



Alpine Township 2022 Zoning Map

Adopted by the Alpine Township Board April 16, 2018

As Amended through Ord. No. 21-06

ZONING LEGEND

- Agricultural (A)
- Alpine Township, AG
- Office-Service/Conditional Rezoning, O-S/CR
- Rural Agricultural (R-A)
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Mobile Home Park (R-4)
- Residential Open Space Preservation PUD (ROSP-PUD)
- Open Space Neighborhood PUD (OSN-PUD)
- Mixed Use PUD (M-PUD)
- Office and Service (O-S)
- Commercial (C-1)
- Commercial (C-2)
- Commercial (C-3)
- Commercial (C-4)
- Business PUD (B-PUD)
- Commercial PUD (C-PUD)
- Light Industrial (I-1)
- General Industrial (I-2)
- 4 Mile Road Zoning Overlay

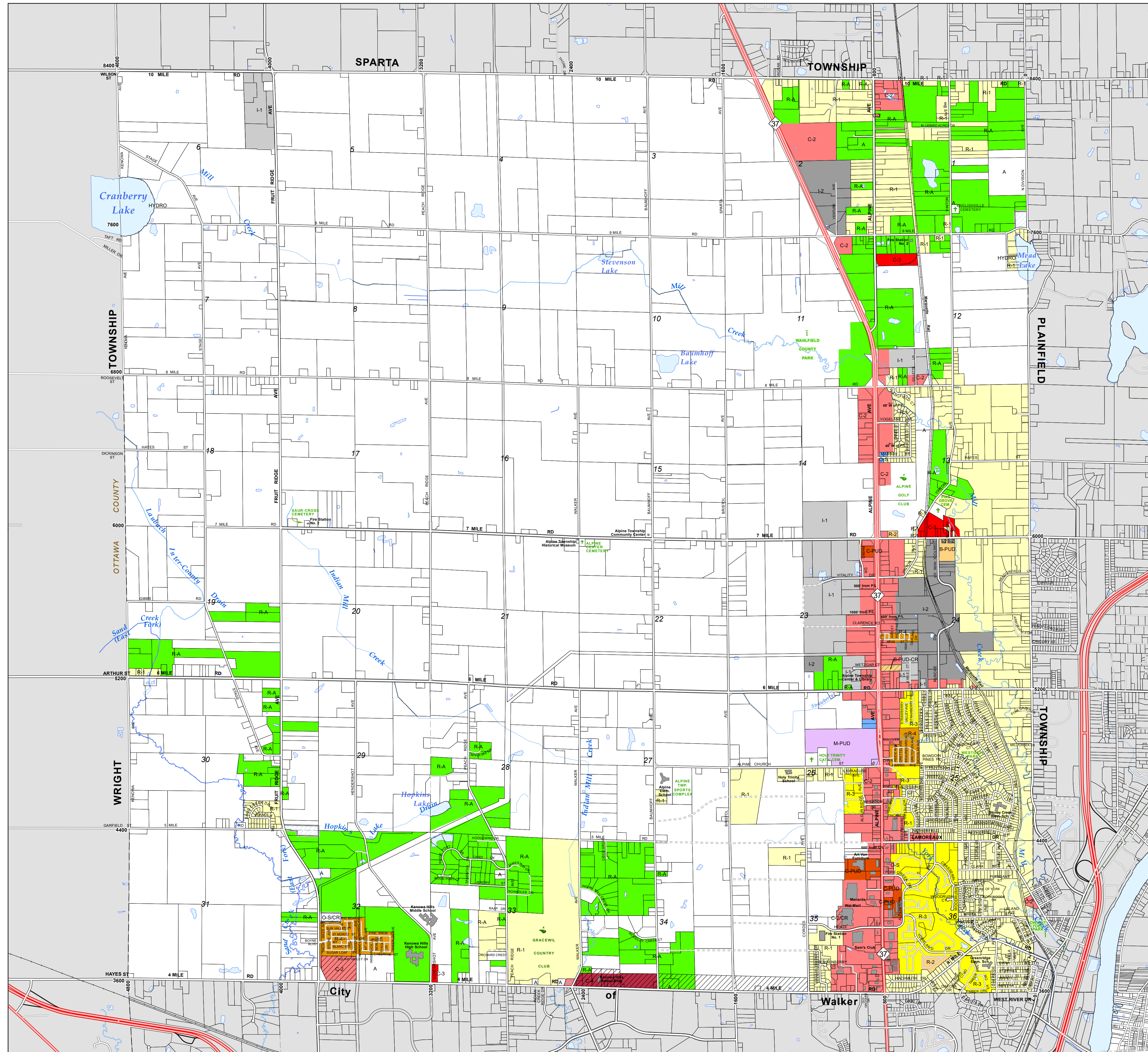
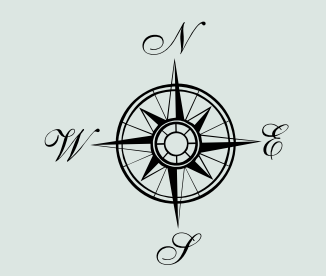
- ### MAP LEGEND
- Roads & Streets
 - Freeway
 - Freeway Ramp
 - Highway
 - Primary
 - Secondary
 - Proposed/Under Construction
 - Private
 - Railroads
 - Section Lines
 - Parcels
 - Major Buildings
 - Municipal Boundaries
 - Parks, Cemeteries, Etc.
 - Lakes & Ponds
 - Rivers & Streams



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0 7501,500 3,000 4,500 6,000 Feet

MAP SCALE 1:21,000



ALPINE TOWNSHIP ZONING ORDINANCE

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Revised 6/21/18

CHAPTER I DEFINITIONS

(ORD. 226; 6/8/78)	(ORD. 94-3; 12/15/94)	(ORD. 09-03; 11/3/09)
(ORD. 9-81; 9/21/81)	(ORD. 95-2; 4/6/95)	(ORD. 10-05; 1/17/11)
(ORD.15-83; 1/16/84)	(ORD. 96-5; 7/29/96)	(ORD. 11-03; 6/20/11)
(ORD. 1-84; 1/16/84)	(ORD. 96-10; 10/21/96)	(ORD. 12-02; 1/16/12)
(ORD. 4-85)	(ORD. 96-11; 10/21/96)	(ORD. 16-01; 7/11/16)
(ORD. 4-88; 1/3/89)	(ORD. 97-3; 6/20/97)	(ORD. 17-01; 11/5/17)
(ORD. 10-89; 9/5/89)	(ORD. 00-06; 9/1/00)	(ORD. 18-05; 1/21/19)
(ORD. 90-2; 3/19/90)	(ORD. 04-03; 5/7/04)	(ORD. 21-02; 2/15/21)
(ORD. 90-2; 5/21/90)	(ORD. 06-01; 2/26/06)	(ORD. 22-01; 2/21/22)
(ORD. 90-7; 6/18/90)	(ORD. 08-01; 3/17/08)	
(ORD. 94-1; 3/21/94)	(ORD. 09-01; 3/31/09)	
(ORD 22-05; 12/19/22)		

ACCESSORY BUILDING. A subordinate building or structure on the same lot with a principal building or a portion of the principal building occupied or devoted to an accessory use. (Ord. 09-03; 11/3/09)

ACCESSORY USE. A use naturally and normally incidental, ancillary, and subordinate to the principal use on a lot. (Ord. 09-03; 11/3/09)

ADULT DAY CARE FACILITY. An establishment having as its principal function the receiving of one (1) or more persons 18 years of age or older for the provision of supervision, personal care, and protection for periods of less than twenty-four (24) hours a day, four or more days a week for two or more consecutive weeks excluding adults related by blood, marriage, or adoption. (Ord. No. 90-7; 6/18/90)

ADULT FOSTER CARE FACILITY. An establishment having as its principal function the receiving of persons eighteen (18) years of age or older for the provision of supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation, as licensed and regulated by the State under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. (Ord. No. 90-7; 6/18/90)

AGRICULTURE. For the purpose of this Ordinance, agriculture shall consist of the art of cultivating the soil, horticulture and animal husbandry. (Ord. No. 22-01; 2/21/22)

AGRICULTURAL LAND. All the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner or by his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute actual farming; and for the purpose of this Ordinance, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; the word "agriculture," "farm", and "farming" shall be considered as synonymous.

AGRICULTURAL SERVICE ESTABLISHMENT. Agricultural service establishments engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and selling;

sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; veterinary services; and facilities used in the research and testing of farm products and techniques. (Ord. No. 4-88; 2/3/89)

AMBIENT SOUND LEVEL or AMBIENT NOISE. Means the totally encompassing sound in a given situation at a given time, and usually composed of sound from many sources, both near and far. (Ord. No. 09-01; 3/31/09)

ANEMOMETER (MET) TOWER. An anemometer tower or MET tower is a meteorological tower that contains instrumentation used to collect wind data, such as anemometers that measure wind speed. (Ord. No. 09-01; 3/31/09)

ANIMAL. Means any living species other than human, insect or plant not otherwise described. For purposes of this Zoning Ordinance the following classifications of animal shall apply:

(a) **DOMESTIC ANIMAL.** An animal that is not likely to bite without provocation nor cause death, maiming or illness of a human and which is usually kept as a pet including but not limited to the following animals: bird (caged), fish, rodent (bred), cat (domestic), lizard (non-venomous), snake (non-venomous), chinchilla (bred), ferret (bred), spider (non-poisonous or non-venomous), dog (domestic). A domestic animal is not a farm animal or a wild animal as defined herein.

(b) **FARM ANIMAL.** Livestock, including beef and dairy cattle, bison, goats, swine (of any size), horses, poultry, llamas, sheep, and other animals raised for commercial profit or consumption.

(c) **WILD ANIMAL.** Means any animal that is not a domestic animal or farm animal as defined herein. A wild animal includes, but is not limited to, lions, tigers, wolves, bears, coyotes, elephants, alligators, crocodiles, primates, snakes over three (3) feet in length, wild or exotic cats (such as, but not limited to, bobcat, cheetah, cougar, lynx, panther, mountain lion, or puma), wild pigs or boar, venomous snakes or venomous reptiles and native Michigan animals. (Ord. No. 21-01; 2/15/21)(Ord. No 22-05; 12/19/22)

ANIMAL HOSPITAL. An institution in which medical or surgical care is provided for other than human beings.

ANIMAL OWNER. Owner when applied to the proprietorship of an animal means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him. For the purposes of this ordinance, any person keeping or harboring any animal for seven consecutive days shall be deemed the owner thereof within the meaning of this ordinance. (Ord. No 22-05; 12/19/22)

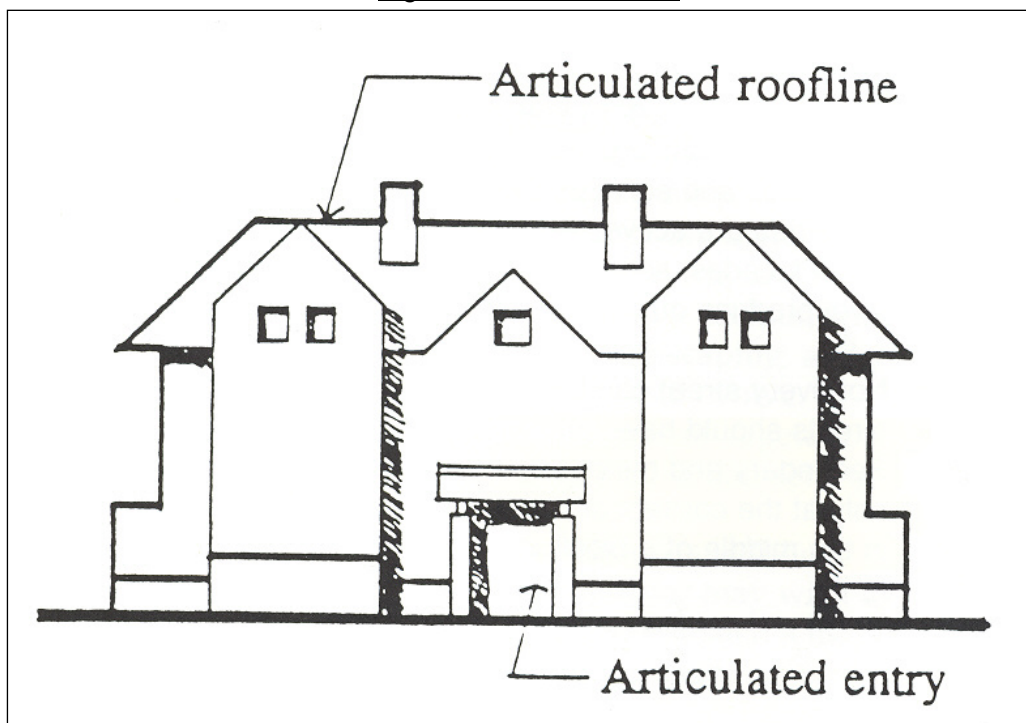
APARTMENT HOUSE. See "Dwelling, Multi-Family".

APPEARANCE TICKET. A complaint of written notice issued and subscribed by a public servant authorized by law to issue it, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his alleged commission of a designated violation or violations of state law or local ordinance, for which the maximum permissible penalty does not exceed ninety (90) days in jail and a fine of Five Hundred (\$500.00) Dollars. (Ord. 8-82)

ARCADE. A continuous passageway parallel to and open to a street, open space, or building and usually covered by a canopy or permanent roofing, and accessible and open to the public. See Figure I-3. (Ord. 04-03; 5/7/04)

ARTICULATED. Clear, distinct and precise in relation to other parts (i.e., an articulated shape.) See Figure I-1. (Ord. 04-03; 5/7/04)

Figure I-1: Articulations



ASSISTED LIVING. Housing for physically impaired, mentally impaired, senior or retired persons providing a special combination of residential housing, personalized supportive services and healthcare. (Ord. 06-01; 2/26/06)

BASEMENT. A floor or level of a building having one or more of its exterior walls located wholly or partially below finished grade, with grade being determined where the top of the ground rests against the building when construction is completed. (Ord. No. 1-84; 1/16/84)

BOARD. Whenever the word "Board" is used, it refers to the Board of Appeals, except where context is clearly otherwise.

BOARDING HOUSE. A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation, other than members of the family occupying such dwelling. (Ord. 16-01; 7/11/16)

BUILDING. Any structure having a roof.

BUILDING INSPECTOR. That individual appointed by the Township Board as the Building Inspector of Alpine Charter Township. (Ord. 8-82)

BUILDING-HEIGHT OF. The vertical distance from the grade plane to the top of the highest roof beams of a flat roof, or the mean level of the highest ridge, gable or hip of a sloped roof. (Ord. No. 96-5; 7-29-96) (Ord. 09-03; 11/3/09)

BULK STATION. A place where crude petroleum, gasoline, naphtha, benzol, kerosene, benzene, or any other liquid except such as will stand a test of 150 degrees Fahrenheit, closed-cup-tester, are stored for wholesale purposes where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

CAMP. "Camp" shall mean and include the temporary or permanent buildings, tents or other structures, together with the appurtenances appertaining thereto, established or maintained as living quarters for children or adults, or both, operated continuously for a period of five (5) days or more, for recreation, education or vacation purposes, on a commercial basis or for charity purposes. The term "camp" shall not be construed to include buildings, tents, or other structures maintained by the owner or occupant or premises used exclusively to house his farm labor.

CARPORT. A building that provides space for the parking of motor vehicles that shall be open on at least two sides. (Ord. No. 09-03; 11/3/09)

CAST STONE. A hardened mix of concrete with a fine stone aggregate, having a surface ground, polished, or molded to simulate natural stone. (Ord. 04-03; 5/7/04)

CHILD DAY CARE FACILITY. A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 166 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. (Ord. No. 90-7; 6/18/90)

COLUMN. A Slender vertical structural member, usually steel, concrete or wood, which supports roof or floor loads. Also a vertical decorative pillar, often of stone, with a cylindrical or polygonal shaft, having a capital and base. See Figure I-2. (Ord. 04-03; 5/7/04)

COMMERCIAL AGRICULTURE. The use of land and/or structures for the growing and/or production of farm products for income, including operations where fruits, vegetables or similar farm products are picked by and sold to the consumer, i.e. "u-pick operations." (Ord. No. 4-88; 1/3/89)

CONTINUING CARE RETIREMENT COMMUNITIES. Residential campuses providing housing for the elderly or retired at different levels of care including private units to assisted living and then skilled nursing care, or convalescent homes, all in one location. (Ord. 06-01; 2/26/06)

COPING. A finishing or protective cap or course to an exterior wall, usually sloped or curved to shed water. (Ord. 04-03; 5/7/04)

CORNICE. Any prominent projecting molded feature surmounting a wall, doorway or other construction. See Figure I-2. (Ord. 04-03; 5/7/04)

CUL-DE-SAC. A dead-end street which has been provided with a turn-around at the closed end.

CURB LEVEL. The mean level of the established curb in front of the building.

CUT-OFF PLANE. A horizontal plane around a light source above which light from the light source does not penetrate. (Ord. No. 00-06; 9/1/00)

CUT-OFF ANGLE. An angle measured upward from a vertical line. (Ord. No. 00-06; 9/1/00)

DOG KENNEL. Any place where more than three dogs over six months of age are housed or cared for and which is not an animal hospital.

DOMESTIC. Of or relating to the home, the household, household affairs, or the family. (Ord. 16-01; 7/11/16)

DORMER. A dormer is a window that is set vertically on a sloping roof. The dormer has its own roof, which may be flat, arched, or pointed. (Ord. 04-03; 5/7/04)

DRIVE-IN. A public eating place where food is prepared and served or sold for consumption other than solely within a building on the premises.

DWELLING OR APARTMENT. A building or a portion thereof designated or used exclusively as a residence or sleeping place for one or more persons, including one-family, two-family and multiple dwellings, apartment hotels with cooking facilities, boarding and lodging houses, and mobile homes used for such purposes, but not including motels, motor hotel, tourist rooms, travel trailers, motor homes, trailers or truck campers. All dwellings shall have a minimum width their entire length of twenty-two (22) feet and a minimum of a double pitched roof of not less than two and one half (2.5) feet of rise for each twelve (12) feet of run. All dwelling shall have a roof overhang of not less than six inches on all sides and shall have either a basement or a crawl space below the entire bottom of the building of four feet with a vapor barrier consisting of visqueen or a minimum of two (2) inches of concrete on the floor of the crawl space, and provided with adequate drains to drain away accumulated water in the crawl space. (Ord. No. 15-83; 1/16/84))

DWELLING, MULTI-FAMILY. A building containing three (3) or more dwelling units arranged either side by side or one above the other.

DWELLING, TWO-FAMILY. A building so erected that it can be occupied by two (2) families living separate and apart from each other and at least duplicating requirements of the "R-2" District.

DWELLING UNIT, FARM. A dwelling unit located on a farm which is restricted to use, or intended for use, by the farm's owner, operator, or person employed thereon. (Ord. No. 4-88; 1/3/89) (Ord. No. 22-01; 2/21/22)

DWELLING UNIT, SINGLE-FAMILY. A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units, which may be in the same structure and containing independent cooking, bathroom and sleeping facilities. Where Housing for Senior or Retired Persons is involved, in addition to the preceding sentence, a dwelling unit can include a room or rooms connected together consisting of a separate independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units, which either contain independent cooking, bathroom, and sleeping facilities or have available to it communal cooking and bathroom facilities. (Ord. 06-01; 2/26/06) (Ord. 16-01; 7/11/16)(Ord. No. 22-01; 2/21/22)

EARTH TONE. Any of various warm, muted colors ranging from neutral to deep brown. (Ord. 04-03; 5/7/04)

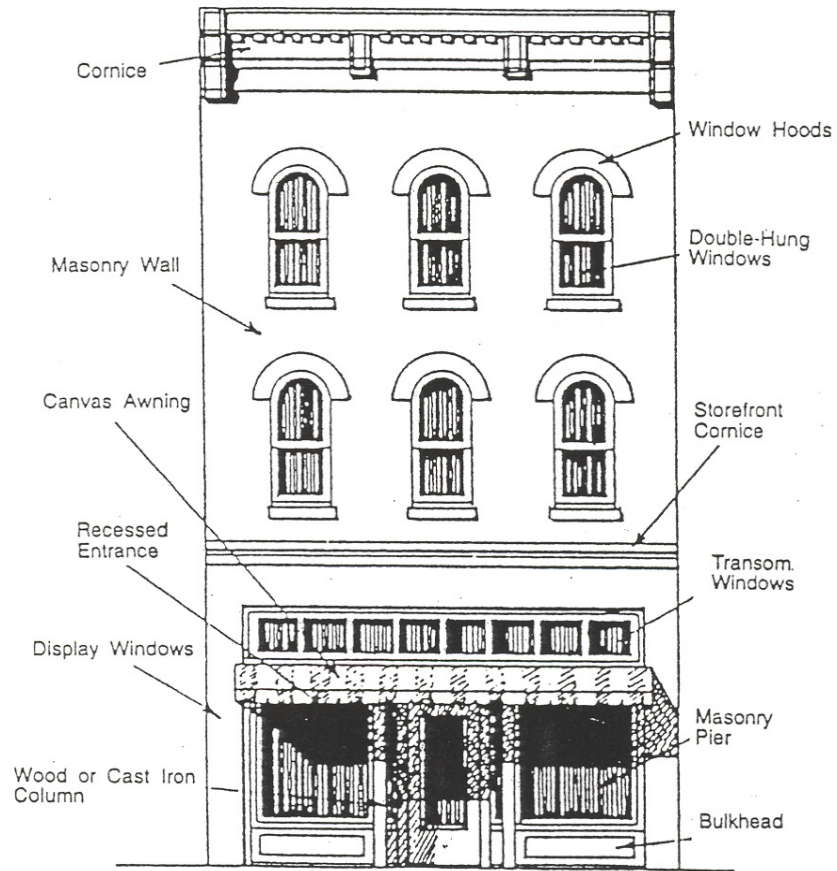
EASEMENT. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. (Ord. No. 90-2; 3/19/90)

HOMES FOR THE ELDERLY OR RETIRED. Housing for the purpose of providing shelter for elderly or retired persons including, but not limited to Independent Living, Assisted Living, Nursing Homes and Continuing Care Retirement Communities. (Ord. 06-01)

ESSENTIAL SERVICES. "Essential Services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electrical substations, telephone exchange buildings, gas regulation stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of utility services by such public utilities or municipal departments or commissions for the public health, safety, and general welfare.

