauled away.
- f. Proposed method of removal and general haul route.
- g. General description of types of equipment to be used.
- h. The estimated number of years to complete operations and number of phases where appropriate.
- i. The applicant shall post a performance guarantee in such form and amount determined by the Township Board to be reasonably necessary to insure compliance hereunder. In the absence of any other information, the sum of the performance guarantee shall be Two Thousand Five Hundred (\$2,500.00) dollars for each acre or fraction thereof of the land proposed for active excavation. The condition of such guarantee being that if upon completion of applicant's activities on the parcel described in the application, the land has been reclaimed to the satisfaction of the Township Board, the guarantee shall be void; otherwise, the Township shall have the right to use the performance guarantee to the extent

necessary to reclaim the parcel. This performance guarantee shall be kept in effect by the applicant until the parcel or parcels have been restored as required by this Ordinance and until such time that the Township, and its agents and contractors are hereby granted approval to go on the applicant's premises to fulfill the guarantee requirements. In fixing the amount of performance guarantee, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of reclaiming the premises upon default of the operator, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. The applicant shall notify the guaranteeing company and provide proof thereof that the Township be notified in the event of any lapse in the effectiveness of the guarantee. For each acre restored and reclaimed in accordance herewith, or otherwise, said guarantee may be reduced pro-rata as determined by the Township Board.

- j. As part of the application, the applicant shall submit a plan of operation and will be expected to comply with such a plan for the life of the license. If required by the Planning Commission or Township Board, said plan of operation shall include a topographic survey of the existing parcel drawn to a scale of 1 inch = 100 feet and prepared by a registered civil engineer or registered land surveyor with contour intervals not to exceed 10 feet based upon U.S.G.S. datum. The drawing shall also clearly show the area to be mined, including existing areas and roads within 100 feet of all property lines, areas for stockpiling, maintenance areas, berms, fencing, and similar use areas. The plan of operation shall be accompanied by a projected schedule of mining operation, including the following specific dates:
 - 1. Commencement and completion of mining operations as provided by the plan of operation;
 - 2. Commencement and completion of erosion and drainage control measures to be instituted during mining operations; and
 - 3. Commencement and completion of fencing, roads, utilities, or any other structures or improvements to be located on the site as provided by the plan of operation.

- k. The applicant shall also prepare a plan of reclamation. The plan of reclamation shall be submitted in three parts: (1) A recent aerial photograph with a general plan of reclamation as an overlay or as a separate drawing; (2) a reclamation contour plat, (3) and a description of reclamation methods and materials proposed for renewal of topsoil and replanting. The general plan of reclamation shall be presented at the same scale as the aerial photograph and shall provide the following information:

1. The general area of completely reclaimed land.
 2. The general area of reclamation under way.
 3. The general area currently used for topsoil and overburden storage.
 4. The general area proposed for reclamation during the period of the conditional use permit.
 5. The general area proposed for topsoil and overburden storage.
 6. The acreage for each item shown on the overlay or separate drawing.
 7. A reclamation contour plat with contour intervals not to exceed two feet indicating the general grade and slopes to which excavated areas are to be reclaimed.
 8. A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount of any type of planting as a part of the reclamation plan.
 9. The projected schedule of reclamation operations, including the following specific dates:
 - a. Commencement and completion of reclamation operations as provided by the reclamation plan;
 - b. Commencement and completion of erosion and drainage control measures to be instituted under the reclamation plan; and
 - c. Commencement and completion of final grading, top-soil replacement, and replanting or landscaping as provided by the reclamation plan.
- l. Mining operational and reclamation plans shall be prepared to clearly depict and describe the sequence of mining operations including existing conditions, mining underway, mining completed, reclamation underway, reclamation completed, mining proposed, reclamation proposed, stock piles, roadways, and similar land use elements.
 - m. All mining, operational and reclamation plans shall be reviewed by the Township Planning Commission and subject to its recommendation for approval or disapproval.

3. Fees: All applications shall be accompanied by a processing fee to be paid by the applicant in an amount established by resolution of the Township Board, which fee shall approximate the cost of monitoring, considering and issuing the conditional use permit.
4. Issuance of Conditional Use Permit: Upon finding the applicant has complied with the terms and conditions of this Ordinance and with the terms and conditions of prior permits and prior submitted plans, if any, a conditional use permit shall be issued.
5. Conditions of Permit: Upon the issuance of renewal of a conditional use permit, the Township Board may impose as conditions any reasonable restrictions or requirements related to the location, design, or operation of a mining site, as required to secure the public health, safety, and general welfare of the community or to ensure that the mining operations will not create a nuisance or unreasonably interfere with the enjoyment or property. Such conditions may be in addition to the express requirements of this Ordinance.
6. Fencing and Screening:
 - a. All excavated and mined areas shall be fenced as required by the Township Board. In the absence of any other requirement, such fencing shall consist of a six (6) foot high fence and shall be posted so as to indicate the danger of trespassing in the area. The minimum specification for said fencing shall be as follows: #9 gauge top wire; #12 gauge bottom wire with spacing of 6 inches by 12 inches. All stays shall be of 14 gauge wire with spacing of support posts to be no greater than 16 feet apart.
 - b. All active mining excavations shall be visually screened from view all adjacent public highways and residentially used parcels to a person standing on the paved portion of the public highway or from the lot line of adjacent residentially used parcels. The following methods are acceptable for screening of mining areas:
 1. Construction of a raised earth berm area on the mining site along boundary lines thereof where such lines abut a public highway or abut privately owned property that is improved and occupied for residential purposes. This provision with regard to lands improved and occupied for residential purposes shall be applicable to any land upon which dwellings are built and occupied subsequent to the date of this Ordinance. The berm shall be sufficient in length and heights to screen the mining area. During the planting season next following the placement of the berm and as often as may be necessary to assure the existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area and soil conditions so as to provide vegetation to check

erosion and to provide a visible ground cover substantially similar to the vegetation cover growing in adjacent fields. Where the topography of the area acts as a screen, the Township Board may waive the berm requirement. The berm shall have slopes not in the excess of one foot vertical to two feet horizontal.

2. Planting of coniferous trees along the boundaries of the property with sufficient rows and depth to permit effective screening of the mining area.
 3. To the extent that the foregoing is not practical, the applicant may submit alternate proposals.
 4. The amount and extent of required screening shall be reasonable and practical as determined by the Township Board.
7. Hours of Operation: Maximum hours of operation should be determined by the Township Board. In the absence of any other requirements, the hours of the mining operation shall be 7 a.m. to 5:00 p.m. No hours of operation shall be permitted on Sundays and legal holidays. In emergency situations this time period may be modified by the Township Supervisor provided such emergency order shall not be effective for more than 72 hours.
 8. Road Access: All sites permitted under the provisions of this Section shall have direct access to a County road having a minimum right-of-way width of 66 feet and improved to the specifications of the Calhoun County Road Commission. When the permitted operation results in the mined material, overburden and/or similar material being deposited or spilled upon the public roadway, it shall be the responsibility of the applicant to remove such material immediately. The conditional use permit may specify the haul route to be used for access to and from the site, and may require a performance guarantee in an amount sufficient to repair any roads damaged by such hauling to or from the site.
 9. Road Maintenance: Access roads within the permitted site shall be maintained by the applicant so as to minimize the dust arising from the use of said roads. Such maintenance shall be accomplished through the application of chloride, water and/or similar dust retardant material. Application of oil shall be prohibited. A paved road from the entrance and exit, a reasonable distance from the right-of-way line into the area of operation may be required in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Entrances and exits shall be securely locked during hours that the facility is not operating.
 10. Operation of Use: All equipment and facilities used in the mining of sand, gravel, and stone shall be conducted, maintained, and operated in such manner as to eliminate insofar as practicable, noises, vibrations, or dust that interfere with the reasonable use and enjoyment of surround property.

11. Noise Standards: Mining sites shall be operated such that the noise of operation or equipment vibration cannot reasonably be considered disturbing to neighboring uses of land. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses. Equipment on licensed sites at any time or under any condition shall not be operated so as to result in noise exceeding the following levels for specified adjacent land uses when measured at the common property line nearest the active work area.
 12. Dewatering: The Township Board may establish reasonable conditions and procedures for dewatering activities on the site, in order to protect surface water and groundwater rights in the vicinity of the mining site.
- b. Junk Yards: In addition to, and as an integral part of development, the following provisions shall apply:
1. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
 2. All traffic ingress and egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
 3. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance cause by wind-borne dust.
- c. Drive-In Theaters: In addition to, and as an integral part of development, the following provisions shall apply:
1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.

2. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.
 3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- d. **Planned-Unit Development:** The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Township of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements:
1. The tract of land to be developed must have a minimum area of not less than 10 acres.
 2. The owner of the property must submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of SECTION 5.6, SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in SECTION 5.6, the application must contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

The plan must contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Township of Albion.
 3. The average density of structures of the tract must not be greater than the density requirements in the district in which the planned-unit development is located.
 4. The use of land must be in conformance with the permitted uses of the district in which the proposed plan is to be located.
 5. The proposed development must be served by adequate public facilities and service, such as: highways, streets, police, and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.

6. The proposed unit must be of such size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit without dependence on any subsequent unit or development.
7. The common open-space, common properties, individual properties, and all other elements of the development must be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
8. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Developments as open space for common use. The development as authorized must be subject to all conditions so imposed, and must be exempt from other provisions of this Ordinance only to the extent specified in the authorization.
9. Following receipt of a request to approve a planned unit development, the Township Board must hold at least one (1) public hearing on the request. Nothing of the public hearing must be given as follows:
 - a. Method of Notice.
 1. The Township must publish notice in a newspaper of general circulation in the Township; and
 2. The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered; and
 3. The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
 - b. Timing of Notice. The notice must be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification.
 - c. Contents of Notice. The notice must do all of the following:
 1. Describe the nature of the planned unit development request.
 2. Indicate the property that is subject of the request. The notice must include a listing of all existing street addresses within the property.

Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the public hearing will be held.
 4. Indicate when and where written comments will be received concerning the request.
- e. Combined Residential and Office or Business Units: In addition to and as an integral part of development, the following provisions shall apply:
1. The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
 2. The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
 3. The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
 4. The residential unit must be designed and constructed as part of the office or commercial use; however, unattached units may be permitted, and the area of the residential unit may not exceed the area of the office of commercial use.
- f. Animal Parks, Zoos and Aquariums: The nature of animal parks, zoos, and aquariums is such that each project must be reviewed individually, and certain conditions imposed on the use so as not to endanger the life of the residents in the area, or adversely affect the value of properties in the area. Prior to issuing a conditional use for an animal park, zoo, or aquarium the Planning Commission shall consider the following in making its recommendation to the Township Board:
- An animal park, zoo, or aquarium is defined as the temporary or permanent housing, or keeping for display of non-domestic birds, fish, and/or animals. An animal park, zoo, or aquarium is an operation that is open to the public, whether free or for admission, and may be part of a larger park or common area used for other purposes.
1. Whether the public roads are sufficient to handle the increased traffic expected to be generated by such a project.
 2. Whether the project is located so closely to surrounding residential property that the traffic and noise generated from the project will adversely impact and affect the peace and quiet of surrounding residents.