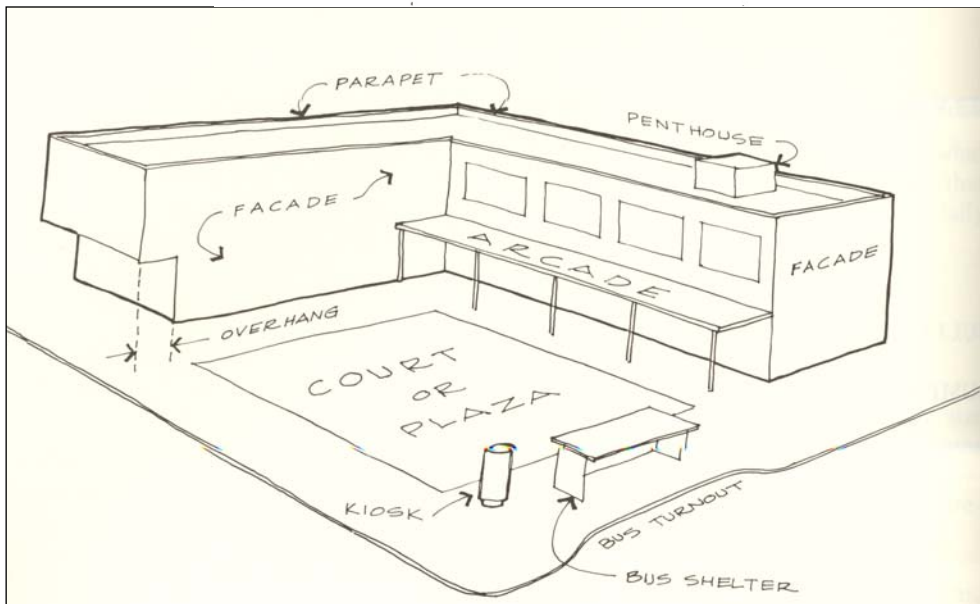
FAÇADE. The exterior walls of a building exposed to the public view or that wall viewed by persons not within the building. See Figures I-2 and I-3. (Ord. 04-03; 5/17/04)

Figure I-2: Facade



Traditional Facade

Figure I-3: Facade



FAMILY.

- (a) A person living alone or two or more persons related by blood, marriage, or adoption, including foster children and domestic servants of the principal occupants who are domiciled together as a single, domestic, nonprofit housekeeping unit in a single dwelling unit, or
- (b) The functional equivalent of a domestic family occupying a single dwelling unit (under one head of household) whose relationship is of a permanent non-transient and distinct domestic character and cooking and living together as a single and separate housekeeping unit. Without limitation, this definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, group of students or other group of persons whose domestic relationship is of a transitory, seasonal or commercial nature, or anticipated to be of a limited or temporary duration (such as a school term or a similar determinable period). This definition does not include state-licensed residential facilities having more than six individuals. (Ord. 16-01; 7/11/16)

FARM. A farm is a form of business enterprise in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of farm products, as described herein, for profit which provides a major source of income and capital for reinvestment. (Ord. No. 4-88; 1/3/89)

FARM BUILDINGS. Any building or accessory structure other than a dwelling unit of any kind; which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milkhouse. (Ord. No. 4-88; 1/3/89)(Ord. No. 22-01; 2/21/22)

FARM LABOR HOUSING. A tract of land, mobile homes, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for migratory workers engaged in agricultural activities, including related food processing. (Ord. No. 4-88; 1/3/89)

FARM OPERATION. A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor. (Ord. No. 4-88; 1/3/89)

FARM PRODUCTS. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber, fur or flora. Farm Products do not include marihuana as defined in this Ordinance. (Ord. No. 4-88; 1/3/89)(Ord. 17-01; 11/5/17)

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. (Ord. No. 96-10; 10/21/96)

FIXTURE: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control such as a reflector (mirror) or refractor (lens), the ballast, housing, and other attached parts. (Ord. No. 00-06; 9/1/00)

FLAG POLE. Any pole, or staff on which a flag is displayed or hung. (Ord. No. 95-2;4/6/95)

FLOOR AREA. The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling, and basements. (Ord. No. 1-84; 1/16/84)

FLOOR AREA – GROSS. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes such as the outdoor sale of merchandise. (Ord. No. 94-1; 3/21/94)

FLOOR AREA – USABLE. For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable area for a building shall include the sum of the usable floor area for all floors. (Ord. No. 94-1; 3/21/94)

FREESTANDING WIND ENERGY SYSTEM (WES). A WES that is not mounted or attached to an existing structure or building. (Ord. No. 09-01; 3/31/09)

FRONTAGE. That side of a lot abutting on a street. (Ord. 04-03; 5/17/04)

GARAGE-PRIVATE. A detached accessory building or an attached portion of a principal building used primarily for the parking or storage of passenger motor vehicles. To qualify as private garage, the building shall have doors of sufficient size for passenger motor vehicles to enter and exit and the property shall have an unobstructed pathway that enables passenger motor vehicles to access the garage. (Ord. 09-03; 11/3/09) (Ord. 12-02; 1/16/12)

GARAGE-PUBLIC. A building, other than a private garage, used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GASOLINE SERVICE STATION. A structure or structures and space combined, used solely for either/or both the sale and installation in or upon motor boats or motor vehicles of the usual operating commodities such as gasoline, fuel oil, oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers and other minor accessories, or services such as washing, wiping, cleaning and waxing, or repair of tires, lights, charging of batteries and tune-ups. No major repair or refinishing of motor boats or motor vehicles shall be permitted in gasoline filling stations.

GLARE. Light directly visible to a viewer's eye, either directly from a light source, reflected or refracted. (Ord. No. 00-06; 9/1/00)

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. (Ord. No. 09-03; 11/3/09)

GREENBELT. A natural or planted landscaped area consisting of trees, shrubs, bushes, and grasses designed to provide a visual and spatial buffer between land uses. (Ord. 10-89; 9/5/89)

GREENHOUSES, COMMERCIAL WHOLESALE.

A facility whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of flowers and other plants for subsequent sale to retail businesses which may or may not include office related support services.

HOME OCCUPATION. An activity carried out for remuneration by a resident conducted as an accessory use in the resident's dwelling unit. (Ord. No. 90-9; 6/18/90)

HOMES OR HOUSING FOR SENIOR OR RETIRED PERSONS. Housing for the purpose of providing shelter for senior or retired persons including, but not limited to Independent Living, Assisted Living, Nursing Homes and Continuing Care Retirement Communities. (Ord. No 06-01; 2/26/06)

HOSPITAL. An institution in which sick or injured human beings are given medical or surgical care.

HOTEL. A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singularly for hire, in which provision is not made for cooking in any individual apartment, and in which there are more than twenty (20) sleeping rooms, with or without a public dining room for the accommodation of guests and a general kitchen.

INDEPENDENT LIVING. Housing designed specifically for independent senior adults who want to enjoy a lifestyle filled with recreational, educational and social activities with other seniors. (Ord. 06-01; 2/26/06)

INDUSTRIAL BUILDING. Any building used for business or industry in an industrial zone.

INTERCONNECTED WIND ENERGY SYSTEM (WES). A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system. (Ord. No. 09-01; 3/31/09)

JUNK YARD. An open space where discarded or salvaged materials are either bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including housewrecking and structural steel materials and equipment and automobile wrecking.

LIGHT SOURCE. A light bulb or other source within a luminaire. (Ord. No. 00-06; 9/1/00)

LINTEL. A beam supporting the weight above a door or window opening. (Ord. 04-03; 5/17/04)

LOT. A parcel of land exclusive of any adjoining street or street right-of-way, separated from other parcels by legal description or by a subdivision of record or survey map recorded with the Register of Deeds, which parcel is or may be occupied by one main building or use and its accessories including the open spaces required by this Ordinance; the word "lot" shall include "plot" or "parcel".

Lot(s) shall also mean the same as Building Site(s) and is that portion(s) of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the Master Deed. Lot may be further defined as:

(a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by this Ordinance; or

(b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as required by this Ordinance. (Ord. No. 90-2; 3/19/90)

A lease in excess of one year in the case of a Wind Energy System, Anemometer (MET) Tower, or wireless communication tower or facility will not result in the creation of a lot for Zoning Ordinance purposes. (Ord. No. 90-01; 3/31/09)

LOT AREA. The area contained within the lot lines or property boundary. (Ord. No. 10-89; 9/5/89)

LOT, CORNER. A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the centerline of the street is one hundred thirty-five degrees (135°) or less or a lot abutting upon a curved street or streets if tangents to the curve at the two (2) points where the lot lines meet the centerline curve form an interior angle of one hundred thirty-five degrees (135°) or less. (Ord. No. 10-89; 9/5/89)

LOT COVERAGE. The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls or hedges used as fences, or swimming pools.

LOT DEPTH. The distance between the front lot line and the rear lot line measured along the median between the side lot lines. (Ord. No. 10-89; 9/5/89)

LOT, DOUBLE FRONTAGE. Any lot, excluding a corner lot which fronts on two (2) streets which do not intersect. (Ord. No. 10-89; 9/5/89)

LOT - INTERIOR. A lot which has frontage on only one (1) street.

LOT LINES. The lines bounding any premises.

LOT LINE - FRONT. The lot line separating a lot from a street right-of-way, private road, or other thoroughfare. (Ord. No. 10-89; 9/5/89)

LOT LINE - REAR. The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregular shaped lot or parcel, an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. (Ord. No. 10-89; 9/5/89)

LOT LINE - SIDE. Any lot line other than a front or rear lot line. (Ord. No. 10-89; 9/5/89)

LOT - THROUGH. An interior lot having frontage on two (2) streets.

LOT WIDTH. The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required building setback line. (Ord. No. 10-89; 9/5/89)

MARIHUANA. The term shall have the meaning given to it in Section 7106 of the Michigan Public Health Code, Public Act 368 of 1978, as amended; as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008. (Ord. 10-05; 1/17/11)

MARIHUANA FACILITY. The term shall have the same meaning as that term is used in the Medical Marihuana Facilities Licensing Act, Act No. 281 of 2016, as amended. (Ord. 17-01; 11/5/17)

MARIHUANA ESTABLISHMENT. The term shall have the same meaning as that term is used in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018, as amended. (Ord. 18-05; 1/21/18)

MOBILE HOME. A structure which is designed and constructed in such a manner that it is or may be mounted on wheels and moved on the street or highway, propelled or driven by its own or other motive power, and shall include such dwelling units before November 6, 1974, built according to A.N.S.I. standards, November 6, 1974 through June 15, 1976, designated as mobile homes by the Bureau of Construction Code, Department of Labor, State of Michigan, and from June 15, 1976, mobile homes as designated by the H.U.D. of the Federal Government, through its approved agencies and includes those structures as defined by Act No. 419 of Michigan Public Acts of 1976 as amended. (Ord. No. 9-81; 9/21/81) (Ord. No. 15-83; 1/16/84)

MOBILE HOME PARK. Any parcel or tract of land used for the purposes of supplying the location or accommodation for mobile homes and accessory uses and shall include all buildings used or intended to be used as part thereof, but not including mobile homes sales lots upon which unoccupied units are parked for the purpose of inspection and sale to be moved from the site and includes that which is so defined by Act No. 419 of Michigan Public Acts of 1976 as amended. (Ord. No. 9-81; 9/21/81) (Ord. No. 15-83; 1/16/84)

MOTEL. Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as motels, motor courts or cabins, and as distinguished from furnished rooms in an existing residential building.

MOTOR HOTEL. A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals in which, as a rule, the rooms are occupied singularly for hire in which provision is not made for cooking in any individual apartment, but there is a general kitchen, and in which there are more than twenty (20) sleeping rooms, with or without a public dining room, for the accommodation of transient tourist trade.

MOTOR VEHICLE SALES - NEW. An authorized dealership primarily for the sale of new motor vehicles subject to licensing, but as an incidental use may include the sale of used motor vehicles which are subject to licensing and truck campers attached to trucks prior to delivery to the dealership. Said dealership shall have complete facilities housed in a building on the premises for the display of new motor vehicles, for the service, repair and restoration of new and used motor vehicles and for the sale of new accessories.

MOTOR VEHICLE SALES - USED. An authorized dealership for the sale of used vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

MULLION. A vertical member between the lights of a window. (Ord. 04-03; 5/17/04)

MULTI-FAMILY COMPLEX. More than one multi-family building or one two-family dwelling placed upon one parcel of property. (Ord. No. 226, 6/6/78).

NACELLE. In a WES, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components. (Ord. No 09-01; 3/31/09)

NONCONFORMING STRUCTURE. A structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto and which does not conform to the regulations of the district in which it is located.

NONCONFORMING USES. The use of a building, structure, lot or parcel of land lawfully existing at the adoption of this Ordinance, or any amendment thereto, which does not conform to the regulations of the district in which it is located.

NURSING HOMES. Skilled nursing facilities designed for seniors, or persons who are physically or mentally impaired who are in need of 24-hour nursing care. (Ord. 06-01; 2/26/06)

ON-SITE USE WIND ENERGY SYSTEM (WES). It is an accessory use that *primarily* serve the energy needs of the consumer on the lot or parcel where the WES is located. It may or may not be connected to the local electrical power utility system to sell or provide electricity in excess of what is needed on-site.

OUTDOOR EATING AREA. An area adjacent to and part of a permitted eating and drinking establishment which is outdoors but may partially be enclosed by a roof or walls.

OUTDOOR LIGHT FIXTURES. Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for (Ord. No. 00-06; 9/1/00):

- (a) Buildings and structures, including canopies and overhangs
- (b) Recreational areas
- (c) Parking lot lighting
- (d) Landscape lighting
- (e) Billboards and signs
- (f) Street lighting
- (g) Display and service areas

PARAPET. The extension of the main walls of a building above the roof level. See Figure I-3. (Ord. 04-03; 5/17/04)

PARKING LOT LIGHT POLES. Vertical structural supports upon which an outdoor light fixture is attached for the purposes of illuminating a driveway, parking, loading, or sidewalk area. (Ord. No. 00-06; 9/1/00)

PIER. A short, below-ground column, usually concrete, which transfers the load of a structural column to a footing. (Ord. 04-03; 5/17/04)

PILASTER. A rectangular projection from a wall, used to strengthen the wall. Also a decorative wall feature with a capital, shaft and base, which simulates a column. (Ord. 04-03; 5/17/04)

PLACE. An open unoccupied space dedicated to purposes of access for abutting property.

PLAYHOUSE. A building that is intended for use by children and has entryway(s) not greater than two feet in width. (Ord. No. 09-03; 11/3/09)

PORCH, ENCLOSED. A covered entrance to a building or structure which is totally enclosed and projects out from the wall of said building or structure and has a separate roof or integral roof with the principal building or structure to which it is attached. (Ord. No. 90-2; 5/21/90)

PORCH, UNENCLOSED. A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof and projects out from the wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. (Ord. No. 90-2; 5/21/90)

PORTICO. A porch having a roof supported by columns, often leading to the entrance of a building. (Ord. 04-03; 5/7/04).

PRIMARY COLOR. A color, as red, yellow or blue, that in mixture leads to other colors. (Ord. 04-03; 5/7/04)

PRINCIPAL BUILDING: The primary or predominant building on a lot. (Ord. 09-03; 11/3/09)

PRINCIPAL USE. The primary or predominant use of the premises.

PRIVATE ROAD. A roadway contained within a private road easement which is privately owned and maintained and which provides the principal means of access to one or more abutting lots. (Ord. No. 90-2; 3/19/90)

PRIVATE ROAD EASEMENT. An easement which is granted exclusively for private access to one or more parcels of land and which contains a private road. (Ord. No. 90-2; 3/19/90)

RESTAURANT. A public eating place where food is prepared and served or sold for consumption solely within a building on the premises and which as an incidental part of said principal business may permit food to be taken from the premises for consumption. Property owned, leased, or in which an owner of a restaurant has an interest shall be considered as restaurant premises if used in the operation of such business.

RETAINING WALL. A wall designed to provide lateral support to higher ground at a change of grade. (Ord. No. 08-01; 3/17/08)

SCHOOL. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. (Ord. No. 96-11; 10/21/96)

SCHOOL, PUBLIC. Any building or group of buildings the use of which meets State of Michigan requirements for elementary, secondary, or higher education and which is funded primarily by the State of Michigan and local school boards. (Ord. No. 96-11; 10/21/96)

SCHOOL, PRIVATE. Any building or group of buildings the use of which meets State of Michigan requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency or school board. (Ord. No. 96-11; 10/21/96)

SEPARATE OWNERSHIP. A lot of record owned at the effective date of this Ordinance by persons having no such legal property rights in adjacent premises, that such adjacent premises can be used with said separately owned lot for building purposes.

SETBACK. The minimum unoccupied horizontal distance between the lot line and the wall of the principal or accessory building. (Ord. No. 90-2; 5/21/90)

SEXUALLY ORIENTED BUSINESSES. See Chapter 21 for definitions. (Ord. 11-03; 6/20/11)

SHADOW FLICKER. Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings. (Ord. No. 09-01; 3/31/09)

SHIELDED OR FULL CUT-OFF FIXTURES. Fixtures that are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected only below a horizontal plane running through the lowest point on the fixture where light is emitted. (Ord. No. 00-06; 9/1/00)

SIGNS. See Chapter 20 for definitions. (Ord. No. 08-01; 3/17/08)

STABLE. A structure, building or land used for the keeping, care and raising of horses. (Ord. No. 6-88; 1/3/89)

- (a) STABLE - COMMERCIAL - Any lot or parcel where horses are kept for training, riding, stabling or breeding for compensation.
- (b) STABLE - PRIVATE - Any lot or parcel where horses are kept and used solely by the owner or owners of the lot or parcel with no commercial activities involved.

STATE-LICENSED RESIDENTIAL FACILITY. Means a structure constructed for residential purposes that is licensed by the State of Michigan pursuant to the Adult Foster Care Facility Licensing Act (Public Act 218 of 1979, as amended), or the Child Care Organizations Act (Public Act 116 of 1973, as amended) that provides resident services for persons under 24-hour supervision or care for persons in need of that supervision or care. (Ord. 16-01; 7/11/16)

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. (Ord. 09-03; 11/3/09)

STREET. Any public thoroughfare dedicated for the purpose of traffic circulation and principle means of access to abutting property including any avenue, place, way, drive, boulevard, highway, road, or other thoroughfare except an alley. (Ord. No. 90-2; 3/19/90)

STREET RIGHT-OF-WAY. A general term denoting land, property, or a property interest, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated for public use. (Ord. No. 90-2; 3/19/90)

STRUCTURE. Anything constructed, erected, or to be moved to or from any premises which requires permanent location above, on, or below the ground or attachment to something having location, including commercial advertising signs.

STRUCTURE - ALTERATIONS. Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

STRUCTURE-MOUNTED WIND ENERGY SYSTEM (WES). A WES mounted or attached to an existing structure or building. (Ord. No. 09-01; 3/31/09)

THEATER - INDOOR. An indoor theater shall be any building used for the presentation of dramatic spectacles, shows, movies, or other entertainment which building has a roof completely sheltering actors and patrons, open to the public, with or without charge.

THEATER - OUTDOOR. An outdoor theater shall be any place other than an Indoor Theater used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public with or without charge, including drive-in theaters.

THREE SEASON ROOM. A room which is part of the principal dwelling unit but which lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy. (Ord. No.94-3; 12/15/94)

UTILITY GRID WIND ENERGY SYSTEM (WES). One or more WES placed upon a lot or parcel whose purpose is to sell or provide electricity to a site or location other than the premises upon which the WES are located. A Utility Grid WES is designed and constructed to provide electricity to the local electrical power utility system and may or may not be owned by the owner of the lot or parcel upon which the WES is placed. (Ord. No. 09-01; 3/31/09)

WIND ENERGY SYSTEM (WES). Shall mean any combination of the following:

- (i) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft;
- (ii) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical power;
- (iii) 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;
- (iv) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- (v) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- (vi) A windmill traditionally used to pump water or grind grain shall not be considered a Wind Energy System. This does not include wiring to connect the WES to the electric utility grid. (Ord. No. 09-01; 3/31/09)

WIND ENERGY SYSTEM (WES) HEIGHT. The distance from the ground at normal grade and the highest point of the WES; which is the tip of a rotor blade when the blade is in full vertical position. The height of a Structure-Mounted WES is also measured from the ground at normal grade. (Ord. No. 09-01; 3/31/09)

WIND ENERGY SYSTEM (WES) SETBACK. The distance from the base of the tower or structure upon which the WES is mounted to the nearest property line. (Ord. No. 09-01; 3/31/09)

YARD. An open space, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance.

YARD - FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the nearest wall of the building. (Ord. No. 90-2; 5/21/90)

YARD - REAR. A space unoccupied, except for an accessory building, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest wall of the building. (Ord. No. 90-2; 5/21/90)

YARD - SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest wall of the building. (Ord. No. 90-2; 5/21/90)

CHAPTER II

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device and there is no more than twenty (20) feet between a load-bearing wall of the principal building and a load-bearing wall of the accessory building.

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

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

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

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

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

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

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

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

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

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

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

- (c) All Other Zoning Districts: The following regulations apply to detached accessory buildings in all zoning districts other than Agricultural or Residential districts and for non-residential uses within the M-PUD zoning district, except as otherwise provided in this Ordinance.
- (1) Front Yard Setback and Lot Coverage: The minimum setback from the front lot line shall be the same as required for a principal building. A detached accessory building may be located in front of the principal building, but no closer to the front lot line than the required front setback, if it does not occupy more than thirty (30) percent of the front yard area between the building line of the principal building and the required front setback line and is setback from the side lot line the same distance as required for the principal building.
 - (2) Side Yard Setback and Lot Coverage: The minimum setback from the side lot line shall be the same as required for the principal building. A detached accessory building located in the side yard shall not occupy more than thirty (30) percent of the side yard between the building line of the principal building and the required side yard setback line.
 - (3) Rear Yard Setback and Lot Coverage: A detached accessory building located in the rear yard shall be no closer than five (5) feet from the rear lot lines. An accessory building in the rear yard shall occupy no more than thirty (30) percent of the rear yard between the building line of the principal building and the required accessory building setback line.

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

SECTION 2.03 PROHIBITED USES AND UN DESIGNATED USES.

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

(b) Prohibition on Marihuana Facilities and Marihuana Establishments:

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

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

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

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

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

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

SECTION 2.04 REQUIRED WATER SUPPLY AND SANITARY SEWER FACILITIES.

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

SECTION 2.05 DAMAGED BUILDINGS.

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

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

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

(a) KEEPING OF ANIMALS

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

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

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

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

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

- (b) **LIMIT ON NUMBER OF DOGS.** No household owner may have within his or her care, custody, or control more than 3 dogs other than dogs under 6 months of age born to a female dog under the care, custody, or control of such household owner or a resident family member, provided that this provision shall not be construed to require any person to dispose of any licensed dog owned by such person at the effective date (May 17, 1993) of the former Animal Control Ordinance (Ord. #93-4).
- (c) **LIMIT ON NUMBER OF CATS.** All households shall have within its care, custody, or control within the Township no more than four (4) cats other than cats under 6 months of age born to a female cat under the care, custody, or control of such household, provided that this provision shall not be construed to require any household to dispose of any cat owned by such person at the effective date (March 23, 2022) of the former Animal Control Ordinance (Ord. #21-01).

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

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

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

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

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

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

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

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

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

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

SECTION 2.11 EXISTING LOTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of excavations and proper termination of utility connections.

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

SECTION 2.25 REQUIRED AREA OR SPACE.

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

hazard for vehicles using the premises and not in any regularly used portion of the property used by vehicles.

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

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

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

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

(a) GENERAL REQUIREMENTS FOR ALL POOLS -

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

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

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

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

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

- (4) Such pool shall be fenced in such a manner as to screen the pool from the view of passersby.
- (d) MOTEL AND HOTEL POOLS - Pools may be installed in the front yard or the rear yard of lots occupied by motels or hotels.

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

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

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

(a) STREET INTERSECTION

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

(b) DRIVEWAY; STREET INTERSECTION

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

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

- (a) The use of a basement as a dwelling is prohibited in all zones. The use of the basement of a partially built or planned building as a dwelling unit is prohibited in all zones. The use of a basement that is part of a dwelling unit that meets all the requirements hereof for dwelling purposes is permitted, provided the requirements of the Construction Code as adopted and/or enforced by the Township are met.
- (b) Other provisions notwithstanding, in addition to the above, a basement may be used for dwelling purposes and included within the minimum square footage requirements only where the following are met:
 - (1) A site plan is filed and approved as required in Section 11.03(h).

- (2) No point of the basement shall be more than fifty (50) feet by the way of travel from an exit opening directly to the outside of the dwelling.
- (3) If the basement floor, after construction and final grading is completed, is not greater than forty-two (42) inches below grade at any point around its exterior walls.
- (4) If the basement floor, after construction and final grading is completed, is not more than sixty (60) inches below grade at any point around its exterior walls and at least fifty-five (55) percent of all of the basement's exterior walls are completely exposed and above grade at the base of such exposed exterior walls.

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

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

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

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

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

- (a) DEFINITIONS: For purposes of this section, the following terms are defined as follows:
- (1) An "existing private road" is a private road which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this Amendment.
 - (2) A "lot" as used herein, is a lot which, as of the effective date of this Section, meets the requirements of the Township and at least one of the following conditions:
 - (a) The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Kent County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Kent County Register of Deeds, and
 - (b) The lot has been assigned its own permanent parcel number by the Kent County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - (c) The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Kent County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
 - (3) An "existing building" or an "existing dwelling unit" is a building or dwelling unit for which a building permit has been issued by the Township and the construction of which has been initiated as of the effective date of this Amendment.
- (b) GENERAL REQUIREMENTS AND APPLICATION TO EXISTING PRIVATE ROADS (Ord No. 00-04; 6-2-00)
- (1) No private road shall be created (including the creation or recording of an easement for the same and lots utilizing a private road), installed, constructed, extended or utilized unless first approved by the Planning Commission as a special use pursuant to the procedures contained in Chapter XXI of this Ordinance. No special use shall be approved by the Planning Commission until and unless it determines that the standards of this Section 2.34 are met as well as those contained in Chapter XXI.
 - (2) Private roads (and developments utilizing private roads) may be approved as a special land use by the Planning Commission in all zoning districts except the agricultural, Commercial, Office-Service and Industrial Zones.

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

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

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

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

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

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

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

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

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

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

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

(1) **Application and Fee**

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

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

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

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

ii. Proof that the road maintenance agreement, easement agreement, or deed restrictions document (which received prior approval of the Township) had been properly executed and recorded with the Kent County Register of Deeds office.

(e) Private Road Permit Issuance - Upon approval of items required for final compliance, the Planning Director or Zoning Administrator shall issue a Private Road Permit.

(f) Permits for Buildings on Private Roads - A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private road unless (i) the private road has been completed in accordance with an approved Private Road Construction Permit, or (ii) the applicant for the building permit or the owner(s) of the private road right-of-way have provided the Township with an irrevocable letter of credit in an amount determined by the Township to insure construction of the private road in accordance with the approved private road construction permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) **APPLICABILITY**

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

(b) **LOCATION AND HEIGHT REQUIREMENTS**

(1) Front Yard.

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

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

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

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

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

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

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

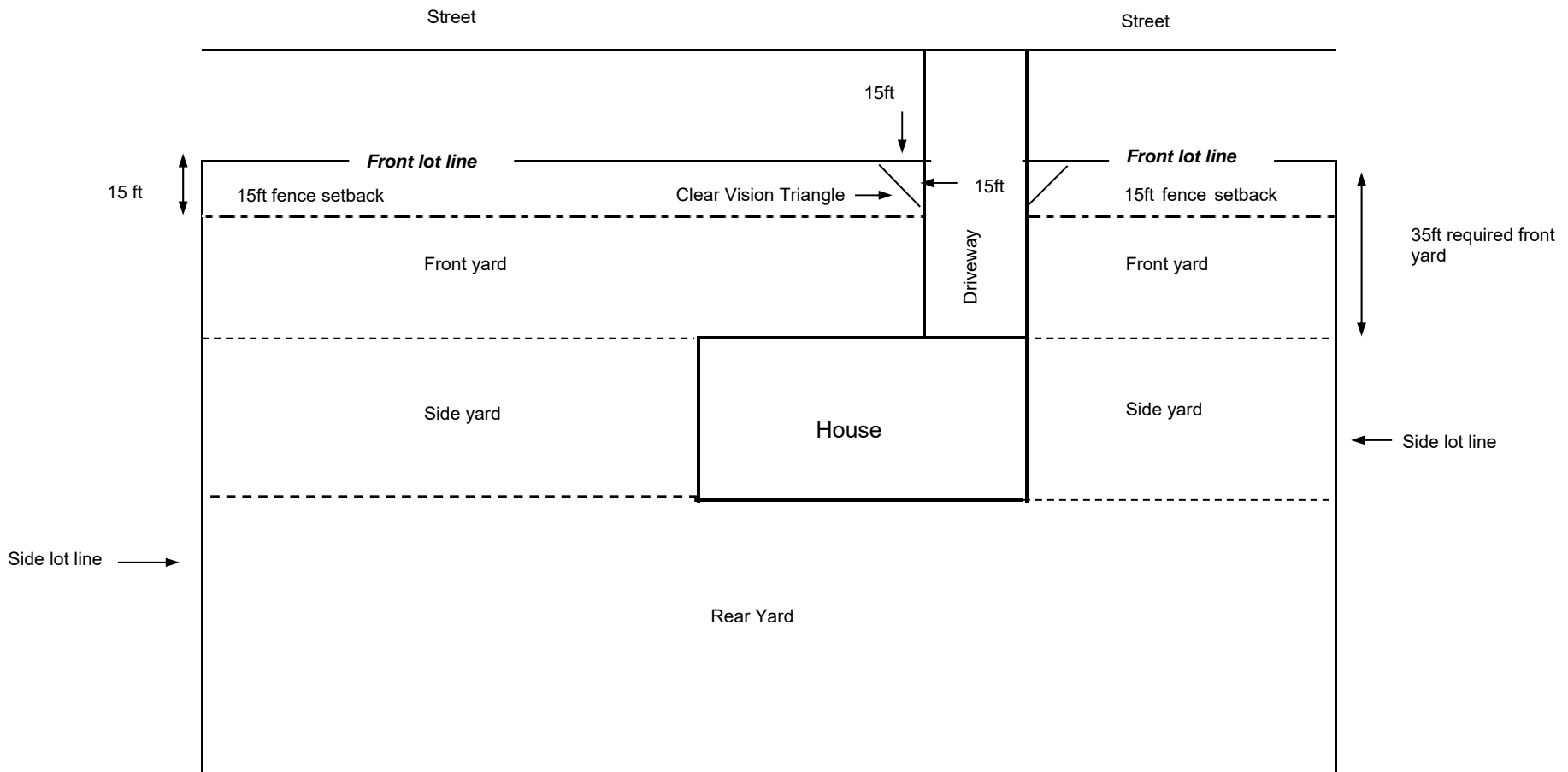
(4) Clear Vision. A fence or wall shall comply with the requirements of Section 2.30 herein.

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

(c) MEASUREMENT, ORIENTATION, MATERIALS AND MAINTENANCE

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

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



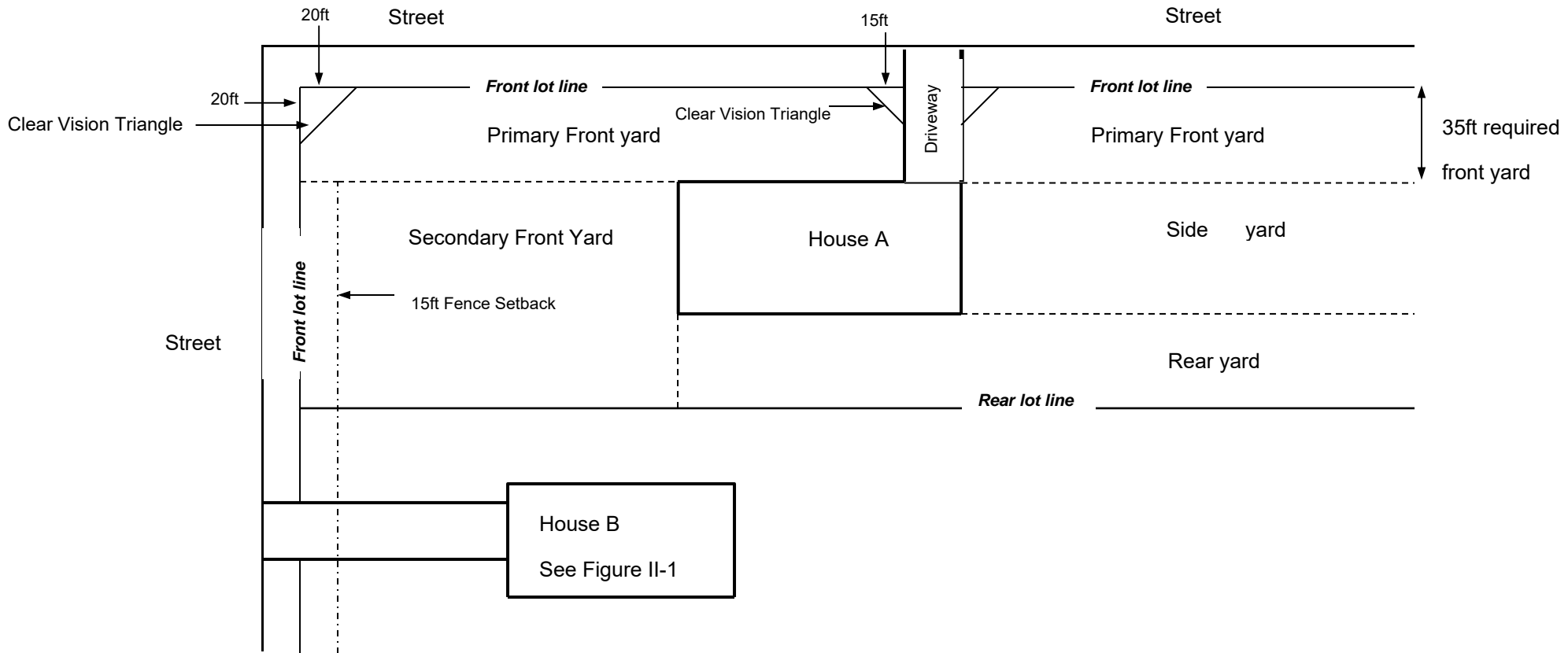
Front yard: Maximum 6-foot solid fence adjacent to side lot line and setback 15 ft. from front lot line.

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

Side yard: Maximum 6-foot solid fence.

Rear yard: Maximum 6-foot solid fence.

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



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

Secondary front yard: Maximum 6-foot solid fence or wall setback 15 feet from front lot line parallel to side of building.

3-foot solid fence or wall, 4-foot "see-through" fence.

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

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

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

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

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

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

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

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

1. Façade material and colors

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

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

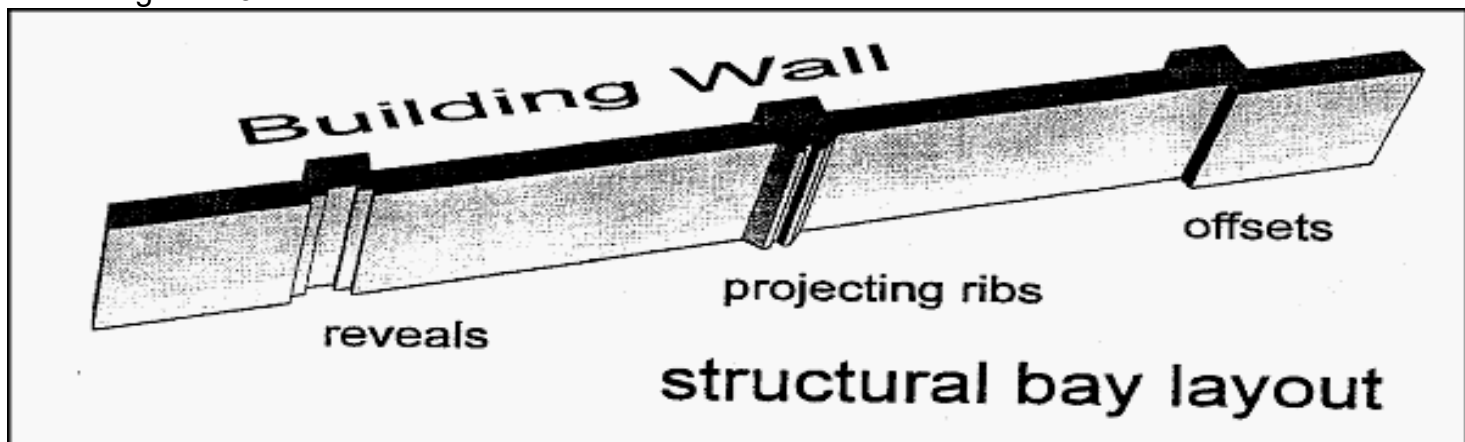
2. Smooth-faced gray concrete masonry units and smooth-faced pre-cast concrete panels are prohibited.
3. Metal and vinyl sidings, E.I.F.S. (Exterior Insulation Finishing Systems) and wood are prohibited as primary exterior surface materials. These materials may be used as trim materials covering no more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

B. Wall Designs and Features

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

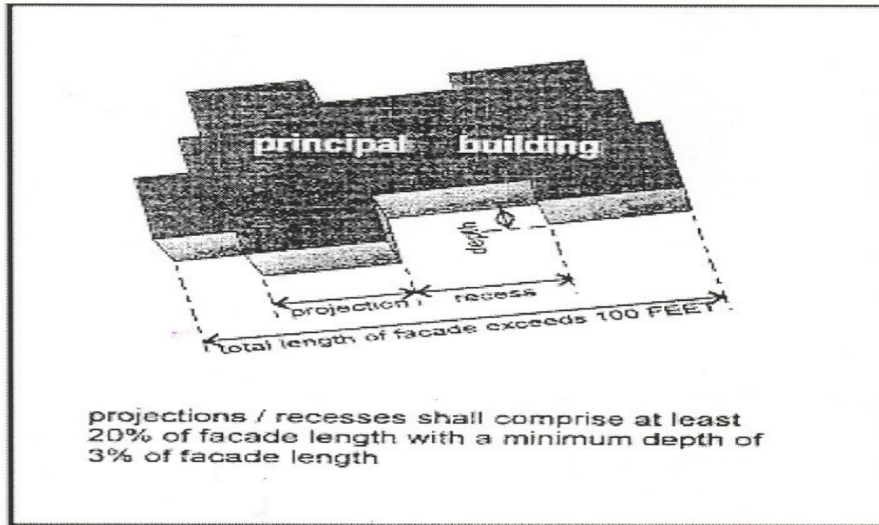
At least one (1) of the elements above shall repeat horizontally or vertically.

Figure II-3.



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

Figure II-4



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

C. Customer Entrances

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

See Section 2.45 regarding sidewalks at customer entrances.

Figure II-5: Articulations

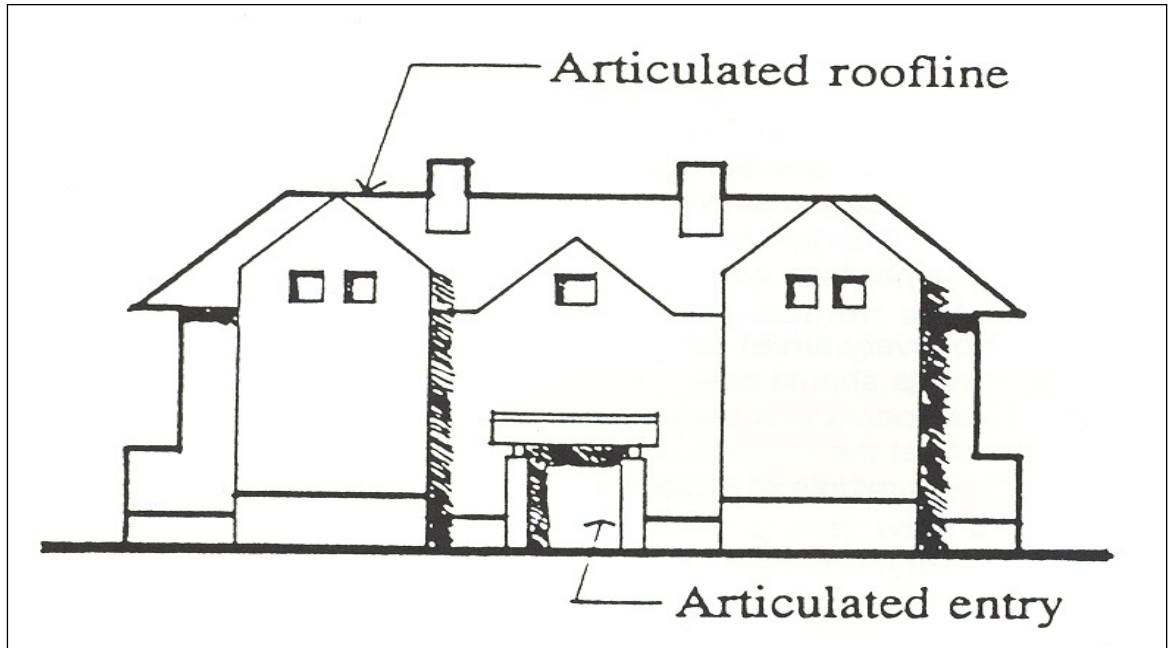
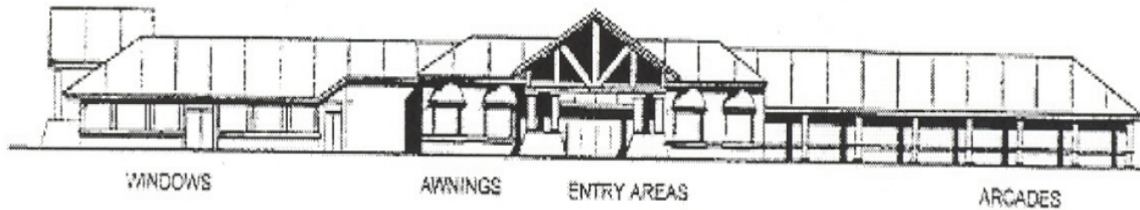


Figure II-6: Example of an Articulated Customer Entrance



Figure II-7: Example of an Articulated Customer Entrance



D. Bases and Top Treatments

1. All facades shall have:

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

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

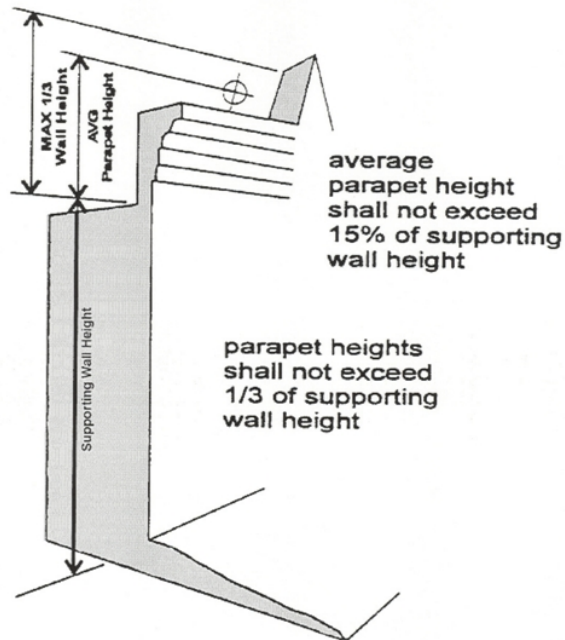
b. A recognizable "top" consisting of one (1) or more of the following:

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

E. Roofs

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

Figure II-8



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

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

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

G. Building Elevation Plan Submittal Requirements

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

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

H. Exterior Renovations and Alterations to Existing Buildings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CHAPTER III
NONCONFORMING USES AND STRUCTURES**

(Ord. 90-07; 6/28/90)

SECTION 3.01 BUILDINGS UNDER CONSTRUCTION. Nothing in this Ordinance shall require any change in the erection or intended use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted for 30 days preceding the date of passage of this Ordinance.