3. Whether there is adequate parking proposed by the applicant.
4. Whether the proposed fencing of the project will be adequate to prevent animals from within the project from escaping and being a danger to surrounding residents.
5. Whether the applicant has submitted a plan showing sufficient personnel to maintain the quality of life of the animals within the project, order among the visitors to the project, and crowd control within the project.
6. Whether the proposed landscaping is adequate to create an attractive appearance, and to shield the activities from surrounding residential neighborhoods.
7. Whether such applicant has received all applicable federal and state licenses. An applicant who has been denied a federal or state license shall not be approved by the Planning Commission. An applicant who violates a state or federal license, guideline, or regulation shall be deemed to violate the conditional use permit granted under this Section, and if a permit has been issued it shall be subject to revocation by the Township Board for such violation.
8. Whether such animal park, zoo, or aquarium will place an undue burden on public services such as police, fire, water, sewer, or any other public service provided by the municipality.
9. Liability insurance of no less than \$1,000,000 per person and \$2,000,000 per incident to protect the public and persons using the park, zoo, or aquarium from monetary loss and compensate for damages to property or persons caused by the park or zoo, or such other amount as may be required by the Township Board if dangerous or exotic animals are kept on the premises.
10. Whether the nature of the operation is sufficiently removed from residences so as not to cause a nuisance by reason of odors, dust, trash, or noise.
11. In determining any application for a park, zoo, or aquarium the Planning Commission shall consider the appropriateness of the applicant posting a bond to assure compliance with the conditional use permit with respect to odors, dust, trash or noise and restoration of the property if the enterprise is closed. The necessity of said bond would protect the Township by allowing the Township to use the proceeds from said bond to defray costs incurred in the event that the Township was required to remedy a nuisance on the property.

In considering such a conditional use the Planning Commission may make recommendations concerning lighting, hours of operation, parking, landscaping, buffer zones, and any other conditions reasonably calculated to maintain the integrity of the value of surrounding properties and the peace and tranquility of the residents in and about the proposed project.

That a conditional use authorized under this Section preempts any contrary provisions in the Zoning Ordinance, and in particular the prohibition against keeping exotic animals in residential areas. This Section shall take precedence over any other Section of the Zoning Ordinance.

g. Essential Services and Public Utilities:

1. The application shall contain a diagram of the proposed site.
2. The application shall contain a detailed statement as to the intended buffering of the property to minimize structures on the property from surrounding uses. Such buffering shall include but not be limited to the planting of evergreen trees, a fence no less than 6' tall unless otherwise recommended by the Planning Commission, and the material from which the fence will be erected.
3. The proposed height, location, and size of all structures to be erected on the property. A statement as to the types of equipment to be used on the site, which equipment shall not create noise that will interfere with the normal use and enjoyment of abutting and nearby properties.
4. There shall not be displayed any advertising or identification visible to surrounding properties.
5. The structures erected on the site shall meet the minimum setback requirements contained in the Zoning Ordinance for that Zoning District.
6. The use shall conform to all applicable federal, state, and local health and safety standards.
7. All fuel tanks shall be buried or screened with landscaping, fencing or berms. Trash areas must be screened.
8. Noise levels shall not exceed State noise standards and shall conform to recommended decibel standards adopted by the appropriate federal agency.
9. The site shall be secured from intruders.

h. Telecommunication Tower or Alternative Tower Structure: In addition to the standards set forth Section 5.5.5 of this ordinance, any telecommunication tower or alternative tower structure shall meet the following additional standards:

1. Application: The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Township Board related to

the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, alternative tower structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or alternative tower structures are located within the geographic area that meet applicant's engineering requirements.
 - b. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. Setbacks: The following setback requirements shall apply to all towers for which a conditional use permit is required; provided, however, that the Township Board may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- a. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
 - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

3. Security Fencing: Towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.
4. Landscaping: The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the Township Board may waive such requirements if the goals of this ordinance would be better served thereby.
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth and around the property perimeter may be sufficient buffer.
5. State or Federal Regulations: All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
6. Aesthetics: Towers and antennas shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted neutral color so as to reduce visual obtrusiveness.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color

that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- d. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source that generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
7. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
8. Compliance with Codes: Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
9. Interference with Residential Reception. Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
10. Signs. No signs shall be allowed on an antenna or tower, except for any sign related to emergency service or controlling agency or owner of tower.
11. Spacing – Towers. Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure containing one or more antenna, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.
12. Spacing – Residences. A tower shall not be located within two hundred (200) feet or two hundred (200%) percent of the height of the tower; whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.
13. Height. Towers shall have a maximum height of three hundred (300') feet.
14. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within

ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond or other letter of credit equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a conditional use permit given pursuant to this section.

i. Wind Energy Conversion Systems and Wind Parks

1. The Township finds that:

- a. Wind energy is an abundant, renewable and carbon-free energy resource of the Township, and the conversion of wind energy to electricity may reduce dependence on nonrenewable energy sources and decrease the adverse effects that result from the use of conventional energy sources.
- b. The generation of electricity from properly sited Wind Energy Conversion Systems (WECS) can be cost-effective, and in many cases existing power transmission and distribution systems can be used to transmit electricity from WECS to utilities and transmission companies.
- c. Regulation of the siting, installation and operation of WECS is necessary to protect the health, safety, and welfare of neighboring property owners and the general public.
- d. WECS may cause significant potential negative aesthetic effects because of their large size, lighting, and shadow flicker.
- e. If not properly regulated, installation of WECS can create drainage problems through erosion and lack of sediment control for facility and access road sites, and harm farmlands through improper construction methods.
- f. WECS may present a risk to birds, bats and other creatures if not properly sited.
- g. If not properly sited, WECS may adversely affect the property values of adjoining property owners.

- h. WECS may be sources of noise that, if unregulated, can negatively impact the quiet enjoyment, health, and safety of persons and properties in their vicinity.
 - i. Construction of WECS can create traffic problems and damage local roads.
 - j. WECS can cause electromagnetic interference issues with various types of communications.
 - k. To be properly sited, WECS should be located in and surrounded by substantial tracts of largely undeveloped land, referred to in this Ordinance as Wind Parks, thereby diminishing the negative effects of WECS on surrounding properties outside Wind Parks.
 - l. By properly siting WECS in Wind Parks containing substantial surrounding undeveloped land, it is also possible to preserve the surrounding undeveloped land for agricultural uses and purposes that are not inconsistent with the location of WECS.
2. Purpose. The purpose of this Section is to establish standards for the siting, installation and operation of Wind Parks within the AG Agricultural District as a conditional use.
 3. Applicability. On Site Use Residential WECS may be an accessory use in any residential district, provided that they are to be incidental to and subordinate to a use on the parcel and the WECS meets the standards set forth in Section 2.2.92 and the remaining provisions of this Section where applicable.

WECS with a rate capacity of 20 kW or greater , or WECS height exceeding 20 meters, and Wind Parks may be allowed as a conditional use only within the AG Agricultural District, subject to the regulations and requirements of this Section and the general conditional use procedures, standards and criteria of Article V of this Zoning Ordinance.

4. Application; Signatures. The application for the conditional use for a Wind Park shall be submitted on a form prepared for that purpose by the Township, and shall demonstrate the support in writing of each and every legal and equitable owner of each lot or parcel within Albion Township that is located in whole or in part within the Wind Park. If any owners of property within Albion Township that is proposed to be within the Wind Park do not support the application, the application shall identify those owners by name, address and telephone number, and a copy of the last offer the applicant made to that owner, or if applicant made no offer to the owner, then a copy of any written communications between the applicant and the owner. The Planning Commission shall investigate the basis for each such owner's objections. The record of the investigation shall be made a

part of the record in the consideration of the conditional use proceedings, and the Planning Commission shall give due consideration to the basis for the objections in determining whether to permit any properties to be excluded from the Wind Park.

The applicant shall submit eight (8) copies of the application and all supporting materials to the Township Zoning Coordinator. The Zoning Coordinator will cause the application to be placed on the Planning Commission's next regular meeting agenda.

5. Site Plan Drawing and Supporting Materials. All applications for a Wind Park conditional use shall be accompanied by a detailed site plan, drawn to scale and dimensioned, and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - a. All requirements for a site plan contained in Section 5.6 of this Ordinance.
 - b. All lot lines and dimensions, including a legal description of each lot or parcel within the Wind Park.
 - c. Names of the owners of each lot or parcel within Albion Township that is proposed to be within the Wind Park.
 - d. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and all above ground structures associated with each WECS.
 - e. Location and height of all buildings, structures, and above ground utilities located or proposed within the Wind Park. Specific distances to other on-site buildings, structures, and utilities shall also be provided.
 - f. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Wind Park, as well as within 1,000 feet of the outside perimeter of the Wind Park.
 - g. Proposed setbacks between each WECS and from each WECS to all existing and proposed structures within the Wind Park.
 - h. Land elevations at each proposed WECS location and its relationship to the land elevations of all existing and proposed structures within the Wind Park.
 - i. Access driveways to each WECS, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Calhoun County Road

Commission approval, and the use of drives shall be planned so as to minimize the use of lands for that purpose.

- j. The location of all farmland within the Wind Park that is designated for preservation, a written description of the plan for preservation of farmland within the Wind Park, and copies of all easements, restrictive covenants, or other documents proposed to be used to achieve that plan.
 - k. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers, during both the construction and operation of the WECS.
 - l. A written description of the maintenance program to be used to maintain each WECS, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS become obsolete or abandoned.
 - m. A copy of the manufacturer's safety measures to prevent uncontrolled rotation or over speeding.
 - n. Planned lighting protection measures.
 - o. Additional detail(s) and information as required by the conditional use requirements of this Ordinance, or as requested by the Planning Commission.
6. Compliance with the County Building Code. The applicant shall obtain County approval under the County Building Code as a condition of any conditional use under this section.
7. Construction Codes, Towers, & Interconnection Standard. Each WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. The tower shaft shall not be illuminated unless required by the FAA. Each WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
8. Farmland Preservation. Farmland located within the Wind Park that is not designated as an immediate location of any WECS and accessory structures is encouraged to be preserved for agricultural uses and purposes through the execution and recording of appropriate farmland easements, restrictive covenants, or other documents approved by the Planning Commission. Although such preservation measures are not required, they will be favorably considered by the

Planning Commission in the review of a conditional use application under this Section.

9. Design Standards:

- a. Height: The permitted maximum total height of each WECS (i.e., WECS height) shall be 430 feet including the blade in vertical position.
 1. State and federal regulations may require a lesser height.
 2. As a condition of approval, the Township may require a lesser height for a WECS if it determines that it is reasonably necessary.
 3. Each WECS shall be constructed with a tubular tower, not a lattice tower.
 4. The Planning Commission may approve a WECS height of greater than 430 feet if the applicant clearly demonstrates that such greater height would be in the interest of persons and properties surrounding the Wind Park.
- b. Setbacks: No part of a WECS (including guy wire anchors) shall be located closer than 150% of the WECS height to any habitable structure and no closer than 100% of the WECS height to any road or utility line.
- c. Isolation: No WECS shall be located closer than 2,640 feet from the base of the WECS to any point outside the Wind Park within Albion Township, unless the Planning Commission otherwise expressly provides in the permit for the conditional use. If the applicant seeks approval of an isolation distance less than 2,640 feet as required by this section, the applicant shall be required to demonstrate to the Planning Commission with clear and convincing evidence and state-of-the-art modeling, monitoring and measurement techniques that the proposed WECS will have no material adverse effects on any residences, businesses, schools, churches or other places of human habitation within the requested isolation distance from the WECS, as determined by a licensed qualified professional. Such evidence shall include, at a minimum, baseline readings, using state-of-the-art techniques, of the existing noise levels measured at least at ten (10) representative residences outside the Wind Park and state-of-the-art noise modeling data demonstrating that the anticipated noise generated by the WECS will not increase the existing noise levels above a maximum of forty-five (45) decibels on the dBA scale at any of those representative residences, as determined in the conditional use permit. As a condition of approval for any such lesser isolation distance, the applicant shall also post a performance guarantee in an amount fixed by the Planning Commission to assure that the WECS

when installed will not have any material adverse effects on any residences, businesses, schools, churches or other places of human habitation within the requested isolation distance from the WECS, as determined by a licensed qualified professional.