SECTION 3.02 CHANGE OF NONCONFORMING USE. Whenever a Use District shall be changed, any then legally existing nonconforming use in such changed district may be continued, provided all other regulations governing such use are complied with. Whenever a nonconforming use of a building or premises has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

SECTION 3.03 CONTINUANCE OF USE. The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the provisions hereof, but if such nonconforming use is discontinued, the future use of said premises shall be in conformity with the provisions of this Ordinance.

SECTION 3.04 EXPANSION.

- (a) A pre-existing legal nonconforming structure shall be allowed to be expanded by fifty (50) percent provided all the other requirements of the district are met including, but not limited to, our requirements. No expansion shall be allowed at any time or in aggregate greater than fifty (50) percent of the structure at the time it became nonconforming.
- (b) A pre-existing legal nonconforming use shall be allowed to expand in land area used for such nonconforming use by fifty (50) percent provided the land or parcel of property on which the use is to be expanded to was owned at the time such use became nonconforming by the individual conducting the use petitioned to be expanded. Provided further that all the requirements of the district in which the nonconforming use should be operated are met. No expansion shall be allowed at any time or in aggregate more than fifty (50) percent of the land area at the time it became nonconforming.
- (c) A legally existing nonconforming use may be extended throughout a building being used for a legally existing nonconforming use at the adoption of this Ordinance, provided no structural alterations are made

therein except those required by law or such as may be required for safety.

- (d) A nonconforming use or structure shall be allowed to be made less nonconforming by changing the use to a use that is more restrictive, such as industrial to commercial, commercial to residential, or residential to agricultural, or the building altered or reconstructed so as to be less nonconforming so long as the structure is not expanded save as allowed herein.
- (e) If a dwelling within the "A", "RA", "R-1", or "R-2" zoning districts is nonconforming because it does not meet the front yard requirements of the district in which it is located that dwelling may take advantage of Section 3.04(a) and construct an attached garage or addition, as permitted by Section 3.04(a) even though the front yard requirement is not met by the attached garage, addition, and existing dwelling. (Ord. No. 90-7; 6/28/90)

SECTION 3.05 NONCONFORMING USE DISCONTINUED. In the event that any nonconforming use is discontinued for a period of one year, any subsequent use shall conform to the uses permitted in the district in which the premises are located.

SECTION 3.06 RESTORATION AND REPAIR. Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made. In the event any nonconforming building or structure shall be damaged by fire or wind or an act of God or a public enemy or other natural forces, including but not limited to wear, tear, and depreciation, it may be rebuilt or restored provided the cost thereof shall not exceed 1/2 the value of such building or structure as determined by the tax assessment rolls of the Township at the time immediately preceding the damage from said causes, except in the case where the damage is caused by wear, tear, or depreciation, it may be rebuilt or restored, provided the cost thereof shall not exceed 1/2 the value of said building or structure as determined by the tax assessment rolls of the Township at the time the repairs or restoration is intended to be made; said determination shall be made by the Building Inspector or an appeal by the Board of Appeals.

In the event any nonconforming building or structure shall be damaged by fire, wind, or an act of God or a public enemy, or other natural forces, including but not limited to, wear, tear, and depreciation, and the cost of rebuilding or restoration shall exceed one-half of the value of such building or structure as determined by the tax assessment rolls of the Township at the time immediately preceding the damage from said causes, except in the case where the damage is caused by wear, tear, and depreciation and the cost of rebuilding or restoration shall exceed one-half of the value of such building or structure as determined by the tax assessment rolls of the Township at the time when said restoration or

rebuilding is intended to be made, the same shall be permitted only with the approval of the Board of Appeals which approval shall be granted only upon a finding:

- (a) That such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use, or
- (b) That circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.

**CHAPTER IV
DISTRICTS**

(Ord. No. 91-02; 2/28/91) (Ord. No. 21-03; 6/21/21)

SECTION 4.01 DISTRICTS. To carry out the purposes of this Ordinance, Alpine Township shall be divided into the following districts:

A	Agricultural
R-A	Rural Agricultural
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Residential
C-1	Commercial
C-2	Commercial
C-3	Commercial
C-4	Commercial
Overlay	4 Mile Road Zoning Overlay
OSN	Open Space Neighborhood Planned Unit Development
M-PUD	Mixed Use Planned Unit Development
C-PUD	Commercial Planned Unit Development
B-PUD	Business Planned Unit Development
ROSP-PUD	Residential Open Space Preservation
O-S	Office and Service
I-1	Light Industrial
I-2	General Industrial

(Ord. No. 91-2; 2/28/91)(Ord. No. 21-03; 6/21/21)

SECTION 4.02 BOUNDARIES OF DISTRICTS MAP. The boundaries of such districts, shown upon the map attached hereto, and which constitutes the basic plan, which is incorporated herein by reference, and made a part hereof are hereby established, said map being designated as the Map of the Township of Alpine, Kent County, Michigan, showing Use Districts. Said map and all the notations, references, and other information thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

SECTION 4.03 ERECTION, ALTERATION, AND USE OF BUILDING. Except as herein provided, no structure shall be erected or altered nor shall any building or premises be used for any purpose other than is permitted in the Use District in which such building or premises is located.

CHAPTER V
"A" - AGRICULTURAL ZONE

(Ord. No. 1-88; 1/3/89)
(Ord. No. 02-02; 06/14/02)
(Ord. No. 02-06; 09/05/02)
(Ord. No. 03-05; 09/15/03)
(Ord. No. 06-06; 07/17/06)

(Ord. No. 09-01; 3/31/09)
(Ord. No. 09-03; 11/3/09)
(Ord. No. 19-03; 3/18/19)
(Ord. No. 22-01; 2/21/22)

SECTION 5.01 STATEMENT OF PURPOSE.

It is recognized that the public health and welfare of the citizens of Alpine Charter Township, Kent County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. The regulations of the Agricultural Zone are intended to ensure that land areas within Alpine Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

In establishing Agricultural zones, it is acknowledged that agriculture is a specialized form of industry characterized by the production, through biological and botanical processes, of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water, and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).

Other specific purposes for which this district is established include:

- (a) To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.
- (b) To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
- (c) To prevent the conversion of agricultural land to non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature dis-investment in agriculture.
- (d) To protect farmland from speculative increases in land values.
- (e) To prevent loss of farmland.
- (f) To prevent conflicts between agricultural activities and residences.
- (g) To prevent encroachment of urban and suburban services into agricultural areas.

- (h) To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
- (i) To reduce the amount of land consumed in rural areas for nonagricultural use.
- (j) To prevent intrusion of uses into farm areas which are incompatible with general farming activities.
- (k) To permit services and uses which are necessary to support farming activities.
- (l) To allow a limited amount of single-family dwelling units in agricultural zones. To this end, the number of single-family dwellings allowed on a parcel of land shall be based on a schedule of density contained in this article and shall be known as a sliding scale. However, it should be noted that the primary intended use of this district is agricultural activities and that these activities may not be compatible with non-farm residents. (Ord. No. 22-01; 2/21/22)

SECTION 5.02 USE REGULATIONS. Land in this "A" Zone may be used only for the following:

- (a) Farms.
- (b) Commercial agriculture uses including "u-pick" operations with sufficient off-street parking provided.
- (c) Dairy farm.
- (d) Tree and sod farms or other similar uses but not including retail sales on the premises.
- (e) One single-family dwelling on each lot. (Ord. No. 22-01; 2/21/22)
- (f) (Reserved) (Ord. No. 22-01; 2/21/22)
- (g) Storing, packaging and processing of farm produce, provided such activities are done on a farm consisting of a lot of at least forty (40) acres and that such storage, packaging or processing includes farm products grown on that lot. Building or structures in which such uses occur on a lot without any other building or structure, shall be considered the principal building on the lot for purposes of this Ordinance. Canning and freezing activities are prohibited. (Ord. 09-03; 11/3/09)
- (h) Roadside stands and farm markets engaged in the sale of agricultural products which are primarily grown on the lot on which the roadside stand or farm market is located. Such use must be incidental to the primary use of farming on the lot, and such buildings or structures may be the principal building on the lot. The

sale of products may include the sale of agricultural products grown off the parcel on which the roadside stand or farm market is located. (Ord. 09-03; 11/3/09)

- (1) Roadside stands and farm markets may also sell the following items: arts and crafts or similar items; processed food items or similar items not produced on the premises; baked goods, non-alcoholic beverages, light meals such as soups, sandwiches and desserts including those to be consumed on the premises. The sale of all such items must be subordinate to the sale of the agricultural products as provided herein.
 - (2) One parking space for every 300 square feet of useable floor area with minimum of five parking spaces shall be provided. Such parking need not be paved.
 - (3) Buildings used for roadside stands or farm markets shall be set back a minimum of 40 feet from the front lot line.
 - (4) Buildings in which patrons are permitted to enter must be reviewed by the Zoning Administrator prior to establishing such use. An accurate drawing illustrating the location of the building, parking area, access drive and other physical features of the use shall be submitted by the property owner or business operator to the Zoning Administrator who shall review the drawing and require site modifications necessary to facilitate public safety. The Zoning Administrator's review will be based on the standards contained in Section 18.06 herein. A \$50.00 fee will be charged for the Zoning Administrator's review
 - (5) Those portions of farm market or roadside stand buildings where patrons are allowed shall be subject to review and approval by the Alpine Township Building Official. **(Item (h) 1-5 - Ord. No. 06-06; 07/17/06)**
- (i) Private stables.
 - (j) Home occupations per Section 2.40 herein. (Ord. No. 90-9; 6/18/90)
 - (k) Accessory buildings, structures and uses customarily incidental to the principal use and regulated by Section 2.01 herein. (Ord. 09-03; 11/3/09)
 - (l) Farm labor housing of any size as an accessory use to a farm provided the following conditions are met in addition to the other requirements of the Agricultural District:
 - (1) Compliance with the Michigan Public Health Code being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto.
 - (2) The occupants are employed for farm labor at sometime by the owner of the property while they occupy the housing.

- (3) Mobile homes may be used to provide such housing.
- (4) Farm labor housing must be at least 100 feet from all side and rear property lines and must be at least seventy-five (75) feet from the street right-of-way on which the property fronts. Farm labor housing must also be at least one hundred fifty (150) feet from any single-family residence located on a separate parcel of property owned by another individual or entity. Farm labor housing existing as of January 3, 1989 that does not meet these setback requirements may be expanded or enlarged provided such expansion or enlargement does not reduce the existing distance of such farm labor housing from said property lines and single-family dwellings.
- (5) Farm labor housing may be permitted as a principal use on a parcel which contains a minimum of two acres and which complies with all other requirements of this section. This parcel shall be adjacent to the farm parcel where the laborers are employed and both parcels shall be under the same ownership. Creation of such a parcel shall not be considered a split under the sliding scale table in Section 5.04 herein unless the parcel is converted to a single-family dwelling unit use in which case it shall be counted as a split. (Ord. No. 22-01; 2/21/22)
- (m) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein. (Ord. 96-03; 5/2/96)
- (n) Commercial wholesale greenhouses provided the following conditions are met. (Ord. No. 97-05; 8/29/97)
 - (1) Buildings shall comply with the following minimum setbacks:
 - Front:**60 feet**
 - Rear:**100 feet**
 - Side:**50 feet**

Existing buildings which do not meet this requirement shall be permitted to expand, notwithstanding Section 3.04(a), provided the expansion complies with the required setbacks.

- (2) One off street parking space shall be provided for each employee. Such parking space need not be paved, but shall at a minimum consist of gravel, crushed stone or similar material.
- (3) A driveway permit shall be provided by the Kent County Road Commission prior to approval of a building permit.
- (4) Building plans for those portions of the building to be used for offices, break rooms or bathrooms or other similar areas not used for growing

plants shall be prepared in accordance with the Alpine Township Building Code and approved by the Township Building Inspector.

That portion of the building used for growing plants shall be exempt from the Alpine Township Building Code except for the following:

- a) Building plans shall be submitted to the Building Inspector which illustrate all exit doors. The number and location of the exit doors shall be determined by the Alpine Township Building Code.
 - b) Wherever offices, bathrooms, break rooms or other non-plant growing areas share a common wall with areas used for growing plants, the common wall shall be constructed as a fire rated wall in accordance with the Alpine Township Building Code.
- (5) A list of estimated amounts and the location of any chemicals or other hazardous materials which are to be stored on site shall be provided to the Township Fire Chief in accordance with State and Federal regulations regardless of the quantities of the chemicals or materials.
- (6) A site plan may be required by the Township Engineer in order to verify that storm water management measures will not adversely affect nearby properties or create erosion problems. Any plan which is reviewed by the Township Engineer shall be subject to the Alpine Township Escrow Policy.
- (7) Commercial greenhouses shall not be subject to review by the Planning Commission or Site Plan Review Committee. A site plan of the proposed use which illustrates the information required in Section 5.02(n)(1) - (6) shall be provided to the Township Planning Director or Zoning Administrator, who must approve the plan before a building permit is issued. Additional information may be required by the Planning Director or Zoning Administrator to clarify the request for the greenhouse.
- (o) Composting (Ord. No. 02-02; 06/14/02)
 - (p) Child and adult daycare facilities that care for no more than six (6). (Ord. No. 03-05; 07/31/03)
 - (q) Uses which utilize farm land, farm buildings, or farm equipment for rural recreation / amusement enterprises in conjunction with a primary, active farm operation. Such uses include, but are not limited to: crop mazes, hay rides, horse rides, petting farms, bike and foot trails, and similar uses as determined by the Zoning Administrator but excluding commercial off road vehicle trails.
- (1) Rural recreation/ amusement enterprises must provide sufficient off street parking spaces to avoid parking of patron vehicles on adjacent streets. Such parking need not be paved.

- (2) Such uses must be reviewed by the Zoning Administrator prior to commencement of the activity. An accurate drawing illustrating the location of any buildings, parking area, access drives and location and layout of the proposed activity shall be submitted by the property owner or operator to the Zoning Administrator who shall review the drawing and require site modifications necessary to facilitate public safety. The Zoning Administrator's review will be based on the standards contained in Section 18.06 herein.

The Zoning Administrator may consult with the Township Fire Chief and Building Official before approval of the activity.

- (3) Those portions of farm market or roadside stand buildings where patrons are allowed shall be subject to review and approval by the Alpine Township Building Official. (**Item (q) 1-3** – Ord. No. 06-06; 07/17/06)
- (r) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 5.03 HEIGHT REGULATION. No building shall exceed thirty-five (35) feet in height.

SECTION 5.04 AREA AND DENSITY REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following requirements are provided and maintained:

- (a) **FRONT YARD** - There shall be a front setback of not less than sixty (60) feet, said distance to be determined according to the procedure set forth in Section 2.13.
- (b) **SIDE YARD** - For all buildings, there shall be a minimum side yard of fifteen (15) feet from each side lot line. Buildings on corner lots shall maintain a setback of sixty (60) feet from the property lines along each street.
- (c) **REAR YARD** - There shall be a rear yard of not less than one hundred (100) feet.
- (d) **LOT AREA** -
 - (1) For all dwelling units in the Agricultural Zone, the lot area shall be a minimum of two (2) acres. (Ord. No. 92-4; 8/20/92)
 - (2) The minimum lot area required herein shall not include public road right-of-ways or streets and private easements used for access to a public street from a different parcel of property.
 - (3)
 - (A) Any parcel existing as of January 3, 1989, which becomes nonconforming in area as a result of the lot size requirements of this section may be used for a permitted use provided all other requirements of this section are met.
 - (B) Further, any farm regardless of size existing as of January 3, 1989, may be split in accordance with the provisions of this section, even if such splits reduce the original farm below 40 acres.
 - (C) After all the permitted splits are taken as set forth in this Section 5.04, and notwithstanding Section 5.02, the remaining parcel may be used only for farming activities. The only permitted buildings are Farm Buildings, as defined herein; Farm Labor Housing licensed by the Michigan Department of Agricultural and Rural Development; and one Farm Dwelling, as defined herein. (Ord. No. 22-01; 2/22/21)
- (e) **LOT WIDTH** - Every lot containing a dwelling unit shall have a minimum lot width throughout the entire parcel of three hundred thirty (330) feet, provided that any lot existing as of May 23, 1977 may have a minimum lot width throughout the entire parcel of not less than one hundred twenty-five (125) feet. The required lot width shall abut a public road or street.

For corner lots, the required minimum lot width shall be provided along one street only. (Ord. No. 92-4; 8/20/92)

- (f) SEPTIC SYSTEM - Each lot shall contain one (1) replacement septic drainfield area approved by the Kent County Health Department prior to a building permit being issued. This area shall be illustrated on building plans submitted to the Building Inspector. A building, structure, or impervious surface shall not be placed or constructed over any active, proposed, or replacement septic drainfield area.
- (g) DRIVEWAYS -
 - (1) The driveway serving a lot shall be at least one hundred (100) feet from driveways on the same side of the road.
 - (2) Driveways serving a lot shall be at least eighty (80) feet from the intersection of two or more roads.
- (h) LOT SPLITS FOR DWELLINGS - (Ord. No. 92-4; 8/20/92)
(Ord. No. 02-02; 06/14/02)(Ord. No. 22-01; 2/21/22)
 - (1) The maximum number of lots, that may be created or split for new dwelling units in addition to creating a lot for an existing dwelling unit shall be based on the gross area of the lot of record which is to be subdivided, as listed in the following table:

**Permitted Lot Split Table
("Sliding Scale")**

	Number of Lots Permitted for New Dwelling Units
10 acres or less	0
Greater than 10 acres to 20 acres	1
Greater than 20 acres to 40 acres	2
Greater than 40 acres to 80 acres	3
Greater than 80 acres	4

- (2) In addition to the splits allowed by the "Permitted Lot Split Table," every farm which contains a single-family dwelling existing before January 3, 1989 shall be allowed to split a lot from the main farm acreage and create a new lot for an existing single-family dwelling. A maximum of three (3) pre-existing single-family dwellings may be split from the main farm acreage, over and above the number of splits allowed in 5.04 (h) (1). (Ord. No. 02-02; 06/14/02)

This new lot shall comply with the lot size requirements contained herein for dwellings. Any additional such splits are not permitted. (Ord. No. 92-4;8/20/92)

- (3) The above regulations shall not cause the lot of record to be split in such a manner which would violate the lot split provisions contained in the Subdivision Control Act of 1967, being Act 288 of the Public Acts of Michigan of 1967 as amended. Any provision of this Ordinance notwithstanding, Alpine Township is not responsible for any violations of this Ordinance or the Subdivision Control Ordinance.
- (i) LOT WITHOUT PUBLIC ROAD FRONTAGE - A lot may be created which does not abut a public street. Such a lot shall not contain a building or dwelling unit except for farm buildings as defined herein. (Ord. No. 92-4; 8/20/92)

SECTION 5.05 MONITORING LOT SPLITS. Alpine Charter Township recognizes that proper administration of the "sliding scale" concept is important in meeting the intent of this Ordinance. The following procedures have been established to help ensure proper monitoring of lot splits.

- (a) Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
- (b) An allotment of dwelling units possible under this Ordinance shall be made for each parcel in the "A" District. (Ord. No. 92-4; 8/20/92)
- (c) As allotments are used up, the official map and register shall be updated to reflect these changes.
- (d) The official map and register shall be maintained by the Township Clerk and copies made available for inspection by the public.

SECTION 5.06 MINIMUM FLOOR AREA. Single family dwelling units in the "A" Zone shall comply with the minimum floor area provisions contained in Section 7.06 herein.

SECTION 5.07 SPECIAL USES.

- (a) The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provision of Chapter XXI contained herein and the conditions noted below.
- (1) Agricultural service establishments which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
- a) Centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower and agricultural produce milling and processing);

- b) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
 - c) Hay baling and threshing;
 - d) Crop dusting;
 - e) Fruit picking;
 - f) Harvesting and tilling;
 - g) Farm equipment sales, service, and repair;
 - h) Veterinary services;
 - i) Facilities used in the research and testing of farm products and techniques.
 - j) General repair and welding of farm implements and farm machinery.
- (2) Commercial stables;
 - (3) Governmental or educational administrative service buildings per Section 2.26 herein.
 - (4) Extractive uses, such as stripping of topsoil, sand, rock, gravel, lime, or other soil or mineral resources, including gravel pits and quarries per Section 21.04 herein.
 - (5) Parks, playgrounds, nature preserves, or similar recreational facilities owned and operated by a government agency or non-profit group. (Ord. 12-89; 9/5/89)
 - (6) Antennas and towers exceeding a height of 35 feet as regulated by Section 21.07. (Ord. 96-03; 5/2/96)
 - (7) Public and Private Schools (Ord. No. 96-07; 9/7/96)
 - (8) Child and adult daycare facilities that care for between seven (7) and twelve (12). (Ord. No. 03-05; 07/31/03)
 - (9) Bed and Breakfast operations, as an accessory use to the primary use of an active commercial farm operation on a lot of not less than 5 acres, excluding road right-of-way. (Ord. No. 06-06; 07/17/06, Ord. No. 19-03; 03/18/19)

- (10) Paint Ball games or similar activities (Ord. No. 06-06; 07/17/06)
 - (11) "Put and Take" Hunting (Ord. No. 06-06; 07/17/06)
 - (12) Wineries, as an accessory use to the primary use of an active commercial farm operation on a lot of not less than 30 acres, excluding road right-of-way. Wineries are defined as involving the on-site manufacture and sale of wine made from fruit or other products grown or raised on the farm. Subject to the foregoing, wineries shall mean a small wine maker as defined by the Michigan Liquor Control Commission and includes the manufacture of hard cider and mead.
(Ord. No. 06-06; 07/17/06, Ord. No. 19-03; 3/18/19)
 - (13) Rental of farm facilities for weddings, receptions, parties, or other similar events. Such use shall be accessory to the primary use of an active commercial farm operation on a lot of not less than 30 acres, excluding road right-of-way.
(Ord. No. 06-06; 07/17/06, Ord. No. 19-03; 3/18/19)
 - (14) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein. (Ord. No. 09-01; 3/31/09)
 - (15) Micro-Breweries, as an accessory use to the primary use of an active commercial farm operation on a lot of not less than 30 acres, excluding road right-of-way. Micro-Breweries are defined as involving the on-site manufacture and sale of beer made from at least one ingredient grown on the farm. Subject to the foregoing, shall mean a microbrewery as defined by the Michigan Liquor Control Commission.
- (b) SITE DEVELOPMENT STANDARDS -
- (1) The minimum lot size for such uses shall be two (2) acres with a minimum lot width of 330 feet. The required lot width shall abut a public road or street.
 - (2) The creation of a parcel for a special land use shall not be considered a split under the sliding scale table contained herein unless the parcel is converted to a single-family dwelling use in which case it shall be counted as a split. Such splits shall also be subject to the provisions of Section 5.04(h)(3) herein. (Ord. No. 22-01; 2/21/22)
- (c) STANDARDS - The Planning Commission shall determine whether or not to authorize such Special Land Use based upon the following standards and those contained in Section 21.02.:
- (1) The proposed use shall be of such location, size and character as to be in harmony with the appropriate and orderly development of agricultural

districts and shall not be detrimental to the orderly development of such districts.

- (2) The location and size of the proposed use, the nature and intensity of the use, the site layout and its relation to adjacent streets, shall be such that traffic to and from the use and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with normal traffic of the neighborhood. The Planning Commission shall consider convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed use to main traffic thoroughfares, and to streets and road intersections, and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission shall consider the provision for parking facilities.
- (d) CONDITIONS - Reasonable conditions may be imposed by the Planning Commission in granting a Special Land Use in conformance with Section 22.08 herein. Reasonable conditions shall include but not be limited to the following:
- (1) Such greenbelt as the Planning Commission shall deem necessary to protect the adjoining properties up to a maximum width of twenty-five (25) feet.
 - (2) Such setback from the right-of-way not less than one hundred (100) feet as the Planning Commission shall deem necessary to protect the market value of adjoining premises and for the protection of the public health, safety and general welfare.
 - (3) Such yards and open spaces as the Planning Commission deems necessary under the circumstances of the particular case to protect the health, safety, and general welfare of the public.
 - (4) Off-street parking spaces or parking area for motor vehicles in conformance with Chapter XIX, Parking and Loading spaces. Where the proposed use is not specifically mentioned in Section 19.01, the provisions for parking spaces or parking area for a use which is similar in terms of parking demand shall apply, as determined by the Zoning Administrator. (Ord. No.93-1; 1/18/93)
 - (5) The location and size of signs.
 - (6) That driveways, parking lots and streets be hard surfaced.
 - (7) That telephone and electric service be underground.
 - (8) That adequate lighting be provided.

- (9) That the premises be connected to either a public sewer and/or water supply or a lagoon-type sewage system as approved by the Kent County Health Department.
- (10) Such fence and/or other requirements it deems necessary and proper to insure security of the public and/or neighboring property and to prevent debris from littering the premises involved and/or neighboring property.
- (11) Such traffic control devices, including acceleration and deceleration lanes, as may be deemed advisable to protect the public health, safety and general welfare.
- (12) An adequate security system to control persons entering and leaving the premises.
- (13) Evidence that any required licenses have been issued by the County and/or the State of Michigan. In the event that County or State licenses are not required, the petitioner shall furnish a statement of its purposes, a plan of development, the number of persons to be served and the number of staff members.
- (14) Regulation of hours of operation.
- (15) In the event the proposed use would utilize any township or other public facility such as schools, parks, libraries or similar facilities, the applicant shall submit documents from such facility officials stating that the proposed use will not cause undue hardship to the facility or otherwise be detrimental to the established use, function and administration of such facility.

Such statement shall include the fact that satisfactory financing arrangements have been made between the applicant and the agency to cover additional costs to such agency which can reasonably be expected due to the allowance of the proposed use.

- (e) RECORD OF CONDITIONS - The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approved action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The approving Planning Commission shall maintain a record of conditions which are changed.
- (f) PROCEDURE - As per Section 21.02 herein.

CHAPTER VI
"R-A" - RURAL AGRICULTURAL ZONE

(Ord. No. 88-02; 1/3/89)
 (Ord. 89-12; 9/05/89)
 (Ord. 90-09; 6/18/90)
 (Ord. 91-03; 8/26/91)
 (Ord. 96-03; 5/02/96)
 (Ord. 96-07; 9/07/96)
 (Ord. 97-05; 8/29/97)

(Ord. 00-04; 06/02/00)
 (Ord. 02-06; 09/05/02)
 (Ord. 03-05; 09/15/03)
 (Ord. 04-04; 08/23/04)
 (Ord. No. 09-01; 3/31/09)
 (Ord. No. 09-03; 11/3/09)

SECTION 6.01 DESCRIPTION AND PURPOSE. This district is intended to provide for residential development in a rural setting close to agricultural land use areas and zoning districts. With a density of one dwelling unit per one and one half (1-1/2) acres, this zoning district will permit general and specialized farming activities but on a much smaller scale than the Agricultural Zoning District.

The large lots and agricultural activities permitted in the R-A District are intended to satisfy a demand for a semi-rural life style without using up prime agricultural land.

The R-A Zone is also intended to serve as a transition or buffer zone between the Agricultural zone and more intense land uses and divert development pressure away from the large areas of unique farmland in Alpine Township. In order to prolong the capacity of the R-A Zone and thereby preserve the integrity of the Agricultural zoned areas, subdivision projects, whether platted or unplatted, shall require special approval use as recommended by the Alpine Township Master Plan. (Ord. No. 91-3; 8/26/91)

SECTION 6.02 USE REGULATIONS. Land in the R-A Zone may only be used for the following purposes:

- (a) One single-family dwelling on each lot.
- (b) Farms.
- (c) Commercial agriculture.
- (d) Dairy farms.
- (e) Tree and sod farms or other similar uses but not including retail sales on the premises.
- (f) Roadside stands for sale of produce of which at least fifty (50) percent is grown on the same lot. Such use is permitted only if it is incidental to the primary use of farming on the lot, and such buildings or structures may be

- the principal building on the lot. Roadside stands shall be set back at least forty (40) feet from the road right-of-way and have at least five (5) off-street parking spaces. Such off-street parking spaces need not be paved with asphalt or concrete. (Ord. 09-03; 11/3/09)
- (g) Private stables subject to the following regulations:
- (1) There shall be at least one acre of land for each horse kept on the premises.
 - (2) The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass on adjoining property or roadways.
 - (3) The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors which would pose a nuisance to nearby residents.
- (h) Storing, packaging and processing of farm produce provided such activities are done on a farm consisting of a lot of at least forty (40) acres and that such storage, packaging or processing includes farm products grown on that lot. Buildings or structures in which such uses occur on a lot without any other building or structure, shall be considered the principal building on the lot for purposes of this Ordinance. Canning and freezing activities are prohibited. (Ord. 09-03; 11/3/09)
- (i) Home occupations as per Section 2.40 herein. (Ord. No. 90-9; 6/18/90)
- (j) Uses customarily incidental to the permitted principal use.
- (k) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein.(Ord. 96-03; 5/2/96)
- (l) Child and adult daycare facilities that care for no more than six (6). (Ord. No. 03-05; 07/31/03)
- (m) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)
- (n) Accessory buildings, structures and uses customarily incidental to the principal use and regulated by Section 2.01 herein. (Ord. 09-03; 11/3/09)

SECTION 6.03 (RESERVED) (Ord. 09-03; 11/3/09)

SECTION 6.04 HEIGHT REGULATION. Buildings shall not exceed thirty-five (35) feet in height.

SECTION 6.05 AREA REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following requirements are provided and maintained.

- (a) **FRONT YARD** - There shall be a front setback of not less than sixty (60) feet, said distance to be determined according to the procedure set forth in Section 2.13 of this Zoning Ordinance.
- (b) **SIDE YARD** - For all buildings, there shall be maintained minimum side yards of fifteen (15) feet. Buildings on corner lots shall be set back a minimum of sixty (60) feet from the lot line adjacent to both streets.
- (c) **REAR YARD** - There shall be a rear yard of not less than one hundred (100) feet.
- (d) **LOT AREA** -
 - (1) There shall be a lot area of at least one and one half (1-1/2) acres, excluding public road right-of-ways or streets and private easements used for access to a public street by a different parcel of property, for any single family dwelling.
 - (2) There shall be a minimum lot area of two (2) acres, excluding public road right-of-ways or streets and private easements used for access to a public street by a different parcel of property, for all other permitted principal uses unless otherwise specified.
 - (3) Any parcel existing as of January 3, 1989, which becomes nonconforming in area as a result of the lot size requirements of this section, may be used provided all other regulations of this section are met.
- (e) **LOT WIDTH** - Every lot shall have a minimum lot width of forty (40) feet at the front lot line. The lot width at the required minimum setback line shall be at least one hundred sixty-five (165) feet. This width shall apply to the remainder of the parcel, provided that any lot existing as of May 23, 1977 may have a minimum lot width throughout the entire parcel of not less than one hundred (100) feet.
- (f) **SEPTIC SYSTEM** - Each lot with a dwelling unit shall contain one (1) replacement septic drain field area approved by the Kent County Health Department prior to a building permit being issued. This area shall be illustrated on building plans submitted to the Building Inspector. No

building, structure, or impervious surface shall be placed or constructed on any active, proposed or replacement septic drain field.

SECTION 6.06 MINIMUM FLOOR AREA. Single family dwellings in the R-A Zone shall comply with the minimum floor area provisions contained in Section 7.06 herein.

SECTION 6.07 SPECIAL USES.

(a) The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Section 21.02 herein.

- (1) Churches
- (2) Commercial stables
- (3) Non-profit institutions for the treatment of the mentally, physically, or emotionally impaired or similar rehabilitative uses
- (4) Golf courses
- (5) Country clubs
- (6) Governmental or educational administrative or service buildings per Section 2.26 herein

7) Extractive uses such as stripping of topsoil, sand, rock, gravel, lime, or other soil or mineral resources, including gravel pits and quarries per Section 21.04 herein.

8) Parks, playgrounds, nature preserves, or similar recreational facilities owned and operated by a government agency or non-profit group. (Ord. 12-89; 9/5/89)

9)

(i) Projects as regulated by the Alpine Township Unplatted Property Ordinance.

(ii) Subdivision projects as regulated by the Alpine Township Land Subdivision and Utility Extension Ordinance.

The uses listed in (9)(i) and (ii) above shall be exempt from the site development and approval standards contained in Sections 6.07 (b) and (c) herein but shall instead be subject to such standards contained in Section 21.05 herein. (Ord. No. 91-3; 8/26/91)

10) Antennas and towers exceeding a height of 35 feet as regulated by Section 21.07. (Ord. 96-03; 5/2/96)

11) Public and Private Schools (Ord. No. 96-07; 9/7/96)

- 12) Commercial wholesale greenhouses subject to the requirements of Section 21.02 and Section 5.02(n)(1) - (7). (Ord. No. 97-05; 8/29/97)
- 13) Private roads, as well as properties and developments utilizing private roads (Ord. No. 00-04; 6/2/00)
- 14) Child and adult daycare facilities that care for between seven (7) and twelve (12). (Ord. No. 03-05; 07/31/03)
- (b) SITE DEVELOPMENT STANDARDS - As per Section 5.07(b).
- (c) APPROVAL STANDARDS - As per Section 5.07(c).
- (d) CONDITIONS - As per Section 5.07(d).
- (e) PROCEDURES - As per Section 21.02.

CHAPTER VII
"R-1" - LOW DENSITY RESIDENTIAL ZONE

(Ord. No. 90-5; 6/18/90)	(Ord. No. 09-01; 3/31/09)
(Ord. No. 96-03; 05/02/96)	(Ord. No. 09-03; 11/03/09)
(Ord. No. 00-04; 6/02/00)	(Ord. No. 14-04; 10/20/14)
(Ord. No. 05-01; 10/07/05)	(Ord. No. 22-02; 4/18/22)

SECTION 7.01 DESCRIPTION AND PURPOSE. It is the intent of this district to provide for low density residential development at a maximum density of 3.22 dwelling units per acre. Lot sizes are permitted to vary, depending upon the availability of public utilities. The principal land use in this district will be detached single family dwelling units, although two-family units are permitted along major streets. Certain non-residential uses such as churches, schools, and day care facilities are also permitted on a special use basis, depending upon compatibility with adjacent land uses.

SECTION 7.02 USE REGULATIONS. Land and/or buildings in the "R-1" Zone may be used for the following purposes only:

- (a) One single-family dwelling on each lot.
- (b) Two-family dwelling units only upon Lamoreaux Drive, 4 Mile Road and 10 Mile Road between M-37 and Division Avenue (Ord. No. 14-04; 10/20/14).
- (c) Adult foster care facilities.
- (d) Child and adult day care facilities which care for no more than six (6).
- (e) Public parks, playgrounds, community centers, and facilities therein or similar recreation uses owned and operated by a governmental agency or non-profit group.
- (f) Home occupations per Section 2.40 herein.
- (g) Accessory buildings, structures and uses customarily incidental to the principal use and regulated by Section 2.01 herein. (Ord. 09-03; 11/3/09)
- (h) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein. (Ord. 96-03; 5/2/96)
- (i) Private roads, as well as properties and developments utilizing private roads. (Ord. 00-04; 6/2/00)
- (j) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 7.03 SPECIAL USES. The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Churches, synagogues, or similar houses of worship.
- (b) Municipal, state, federal, or educational administration or service buildings per Section 2.26 herein.
- (c) Essential public services per Section 2.10 herein.
- (d) Public and private elementary and high schools as well as public libraries, museums, and art galleries.
- (e) Child day care facilities which care for between seven (7) and twelve (12) children.
- (f) Adult day care facilities which care for between seven (7) and twelve (12) adults.
- (g) Golf course.
(Ord. No. 05-01; 10/07/05)

SECTION 7.04 HEIGHT REGULATIONS. No building shall be erected to exceed thirty-five (35) feet in height or two and one-half (2-1/2) stories.

SECTION 7.05 AREA REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following requirements are provided and maintained.

- (a) FRONT YARD - There shall be a front setback of not less than thirty-five (35) feet from each street right-of-way line which abuts the lot or parcel.
- (b) SIDE YARD - There shall be a side yard of at least five (5) feet on each side of a dwelling unit for single-family units and ten (10) feet on each side for two-family units.
- (c) REAR YARD - There shall be a rear yard of not less than fifty (50) feet.
- (d) LOT AREA AND WIDTH -
 - (1) For single family houses without public sewer, the minimum lot area shall be fifteen thousand (15,000) square feet, excluding road right-of-way or private easements, with a minimum lot width of forty (40) feet at the front lot line. This minimum lot width must then be expanded such that at the minimum required front setback there is a

lot width of one hundred (100) feet. This minimum lot width of one hundred (100) feet must be maintained to a distance of 50 feet beyond the required minimum front building setback line. (Ord. 22-02; 18/22)

- (2) For single family houses with public sewer available, the minimum lot area shall be thirteen thousand five hundred (13,500) square feet with a minimum lot width of forty (40) feet. This minimum lot width must expand so that there is a minimum lot width of ninety (90) feet at the minimum required front setback line. This minimum lot width of ninety (90) feet must be maintained throughout the entire remaining portion of the lot. Connection to available utilities shall be made prior to occupancy.
- (3) For two-family dwelling units, the minimum lot area shall be fifteen thousand (15,000) square feet with or without public utilities. The minimum lot width shall be forty (40) feet at the front lot line, expanding to one hundred (100) feet at the minimum required front setback line and then maintained throughout the remainder of the lot.

SECTION 7.06 MINIMUM FLOOR AREA. Each dwelling unit in this area shall have a minimum floor area according to the following:

- (a) ONE-FAMILY DWELLINGS –
 - (1) A one-floor house without full basement shall contain a minimum first floor living area of one thousand twenty-four (1,024) square feet.
 - (2) A one-floor house with full basement shall have a minimum first floor living area of nine hundred (900) square feet, provided, however, where existing platted lots in separate ownership have less than sixty-five (65) feet of street frontage, the required minimum first floor area is reduced to eight hundred (800) square feet.
 - (3) A house in which the second floor has less square feet than the first floor (expansion attic) shall have a minimum first floor area of eight hundred forty (840) square feet.
 - (4) A two-floor home shall have a minimum first floor area of seven hundred twenty (720) square feet. A two-floor home shall be one having two full floors above grade.
 - (5) A home having more than two floors excluding basement shall have a minimum of one thousand four hundred forty (1,440) square feet of living area, excluding basement.
- (b) TWO-FAMILY DWELLINGS -

- (1) All two-family dwellings shall have a minimum floor area of seven hundred eighty (780) square feet for each unit.

CHAPTER VIII

R-2, MEDIUM DENSITY RESIDENTIAL ZONE

(Ord. No. 90-2; 3/13/90)	(Ord. No. 06-01; 02/26/06)
(Ord. No. 96-02; 1/18/96)	(Ord. No. 09-01; 3/31/09)
(Ord. No. 96-03; 5/2/96)	(Ord. No. 09-03; 11/3/09)
(Ord. No. 00-04; 6/2/00)	

SECTION 8.01 DESCRIPTION AND PURPOSE. It is the intent of this district to provide for medium density residential development at a maximum density of eight (8) units per acre in those portions of the Township which are served by public water and sanitary sewer. Medium residential uses are intended to serve as a buffer or transition zone between non-residential uses and low density residential areas and are also suitable along Township arterial roads and where environmental constraints make cluster development appropriate.

Medium density residential areas adjacent to low density residential areas should provide for a transition zone to insure compatibility in housing style and appearance between these two different residential densities. Provision is also made to accommodate planned unit developments. Non-residential institutional uses such as churches, schools, parks, nursing homes, day care centers, etc. may be allowed on a special use basis.

SECTION 8.02 USE REGULATIONS. Land and structures in the "R-2" Medium Residential Zone may be used for the following purposes only:

- (a) Two-family dwelling units.
- (b) Multiple-family dwelling units with no more than twelve (12) units per building.
- (c) Adult foster care facilities.
- (d) Home occupations in two-family dwellings per Section 2.40 herein.
- (e) Public parks, playgrounds, or similar outdoor recreation uses.
- (f) Accessory buildings, structures, and uses customarily incidental to the principal use and regulated by Section 2.01 and 8.09 herein. (Ord. 09-03; 11/3/09)
- (g) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein. (Ord. 96-03; 5/2/96)
- (h) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 8.03 SPECIAL USES. The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Churches, synagogues, or similar houses of worship.
- (b) Municipal, state, federal or educational administration or service buildings per Section 2.26 herein.
- (c) Essential public services as per Section 2.10 herein.
- (d) Public and private elementary and high schools.
- (e) Planned Unit Developments per Chapter XXII herein.
- (f) Housing for seniors or retired persons per Chapter XXI herein.
- (g) Nursing or convalescent homes.
- (h) Hospitals and medical clinics.
- (i) Non-profit institutions for the treatment of the mentally, physically, or emotionally impaired or similar rehabilitative uses.
- (j) Day care centers for adults and children which care for more than six (6) and which are not located in a single family home.
- (k) Private roads, as well as properties and developments utilizing private roads (Ord. No. 00-04; 6/2/00).

SECTION 8.04 HEIGHT REGULATIONS. Buildings in the "R-2" zone shall not exceed a height of 35 ft. or two and one-half (2 1/2) stories.

SECTION 8.05 AREA REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following regulations are met.

- (a) FRONT YARD - The minimum front yard setback shall be thirty-five (35) feet from each street right-of-way line which abuts the parcel or lot.
- (b) SIDE YARD - For two family dwelling units the total side yard setback shall be thirty (30) feet with a minimum of ten (10) feet on one side.

The minimum side yard setback for multi-family dwelling units which abut a different zoning district shall be thirty (30) feet. For multi-family units which abut an "R-2" or "R-3" district the minimum side yard setback shall be fifteen (15) feet.

The minimum distance between multi-family dwelling structures shall be thirty (30) feet.

- (c) REAR YARD - The minimum rear yard setback shall be fifty (50) feet.

(d) **LOT WIDTH** - The minimum lot width for an individual two-family or multi-family building located on its own lot shall be 100 feet throughout the lot. A lot which is developed under single ownership or control and which contains more than one duplex or multi-family building shall have at least 66 feet of frontage on a public road.

(e) **LOT AREA** - For two family dwelling units the minimum lot size shall be thirteen thousand (13,000) sq. ft.