- d. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least seventy-five (75) feet.
- e. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
- f. Tower Access: To prevent unauthorized climbing, WECS must comply with at least one of the following provisions:
 - 1. External tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - 2. A locked anti-climb device shall be installed and maintained.
 - 3. A tower capable of being climbed externally shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
- g. Signs: Each WECS shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
 - 1. Warning high voltage.
 - 2. Warning falling ice.
 - 3. Manufacturer's name.
 - 4. Emergency numbers (list more than one number).
 - 5. FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Albion Township.
 - 6. If fenced, place signs on the fence.

- h. Lighting: A lighting plan for each WECS shall be approved by the Planning Commission. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. All tower lighting will comply with FAA regulations and guidance and shall be consistent with USFWS/MDNR guidelines.
- i. Electromagnetic Interference: Each WECS shall be designed, constructed and operated so far as possible so as not to cause radio, television and other wireless signal interference. In the event that electromagnetic interference is experienced by properties outside the Wind Park, and the WECS is determined to cause radio, television or other wireless signal reception to be degraded from the conditions prior to the installation of the Wind Park through the proper utilization by an expert of relevant facts, data and reliable scientific principles and methods, the WECS owner shall provide alternate service to each individual resident or property owner affected. If a property owner or resident is successful in demonstrating degradation of their radio, television or other wireless signal reception caused by a WECS, then the WECS owner shall also reimburse the property owner or resident for their reasonable costs and fees incurred to prove the existence and cause of the degradation.
- j. Noise Emissions: All WECS shall be manufactured and constructed with the best available noise reduction technology available at the time of their construction. Noise emissions from the operation of one or more WECS operating within a Wind Park shall not in any case exceed fifty (50) decibels on the dBA scale as measured at any point on the boundary between land within the Wind Park and land outside the Wind Park, and not more than forty-five (45) decibels on the dBA scale as measured at residences outside the Wind Park. A state-of-the-art baseline noise emission study of the proposed site and impact of estimated operating noise levels upon all areas within a one (1) mile radius of each proposed WECS location shall be performed (at the applicant's cost) and submitted to the Township with the application for conditional use.
- k. Distribution, Transmission and Interconnection: All collection lines and interconnections from the WECS to the electrical substation shall be located and maintained underground inside of the Wind Park. The Planning Commission may waive the requirement that collection lines and interconnections be located and maintained underground if the Planning Commission determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground.

10. Approval Standards. In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any Wind Park conditional use unless it finds that all of the following standards are met:
 - a. The general conditional use standards contained in Section 5.5 of this Ordinance; and
 - b. The Wind Park will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
11. Conditions and Modifications. Any conditions or modifications approved by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting. The Planning Commission may in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the AG Agricultural District. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and the authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
12. Completion; Testing. The applicant shall complete the Wind Park construction within twelve (12) months after commencement of construction. Within 12 months of completion and commencement of operation, the applicant shall be required to present a report prepared by a third party, qualified professional, demonstrating that the Wind Park while in operation meets the requirements of this Ordinance and the permit for conditional use with respect to noise emissions and electromagnetic interference, and shadow flicker effect.
13. Inspection. The Township shall have the right upon issuing any Wind Park conditional use to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at the applicant's reasonable cost.
14. Maintenance and Repair. Each WECS must be kept and maintained in good repair and condition at all times. If the Township Zoning Coordinator determines that a WECS fails at any time to meet the requirements of this Ordinance and the permit for conditional use with respect to noise emissions, electromagnetic interference, or shadow flicker effect, or that it poses a potential safety hazard, the applicant shall shut down the WECS within 48 hours after notice by the Zoning Coordinator and not restart the WECS until the condition has been corrected. The applicant shall keep a maintenance log on each WECS that shall be available for the Township's review on a monthly basis. The applicant shall keep all sites within the Wind Park neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions.

15. Roads. Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to the Calhoun County Road Commission a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries; and a performance guarantee acceptable to the Road Commission in an amount necessary to assure repair of any damage to the public roads cause by construction of the Wind Park or any of its elements.
16. Complaint Resolution. The applicant shall develop a process to resolve complaints from nearby residents and property owners concerning the construction and operation of the Wind Park. 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 the Township from acting on a complaint. During construction and operation, the applicant shall maintain a telephone number during business hours where nearby residents and landowners can reach a project representative.
17. Abandonment. Any WECS that is not used for the production of energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the applicant receives a written extension of that period from the Township Zoning Coordinator in a case involving an extended repair schedule for good cause. All above and below ground materials (down to 4 feet below the ground) must be removed. The ground must be restored to its original condition within 180 days of abandonment.
18. Continuing Security and Escrow. If any WECS is approved for construction under this Ordinance, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the WECS has been finally removed, as provided below:
 - a. Continuing Security: If a conditional use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, corporate bond or surety bond in a form, amount, time and duration deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a conditional use has been approved but before construction commences upon a WECS within the Wind Park. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to have

each WECS fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the conditional use permit. Such financial security shall be kept in full force and effect during the entire time while a WECS exists or is in place, and such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the WECS).

- b. Continuing Escrow Deposit: A continuing escrow deposit to be held by the Township shall be funded in cash by the applicant prior to the commencement of construction of any WECS and shall be maintained by the WECS owner until the WECS has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the conditional use permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the conditional use permit. If the Township is required to expend any portion of the escrow deposit, or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require that the WECS owner place additional monies into escrow with the Township.
 - c. Continuing Obligations: Failure to keep such financial security and escrow deposit in full force and effect at all times while a WECS exists or is in place shall constitute a material and significant violation of a conditional use and this ordinance, and will subject the WECS owner to all remedies available to the Township, including possible enforcement action and revocation of the conditional use.
19. Liability. The applicant shall insure each WECS at all times, and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than \$2,000,000 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2010 dollars based on the CPI).
20. Colors. A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

21. Shadow flicker effect. All reasonable efforts shall be made not to affect any resident with any shadow flicker effect in the operation of any WECS.
22. Vibrations or Wind Currents. Under no circumstances shall a WECS produce vibrations or wind currents humanly perceptible beyond the perimeter of the Wind Park.
23. Stray Voltage. The applicant shall be responsible for compensation for damages due to any stray voltage caused by a WECS in accordance with the rules of the Michigan Public Service Commission.
24. Environmental Impact Assessment. At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the Wind Park or surrounding areas. Each such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the conditional use.
25. Application Escrow Account. An escrow account shall be funded by the applicant when the applicant applies for a conditional use for a Wind Park. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the conditional use review and approval process, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township anticipates it may have done that are reasonably related to the zoning review process for the particular application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the conditional use review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the conditional use review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.
26. Reasonable conditions. In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a Wind Park as a conditional use.
27. Other Requirements. Each Wind Park and WECS shall also comply with all applicable federal, state, and county requirements, in addition to other Township ordinances.

j. Medical Marihuana Caregiver Distribution Facility

1. Purpose and Scope.

- a. The Township recognizes that Medical Marihuana Caregivers may not wish to or be able to distribute Medical Marihuana as part of a Medical Marihuana Home Occupation, as provided by Section 5.14. To the extent that such facilities are lawful under state and federal laws, the Township provides the following objectives, standards, and requirements for a Medical Marihuana Caregiver Distribution Facility, which shall be located in General Commercial (C-2) districts only. It is the intent of this section to exercise a measure of control over Medical Marihuana Caregiver Distribution Facilities and their sites and to establish a basic set of standards within which individual solutions may be developed.
- b. Only one (1) Medical Marihuana Caregiver is permitted to operate such a facility.
- c. A land use, business, or other operation that provides, sells, or involves Medical Marihuana in any way is prohibited in the Township except as provided in this Ordinance.
- d. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and the General Rules as they may be amended from time to time. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under State or Federal law. In particular, the Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring, from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

2. Required Documentation. All Medical Marihuana Caregivers distributing Medical Marihuana from a Medical Marihuana Caregiver Distribution Facility must provide or otherwise make available proof of valid, unexpired registry identification cards.

3. Location Standards. The parcel on which the Medical Marihuana Caregiver Distribution Facility is conducted shall be located at least at least one thousand (1,000) feet from any parcel on which a school, day care facility, church, house of worship or other religious facility, public or private park and three hundred (300)

feet from any other Medical Marihuana Caregiver Distribution Facility or Medical Marihuana Growing Facility, measured horizontally between the nearest points of each property line.

4. Amount of Marihuana. The amount of marihuana on the property must not exceed that amount permitted by state law: no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient to which the Medical Marihuana Caregiver is lawfully connected, up to a maximum of five (5) patients or sixty (60) marihuana plants or 12.5 ounces of usable marihuana per caregiver.
5. Use of Marihuana; Odors. Smoking or consumption of controlled substances, including marihuana, shall be prohibited on the site of the Medical Marihuana Caregiver Distribution Facility. The Facility shall not emit odors, emanating from marihuana, beyond the Facility building or structure.
6. Storage of Marihuana. All medical marihuana must be contained within the main building in a separate Enclosed, Locked Facility for each Medical Marihuana Patient for which a Caregiver is lawfully connected, in accordance with the Michigan Medical Marihuana Act. Medical Marihuana shall not be visible from any location outside of the building.
7. Related Activity
 - a. All activity related to Medical Marihuana must occur indoors.
 - b. Use of Medical Marihuana is prohibited at the Medical Marihuana Caregiver Distribution Facility.
 - c. Growth or cultivation of Medical Marihuana is prohibited at the Medical Marihuana Distribution Facility.
 - d. The sale of foods, equipment, or supplies on the premises is prohibited.
8. Security Measures. The Medical Marihuana Caregiver Distribution Facility shall have secure windows and doors and the owner or occupant shall implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets, and unintended or unlawful access.
9. Signage. Any signage utilized in compliance with the Township's Ordinance, such signage must not use the words marihuana, marijuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marihuana.
10. Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure in which electrical, wiring, lighting,

or watering devices that support the storage or distribution of Medical Marihuana are located.

11. Conditions of Approval. Prior to the granting of approval for the establishment of a Medical Marihuana Caregiver Distribution Facility, the Township may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation (including hours of operation), of the Facility that are necessary for the protection of the public interest, including inspections. Any evidence, bond, or other performance guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
12. To Whom Marihuana may be Distributed. No person operating a Medical Marihuana Caregiver Distribution Facility shall provide or otherwise make available Medical Marihuana to any person who is not a Medical Marihuana Patient legally connected to that person as a Medical Marihuana Caregiver.

k. Medical Marihuana Growing Facility

1. Purpose and Scope

- a. The Township recognizes that Medical Marihuana Patients or Medical Marihuana Caregivers may not wish to or be able to cultivate or grow Medical Marihuana as part of a Medical Marihuana Home Occupation, as provided by 5.14. To the extent that such facilities are lawful under state and federal laws, the Township provides the following objectives, standards, and requirements for a Medical Marihuana Growing Facility, which shall be located in General Commercial (C-2) districts only. It is the intent of this section to exercise a measure of control over Medical Marihuana growing facilities and their sites and to establish a basic set of standards within which individual solutions may be developed.
- b. Only one Medical Marihuana Patient or Medical Marihuana Caregiver is permitted to operate such a facility.
- c. A land use, business, or other operation that provides, sells, or involves Medical Marihuana in any way is prohibited in the Township except as provided in this Ordinance.
- d. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and the General Rules as they may be amended from time to time. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended

to grant, nor shall it be construed as granting, immunity from criminal prosecution under State or Federal law. In particular, the Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring, from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

2. Required Documentation. All Medical Marihuana Caregivers or Medical Marihuana Patients growing Medical Marihuana from the facility must provide or otherwise make available proof of valid, unexpired registry identification cards.
3. Location Standards. The parcel on which the Medical Marihuana Growing Facility is conducted shall be located at least at least one thousand (1,000) feet from any parcel on which a school, day care facility, church, house of worship or other religious facility, public or private park and three hundred (300) feet from any other Medical Marihuana Caregiver Distribution Facility or Medical Marihuana Growing Facility, measured horizontally between the nearest points of each property line.
4. Amount of Marihuana. The amount of marihuana on the property must not exceed that amount permitted by state law: no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient; and no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient to which the Medical Marihuana Caregiver is lawfully connected, up to a maximum of five (5) patients or sixty (60) marihuana plants or 12.5 ounces of usable marihuana per caregiver.
5. Use of Marihuana; odors. Smoking or consumption of controlled substances, including marihuana, shall be prohibited on the site of the Medical Marihuana Growing Facility.

The Facility shall not emit odors, emanating from marihuana, beyond the Facility building or structure.

6. Storage of Marihuana. All Medical Marihuana must be contained within the main building in a separate Enclosed, Locked Facility for each Medical Marihuana Patient for which a Caregiver is lawfully connected, in accordance with the Michigan Medical Marihuana Act. Medical Marihuana shall not be visible from any location outside of the building.
7. Related Activity
 - a. All activity related to Medical Marihuana must occur indoors.
 - b. Transfer, distribution, or use of Medical Marihuana is prohibited at the Medical Marihuana Growing Facility.

- c. The sale of foods, equipment, or supplies on the premises is prohibited.
- 8. Security Measures. The Medical Marihuana Growing Facility shall have secure windows and doors and the owner or occupant shall implement security measures to deter and prevent theft of marihuana, diversion of marihuana to illicit markets, and unintended or unlawful access.
- 9. Signage. Any signage utilized in compliance with the Township's Ordinance, such signage must not use the words marihuana, marijuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marihuana.
- 10. Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
- 11. Conditions of approval. Prior to the granting of approval for the establishment of a Medical Marihuana Growing Facility, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation (including hours of operation), of the facility that is necessary for the protection of the public interest, including inspections. Any evidence, bond, or other performance guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.
- 12. For Whom Marihuana may be grown. No person operating a Medical Marihuana Growing Facility shall grow or cultivate Medical Marihuana for any person who is not a Medical Marihuana Patient.

SECTION 5.6 – SITE PLAN REVIEW AND APPROVAL: It is the purpose of this Article to require site plan approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this Article to delegate certain aspects of site plan review authority to the Township Planning Commission, within the standards and requirements set forth in this Article.

5.6.1 Uses Requiring Site Plan Approval: The following buildings, structures and uses require site plan approval:

- a. A multiple-family building.

- b. More than one multiple-family building on a lot or parcel of land, or on a combination of lots under one ownership.
- c. A mobile home park.
- d. Any building or structure in a commercial, office and industrial district.
- e. Any addition to an existing building or structure in a commercial, office, and industrial district, except as provided in Section 5.6.9 of this Ordinance.
- f. More than one building or structure, except a sign, on a lot or parcel, or combination of lots under one ownership, in any commercial, office, and industrial district.
- g. A use permitted in any commercial and industrial district that does not involve a building, such as, but not limited to, outdoor sales, outdoor displays, and storage of wrecked vehicles.
- h. Any principal non-residential building or structure permitted in residential districts and any principal building or structure, except farm buildings permitted in recreation-conservation and agricultural district.
- i. Public utility buildings and structures, but not including poles, towers, and telephone repeater buildings.
- j. Conditional uses, except for single family dwellings.
- k. PC developments.
- l. Any project undertaken under the authority of the Michigan Condominium Act, being Act No. 59, P.A. 1978, as amended.

The Building Inspector shall not issue a Building permit for construction of, or an addition to, any of the above listed buildings or developments, until a final site plan has been reviewed by the Township Planning Commission and approved by the Township Board.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development that requires site plan approval, until a final site plan is approved and is in effect.

5.6.2 Procedures for Submission and Review of Application for Major Projects:

- a. Major projects. All developments greater than 25,000 square feet of structure, or larger than two (2) acres of size, and all PC developments and projects within industrial districts are major projects that require preliminary site plan review by the Planning Commission pursuant to the requirements below. All other projects are subject to review and approval by the Planning Commission pursuant to the requirements in Section 5.6.3, et seq, below.

- b. Submission requirements. The applicant shall complete and submit the required number of copies of an application for Site Plan Approval, site plans, and other information where applicable. Compliance with the requirements for the Zoning Ordinance is mandatory. The applicant or his/her representative must be present at each scheduled review or the matter will be tabled for a maximum of two consecutive meetings due to lack of representation. The procedure for processing major project site plans includes three phases: conceptual review via a pre-application conference, preliminary site plan review, and final site plan approval.
- c. Pre-application meeting. Prior to a hearing before the Planning Commission on a site plan, the applicant shall have a preliminary review meeting with the Township Public Works Director, Township Assessor, Township Building Inspector, Fire Chief, and such other inspectors and Township officials as are desired by the Township to attend such meeting to review the proposed plan and determine whether it meets all of the requirements of the Township Zoning Ordinance. The applicant may be represented at such meeting, and shall have with him/her, if not previously provided, all of the exhibits, plans and documentation necessary to establish that the proposal meets the requirements of the Township Zoning Ordinance for site plan approval.
- d. Preliminary site plan review. The second phase is called Preliminary Site Plan Approval. At this step a preliminary site plan meeting the submittal requirements of this Ordinance is reviewed by the Township Planning Staff and Planning Commission. The purpose of such preliminary review is to confirm compliance with Township standards, policies and relationship to the Land Use Plan, as well as to suggest changes necessary, if any, for the final site plan approval.
- e. Final site plan review. Final site plan approval shall be in accordance with Section 5.6.3 etc.

5.6.3 Final Site Plan:

- a. Application. Following approval of the preliminary site plan, if required under Section 5.6.2(D) hereof, the applicant shall submit a minimum of six (6) copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk, the review fee, and a completed application form. The Clerk, upon receipt of the application, shall transmit the application and copies of the final site plan to the Zoning Coordinator ten (10) working days prior to the Planning Commission's next regular meeting.
- b. Information required for review. Every final site plan submitted for review under this Article shall contain information as required in Section 5.6.4.
- c. Planning commission action. All final site plans shall be considered within sixty (60) days of placement on the first available Planning Commission agenda.

1. Approval. Upon finding that the application and site plan meet the criteria of Site Plan Review in Section 5.6.4, the Planning Commission shall recommend approval.
 2. Approval with minor revisions. Upon finding the application and site plan meet the criteria of Site Plan Review in Section 5.6.4, except for minor revisions, the Planning Commission may recommend approval conditioned upon said revisions being made by the applicant and reviewed by appropriate Township staff and/or consultants.
 3. Tabling. Upon finding that the application and site plan do not, but could, meet the criteria of Site Plan Review in Section 5.6.4, upon making revisions, the Planning Commission may table its recommendation for a specified period of time not to exceed ninety (90) days, until the revised plan is resubmitted to the Planning Commission.
 4. Denial. Upon finding that the application and site plan do not meet one or more of the criteria of Site Plan Review in Section 5.6.4 and that revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the Planning Commission shall recommend denial.
- d. Township Board action. All final site plans shall be considered after action is taken by the Planning Commission and within sixty (60) days of placement on the first available Township Board agenda.
1. Approval. Upon finding that the application and site plan meet the criteria of Site Plan Review in Section 5.6.4, the Township Board shall approve the site plan.
 2. Approval with minor revisions. Upon finding that the application and site plan meet the criteria of Site Plan Review in Section 5.6.4, except for minor revisions, the Township Board may approve the site plan conditioned upon said revision being made by the applicant and reviewed by appropriate Township staff and/or consultants.
 3. Tabling. Upon finding that the application and site plan do not, but could, meet the criteria of Site Plan Review in Section 5.6.4, upon making revisions, the Township Board may table action until the revised Plan is re-submitted.
 4. Denial. Upon finding that the application and site plan do not meet one or more of the criteria of Site Plan Review in Section 5.6.4, and that that revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the Township Board shall deny the site plan.
- e. Filing of approved site plan. Upon approval of the final site plan, the applicant and/or owner(s) of record, and the Township Supervisor or his/her designee shall sign two (2) copies of the approved plan. The Township Supervisor, or designee, shall transmit one

(1) such signed copy of the approved final site plan each to the Zoning Coordinator, and to the applicant.

- f. Effect of approval. Approval of a final site plan by the Township Board authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of zoning compliance. Approval shall expire and be of no effect after three hundred sixty-five (365) days following approval by the Township unless a building permit, when required, is applied for and granted, within that time period. Approval shall expire and be of no effect five hundred forty-five (545) days following date of approval, even if the building permit has been issued and has not expired unless construction has begun and is being diligently pursued to completion. The Planning Commission may extend the time limits upon a showing of good cause. In the event that approval shall expire, if progress is being made, the Zoning Coordinator may extend approval for a period not to exceed (6) months. Thereafter, or absent an extension granted by the Zoning Coordinator, a re-application with a showing of good cause shall be made to the Planning Commission

5.6.4 Criteria for Site Plan Review: The site plan shall be reviewed and approved upon a finding that the following criteria are met:

- a. The proposed use will not be injurious to the general health, safety, and welfare of the Township and surrounding neighborhood.
- b. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- c. The design of storm sewers, storm water facilities, roads, parking lots, driveways, water mains, sanitary sewers and other site improvements meets the design and construction standards to the Township and other appropriate agencies.
- d. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- e. Site planning and design of specified improvements will accomplish, to the extent reasonably feasible, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, flood plains, steep slopes, ground water, trees and wooded areas.
- f. Waste water treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or ground water quality.

- g. Sites that include storage of hazardous waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the air or to the ground, ground water or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.
- h. The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
- i. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- j. The means of ingress and egress to and from the site shall be planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off the site. In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location and design access(es), and utilization of acceleration, deceleration and passing lanes and approaches. The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require improvements accordingly.
- k. The site plan complies with all Township Ordinances.

5.6.5 Information Required on Site Plan: A site plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review and recommendation as provided in Article V. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of not less than 1" = 50' for property less than three acres or 1" = 200' for property three or more acres. Included on the site plan shall be all dimensions and the following:

- a. General information.
 - 1. Proprietors', applicants', and owners' names, addresses and telephone numbers. Letter of authority from owner if applicant is not owner.
 - 2. Date (month, day, year), including revisions.
 - 3. A stake survey of the property by a registered surveyor if required by the Zoning Coordinator.
 - 4. A detailed drawing of the site together with adjacent structures if required by the Zoning Coordinator.
 - 5. A detailed drawing setting forth the size, location and type of construction of any signs to be placed on the parcel if required by the Zoning Coordinator.

6. Location map drawn at a scale of 1" = 2,000' with north point indicated if required by the Zoning Coordinator.
 7. Architect, engineer, surveyor, landscape architect, or planner's seal.
 8. Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within 100' of the site.
 9. Proposed lot lines, property lines and all structures, parking areas, etc., and within 100' of the site.
 10. Centerline and existing proposed right-of-way lines of any street.
 11. Zoning classification of petitioner's parcel and all abutting parcels.
 12. Gross acreage figure and percentage of parcel coverage.
 13. Proximity to major thoroughfares and section corners.
 14. Pictures from all sides of the property.
- b. Physical Features
1. Acceleration, deceleration and passing lanes and approaches.
 2. Proposed locations of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
 3. Location of existing and proposed service facilities above and below ground, including:
 - a. Well sites.
 - b. Septic systems and other waste water treatment systems. The location of the septic tank and the drainfield (soil absorption system) should be clearly distinguished.
 - c. Chemical and fuel storage tanks and containers.
 - d. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - e. Water mains, hydrants, pump houses, standpipes and building services and sizes.
 - f. Sanitary sewers and pumping stations.