For multi-family dwellings each unit shall have a minimum lot area of five thousand four hundred forty five (5,445) sq. ft. which is a gross density of eight (8) dwelling units per acre.

(f) **GREENBELT** - Where an "R-2" zone abuts an existing "R-1" or "RA" zone a greenbelt shall be installed as required by the Landscape Guidelines adopted by the Township Planning Commission.

(g) **LOT COVERAGE** - Buildings and structures shall not cover more than Thirty (30) percent of the total site area.

SECTION 8.06 MINIMUM FLOOR AREA. Each dwelling unit in the "R-2" zone shall have a minimum floor area according to the following:

(a) **TWO-FAMILY DWELLINGS** -

(1) All two-family dwellings shall have a minimum floor area of seven hundred eighty (780) square feet for each unit.

(b) **MULTIPLE-FAMILY DWELLINGS** -

(1) All multiple-family dwellings shall contain a minimum of six hundred twenty-four (624) square feet of floor space plus one hundred fifty (150) square feet for each additional bedroom in excess of one.

(2) Floor space area shall be measured on the outside perimeter exclusive of breezeway and garage.

SECTION 8.07 - ACCESS STANDARDS. (Ord. No. 96-02; 1/18/96)

(a) **ADDITIONAL ACCESS**

During the review of a site plan for a development proposed under this Chapter, the Planning Commission or Site Plan Review Committee shall determine the need for additional means of ingress and egress to serve the proposed project. In making this determination, the following criteria shall be considered:

- (1) Number and size of buildings and/or dwelling units which make up the project.
- (2) Type of interior roadway serving the project.
- (3) Interior circulation system.
- (4) Topography and other natural features of the site.
- (5) Amount of frontage on a public street.
- (6) Adjacent land uses.
- (7) Feasibility of achieving a secondary means of access.
- (8) Comments of the Township Fire Chief.
- (9) Availability of public utilities.

(b) EMERGENCY ACCESS

For residential uses permitted by this chapter including nursing homes and hospitals which contain more than 50 dwelling units or rooms an emergency means of ingress and egress shall be provided subject to final approval by the Township Fire Chief.

(c) COLLECTOR STREET

For all multifamily developments which serve or are intended to serve more than 100 dwelling units, that road which serves as the principal collector street throughout the development shall be constructed to public street standards in order to ensure adequate and safe access for residents and emergency vehicles. The Planning Commission, in reviewing the site plan, shall determine

which roads within the development function as principal collector streets.

For purposes of this chapter a principal collector street is a street which connects with the public street system and collects traffic from the parking areas within the multi-family development.

SECTION 8.08 - SITE PLAN REVIEW. Multi-family dwelling units in the "R-2", Medium Density Residential Zoning District shall be subject to site plan review according to the requirements of Chapter 18 herein.

SECTION 8.09 - STANDARDS FOR ACCESSORY BUILDINGS.

(a) TWO-FAMILY DWELLINGS -

- (1) Accessory buildings for two-family dwellings shall be subject to the provisions of Section 2.01 herein.

(b) MULTI-FAMILY DWELLINGS – (Ord. 09-03; 11/3/09)

- (1) All accessory buildings for multi-family dwellings shall be subject to the provisions of Section 2.01(a), General Regulations, herein.
- (2) Accessory buildings used as private garages or carports shall have a minimum setback of twenty (20) feet from any interior drive. If any yard containing such accessory building abuts a public road right-of-way, the building shall adhere to the setback requirements for principal buildings in that zoning district.
- (3) The proposed height and size of accessory buildings used as private garages or carports shall be subject to review by the Planning Commission or the Site Plan Review Committee, and may be permitted, providing the Planning Commission or Site Plan Review Committee finds:
- a) That the intended use of the building is consistent with the nature of permitted uses.
- b) That the size, proposed location, type and kind of construction, and general architectural character of the

building is consistent with existing and proposed permitted uses on the site.

- c) That the building will not affect the light and air circulation of any adjoining properties.
 - d) That the building will not disproportionately affect the view of any adjoining property.
 - e) That the intended building does not occupy required open or common spaces.
 - f) That the building will not obstruct the sight distance necessary for the safe progress of pedestrians and motorists.
- (4) Accessory buildings to be used as other than private garages or carports shall be constructed consistent with the provisions of Section 2.01.

CHAPTER IX
R-3, HIGH DENSITY RESIDENTIAL ZONE

(Ord. No. 90-2; 3/19/90)
(Ord. No. 94-02; 9/19/94)
(Ord. No. 96-03; 5/2/96)
(Ord. No. 06-01; 02/26/06)
(Ord. No. 09-01; 3/31/09)

SECTION 9.01. DESCRIPTION AND PURPOSE. It is the intent of this district to provide for high density residential development at a maximum density of 12.44 units per acre as well as some limited office uses. Such uses should be served by public utilities. High density residential areas are designed to serve as transition zones between non-residential uses and less intensive residential areas and are generally located on or near major thoroughfares and close to shopping and recreation areas. Provision is made to accommodate planned unit developments. Non-residential institutional uses such as churches, schools, parks, nursing homes, day care centers, etc. may be allowed on a special use basis.

SECTION 9.02. USE REGULATIONS. Land and structures in the R-3, High Density Residential zone may be used for the following purposes only: (Ord. No. 94-2; 9/19/94)

- (a) Two-family dwelling units.
- (b) Multiple-family dwelling units.
- (c) Medical, dental, and attorney offices, as well as similar professional offices.
- (d) Private clubs and lodges, excepting those whose primary purpose is a service customarily carried on as a business, provided no private club or lodge shall have an entrance or exit for motor vehicles within two hundred (200) feet of an entrance or exit of a public or private school playground, park, cemetery, public library, church, hospital, or children's home.
- (e) Adult foster care facilities.
- (f) Home occupations in two-family dwellings per Section 2.39 herein.
- (g) Public Parks, playgrounds, or similar outdoor recreation uses.
- (h) Accessory buildings, structures, and uses customarily incidental to any of the above uses when located on the same lot.
- (i) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein. (Ord. 96-03; 5/2/96)

- (j) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 9.03. SPECIAL USES.

- (a) As permitted and regulated in Section 8.03 herein.

SECTION 9.04. HEIGHT REGULATIONS. Buildings in the "R-3" zone shall not exceed a height of thirty-five (35) feet or two and one-half (2-1/2) stories.

SECTION 9.05. AREA REGULATIONS.

- (a) As permitted and regulated in Section 8.05 (a)(b)(c) and (d).
- (b) LOT AREA - For two family dwelling units the minimum lot size shall be thirteen thousand (13,000) square feet.

For multi-family dwellings each unit shall have a minimum lot area of three thousand five hundred (3,500) square feet which is a gross density of 12.44 dwelling units per acre.

For all other permitted uses, the minimum lot size shall be fifteen thousand (15,000) square feet with one hundred (100) feet of lot width throughout the parcel.

- (f) GREENBELT - Where an "R-3" zone abuts an existing "R-1" or "R-A" zone a greenbelt shall be installed as required by the Landscape Guidelines adopted by the Township Planning Commission.
- (g) LOT COVERAGE - Buildings and structures shall not cover more than thirty (30) percent of the total site area.

SECTION 9.06. MINIMUM FLOOR AREA. As permitted and regulated in Section 8.06 herein.

SECTION 9.07. ACCESS STANDARDS. As required by Section 8.07 herein.

SECTION 9.08. SITE PLAN REVIEW. Multi-family dwelling units and offices in the R-3, High Density Residential Zoning District shall be subject to site plan review according to the requirements of Chapter 18 herein.

SECTION 9.09. STANDARDS FOR ACCESSORY BUILDINGS. As required by Section 8.09 herein.

CHAPTER X
"R-4" - RESIDENTIAL ZONE

(Ord. No. 9-81; 9/21/81)
(Ord. No. 15-83; 1/16/84)
(Ord. No. 11-89; 9/5/89)
(Ord. No. 09-01; 3/31/09)

SECTION 10.01 USE REGULATIONS. (Ord. No. 09-01; 3/31/09)

(a) Mobile Home Parks

(b) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein.

SECTION 10.02 MOBILE HOME DEVELOPMENTS. Mobile home parks are permitted in the R-4 Zoning District provided they are in conformance with all applicable State laws, rules and regulations governing mobile home developments, including PA 419 of 1976, as amended, and this Ordinance.

SECTION 10.03 MINIMUM AREA AND MAXIMUM DENSITIES. Each mobile home park shall be owned and operated as one (1) entity or on a condominium basis. Mobile home developments shall contain a minimum of fifteen (15) acres.

SECTION 10.04 BUFFER ZONES. All mobile home developments shall provide and maintain a fifty (50) foot setback from any street that borders the mobile home park or development and a thirty (30) foot buffer zone from any mobile home and any boundary line of the mobile home park or development. When a buffer strip adjoins any residential zoning district, the following shall be provided:

(a) The buffer strip shall be graded with a continuous berm at least three (3) feet above the grade elevation at the common property line and depth of the buffer strip shall be at least twelve (12) feet. The berm need not be provided when adjacent to a mobile home park district and need only be provided if there is existing residential usage at the time of construction.

(b) All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable plant material.

(c) A minimum of one (1) deciduous tree plus one (1) additional deciduous tree shall be planted for each thirty (30) lineal feet of required buffer strip length. Required trees shall be planted at approximately thirty (30) foot intervals.

(d) A minimum of one (1) evergreen tree plus one (1) additional evergreen tree shall be planted for every ten (10) lineal feet of required buffer strip length.

(e) A minimum of three (3) intermediate shrubs shall be planted for every ten (10) lineal feet of required buffer strip length.

SECTION 10.05 MINIMUM LOT AREA. The mobile home park shall be developed with sites having five thousand five hundred (5,500) square feet per mobile home unit being served. This five thousand five hundred (5,500) square feet may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space.

SECTION 10.06 MINIMUM MOBILE HOME SIZE. No mobile home in any mobile home development shall contain less than six hundred (600) square feet of living area.

SECTION 10.07 YARD REQUIREMENTS. The front yard of each mobile home development lot shall be no less than twenty (20) feet as measured from the nearest edge of the street pavement to the nearest wall of the mobile home. The rear yard of each lot shall be no less than ten (10) feet. No mobile home shall be within twenty (20) feet of any other mobile home.

SECTION 10.08 CORNER LOTS. Where a lot is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence or structure over thirty (30) inches in height and no plantings whatsoever shall be located on any corner lot within the required front yards. No driveway for the parking of motor vehicles shall run the length of any front yard on the two front yards on a corner lot.

SECTION 10.09 STREET REQUIREMENTS. If two (2) way traffic is to be accommodated, the street pavement width shall be no less than twenty-four (24) feet. One (1) way traffic on a street is not permitted.

SECTION 10.10 PARKING. Parking shall be provided in off-street parking bays or on site with two (2) parking spaces for each mobile home and one visitor parking space for every three (3) mobile home sites. Each parking space shall be no less than nine and one-half (9-1/2) feet by twenty (20) feet in area.

SECTION 10.11 ACCESS FROM MAJOR STREETS. Each mobile home development shall have a minimum of two (2) access streets provided there are more than one hundred (100) mobile homes. If two (2) access streets are required, they must be at least one hundred fifty (150) feet apart.

SECTION 10.12 SIGNS. A maximum of one (1) identification sign is allowed at each access point to the mobile home development. Each such sign shall not exceed thirty-six (36) square feet in area and shall not be illuminated by any light source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the combined total area of both sides when combined shall not exceed seventy-two (72) square feet.

SECTION 10.13 SALES PROHIBITED. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development provided the development permits the sale.

SECTION 10.14 UNDERGROUND UTILITIES. All public and private utilities shall be installed underground.

SECTION 10.15 SITE IMPROVEMENTS. Each mobile home shall be provided with a continuous pad of four (4) inches thick concrete running the full length and width of the mobile home or pier at least forty-two (42) inches deep below grade. Each pad shall be equipped with anchors or tie-down equipment meeting the requirements of an approved Construction Code anchoring system. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view and shall meet the requirements of the rules of the Mobile Home Commission.

SECTION 10.16 SIDEWALKS. Paved sidewalks shall be provided on one side of main collector streets within the mobile home development. The sidewalks shall be a minimum of three (3) feet in width and be adjacent to each street.

SECTION 10.17 STREETS AND PARKING AREAS. All street and parking areas in a mobile home development shall be hard surfaced with either Huron concrete or bituminous concrete.

SECTION 10.18 REFUSE DISPOSAL. Each mobile home development shall provide an effective system of garbage and rubbish storage, collection, and disposal in accordance with the rules and regulations of the Michigan Department of Public Health.

SECTION 10.19 LIGHTING. Each mobile home development shall be provided with sufficient lighting to meet the rules of the Mobile Home Commission.

SECTION 10.20 CENTRAL ANTENNA. Each mobile home development may have a master underground television antenna system. Exterior television and radio reception and transmission antennas and towers are not permitted on individual mobile homes or on individual mobile home sites.

SECTION 10.21 GROUND COVER. All exposed ground surfaces in the mobile home development, in order to prevent erosion, must be sodded, seeded or covered with ornamental stone and shall be in accordance with the Kent County soil erosion criteria.

SECTION 10.22 DRAINAGE.

(a) In the event a storage drain system for water leaving the mobile home park is necessary, construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the Kent County Drain Commissioner. All proposed storm drainage construction plans for such systems for water leaving the site shall be approved by the Kent County Drain Commissioner or the Department of Public Health and shall be in accordance with all the rules and regulations thereof.

SECTION 10.23 STORAGE AREAS. No storage of any personal property except licensed operable motor vehicles shall be stored outside or under any mobile home. Storage sheds may be utilized for any such storage but need not be supplied by the owner of the mobile home development.

SECTION 10.24 RECREATION VEHICLE STORAGE. The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the mobile home park, shall be in accordance herewith. The storage of the vehicles or items in the mobile home development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.

SECTION 10.25 OPEN SPACE. Each mobile home park shall include an open space area equal in size to no less than twenty-five thousand (25,000) square feet or two (2) percent of the gross acreage, whichever is greater. All open space areas shall be centrally located, well drained, and accessible to all residents of the mobile home park.

SECTION 10.26 STORM SHELTER. A storm shelter or shelters of sufficient size to provide safe refuge for all inhabitants of mobile home park shall be provided.

SECTION 10.27 (*Water Connection Required*) Connection shall be made to any public water system which is available within five hundred (500) feet of the mobile home development.

SECTION 10.28 HEIGHT. No building or structure shall exceed a height of thirty-five (35) feet.

SECTION 10.29 (*Site Development Plan*) Prior to the granting of a building permit, a site development plan shall be submitted and approved by the Building Inspector showing that it meets all the requirements of the Zoning Ordinance and the requirements of the Mobile Home Commission.

SECTION 10.30 SITE PLAN REVIEW. A site plan review shall be provided for those uses as required by Chapter XVIII herein. (Ord. No. 11-89; 9/5/89)

CHAPTER XI
"C-1" - COMMERCIAL ZONE

(Ord. No 89-11; 9/5/89)
(Ord. No. 91-2; 2/28/91)
(Ord. No. 95-2; 4/6/95)
(Ord. No. 95-9; 11/2/95)
(Ord. 96-03; 5/2/96)

(Ord. No. 97-3; 6/20/97)
(Ord. No. 04-03; 5/7/04)
(Ord. No 06-01; 2/26/06)
(Ord. No. 09-01; 3/31/09)
(Ord. No. 20-01; 10/19/20)

SECTION 11.01 DESCRIPTION AND PURPOSE

This District is established with the intention of designating certain portions of the Township for neighborhood convenience shopping, including retail businesses or service establishments which meet the needs of a neighborhood or the surrounding area.

SECTION 11.02 PERMITTED USES

1. Land and/or buildings in this district may be used for the following uses only:
 - (a) Retail shops and stores, including but not limited to supermarkets, bakeries, drug stores, hardware stores, appliance and furniture stores, clothing shops, and similar uses.
 - (b) Personal service establishments such as barber shops, beauty salons, shoe repair, photographic studios, dry cleaning, self service laundry facilities, and similar establishments.
 - (c) Professional offices of doctors, dentists, lawyers, architects, planners, engineers, and other similar professions.
 - (d) Vehicle service stations and gas stations not performing major repair work per Section 2.14 and Section 2.25(f).
 - (e) Health and physical fitness establishments.
 - (f) Eating and drinking establishments which may include an outdoor eating and drinking area. Outdoor eating or drinking areas are prohibited from serving alcohol. Establishments with the character of a drive-in or drive-up window are prohibited. (Ord. 97-3; 6/20/97)
 - (g) Short-term open air businesses in accordance with Alpine Charter Township Ordinance 90-1.
 - (h) Financial institutions without drive-up windows.

- (i) The repair of products sold by a permitted use in this district provided it does not constitute the principal use and all such work is performed inside.
- (j) Similar uses to the above as determined by the Zoning Administrator.
- (k) Customary accessory buildings and uses.
- (l) Governmental offices, service buildings, including but not limited to police, fire, and library and recreation facilities. Service buildings such as maintenance garages or public works buildings are prohibited. (Ord. No. 95-9; 11/2/95)
- (m) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein.(Ord. No. 96-03; 5/2/96)
- (n) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 11.03 SPECIAL USES

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Financial institutions with drive-up window(s).
- (b) Day care centers which care for more than six (6) persons.
- (c) Non-profit institutions for the treatment of the mentally, physically, or emotionally impaired or similar rehabilitative uses.
- (d) Essential public services as per Section 2.10 herein.
- (e) Housing for seniors or retired persons per Chapter XXI herein.
- (f) Antennas and towers exceeding a height of 35 feet as regulated by Section 21.07.(Ord. No. 96-03; 5/2/96)
- (g) Eating and drinking establishments with an outdoor eating or drinking area which serves alcohol. Such outdoor use shall comply with the regulations of applicable State of Michigan and Kent County agencies. (Ord. 97-3; 6/20/97)

- (h) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein. (Ord. No. 09-01; 3/31/09)

SECTION 11.04 DISTRICT REGULATIONS

(a) GENERAL

- (1) All business, service, or processing shall be conducted wholly within a completely enclosed building, except for automobile parking and/or off-street loading and limited outdoor display of merchandise.
- (2) All goods produced on the premises whether primary or incidental, shall be sold at retail and only on the premises where produced.

- (b) **FRONT YARD** - All principal and accessory buildings constructed within this district shall have a setback from the street right-of-way of not less than fifty (50) feet except if located on M-37 where the front setback shall be seventy-five (75) feet. Where any existing adjacent commercial structures are closer than fifty (50) feet to the right-of-way or seventy-five (75) feet if on M-37, a setback equal to the average of all commercial buildings within four hundred (400) feet on each side of the proposed building or between adjacent side streets, whichever is the lesser, will be allowed. In no case shall a front yard of less than thirty-five (35) feet (fifty (50) feet on M-37) be permitted.

For a corner lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.

- (c) **SIDE YARD** - There shall be a side yard setback of at least fifteen (15) feet on each side of all buildings. Where a "C-1" Commercial Zone abuts a residential zone a side yard of at least twenty-five (25) feet must be maintained. (Ord. 20-01; 10/19/20)
- (d) **REAR YARD** - A rear yard of at least twenty-five (25) feet shall be required; except where a commercial zone abuts a residential zone, the setback shall be at least fifty (50) feet.
- (e) **LOT WIDTH** - Each lot or parcel shall have a minimum width of one hundred twenty-five (125) feet.

- (f) GREENBELT - A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any commercial premises where the same abuts a residential or rural agricultural zone, and such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses. (Ord. No. 89-11; 9/5/89)
- (g) SIDEWALKS and WALKWAYS shall be installed consistent with Section 2.45. (Ord. 04-03; 5/7/04)
- (h) STRUCTURE FAÇADE: Structure facades shall be designed consistent with Section 2.44. (Ord. 04-03; 5/7/04)
- (i) FLAG POLES - No more than one flag pole per lot or parcel may be installed and such flag pole shall not be more than 35 feet above the average grade even if installed upon a building. The flag pole shall be setback at least 20 feet from all lot lines. (Ord. No. 95-2; 4/6/95)

SECTION 11.05 OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with Chapter XIX herein.

SECTION 11.06 HEIGHT REGULATIONS

No building shall exceed thirty (30) feet or two stories in height, whichever is lesser.

SECTION 11.07 SITE PLAN REVIEW

A site plan shall be required for all uses permitted in this zoning district according to the requirements of Chapter XVIII herein.

**CHAPTER XII
"C-2" COMMERCIAL**

(Ord. No. 79-14; 10/16/79)
(Ord. No. 91-2; 2/28/91)
(Ord. No. 95-9; 11/2/95)
(Ord. No. 95-6; 07/27/95)
(Ord. No. 04-03; 5/7/04)

(Ord. No. 05-01; 10/07/05)
(Ord. No. 11-03; 6/20/11)
(Ord. No. 14-04; 10/20/14)
(Ord. No. 20-01; 10/19/20)
(Ord. No. 21-03; 6/21/21)

SECTION 12.01 DESCRIPTION AND PURPOSE

The Commercial "C-2" District is primarily intended to provide for an orderly and concentrated development of business along select areas of M-37 and other principal and minor arterial streets designated in the Township Master Plan in order to serve the needs of the motoring public and local residents. (Ord. No. 14-04; 10/20/14)

SECTION 12.02 PERMITTED USES

(Ord. No. 21-03; 6/21/21)

Land and/or buildings in this district may be used for the following uses only:

- (a) Any use permitted in the "C-1" District.
- (b) Indoor commercial recreation facilities such as bowling alleys, indoor theaters, skating rinks, racquet clubs, miniature golf, or similar uses. (Ord. No. 21-03; 6/21/21)
- (d) Mortuaries or funeral homes.
- (e) Motels and hotels.
- (f) Retail building supply sales.
- (g) Short-term open air businesses in accordance with Alpine Charter Township Ordinance 90-1.
- (h) Retail nurseries and garden centers.
- (i) Printing, lithography, publishing, and photostating establishments.
- (j) Business or professional college, or trade or vocation school.
- (k) Laboratory, medical or dental.