- g. Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainageways and other facilities, including calculations for sizes.
 - h. Location of all easements.
4. All structures with dimensioned floor plans, setback and yard dimensions and typical elevation views.
 5. Dimensional parking spaces and calculation, drives and method of surfacing.
 6. Exterior lighting locations and illumination patterns.
 7. Location and description of all existing and proposed landscaping berms, fencing, and walls.
 8. Trash receptacle pad location and method of screening.
 9. Transformer pad location and method of screening.
 10. Dedicated road or service drive locations.
 11. Entrance details including sign locations and size.
 12. Designation of fire lanes.
 13. A report from the Calhoun County Road Commission as to the traffic capacity of the public road adjacent to the site together with a statement from the Road Commission indicating current traffic volume on said road.
 14. Any other pertinent physical features.
 15. Road right-of-ways shall meet Calhoun County Road Commission standards, and construction shall equal Road Commission specifications for base and material.
- c. Natural Features
1. On parcels of more than one acre, existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
 2. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.

3. Location of existing wetlands.
 4. Location of natural resource features, including woodlands and area with slopes greater than ten (10) percent (one foot of vertical elevation for every 10 feet of horizontal distance).
 5. A wetlands permit from the Michigan Department of Natural Resources if one is required by the State.
 6. A storm water management system and facility approved by the Calhoun County Drain Commissioner that will not substantially reduce or increase the natural retention or storage capacity of any water body, or cause alterations that could increase flooding or water pollution on or off the site.
 7. The owner shall present the plan and be accompanied by an engineer, architect, or contractor to fully explain the plan unless the requirement for one of the professionals is waived by the Zoning Coordinator.
- d. Additional Requirements for Multiple Family
1. Density calculations by type of unit by bedroom counts.
 2. Designation of units by type and number of units in each building.
 3. Carport locations and details where proposed.
 4. Specific amount and location of recreation spaces.
 5. Type of recreation facilities to be provided in recreation space.
 6. Details of community building and fencing of swimming pool if proposed.
- e. Additional Requirements for Commercial and Industrial Developments
1. Presentation of the Site Plan must be by an owner with an architect, engineer or contractor present unless waived by Zoning Coordinator.
 2. Loading and unloading areas.
 3. Total and usable floor area.
 4. Number of employees in peak usage.

5.6.6 Administrative Review: In the following cases, the Township may designate an administrative official to approve a site plan without submission to the Planning Commission, but subject to all of the above criteria, requirements and standards.

- a. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications.
- b. Provision for additional loading and unloading spaces and landscape improvements as required by Ordinance.

5.6.7 Utilities: Utility plans for a particular site that involve Township-provided sewer or water shall be submitted to the Township Building Inspector for review and approval. Proposed utilities shall conform to Township-approved standards.

5.6.8 Amendment of Approved Site Plan:

- a. A site plan may be amended upon application and in accordance with provisions and the procedures provided in Section 5.6.3, herein for a final site plan. Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than Albion Township, are subject to the provisions of this Ordinance. The Township Zoning Coordinator shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.
- b. Minor changes of an approved final site plan may be incorporated without amendment to the approved preliminary site plan at the discretion of the Planning Commission.

5.6.9 Exempt Buildings, Structures and Uses: Except as provided herein, Section 5.6 shall not apply to the replacement, repair of, the adding of an addition that does not exceed ten thousand (10,000) square feet or fifty (50) percent of original structure, whichever is less, or the alteration of buildings, structures or parking lots on commercial, industrial, or office structures and uses where the proposed improvement meets all of the requirements of this Zoning Ordinance, the Albion Township Building Code, the Albion Township Electrical Code, and the Albion Township Plumbing Code, and where the existing use is not materially changed in nature or character. In such cases, the Zoning Coordinator may recommend a building permit for the construction of the improvement without a site plan review. In the event that the proposed improvement requires additional property, a conditional use, a variance, or substantially and materially changes the existing use, then the Zoning Coordinator shall refer the proposed improvement to the Planning Commission for a site plan review subject to all of the criteria set forth in Section 5.6. The Zoning Coordinator in his discretion shall decide whether a site plan review is necessary to carry out the spirit and intent of this Zoning Ordinance; provided however, that such plan must be approved as if it were submitted for a building permit.

5.6.10 Modification During Construction: All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he/she shall do so at his/her own risk, without any assurance that the Township Planning Commission will approve the changes. It shall be the responsibility of the

applicant to notify the Zoning Coordinator and the Planning Commission of any changes. The Zoning Coordinator or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

5.6.11 Phasing of Development: An applicant may divide a proposed development into two or more phases with the approval of the Planning Commission and the Township Board. Such phasing shall be in conformance with Section 5.6.3(F). Future development beyond approved phases shall not appear on the approved final site plan. A phased development shall not be developed in phases over a period exceeding a total of five (5) years for all of the phases.

5.6.12 Inspection: All sub-grade improvements such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Township and approved prior to covering. The Zoning Coordinator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Coordinator shall notify the Township Board, the Building Inspector and the Planning Commission in writing when a development for which a final site plan was approved has passed inspection with respect to the approved final site plan. The Zoning Coordinator shall notify the Building Inspector, the Township Board, and the Planning Commission in writing of any development for which a final site plan was approved that does not pass inspection with respect to the approved final site plan, and shall advise the Board and Commission of steps taken to achieve compliance. In such case, the Zoning Coordinator shall periodically notify the Township Board and Planning Commission of progress towards compliance with the approved final site plan, and when compliance is achieved. A final building inspection approval may be recommended by the Zoning Coordinator prior to completion of the site improvement SUBJECT TO such conditions and performance guarantee as may be imposed by the Township Board.

5.6.13 Fees: Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board.

5.6.14 Violations: The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan unless the Planning Commission approves changes as provided in the Article. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Ordinance as provided in Article VI, and shall be subjected to the penalties therein.

SECTION 5.7 – NONCONFORMITIES: Where within the districts established by this Ordinance, or by amendments, there exists lots, structures, and uses of land and structures that were lawful before this Ordinance was adopted or amended and that would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be

enlarged, expanded, or extended except as provided herein; nor be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

5.7.1 Non-conforming Uses of Land: Where, on the date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the provisions of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- b. No such non-conforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date or adoption of amendment of this Ordinance.
- c. If such non-conforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this Ordinance for the district in which such land is located.

5.7.2 Non-conforming Structures: Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. No such structure shall be enlarged, expanded, extended, or altered in a way that increases its non-conformance.
- b. Should any structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. This subsection shall not apply to any structure used as a dwelling unit in an Office district (O), Local Commercial district (C-1), General Commercial district (C-2), or Highway Service Commercial district (C-3), and such structures may be reconstructed for use as dwelling units in these zoning districts.
- c. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

5.7.3 Non-conforming Uses of Structures: Where, on the date of adoption or amendment of this Ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. No non-conforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- b. When a non-conforming use of a structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- c. Any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10) percent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or part thereof declared to be unsafe by an official charged with protecting the public safety upon order of such official.
- d. Should any structure containing a non-conforming use be moved, for any reason, for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- e. Should any structure devoted in whole or in part to any non-conforming use be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located. This subsection shall not apply to any structure used as a dwelling unit in an Office district (O), Local Commercial district (C-1), General Commercial district (C-2), or Highway Service Commercial district (C-3) and such structures may be reconstructed for use as dwelling units in these zoning districts.
- f. A structure continuously used as a dwelling may be replaced, altered, modified, or repaired even though it does not conform to this Ordinance, if such replacement, alterations, modifications or repairs bring the dwelling more into conformity with the definition of single family dwelling, and in case of a mobile home is HUD approved and no more than three (3) years old.

5.7.4 Change of Tenancy or Ownership: There may be a change of tenancy, ownership, or management of an existing non-conforming use, building, or structure; provided there is no change in the nature or character of such non-conforming use, building, or structure.

5.7.5 Non-conforming Lot of Record: In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, provided that yard dimensions and other requirements, not involving area width, of the lot shall conform to the regulations for the district in which such lot

is located. Any variance of yard requirements from the above provisions shall be obtained only through action of the Zoning Board of Appeals.

SECTION 5.8 – PERFORMANCE STANDARDS:

5.8.1 Requirements: No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Agricultural uses are exempt from these standards. Uses in all districts, where permitted, shall comply with the following performance requirements:

- a. Noise. Noise that is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is not production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- b. Vibration. No vibration shall be permitted that is discernible without instruments on any adjoining lot or property.
- c. Smoke. Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.
- d. Odor. No malodorous gas or matter shall be permitted that is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- e. Air pollution. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted that is harmful to health, animals, vegetation, or other property, or that can cause excessive soiling.
- f. Glare. No direct or reflected glare shall be permitted that is visible from any property or from any public street, road, or highway.
- g. Erosion. No erosion, by either wind or water, shall be permitted that will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

5.8.2 Plans: The application for a building permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

5.8.3 Enforcement: The Zoning Coordinator may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Albion Township Board.

SECTION 5.9 – STORAGE OF MATERIALS: The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- a. On any lot in any agricultural district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
- b. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- c. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

SECTION 5.10 – MOBILE HOME AND TRAVEL TRAILERS:

- a. A mobile home shall not be used or occupied other than as a single-family dwelling.
- b. A travel trailer or motor home shall not be used or occupied as a dwelling except in a duly licensed travel trailer or motor home park. The Zoning Coordinator is authorized to issue a permit for the use and occupancy of a travel trailer or motor home as a temporary dwelling for a period not to exceed two (2) weeks, provided that such travel trailer or motor home is situated on a parcel of land that has access to water and sanitary facilities.

SECTION 5.11 – VISIBILITY AT INTERSECTIONS: On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points that are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 5.12 – ACCESS TO PUBLIC STREETS:

- a. In any residential district (except RNF), commercial district, and industrial district, every use, building, or structure established after effective date of this Ordinance shall be on lot or parcel that adjoins a public street.
- b. In any agricultural and RNF district, every use, building or structure established after the effective date of this Ordinance shall be on lot or parcel that adjoins a public or private street.

SECTION 5.13 – FLOOD PLAINS: Structures built on land subject to periodic flooding shall be subject to applicable State and Federal regulations and laws governing construction in flood plains. Prior to the issuance of a building permit by the Township the owner or his/her agent of the flood plain property shall submit to the Township Building Coordinator evidence of receipt of any necessary approval or permit issued by the Michigan Department of Natural Resources. The building of such structures shall be subject to the provisions of the State Construction Code as adopted and enforced by the Township of Albion in addition to any State and Federal rules, regulations and statutes. The rules and regulations established by the State Construction Code shall be deemed to be minimum standards subject to more stringent standards that may be established by the State or Federal Government. The location and boundaries of property subject to periodic flooding shall be determined by reference the United U.S. Soil Conservation Service, the U.S. Army Corp of Engineers or other authority having jurisdiction to establish the location and boundaries of land subject to periodic flooding.

SECTION 5.14 – HOME OCCUPATION: While Albion Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisances that may be caused by non-residential activities conducted in a zone that permits residential uses. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in districts that permit residential uses and to maintain and preserve the residential character of the neighborhood.

a. General Standards

1. Any person who seeks to commence home occupation must obtain a permit and upon receipt of same, commence the home occupation within six (6) months.
2. The home occupation shall be customary and clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner that would substantially alter the premises' residential character.
3. The home occupation is conducted by the person or persons occupying the premises as their principal residence. Persons who do not reside in the dwelling shall not be employed in the home occupation. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit.
4. The dwelling has no exterior evidence, other than one (1) non-illuminated sign not exceeding four (4) square feet to indicate that the dwelling is being utilized for a non-residential purpose, and such sign is in conformance with the requirements of this Ordinance.
5. No hazards of fire, explosion, or radioactivity shall exist at any time.
6. No occupation shall be conducted upon or from the premises that would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare,

heat, smoke, fumes, odor, vapors, gases, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.

7. Vehicular and pedestrian traffic generated by the home occupation shall not exceed what would normally be expected in a residential neighborhood, and the need for parking shall be met off-street.
 8. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.
 9. There shall be no open display or storage of goods, materials or services in connection with a home occupation, and no off-street parking shall be permitted within the setback area.
 10. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.
- b. Standards for Medical Marihuana Home Occupations. It is the intent of this section to exercise control over the permitted locations for the use, growing, cultivation, and transfer of Medical Marihuana and establish a basic set of standards for such use, growing, cultivation, and transfer to meet the medical needs of a Medical Marihuana Patient or Medical Marihuana Caregiver. To the extent that it is otherwise lawful, the medical use, growing, cultivation or transfer of marihuana by not more than one (1) Medical Marihuana Caregiver or not more than one (1) Medical Marihuana Patient may be permitted in any Residential or Agricultural District as a Medical Marihuana Home Occupation upon application to and approval by the Planning Commission and subject to inspection by the Zoning Coordinator, subject to the standards set forth in Section 5.14(A) and (B), and compliance with the Michigan Medical Marihuana Act, and General Rules of the Michigan Department of Community Health, as they may be amended from time to time. To the extent that the standards and requirements of this Section 5.14(A) are more limited than those of Section 5.14(B), the more limited, specific standard shall apply.
1. Not more than one (1) Medical Marihuana Caregiver or not more than one (1) Medical Marihuana Patient shall be permitted to grow or cultivate Medical Marihuana.
 2. A Medical Marihuana Patient may grow or possess no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana.
 3. A Medical Marihuana Caregiver may grow or possess no more than twelve (12) marihuana plants or 2.5 ounces of usable marihuana per Medical Marihuana Patient to which the Caregiver is lawfully connected, up to a maximum of five (5)

patients or sixty (60) marihuana plants or 12.5 ounces of usable marihuana per Caregiver.

4. All Medical Marihuana must be contained within an Enclosed, Locked Facility inside the dwelling's habitable space and shall not be located in an accessory building or garage, freestanding or attached.
5. All Medical Marihuana possessed by a Medical Marihuana Caregiver must be contained in a separate Enclosed, Locked Facility for each Medical Marihuana Patient to which the Medical Marihuana Caregiver is lawfully connected.
6. A Medical Marihuana Patient or Medical Marihuana Caregiver may not sell, transfer, or deliver marihuana to any other person, including another Medical Marihuana Patient or Medical Marihuana Caregiver.
7. The parcel on which the Medical Marihuana Home Occupation is conducted shall be located at least one thousand (1,000) feet from any parcel on which a school, child care center, group day care home, place of worship, or public or private park, measured horizontally between the nearest points of each property line.
8. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the building in which electrical wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
9. That portion of the building where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with the relevant fire protection regulations.
10. If a room with windows is utilized as a growing location, any lighting methods that are used between the hours of 11 p.m. and 7 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
11. The dwelling unit containing the Medical Marihuana Home Occupation shall have secure windows and doors and the owner or occupant shall implement security measures to deter and prevent theft of Marihuana, diversion of Marihuana to illicit markets, and unintended or unlawful access.
12. Any exterior signage utilized in compliance with this Ordinance must not use the words marihuana, marijuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marihuana.

13. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and the General Rules as they may be amended from time to time. Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of the Township's Ordinances, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under State or Federal law. In particular, the Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring, from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.
14. Any such medical marihuana home occupation shall be subject to conditional use by the Planning Commission and inspection by the Zoning Coordinator. The permit for it may be terminated for failure to comply with the Zoning Ordinance.

SECTION 5.15 – FENCES: In all districts, fences that enclose property shall not exceed eight (8) feet and two (2) inches in height, measured from the surface of the ground.

SECTION 5.16 – TEMPORARY USE: Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Board of Appeals based upon finding that the location of such an activity will not adversely affect public health, safety, morals, and the general welfare.

SECTION 5.17 – ESSENTIAL SERVICES: Essential services shall be allowed as conditional uses in all zoning districts. The Township Board recognizes the need for such services, but because of their potential size, magnitude and potential impact on surrounding uses require reasonable regulations with respect to their location.

SECTION 5.18 – CURB CUTS AND DRIVEWAYS: Curb cuts and driveways may be located only upon approval by the Building Inspector and such other country and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

SECTION 5.19 – SWIMMING POOLS: Swimming pools in all districts are subject to the following conditions:

- a. Swimming pools shall conform to the side yard and rear yard requirements of the district in which they are located, and shall not be located within any portion of a prescribed front yard.
- b. Swimming pools of more than eighteen (18) inches in depth shall conform to the following fence requirements:

1. Fences shall be not less than four (4) feet in height from the ground with no opening other than a door or gate; shall be constructed to enclose all sides of the pool.
 2. For a chain link fence, the mesh shall not exceed two and one-quarter (2 ¼) inches.
 3. For a fence whose chief covering members are constructed in a vertical direction, there shall be no openings in a horizontal direction of more than four (4) inches.
 4. For a fence whose chief covering members are constructed in a horizontal direction, there shall be no openings in a vertical direction of more than four (4) inches.
 5. Solid fences having a flush exterior shall be acceptable.
 6. A dwelling or accessory building may be used as part of the enclosure.
 7. All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device at least forty-two (42) inches from the bottom of the gate, capable of keeping such door or gate securely closed at all times when not in actual use and prevent a small child from opening such door or gate.
- c. Pool construction shall be such that all scum, splash, and deck water, shall not return to the pool except through a filter system.
 - d. All lighting shall be so shielded, arranged, and operated as to prevent annoyance to neighboring premises.
 - e. All electrical wiring used on, in, or about, the premises upon which the pool is located shall conform in all respects with the State Electrical Code.
 - f. The pool shall be equipped for safety, rescue, and first aid with a light weight pole (bamboo or other) with blunted ends, ring buoys, rope, and a standard first aid kit.

SECTION 5.20 – FOUNDATIONS: All residential, commercial, and industrial structures hereinafter erected in the Township of Albion shall be placed on permanent foundations in accordance with the applicable requirements of B.O.C.A. relating to foundations.

SECTION 5.21 – DWELLINGS: Except as otherwise provided herein, no more than one (1) single or multiple family dwelling structure may be placed, located, built or erected on any recorded description, lot, or parcel of record.

SECTION 5.22 – HUNT CLUB: An organization devoted to the sport of hunting together with any land used for skeet, clay pigeon, and trap shooting facilities.

SECTION 5.23 – RECREATION AREA: A parcel of land devoted to traditional outdoor activities such as horse riding, skiing, sleighing, camping, hiking, fishing, and similar activities, but not including commercial gaming activities, high intensity uses, amusement parks or similar commercial uses.

ARTICLE VI - ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 – PURPOSE: It is the purpose of this Article to provide the procedures for the administration of this Ordinance, Issuance of the permits, Inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 6.2 – ADMINISTRATION: Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Coordinator or by such deputies of his/her department as the Township Board may designate to enforce the provisions of this Ordinance.

SECTION 6.3 – DUTIES OF ZONING COORDINATOR: The Zoning Coordinator shall have the power to recommend approval of building permits and final building approvals and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Coordinator to approve plans or recommend issuance of any permits for any excavation or construction until he/she has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Coordinator vary or change any terms of this Ordinance.

If the Zoning Coordinator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the actions necessary to correct it. He/she shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

The Zoning Coordinator shall submit to the Planning Commission and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming uses, building, and structures. The Zoning Coordinator shall maintain a record of all building permits and final building approvals.

SECTION 6.4 – BUILDING PERMITS:

6.4.1 Issuance of Building permits: No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted or enlarged or moved; nor shall any change be made in the use of any building, structure or land without a building permit for such building, structure or land. A building permit application shall be filled out and submitted to the Zoning Coordinator.

All applications for building permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:

- a. The actual dimensions and shape of the lot to be built upon; and
- b. The exact size and location of existing structures on the lot, if any; and
- c. The location and dimensions of the proposed structure of alteration.

One (1) copy of the plans shall be returned to the applicant by the Zoning Coordinator after such copy has been approved or disapproved, and attested to same by the Zoning Coordinator's signature on such copy. The Zoning Coordinator shall retain the original copy, similarly marked, for his/her files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Coordinator shall recommend issuance of a building permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Coordinator shall recommend issuance of such permit promptly following such action.

6.4.2 Voiding of Building permit: Any building permit granted under the Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty five (545) days of the date of issuance. A building permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 6.5 –FINAL INSPECTION:

6.5.1 Issuance of Final Building Approval: No building or structure, or part thereof, shall be occupied by or for any use for which a building permit is required by this Ordinance unless and until a final building permit inspection and approval has been issued for such use. The holder of a building permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Coordinator immediately upon the completion of the work authorized by the building permit for final inspection.

A final building permit inspection and approval shall be issued by the Building Inspector within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

6.5.2 Voiding of Building Permit: Any building permit granted under this Ordinance shall become null and void if such use, buildings, or structure for which said permit was issued are found by the Zoning Coordinator to be in violation of this Ordinance. The Zoning Coordinator upon finding such violation shall immediately notify the Township Board of said violation.

SECTION 6.6 – FEES, CHARGES, AND EXPENSES: The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits,

certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Coordinator, and may be altered or amended only by the Township Board. No permit, conditional use or approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.7 – VIOLATIONS AND PENALTIES; NUISANCE PER SE; ABATEMENT:

Use of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred dollars (\$500.00) and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance the requirements of this Ordinance.

ARTICLE VII - BOARD OF APPEALS

SECTION 7.1-BOARD OF APPEALS ESTABLISHED:

- a. There is hereby established a Zoning Board of Appeals (“ZBA”), which shall perform its duties and exercise its powers as provided in 2006 PA 110, as amended, in such a way that the objectives of this Ordinance will be observed, the public health and safety secured, and substantial justice done.
- b. The Township may appoint not more than two (2) alternate members for the same term as the regular members of the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be 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; in such a case, the alternate member appointed must serve in the case until a final decision is made. In all instances, the alternate member has the same voting rights as a regular member of the ZBA.
- c. A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member must disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

SECTION 7.2-DUTIES OF THE BOARD OF APPEALS:

- a. The ZBA must perform its duties and exercise its powers as provided in 2006 PA 110, as amended, so that the objectives of this Ordinance are attained, the public health, safety, and welfare secured, and substantial justice done.
- b. The ZBA must hear and decide the following: (1) questions that arise in the administration of this Zoning Ordinance, including the interpretation of zoning ordinances and zoning maps; (2) matters referred to the ZBA or upon which the ZBA is required to pass under this Ordinance; (3) appeals from and review of any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance; (4) variances; and (5) matters related to non-conforming uses and structures as stated in this Ordinance.
- c. The ZBA may not change the zoning district classification of any property, may not change any of the terms of this Ordinance, and may not take any actions that result in the making of legislative changes to this Ordinance.