- (l) Self-storage facilities such as frozen food lockers and mini-warehouses.
- (m) Radio and television studios.
- (n) Electronic data processing centers.
- (o) Any use similar to the above uses as determined by the Zoning Administrator.

SECTION 12.03 SPECIAL USES

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Special uses as permitted in the C-1 zone.
- (b) Establishments which have a drive-up window.
- (c) Open air businesses including but not limited to: the sale of motor vehicles, farm implement equipment sales and service, motor homes, mobile or modular homes, rental vehicles, and similar uses. (Ord. No. 05-01; 10/07/05)
- (d) Contractor equipment yards provided all equipment is stored indoors or otherwise screened from view of surrounding properties and roadways.
- (e) Veterinary clinics and commercial kennels.
- (f) Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within a completely screened area.
- (g) Automatic and self-serve vehicle wash facilities.
- (h) Outdoor commercial recreation facilities such as outdoor movie theaters, miniature golf, or similar uses. (Ord. No. 21-03; 6/21/21)
- (i) The assembly or manufacturing of a finished product from raw materials or finished parts, provided such use is clearly accessory to the principal permitted use. Such use may be permitted subject to the following conditions:
 - (1) The storage and display of the finished product or the parts used to produce the finished product shall be kept within a completely enclosed building.

- (2) The area devoted to assembly, manufacturing, and/or storage of the raw materials shall not occupy more than twenty-five (25) percent of the total gross floor area of the building(s) on the site.
 - (3) The emission of obnoxious odors, noise, dust, fumes, or vibrations of any kind which are contrary to the public health, safety, and general welfare shall not be permitted.
 - (4) No gas shall be emitted which is damaging to the public health, safety, and general welfare.
 - (5) Glare and heat from arc welding, acetylene torch cutting, or similar processes shall not have an adverse effect on adjoining property.
 - (6) The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with State rules and regulations.
- (j) Sexually Oriented Businesses per Section 21.10. (Ord. 11-03; 6/20/11)
 - (k) Municipal service buildings such as maintenance garages, public works buildings, and similar uses. Any outdoor storage or parking of large vehicles, equipment or materials shall be located or screened so as not to be visible from nearby properties. (Ord. No. 95-9; 11/2/95)
 - (l) Public or private clubs and lodges, churches and places of worship, or similar places of assembly. (Ord. No. 21-03; 6/21/21)

SECTION 12.04 DISTRICT REGULATIONS

- (a) All business, service, or processing shall be conducted wholly within a completely enclosed building, except for automobile parking and/or off-street loading and limited outdoor display of merchandise.
- (b) FRONT YARD - All principal and accessory buildings constructed in this district shall have a setback from the street right-of-way of not less than seventy-five (75) feet. Where any existing adjacent commercial structures are closer than seventy-five (75) feet to the right-of-way, a setback equal to the average of seventy-five (75) feet and all commercial buildings within four hundred (400) feet on each side of the proposed building or between adjacent side streets, whichever is the lesser, will be allowed. In no case shall a front yard of less than fifty (50) feet be permitted.

For a corner lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street

shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which the principal street is and which the secondary street is. Generally, the principal street will have a greater volume of traffic than the secondary street. (Ord. No. 21-03; 6/21/21)

- (c) SIDE YARD - There shall be a side yard of at least fifteen (15) feet on each side of all buildings. Where a "C-2" Commercial Zone abuts a residential zone on the side, a side yard of at least twenty-five (25) feet must be maintained. (Ord. 20-01; 10/19/20)
- (d) REAR YARD - There shall be a rear yard of at least twenty-five (25) feet except that where a commercial zone abuts a residential zone in the rear a minimum of fifty (50) feet must be maintained.
- (e) LOT WIDTH - Each lot or parcel shall have a minimum width of one hundred fifty (150) feet.
- (f) GREENBELT - A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any commercial premises where the same abuts a residential or rural agricultural zone, and such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses.
- (g) SIDEWALKS – Sidewalks and walkways shall be installed consistent with Section 2.45. (Ord. 04-03; 5/7/04)
- (h) STRUCTURE FACADE – Structure facades shall be designed consistent with Section 2.44. (Ord. 04-03; 5/7/04)
- (i) FLAG POLES - As permitted by Section 11.04 (i)

SECTION 12.05 OFF-STREET PARKING. Off-street parking facilities must be provided for all uses in this district in accordance with the requirements of Chapter XIX.

SECTION 12.06 HEIGHT REGULATIONS. No building shall exceed thirty (30) feet or two stories in height, whichever is lesser.

SECTION 12.07 RESERVED. (Ord. 11-03; 6/20/11)

SECTION 12.08 SITE PLAN REVIEW. A site plan shall be required for all uses permitted in this zoning district according to the requirements of Chapter XVIII herein.

CHAPTER 13
"C-3" COMMERCIAL ZONE

(Ord. No. 89-11; 9/5/89)
(Ord. No. 91-2; 2/28/91)
(Ord. No. 96-03; 5/2/96)

(Ord. No. 09-01; 3/31/09)
(Ord. No. 20-01; 10/19/20)

SECTION 13.01 DESCRIPTION AND PURPOSE

This zone is intended to provide for uses which, although commercial in nature, exhibit a number of industrial characteristics in their operation. Such uses, however, do not, in all cases, require the level of public services necessary for more intense industrial activities and can, therefore, be located outside of industrial areas where development costs are not prohibitive. Such uses need not be located along major roadways but in all cases development standards must be applied to ensure that such commercial uses do not have a negative effect on adjacent land uses.

SECTION 13.02 USE REGULATIONS. Land and/or buildings in the "C-3" Zone may be used for the following, subject to the site development standards of Section 13.06 herein:

- (a) Blacksmith and/or welding shop.
- (b) Vehicle repair or body shops.
- (c) Building material storage.
- (d) Commercial laundry.
- (e) Kennels.
- (f) Public utility service or storage yard.
- (g) Truck and/or trailer repair shop.
- (h) Well drilling contractors.
- (i) Other uses similar to the above as determined by the Zoning Administrator.
- (j) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein. (Ord. No. 96-03; 5/2/96)
- (k) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 13.03 SPECIAL USES. The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Coal, coke, or wood yards.
- (b) Contractors equipment storage yard or rental or leasing of equipment normally used by contractors.
- (c) Farm equipment sales, service, and storage.

- (d) Retail lumber yard and mill and sash work incidental thereto.
- (e) Stone monument works.
- (f) Other similar uses as determined by the Zoning Administrator.
- (g) Antennas and towers exceeding a height of 35 feet as regulated by Section 21.07. (Ord. No. 96-03; 5/2/96)
- (h) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein. (Ord. No. 09-01; 3/31/09)

SECTION 13.04 AREA REGULATIONS. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard area requirements are provided and maintained:

- (a) **BUILDING SETBACK** - All buildings constructed in this district shall have a setback from the street right-of-way of not less than seventy-five (75) feet. Where any existing adjacent commercial structure is closer than seventy-five (75) feet to the right-of-way, a setback equal to the average of seventy-five (75) feet and the average of all commercial buildings within four hundred (400) feet on each side of the proposed building or between adjacent side streets, whichever is the lesser, will be allowed. In no case shall a front yard of less than fifty (50) feet be permitted. For corner lots, the provisions of Section 12.04(b) shall apply.
- (b) **SIDE YARD** - There shall be a side yard setback of at least fifteen (15) feet on each side of all buildings. Where a "C-3" Zone abuts a residential zone on the side, a side yard of at least fifty (50) feet must be maintained. (Ord. 20-01; 10/19/20)
- (c) **REAR YARD** - There shall be a rear yard of at least twenty-five (25) feet except that where a commercial zone abuts a residential zone in the rear a minimum of fifty (50) feet must be maintained.
- (d) **LOT WIDTH** - Each lot or parcel shall have a minimum width of one hundred fifty (150) feet.
- (e) **GREENBELT** - A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any commercial premises where the same abuts a residential or rural agricultural zone, and such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses. (Ord. No. 89-11; 9/5/89)
- (f) **SIDEWALKS** - As required by Section 11.04(g) herein.
- (g) **STRUCTURE FACADE** - As required by Section 11.04(h) herein.

SECTION 13.05 HEIGHT REGULATIONS. No building shall exceed thirty (30) feet or two stories in height, whichever is lesser.

SECTION 13.06 SITE DEVELOPMENT STANDARDS. The following site development standards are designed to mitigate negative impacts on nearby properties.

- (a) All uses are to be conducted within a completely enclosed building or within an area enclosed on all sides by a solid fence, greenbelt, or wall at least six feet in height; provided, however, that no goods, materials, or objects shall be stacked higher than the fence, greenbelt, or wall, and provided further that all business shall be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to affect the adjoining properties adversely.
- (b) Operations which involve the use or storage of diesel powered equipment or heavy trucks shall keep all such vehicles at least one hundred fifty (150) feet from the nearest residential dwelling unit and shall not operate such vehicles in a manner which will be a nuisance to nearby residents.
- (c) The location of driveways shall be determined during site plan review. Driveways shall be located to minimize negative impacts upon nearby properties.
- (d) Operations which involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazard and to prevent such fluids from contaminating groundwater and surface water.

SECTION 13.07 OFF-STREET PARKING. Off-street parking facilities must be provided for all uses in this district in accordance with the requirements of Chapter XIX.

SECTION 13.08 SITE PLAN REVIEW. A site plan shall be required for all uses permitted in this zoning district according to the requirements of Chapter XVIII herein.

CHAPTER 13B
"C-4" COMMERCIAL ZONE

(Ord. No. 21-03; 6/21/21)

SECTION 13B.01 DESCRIPTION AND PURPOSE

The Commercial "C-4" District is primarily intended to provide for an orderly and concentrated development of business along a selected area of 4 Mile Road NW and as may be appropriate for other minor arterial streets designated in the Township Master Plan in order to serve the needs of nearby residents. Drive-through establishments are not permitted so as to minimize disruptions to adjoining planned residential uses.

SECTION 13B.02 PERMITTED USES

Land and/or buildings in this district may be used for the following uses only:

- (a) Retail shops and stores, including but not limited to supermarkets, bakeries, drug stores, hardware stores, appliance and furniture stores, clothing shops, and similar uses.
- (b) Personal service establishments such as barber shops, beauty salons, shoe repair, photographic studios, dry cleaning without drive-up windows, self-service laundry facilities, and similar establishments.
- (c) Professional offices of doctors, dentists, lawyers, architects, planners, engineers, and other similar professions.
- (d) Health and physical fitness establishments.
- (e) Eating and drinking establishments which may include an outdoor eating and drinking area. Outdoor eating or drinking areas are prohibited from serving alcohol. Establishments with the character of a drive-in or drive-up window are prohibited.
- (f) Short-term open air businesses in accordance with Alpine Charter Township Ordinance 90-1.
- (g) Financial institutions without drive-up windows.
- (h) The repair of products sold by a permitted use in this district provided it does not constitute the principal use and all such work is performed inside.
- (i) Governmental offices, service buildings, including but not limited to police, fire, and library and recreation facilities. Service buildings such as maintenance garages or public works buildings are prohibited.

- (j) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein.
- (k) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein.
- (l) Indoor commercial recreation facilities such as bowling alleys, indoor theaters, skating rinks, racquet clubs, or similar uses.
- (m) Mortuaries or funeral homes.
- (n) Motels and hotels.
- (o) Retail building supply sales.
- (p) Short-term open air businesses in accordance with Alpine Charter Township Ordinance 90-1.
- (q) Retail nurseries and garden centers.
- (r) Printing, lithography, publishing, and photostating establishments.
- (s) Business or professional college, or trade or vocation school.
- (t) Laboratory, medical or dental.
- (u) Self-storage facilities such as frozen food lockers and mini-warehouses.
- (v) Radio and television studios.
- (w) Electronic data processing centers.
- (x) Any use similar to the above uses as determined by the Zoning Administrator.
- (y) Customary accessory buildings and uses.

SECTION 13B.03 SPECIAL USES.

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Day care centers which care for more than six (6) persons.
- (b) Non-profit institutions for the treatment of the mentally, physically, or emotionally impaired or similar rehabilitative uses.
- (c) Essential public services as per Section 2.10 herein.
- (d) Housing for seniors or retired persons per Chapter XXI herein.
- (e) Antennas and towers exceeding a height of 35 feet as regulated by Section 21.07.
- (f) Eating and drinking establishments with an outdoor eating or drinking area which serves alcohol. Such outdoor use shall comply with the regulations of applicable State of Michigan and Kent County agencies.
- (g) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein.
- (h) Open air businesses including but not limited to: the sale of motor vehicles, farm implement equipment sales and service, motor homes, mobile or modular homes, rental vehicles, and similar uses.
- (i) Contractor equipment yards provided all equipment is stored indoors or otherwise screened from view of surrounding properties and roadways.
- (j) Veterinary clinics and commercial kennels.
- (k) Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within a completely screened area.
- (l) Public or private clubs and lodges, churches and places of worship, or similar places of assembly.
- (m) Outdoor commercial recreation facilities such as outdoor movie theaters, miniature golf, or similar uses.
- (n) The assembly or manufacturing of a finished product from raw materials or finished parts, provided such use is clearly accessory to the principal

permitted use. Such use may be permitted subject to the following conditions:

- (1) The storage and display of the finished product or the parts used to produce the finished product shall be kept within a completely enclosed building.
 - (2) The area devoted to assembly, manufacturing, and/or storage of the raw materials shall not occupy more than twenty-five (25) percent of the total gross floor area of the building(s) on the site.
 - (3) The emission of obnoxious odors, noise, dust, fumes, or vibrations of any kind which are contrary to the public health, safety, and general welfare shall not be permitted.
 - (4) No gas shall be emitted which is damaging to the public health, safety, and general welfare.
 - (5) Glare and heat from arc welding, acetylene torch cutting, or similar processes shall not have an adverse effect on adjoining property.
 - (6) The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with State rules and regulations.
- (o) Sexually Oriented Businesses per Section 21.10.
- (p) Municipal service buildings such as maintenance garages, public works buildings, and similar uses. Any outdoor storage or parking of large vehicles, equipment or materials shall be located or screened so as not to be visible from nearby properties.

SECTION 13B.04 DISTRICT REGULATIONS.

- (a) All business, service, or processing shall be conducted wholly within a completely enclosed building, except for automobile parking and/or off-street loading and limited outdoor display of merchandise.
- (b) FRONT YARD - All principal and accessory buildings constructed in this district shall have a setback from the street right-of-way of not less than seventy-five (75) feet. Where any existing adjacent commercial structures are closer than seventy-five (75) feet to the right-of-way, a setback equal to the average of seventy-five (75) feet and all commercial buildings within four hundred (400) feet on each side of the proposed building or between adjacent side streets, whichever is the lesser, will be allowed. In no case shall a front yard of less than fifty (50) feet be permitted.

For a corner lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which the principal street is and which the secondary street is. Generally, the principal street will have a greater volume of traffic than the secondary street.

- (c) SIDE YARD - There shall be a side yard of at least fifteen (15) feet on each side of all buildings. Where a "C-4" Commercial Zone abuts a residential zone on the side, a side yard of at least twenty-five (25) feet must be maintained.
- (d) REAR YARD - There shall be a rear yard of at least twenty-five (25) feet except that where a commercial zone abuts a residential zone in the rear a minimum of fifty (50) feet must be maintained.
- (e) LOT WIDTH - Each lot or parcel shall have a minimum width of one hundred fifty (150) feet.
- (f) GREENBELT - A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any commercial premises where the same abuts a residential or rural agricultural zone, and such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses.
- (g) SIDEWALKS – Sidewalks and walkways shall be installed consistent with Section 2.45.
- (h) STRUCTURE FACADE – Structure facades shall be designed consistent with Section 2.44.
- (i) FLAG POLES - As permitted by Section 11.04 (i)

SECTION 13B.05 OFF-STREET PARKING. Off-street parking facilities must be provided for all uses in this district in accordance with the requirements of Chapter XIX.

SECTION 13B.06 HEIGHT REGULATIONS. No building shall exceed thirty (30) feet or two stories in height, whichever is lesser.

SECTION 13B.07 SITE PLAN REVIEW. A site plan shall be required for all uses permitted in this zoning district according to the requirements of Chapter XVIII herein.

CHAPTER 13C
4 MILE ROAD OVERLAY

(Ord. No. 21-03; 6/21/21)

SECTION 13C.01 THE 4 MILE ROAD CORRIDOR:

4 Mile Road serves as the boundary line between the City of Walker and Alpine Township. It also serves as a major road connecting Alpine Ave. (M-37) and Fruit Ridge Ave. and its interchange with I-96 to the south.

SECTION 13C.02 PURPOSE:

The purpose of the 4 Mile Road Overlay Zone is to provide for a set of zoning regulations to implement *Subplan A* of the Master Plan, and more specifically Sub Area #1 and Sub Area #2 within *Subplan A*. The specific purposes of this district are to:

- (a) Protect the transportation capacity of this important corridor by limiting, and controlling the number and location of driveways and requiring alternate means of access through cross access easements, shared driveways, services drives, and access from side streets.
- (b) Ensure sufficient right-of-way for future widening of 4 Mile Road as properties develop and re-develop.
- (c) Provide a non-motorized pathway along 4 Mile Road.
- (d) Preserve the planned residential and agricultural preservation areas to the north
- (e) Ensure minimum disruption to the planned adjacent residential land uses by prohibiting drive-through commercial uses.
- (f) Efficient provision and use of public utilities
- (g) Facilitate high-quality development and redevelopment of commercial and office districts through efficient site design.
- (h) Provide consistent development framework.
- (i) Require landscaping on sites along the corridor as they develop and redevelop to attain the desired green space, buffering between uses and the high quality appearance of the corridor.

SECTION 13C.03 GEOGRAPHIC AREA THE ZONING OVERLAY APPLIES TO:

The requirements of this overlay district apply to all land within 500 feet of, or gaining access from, 4 Mile Road between Fruit Ridge Ave. and 1,400 feet east of the centerline of Fruit Ridge Ave. and between Walker Avenue and Cordes Avenue; unless otherwise defined. The area is graphically illustrated on the Zoning Map.

SECTION 13C.04 APPLICABILITY:

The following standards shall not apply to developments approved prior to January 1, 2021; but would apply to subsequent amendments or modifications of such developments. However, the requirements of this overlay district shall apply to the elements of a development (including PUDs) approved prior to the effective date of the establishment of this overlay district, that were not specifically addressed in the conditions of approval. That may include building and parking lot setbacks, landscaping, parking, lighting, signage, grading, storm water management, motor vehicle and pedestrian access, and architectural facades and building design.

SECTION 13C.05 MODIFICIATIONS TO SITE DEVELOPMENT STANDARDS:

Within the 4 Mile Overlay Zone, the following modifications to the Site Development Standards of the underlying zoning district will apply: front yard building and parking setbacks are measured from the edge of 4 Mile Road right-of-way as it existed on January 1, 2021; which is 33 feet wide from the road centerline to the edge of the right-of-way; the front setbacks listed below include a 20-foot requirement that could be future 4 Mile Road right-of-way; and, when the 20 feet of future right-of-way is acquired over time by the Kent County Road Commission, Alpine Township or the North Kent Sewer Authority, the resulting building and parking setbacks will be considered conforming.

Other than as indicated below, all other Site Development Standards contained in the Zoning Ordinance shall apply.

(a) Building Setbacks:

Front: 70 feet from the edge of the 4 Mile Rd. right-of-way as it existed on Jan. 1, 2021. (20 ft. future ROW + 50 ft. setback = 70 feet)

For a corner lot, 35 feet along the secondary street

Rear: 50 feet

(b) Greenbelt:

A 30 feet wide landscaped area shall be provided along the north portion of the sub-areas. This area shall be planted according to the standards of the Alpine Township Landscape Guidelines. Berming or a screen fence shall be provided within this landscaped area in order to help screen the

commercial and office uses from residential properties to the north and east.

(c) Parking setbacks:

Front: 40 feet from the edge of 4 Mile Road right-of-way as it existed on Jan. 1, 2021. (20 ft. of future ROW + 20 ft. setback = 40 feet)

Rear: 30 feet from rear lot line

(d) Lighting:

Light poles within 150 feet of a public or private road right-of-way, of any residentially-zoned property, or any property planned for residential uses; shall not exceed a height of 23 feet above the average grade of the surrounding surface.

SECTION 13C.06 NON-MOTORIZED TRANSPORTATION FACILITIES:

A paved non-motorized trail shall be provided along 4 Mile Road as properties develop or redevelop from Fruit Ridge Avenue to Cordes Avenue. Sidewalks or paved walkways from 4 Mile Road to on-site uses shall also be provided as required by the Planning Commission.