7.2.1 Hearings:

- a. The ZBA must hold a public hearing and give notice as set forth below on each question submitted to it for decision. The ZBA Chairman must fix a reasonable time and date for the hearing based on the filing date.
- b. Notice Requirements.
 1. Variance Requests. Following receipt of a written request for a variance, the ZBA must fix a reasonable time for a public hearing on the request and give notice as set forth below.
 - a. The Township must publish notice in a newspaper of general circulation in the Township;
 - b. The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered;
 - c. The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
 - d. The notice must be given not less than 15 days before the public hearing on the variance request. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - e. Contents of Notice. The notice must do all of the following:

- i. Describe the nature of the variance request;
 - ii. Indicate the property that is the subject of the request. The notice must include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - iii. State when and where the public hearing will be held; and
 - iv. Indicate when and where written comments will be received concerning the request.
2. Interpretations, Appeals, or other Matters. Upon receipt of a written request seeking an interpretation of this Zoning Ordinance or an appeal of an administrative decision, or any other matter properly presented to the ZBA for consideration, the Township must provide notice as follows:
 - a. The Township must publish in a newspaper of general circulation within the Township a notice stating the time, date, and place of the public hearing, and send the notice to the person requesting the interpretation, appeal, etc., not less than 15 days before the public hearing.
 - b. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, the Township must send written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request by first-class mail or personal delivery, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless of whether the property or occupant is located in the Township. If a tenant's name is not known, the term "occupant" may be used.

SECTION 7.3 - VARIANCE:

- a. The ZBA may grant dimensional variance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, as provided in this Ordinance, so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. Such variances may only be granted in accordance with the procedures for the review and grant of variance requests as provided by law, and upon the standards set forth below.
- b. A variance from the terms of this Ordinance must not be granted by the ZBA unless and until:

1. A written application for variance is submitted that demonstrates the fulfillment of the requirements for a variance as provided by this Ordinance or by the ZBA.
 2. The ZBA must determine that the requirements of this Ordinance to obtain a variance are met.
 3. The ZBA must determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 4. The ZBA must determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- c. In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of conditions, when made part of the terms under which a variance is granted, is a violation of this Ordinance.
- d. Each variance granted under this Ordinance is null and void unless:
1. The construction that the variance authorized has been commenced within 180 days after the variance is granted and construction is thereafter pursued diligently to completion; or
 2. The occupancy of land or buildings authorized by the variance occurs within 180 days after the variance is granted.
- e. No application for a variance that has been denied (wholly or partly) by the ZBA may be resubmitted until after 365 days from the date of the denial, except on grounds of new evidence or proof of changed conditions the ZBA finds to be valid.
- f. Filing – An application for variance must be filed at the Township office by the record owner of the property in question (or a person authorized to act on the record owner’s behalf). The application must include a completed application form, fee, and the information required. The Township Clerk must transmit copies of the application and information to the Zoning Coordinator within seven (7) days of the filing date. The Zoning Coordinator must then transmit a copy of the application to each member of the ZBA within ten (10) days before the public hearing set in the matter.
- g. The following information is required:
1. The applicant’s name, address, and telephone number.
 2. The names and address of all record-owners (and other known others), with proof of ownership.

3. The applicant's interest in the property (and, if the applicant is not the fee-simple owner, the owner's signed authorization for the application).
 4. Recorded legal description, address, and tax parcel number of the property.
 5. An accurate, scaled drawing of the property that shows all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; all dimensions of structures and their dimensional locations; and lot area and all calculations necessary to show compliance and/or non-compliance with the regulations of this Ordinance. A drawing prepared by a registered surveyor or registered engineer and the staking of the property are only required if the Zoning Coordinator deems them necessary in order to determine the lot lines or to accurately describe the nature of the variance being requested.
 6. A detailed description of the proposed use. The proposed variance must be physically marked on the site so that the ZBA may make an on-site review of the proposed variance.
- h. Fee – The fee must be paid to the Township Clerk at the time of filing and must be deposited in the Township's general fund.

SECTION 7.4-INTERPRETATION OF ZONING ORDINANCE: The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Coordinator or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 7.5-APPEALS TO THE BOARD OF APPEALS:

7.5.1 Appeals, How Taken: All questions concerning administrative decisions under this Ordinance shall first be presented to the applicable Township official or agency. Such questions shall be presented to the Board of Appeals only on appeal from the decision of the applicable Township official or agency. Appeals may be taken from any administrative zoning decision, except conditional uses and planned developments, expansions of non-conforming buildings and structures, but including questions concerning the interpretation of any provision of this Ordinance, decisions regarding certificates of zoning compliance, and decisions concerning the validity of a purported grandfathered use. Appeals shall be filed within sixty (60) days of the decision in question at the Township office. The Township Clerk shall transmit a copy of the appeal and relate the information to the Zoning Coordinator and each member of the Board of Appeals within seven (7) days of the filing date. The appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The Appellant may be required to submit additional information to clarify the appeal. The Zoning Coordinator shall transmit to the Board of Appeals copies of all papers

constituting the record upon which the action appealed was taken, within seven (7) days of filing date.

7.5.2 Who May Appeal: Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the Township, Village, City, County or State.

7.5.3 Fee for Appeal: A fee prescribed by the Township Board shall be paid to the Board of Appeals at the time of filing the notice of appeal, which fee the Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of the Township.

7.5.4 Effect of Appeal; Restraining Order: An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order that may be granted by the Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

7.5.5 Representation of Hearing: Upon the hearing, any party or parties may appear in person or by agent or by attorney.

7.5.6 Decisions of the Board of Appeals and Appeals to the Circuit Court:

- a. The ZBA must decide upon all matters within a reasonable time and may reverse or affirm (wholly or partly) the order, requirement, decision, or determination appealed from and must make its order, requirement, decision, or determination as in its opinion ought to be made in the situation before it, and to that end has all the powers of the Zoning Coordinator or Township Board or entity from whom the appeal is taken.
- b. The ZBA's decision must be in the form of a motion containing a full record of its findings and determination in each particular case.
- c. The ZBA's decision is final. A party aggrieved by a decision of the ZBA may appeal to the circuit court for Calhoun County. Such an appeal must be filed within 30 days after the ZBA certifies its decision in writing or approves the minutes of the decision.
- d. A party aggrieved by an order, determination, or decision of the ZBA (or other officer, agency, board, or commission) regarding non-conforming uses or structures may obtain review in the circuit court for Calhoun County, pursuant to 2006 PA 110, as amended.

ARTICLE VIII – AMENDMENT PROCEDURES

SECTION 8.1-INITIATING AMENDMENTS AND FEE: The Township Board may, from time-to-time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein

established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

SECTION 8.2-AMENDMENT PROCEDURES:

- a. This Ordinance may be amended only by following the procedures in 2006 PA 110, as amended, and this Ordinance.
- b. Upon the Township Clerk's receipt of a petition requesting an amendment to this Ordinance, the Township Clerk must transmit the petition to the Township Planning Commission for review and report to the Township Board.
- c. Planning Commission Procedures.
 1. The Planning Commission must establish a date for and hold at least one (1) public hearing on the petition.
 2. Notice of the time and place of the Planning Commission's public hearing must be given as follows:
 - a. If an individual property or ten (10) or fewer adjacent properties are the subject of the petition for rezoning, the Planning Commission must give notice of the petition as follows:
 - i. The Township must publish notice in a newspaper of general circulation in the Township; and
 - ii. The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered; and
 - iii. The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
 - iv. The notice must be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification.

- v. Contents of Notice. The notice must do all of the following:
 - (1) Describe the nature of the proposed amendment;
 - (2) Indicate the property that is the subject of the request. The notice must include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - (3) State when and where the public hearing will be held; and
 - (4) Indicate when and where written comments will be received concerning the proposed amendment.

- b. If 11 or more adjacent properties are proposed for rezoning, the Planning Commission must give notice of the petition proposing rezoning in the same manner as required under the preceding subsection (8.2(C)(2)(a)) except that
 - i. Notice by mail or personal delivery to the owners of property for which approval is being considered is not required; and
 - ii. Notice to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is not required; and
 - iii. No individual addresses of properties are required to be listed in the notice.
 - iv. Notice of the time and place of the public hearing on any proposed zoning amendment must also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registered its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.

- 3. All notices under this section must include the place and time at which the proposed text and any maps of the zoning amendment may be examined.

- 4. Following the required public hearing, the Planning Commission must transmit a summary of comments received at the hearing and its proposed recommendations for disposition of the petition to the Township Board.

- d. Township Board Procedures.

1. After receiving the Planning Commission’s summary of comments and recommendation regarding the petition, the Township Board may hold a public hearing if it considers it necessary or if otherwise required by law. If the Township Board opts to hold a public hearing, the Township Board must give notice of it in the same manner as the Township Planning Commission was required to give notice of its public hearing regarding the petition.
 2. The Township must grant a hearing on a proposed ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk.
 3. If the Township Board deems it advisable to make changes to the proposed amendment forwarded to it by the Planning Commission, the Township Board may refer such to the Township Planning Commission for consideration and comment within a time specified by the Township Board.
 4. The Township Board must consider and vote upon the petition. Any amendment to this Ordinance requires a majority vote by the Township Board.”
- e. Publication. After Township Board approval of an amendment to this Ordinance, the amendment must be filed with the Township Clerk and the Township must publish a notice of ordinance amendment within fifteen (15) days after adoption in a newspaper of general circulation within the Township. The notice of adoption must include the following information:
1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 2. The effective date of the ordinance amendment.
 3. The place where and time when a copy of the ordinance amendment may be purchased or inspected.
- f. A copy of the notice of adoption must be mailed to the airport manager of an airport that registers its name and mailing address with the Township Clerk for the purpose of receiving notice of public hearings on ordinance amendments.

SECTION 8.3-CONFORMANCE TO COURT DECREE: Any amendment for the purpose of conforming a provision of this Ordinance to the decree of a court of competent jurisdiction shall be adopted by the Albion Township Board and the amendments published without referring the same to any other board or agency.

SECTION 8.4-RE-APPLICATION PROCEDURES: No petition to amend the Zoning Ordinance or effect a zoning change shall be considered by the Planning Commission on a property for a period of three hundred sixty-five (365) days from an earlier final action by the

Township Board, except in a case where significant new evidence or proof of substantially changed conditions is found to exist by the Planning Commission.

ARTICLE IX – LEGAL STATUS

SECTION 9.1 - CONFLICT WITH OTHER LAWS: Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE: If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 9.3 - PERIOD OF EFFECTIVENESS: This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 9.4 - REPEAL OF ORDINANCE: The “Zoning Ordinance of the Township of Albion of Calhoun County, Michigan” adopted on May 6, 1996, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 9.5 - EFFECTIVE DATE: This Ordinance was adopted by the Township Board of Albion Township, Calhoun County, Michigan at a meeting held on November 12, 2012, and notice ordered published in the Albion Recorder, a newspaper having general circulation in said Albion Township. This Ordinance shall take effect upon publication of the notice of adoption, or the earliest date authorized by law, whichever first occurs.

(Description of Zoning Districts on next page)

DESCRIPTION OF ZONING DISTRICTS

(ALSO SEE COPY OF OFFICIAL ZONING MAP AT ADDENDUM C)

SECTION 1: District C-1: property tax parcel numbers 13-01-101-081-00 and 13-01-101-087-00.

District RNF: Portion of West 1/2 of Section South of Murdock Drain and North of Albion-Concord Road.

District AG: East ½ of Section; portion of West ½ of Section South of Erie Road and North of Murdock Drain; and portion of Southwest ¼ of Section South of Manor Park and parcels located on South side of Albion-Concord Road having the following property tax parcel numbers:

- 1301-101-132-00
- 1301-101-138-00
- 1301-101-147-00

District RS-1: Platted area (Manor Park) and parcels located on South side of Albion-Concord Road having the following property tax parcel numbers:

- 1301-101-132-00
- 1301-101-138-00
- 1301-101-147-00;

And all the remainder of Section 1 that is in Albion Township.

SECTIONS 4-7: District AG: All of Sections

SECTION 8: District AG; except platted area (Schultzville) shall be RS-1.

SECTION 9: District AG; except platted area (Evergreen Acres and Schultzville) shall be RS-1.

SECTION 10: District AG: South ½ of Section.
District RS-1: North ½; except following portion to be RE
District RE: The part of E ½ of NW ¼ lying S of Kalamazoo River and N of Condit Road, consisting of the following property tax parcel numbers:

- | | |
|-----------------|-----------------|
| 1301-110-003-00 | 1301-110-003-06 |
| 1301-110-003-01 | 1301-110-003-07 |
| 1301-110-003-02 | 1301-110-003-08 |
| 1301-110-003-03 | 1301-110-004-00 |
| 1301-110-003-04 | 1301-110-004-01 |
| 1301-110-003-05 | 1301-110-004-02 |

1301-110-004-03	1301-110-004-06
1301-110-004-04	1301-110-004-07
1301-110-004-05	1301-110-004-08

SECTION 11: District RNF: Northwest $\frac{1}{4}$ of Section
District AG: Remainder of Section

SECTION 12: District RS-1: Platted area (Manor Park and Roadside Acres)
District AG: Remainder of Section

SECTIONS 13-30: District AG: All of Sections

SECTION 31: District MH: S $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section -20 acres
District AG: Remainder of Section

SECTIONS 32-33: District AG: All of Sections

SECTION 34: District C-3: East $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section-20 acres
District C-2: West $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section-20 acres
District AG: Remainder of Section

SECTION 35: District I-1: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section lying South of Highway M60 West; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section BET at a point 41' West of S $\frac{1}{4}$ POST - then North 911' to South ROW of Highway M60 - then East along ROW 151' - then East 357' - then South 939' to South Line of Section - then West 505' to POB. 10.5 acres
District AG: Remainder of Section

SECTION 36: District I-1: SE $\frac{1}{4}$ of Section lying North of Highway M-60
District AG: Remainder of Section

ADDENDUM A District Area, Yard, Height, and Bulk Regulations

Zoning District	Zoning Symbol	Lot Requirements				Min. Yard Requirements (SETBACKS)			Maximum Building Height Requirements		Minimum Transition Strip Requirements	Remarks
		Min. Lot Area	Min Lot Width	Max Lot Coverage	Front	Side	Rear	Principal	Accessory			
Agricultural	AG	1 acre	200'	10%	60'	30' 60**	50'	2 1/2 Story Or 35'	80' 150' for grain handling structures	None	Single-family detached dwelling units. All other uses	
Rural Non-Farm Residential	RNF	1 acre	150'	20%	35'	20' 35**	35'	2 1/2 Story Or 35'	14'	None		
Suburban Residential	RS-1	20,000sq'	100'	30%	35'	10' 25'tot 35**	20'	2 1/2 Story Or 35'	14'	None	Single-family detached dwelling units. All other uses	
		1 acre	120'									
Suburban Residential	RS-2	20,000sq'	100'	30%	35'	10' 25'tot 35**	20'	2 1/2 Story Or 35'	14'	None	Single-family detached dwelling units. All other uses	
		1 acre	120'									
Urban Residential	RU	24,000sq'	100'	30%	25'	10' 25'tot	25'	2 1/2 Story Or 35'	14'	None	Single-family detached dwelling units. All other uses	
Multi-Family Residential	RM	20,000sq'	120'	25%	25'	10' 25'tot 35**	25'	2 1/2 Story Or 35'	14'	None	Two family detached dwelling units without central sewerage and water system	
		20,000sq'	120'								All other uses	
Residential Estate	RE	1 acre	200'	20%	60'	30'	50'	2 1/2 Story Or 35'	14'	None		
Mobile Home Residential	MH	Min. 10 acres			STATE OF MICHIGAN MOBILE HOME PARKS REGULATIONS (SEE ARTICLE IV. 42.7. SEC. C,1)							
		20,000sq'	100'	30%	35'	10' 25'tot 35**	20'	2 1/2 Story Or 35'	14'	None	Mobile Home Park Mobile Home Subdivision	
		1 acre	120'								All other uses	

* Corner Lots

ADDENDUM B District Area, Yard, Height, and Bulk Regulations

Zoning District	Zoning Symbol	Lot Requirements				Min. Yard Requirements (SETBACKS)				Maximum Building Height Requirements		Minimum Requirements	Transition Strip	Remarks
		Min. Area	Lot	Min Width	Lot Coverage	Front	Side	Rear	Principal	Accessory				
Offices	O-1	20,000sq'	100'	100'	35%	25'	10' 25'*	25'	2 ½ Story Or 35'	25'			Use without central sewerage	
Local Comm	C-1	20,000sq'	100'	100'	35%	35'	20' 35'*	35'	35'	-			Use without central sewerage	
General Comm ***	C-2	20,000sq'	75'											
			100'	35%	35'	20' 35'*	20'	35'	-			Use without central sewerage		
Highway Service Comm	C-3	15,000sq'	100'	100'	35%	20'	20' 35'*	20'	35'	-			15' wide and a fence, wall, or hedge 4' to 6' height if abutting a residential district. 20' wide, landscaped strip if fronting a public street.	
Planned Comm Development	PC	(SEE PC DISTRICT)												
Light Industrial	I-1	20,000sq'	80'	80'	35%	35'	20' 35'*	35'	35'	35'	-		25' wide and a fence, wall, or hedge 4' to 6' height if abutting a residential or commercial district. 20' wide, landscaped strip if fronting a public street.	
General Industrial	I-2	2 acres	200'	200'	35%	35'	20' 35'*	35'	35'	35'	-		5' wide and a fence, wall, or hedge 4' to 6' height if abutting a residential or commercial district. 20' wide, landscaped strip if fronting a public street.	

* Corner Lots
 *** In Central Business District, no lot requirements, yard requirements, or transition strips are required; only side yard and rear yard when abutting Residential Districts.

ADDENDUM C
COPY OF OFFICIAL ZONING MAP

(Attached)

Albion Township Zoning Map

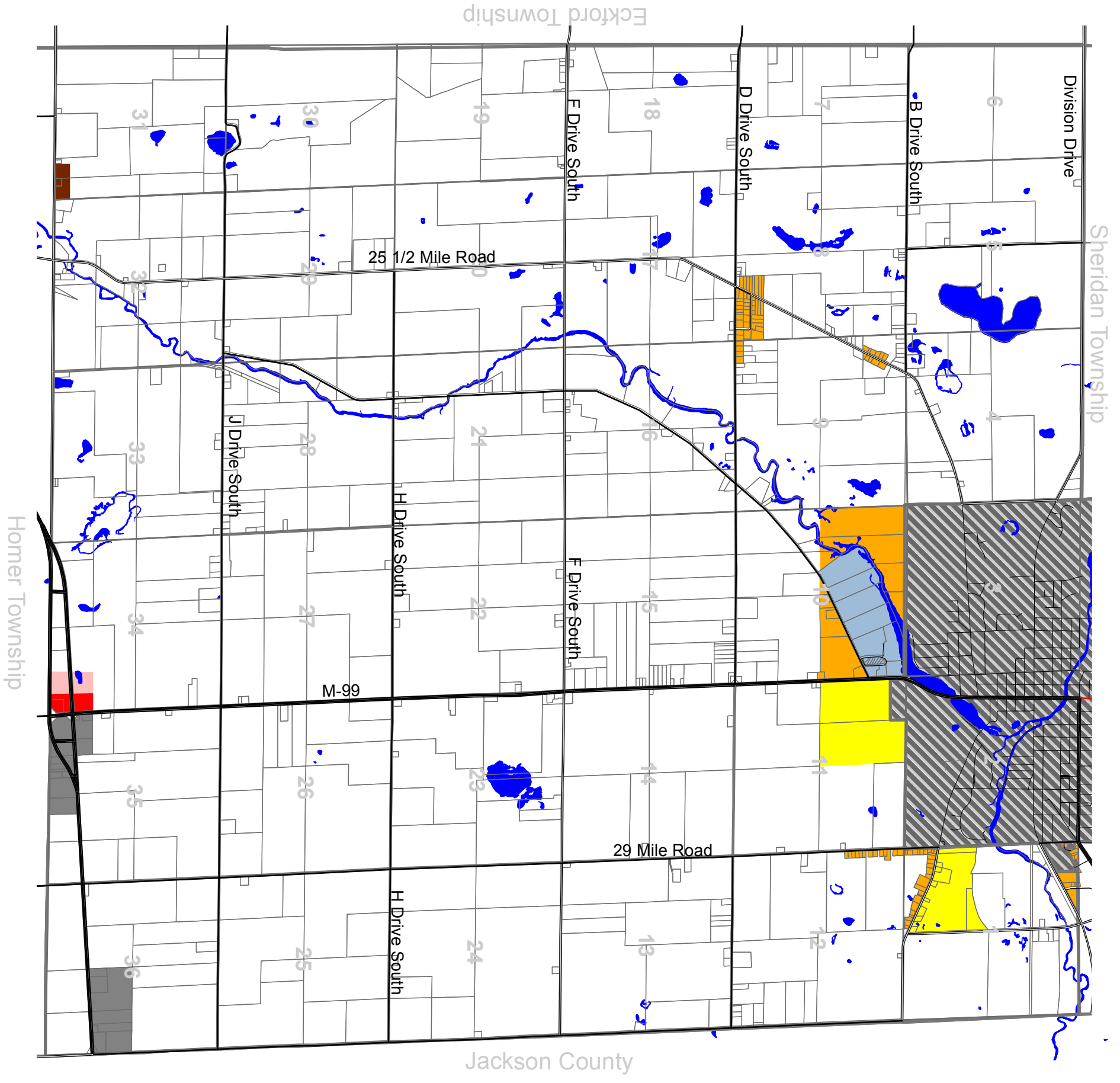
- City Road Paved
- Class A Road
- County Primary
- County Road Double Seal
- County Road Paved
- County Road Unpaved
- I-94 Business Loop
- Interstate Highway
- Michigan State Highway
- Residential Road Paved
- Residential Road Dirt
- Cities
- Township Boundaries
- Lakes, Ponds, Rivers, & Drains
- AG - Agricultural
- RNF - Rural-Non Farm Residential
- RS-1 - Suburban Residential
- RE - Residential Estate
- MH - Mobile Home Residential
- C-1 - Local Commercial
- C-2 - General Commercial
- C-3 - Highway Service Commercial
- I-1 - Light Industrial

0 0.5 1 Miles

Calhoun County, MI

Bedford	Penfield	Convis	Lee	Clarence
Springfield				
Battle Creek	Emmett	Marshall	Marengo	Sheridan
Leroy	Newton	Fredonia	Eckford	Albion
Athens	Burlington	Ireksnsha	Clarendon	Homer

Maps produced by the Calhoun County Planning Department using original data and data from the Michigan Center for Geographic Information, the Calhoun County Equalization Department, and the participating townships.



On November 12, 2012, at a regular meeting of the Albion Township Board, a motion was made by Board Member Ginny Schultz to adopt the above Ordinance, which motion was supported by Board Member Gary Harrison.

Roll call vote taken:

YEAS: Ginny Schultz, Gary Harrison, Tom Frank, Doug Reichow, Kathy Grundemann

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED.

Dated: November 12, 2012

Thomas Frank, Supervisor
Albion Township

CERTIFICATION

I hereby certify that:

1. The foregoing Albion Township Zoning Ordinance, including and incorporating the attached Description of Zoning Districts, Addendum A (District Area, Yard, Height, and Bulk Regulations), Addendum B (District Area, Yard, Height, and Bulk Regulations), and Addendum C (Copy of Official Zoning Map), was adopted by the Albion Township Board on the 12th day of November, 2012, at a regular meeting.
2. Notice of adoption was published in the Albion Recorder on November 29, 2012.
3. I received no notice of intent to circulate a referendum petition on the Ordinance within 7 days after the date the notice of adoption was published.
4. I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted.
5. I filed an attested copy of the Ordinance with the Calhoun County Clerk on December 18, 2012.

Attested by: _____
Kathy Grundemann, Clerk
Albion Township

Dated: December 18, 2012