SECTION 13C.07 ACCESS MANAGEMENT AND CIRCULATION:

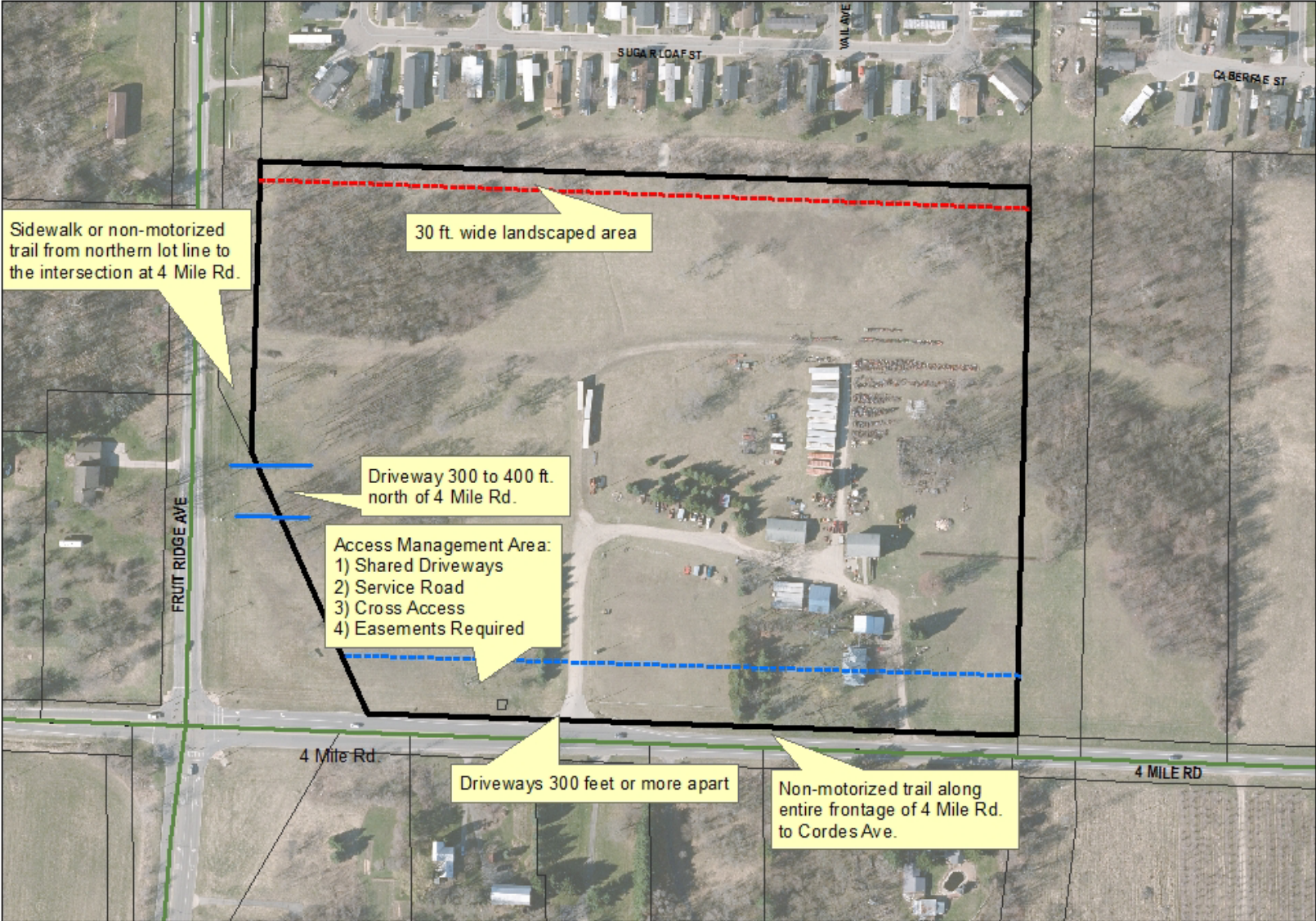
In order to provide for safer driving conditions in this area, the number and placement of driveways along 4 Mile Road and Fruit Ridge is proposed to be limited according to Zoning Overlay Maps for Parts 1 and 2 and the general access management principles as laid out in Chapter XVIII, Site Plan Review of the Zoning Ordinance.

All parcels shall be connected by a front or rear service road or by parking lots according to the Alpine Township access management standards contained in the Zoning Ordinance. Cross access easements shall be provided to and from all property owners as parcels develop or redevelop. The number and placement of driveways shall be provided as illustrated on Zoning Overlay Parts 1 and 2.

SECTION 13C.08 UTILITIES:

All developments shall connect to public sanitary sewer.

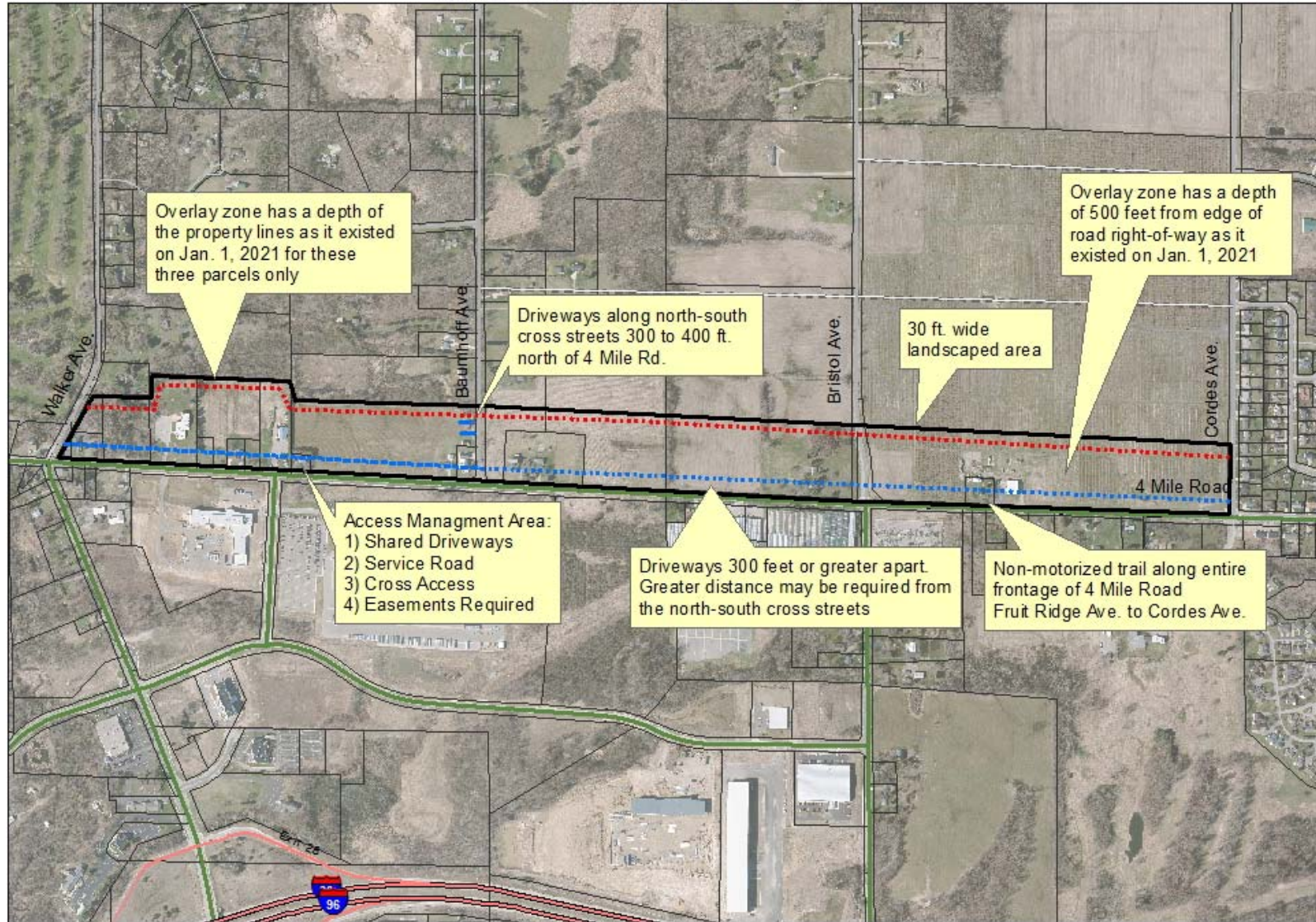
4 Mile Road Zoning Overlay Part 1



1:2,500

Map produced using 2021 REGIS property line data and 2020 aerial photos

4 Mile Road Zoning Overlay Part 2



Map produced using 2021 REGIS property line data and 2020 aerial photos

CHAPTER 14A
"OSN-PUD" - OPEN SPACE NEIGHBORHOOD
PLANNED UNIT DEVELOPMENT DISTRICT

(Ord. No. 02-03; 8/1/02)
 (Ord. No. 06-01; 2/26/06)
 (Ord. No. 09-01; 3/31/09)

(Ord. No. 19-02; 2/18/19)
 (Ord. No. 22-02; 4/18/22)

SECTION 14A.01 PURPOSE

It is the intent of this Chapter to offer an alternative means of developing residential property through the use of an Open Space Neighborhood Planned Unit Development (OSN-PUD). The OSN-PUD is a zoning district for master planned residential communities in which the most important design feature is the identification and inclusion of land that is to be preserved or created as open space. Most dwellings would abut this permanently preserved open space in order to provide views and access for residents.

This Chapter sets forth requirements pertaining to the design of an Open Space Neighborhood via the Planned Unit Development process. As with any land use planning endeavor, proper yet visionary community design is essential. However, it is also understood that the property being planned for an OSN-PUD must still be legally divided into lots via the land division, platting, condominium, or site condominium process. As such, certain engineering realities should be expected during the OSN-PUD design process, particularly when addressing mandatory public utility extensions, stormwater management, and onsite grading work.

Some degree of flexibility is permitted in the use, height, bulk, and placement requirements for OSN-PUD developments, but it is also intended that each OSN-PUD district will complement uses that are near and adjacent to the OSN-PUD district. The OSN-PUD District is intended for the following purposes:

- a) Implementing the Township's Master Plan relating to preservation of open space, rural character, and natural resources in the creation of well-planned residential neighborhoods.
- b) Encouraging the use of land in accordance with its character and adaptability;
- c) Assuring the preservation of open space and other natural resources and allowing for the continuation of viable farming activities.
- d) Providing active and/or passive recreational areas accessible to all residents of the OSN-PUD;
- e) Encouraging the provision of open space of a useable size and design;
- f) Allowing innovation and greater flexibility in the design of master planned residential developments;
- g) Facilitating the construction and maintenance of streets, public utilities, and public services in a more economical and efficient manner;
- h) Ensuring compatibility of design, use, and density between neighboring properties and an OSN-PUD zoning district, or as recommended by the current Master Plan;

- i) Encouraging a more compact form of development, thus preserving open space as undeveloped land or as maintained recreational space;
- j) Providing a road design that provides connections throughout the development, rather than utilizing numerous cul-de-sacs, and that provides traffic calming devices such as shorter street segments, 90° turns, irregular street patterns, narrower streets, and access to lots by shared drives and alleys.
- k) Providing for neighborhood design which has a definable center and edges, and which provides pedestrian links throughout the site.
- l) Preserving and restoring wildlife habitat and native biological diversity.
- m) Utilizing the “toolbox” methodology quantified within this ordinance to thoroughly plan and design all onsite open space and built environment features, based in large part on the pre-existing strengths and weaknesses of a particular site.

SECTION 14A.02 AUTHORIZATION AND PROCEDURE

An OSN-PUD may be approved by the Planning Commission and Township Board pursuant to Chapter 22 of this Ordinance.

SECTION 14A.03 ELIGIBILITY CRITERIA

To be eligible for OSN-PUD consideration, the applicant must demonstrate that a proposed OSN-PUD meets the following criteria:

- a) Location: An OSN-PUD may be approved in any location which is recommended for Rural Estate or Low Density Residential uses by the Alpine Township Master Plan or is currently within the Rural Agricultural or Low Density Residential zoning districts.
- b) Recognizable Benefits: An OSN-PUD shall result in recognizable and substantial benefits both to the residents of the project and to the overall quality of life in the Township. The benefits can be provided through site design elements such as innovative architectural design and quality housing stock, distribution of lots which would not result in as desirable a development if developed separately, creative use of landscaping, sensitivity to adjacent residential land uses, unique site design features, preservation and restoration of natural features, or preservation of viable farm land and the reasonable maintenance of rural appearance.
- c) Minimum Size: Qualifying parcels must be a minimum of five contiguous acres.
- d) Unified Control: The proposed development shall be under unified ownership or control, so that one person or entity has proprietary responsibility and the ability to provide for the full development of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions to establish that the development will be completed in its entirety as proposed.

SECTION 14A.04 DENSITY REQUIREMENTS

- a) An OSN-PUD shall only be developed in accordance with the density and land uses allowed by this Chapter. The permitted number of dwellings per acre (density) for a proposed OSN-PUD shall be consistent the following table:

Density Table

Master Plan Category	Comparable Zoning District	OSN-PUD Maximum Density
Rural Estate	Rural Agricultural	.66 units/ac. (1.5 acres/unit)
Low Density Residential	R1, Low Density Residential	3.0 units/ac.

To determine the maximum number of dwelling units which may be constructed within an OSN-PUD, the permitted density from the Density Table above shall be multiplied by the total acreage of the site, excluding those areas identified as Primary Conservation Areas in Section 14A.08(d) as well as acreage within pre-development public road rights-of-way.

However, this maximum density may not be feasible when the 65' lot width minimum noted in Section 14A.07 and the required 35% of gross acreage Dedicated Open Space noted in Section 14A.08(a) are applied to the actual PUD lot layout plan. Therefore, the actual lot yield plan may be less than the permitted maximum number of dwelling units.

The Planning Commission and the Township Board may, based on the criteria contained in this chapter, require fewer dwelling units than would otherwise be permitted by the maximum density calculation noted in this Section to better protect the public health, safety, and welfare.

SECTION 14A.05 PERMITTED USES

Land and buildings in an OSN PUD may only be used for the following uses or combination of such uses:

- a) Single family dwellings
- b) Two-family dwellings. Two-family dwellings shall not constitute more than 15% of the total dwelling units in an OSN-PUD.
- c) Multi-family dwellings, provided that there are not more than four units per building and the building is not more than thirty-five (35) feet in height or two and one-half stores. Multi-family dwellings shall not constitute more than 15% of the total dwelling units in an OSN-PUD. (Ord. 22-02; 4/18/22)
- d) Other uses that are determined by the Township Board upon recommendation of the Planning Commission to be consistent with the Alpine Township Master Plan and this Ordinance.
- e) Limited farming activities are permitted only if such activities are conducted upon the Dedicated Open Space within the OSN-PUD. For purposes of this section farming activities shall be limited to the growth and sale of crops, fruits, and vegetables and the raising and keeping of farm animals.

- f) Golf courses, tennis courts, ball fields, bike paths, walking paths, playground, community buildings, and similar active and passive recreational facilities, provided that they are designed to be used primarily by residents of the OSN-PUD.
- g) Accessory uses, structures, and buildings that are customarily associated with the uses specified above, shall be permitted in accordance with Section 2.01 of this Ordinance unless specifically modified by the Planning Commission.
- h) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 14A.06 USES PERMITTED SUBJECT TO SPECIFIC AUTHORIZATION OF THE TOWNSHIP BOARD

The following uses are also permitted within the OSN-PUD zone when specifically authorized by the Township Board upon the recommendation of the Planning Commission. The uses shall be developed in accordance with standards provided for PUDs and the specific standards applicable to each use as set forth elsewhere in this Ordinance, except that the Township Board in its discretion may vary those specific standards in order to achieve the intent and purpose of the PUD: (Ord. 06-01; 2/26/06) (Ord. No. 09-01; 3/31/09)

- a) Housing for seniors or retired persons per Chapter 21 herein.
- b) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein. (Ord. No. 09-01; 3/31/09)

SECTION 14A.07 DEVELOPMENT REQUIREMENTS

The lot area, lot width, building setback, yard requirements, street frontage, and street widths applicable within an OSN-PUD may be modified in order to achieve the objectives of this section, if recommended by the Planning Commission and approved by the Township Board. However, each individual lot must be at least 65 feet in width at the required minimum front building setback line to a distance of 50 feet beyond the required minimum front building setback line. In addition, a diversity of lot sizes may be required in order to achieve a variety of housing types and to avoid the monotonous repetition of static lot sizes often found in conventional subdivisions. (Ord. No. 22-02; 4/18/22)

SECTION 14A.08 MINIMUM OPEN SPACE REQUIREMENTS

- a) An OSN-PUD shall provide and maintain a minimum of 35 percent of the gross parcel area of the application site as Dedicated Open Space. Dedicated Open Space includes all land within a PUD not devoted to a residential lots or units, accessory structures or uses, vehicle access or parking areas, utility easements, roadways, or land improvements. Dedicated Open Space shall be used for recreation, conservation, or preservation and shall be connected to adjacent and future developments, open space, and bike paths.
- b) All areas identified as Primary Conservation Areas per Section 14A.08(d) shall be permanently preserved as dedicated open space. The Planning Commission shall determine the actual amount of open space required, and may require more than 35 percent of the site to be dedicated open space based on Geographic Information System analysis, biological surveys, topographical surveying data, the nature and intensity of the proposed development, and compliance with the purposes of this section.

The specific types of Dedicated Open Space planned within an OSN-PUD must be chosen from the “OSN-PUD Toolbox,” displayed on Figure 1.

- c) Standards for Dedicated Open Space. The following standards shall apply to the Dedicated Open Space required in an OSN-PUD:
 - 1) Dedicated Open Space shall be available for use by all residents of the OSN-PUD.
 - 2) At least one area of Dedicated Open Space shall be centrally located within the development, insofar as it is feasible, and shall be maintained as an active recreational area, such as a village green, playground, or ball field park. It is the intent of this section that the centrally located open space be maintained in a more formal sense, so as to promote community, visibility, monitoring, usability, and safety of the area.
 - 3) Other than the centrally located Dedicated Open Space, other Dedicated Open Spaces shall be located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development and to open spaces on adjacent OSN-PUD properties.
 - 4) If the pre-development site contains a lake, stream or other body of water, a significant portion of the required Dedicated Open Space shall abut the body of water. Greenways shall be established along watercourses whenever possible.
 - 5) Narrow peripheral bands of open space may count toward up to 50% of the required Dedicated Open Space if such peripheral open space provides a landscaped and bermed visual buffer between land uses to create a more rural appearance from adjacent roadways. Such open space must be at least 30’ wide, bermed to a height of 6’–10’, have at least 4’ of flat area across the top, be significantly landscaped and have a side slope that supports lawn mowing equipment.

See Figure I, Type 4 for examples of useful peripheral open space.

- 6) If active recreational areas are proposed such as maintained village greens,

playgrounds, or ball fields, such areas shall be 62,500 square feet in area and at least 250 feet in length and width. The Planning Commission may approve limited active recreational Dedicated Open Space areas of less than 62,500 square feet in area and 250 feet in length and width if such areas are designed and established as pedestrian or bicycle paths for residents of the OSN-PUD.

These active recreational areas shall not utilize more than 60% of the overall 35% required Dedicated Open Space area unless specifically approved by the Planning Commission and Township Board. The remaining 40% (or more) shall be passive open space consisting of primary or secondary conservation areas.

- 7) Pedestrian access points to the Dedicated Open Space areas shall be provided and shall be clearly identified by signs and an improved path for safe and convenient access. Except for boardwalks or gravel trails through natural areas, pathways shall be paved.
 - 8) Grading in Dedicated Open Spaces containing Primary Conservation Areas shall be minimal, with the intent to preserve existing topography and limit soil erosion. Active recreational areas shall be graded as flat as possible while still providing adequate stormwater management and drainage controls.
 - 9) Passive recreational areas shall be designed to revert to native forms of Michigan vegetation, in order to restore biological diversity, preserve more rural appearances and to allow for exploration of natural areas by OSN-PUD residents. In the case of landscaped peripheral berms, more active maintenance may be prudent to improve aesthetics and visual appeal. However, native Michigan species should be utilized wherever possible in these landscaped areas.
 - 10) A structure or building accessory to a recreation or conservation use may be erected within the Dedicated Open Space, in accordance with an approved open space plan.
 - 11) A non-motorized trail system shall be provided throughout the development. The applicant shall provide linkage of the trail system to future neighborhoods and developments that may occur adjacent to the development.
- d) Primary Conservation Areas. The following forms of Dedicated Open Space shall be preserved as "primary conservation areas:"
- 1) All wetlands and wet meadows (whether regulated or not)
 - 2) All floodplains and drainageways (whether regulated or not)
 - 3) Creeks, streams, ponds or lakes
 - 4) Steep slopes (20% or over)
 - 5) Habitats of unique or endangered species
 - 6) Soils that will not sustain buildings
 - 7) Woodlands wherein which at least 30% of the trees measure at least 10 inches in diameter

The determination of the existence of all wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a professional biologist, professional wetland consultant, or similar professional person deemed acceptable to the Planning Commission and Township Board.

- e) Secondary Conservation Areas. Where feasible, the following open spaces shall also be preserved as “secondary conservation areas:”
- 1) Woodlands which are not part of the primary conservation area
 - 2) Farm land
 - 3) Meadows and hedgerows
 - 4) Farm buildings and fences
 - 5) Historic, cultural, and archeological features
 - 6) Scenic views into and out of the site
 - 7) Any other area which, due to significant natural or cultural features, is determined to be worthy of preservation.
- f) Open Space Preservation and Maintenance Agreement: Prior to approval of PUD rezoning by the Township Board, the applicant shall provide an open space preservation and maintenance agreement, in a form acceptable to the Township, providing that all Dedicated Open Space (as referenced herein) portions of the development shall be permanently protected from future development and maintained in the manner approved by the Planning Commission and Township Board during the OSN-PUD review process.

Such documentation shall be in a form satisfactory to the Township Board and recorded so as to bind all successors and future owners in title to commitments made as part of the accepted project proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the Dedicated Open Space land uses continue as approved in the OSN-PUD plan, unless the Township Board approves an amendment.

The open space preservation and maintenance agreement is subject to approval by the Township Board and may consist of covenants, conditions, and restrictions that run with the land, a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended, or another comparable substitute as determined by the Township Board.

The preservation and maintenance agreement shall, at a minimum:

- 1) Indicate the proposed uses and maximum intensity of use(s) within the Dedicated Open Space.
- 2) Require that the Dedicated Open Space be maintained by parties or entities that have an ownership interest in the open space.

- 3) Provide standards for scheduled maintenance of the Dedicated Open Space including necessary mowing, trash removal, irrigation, pruning of trees and new plantings to replace withered or dead materials.
- 4) Provide an administrative mechanism for maintenance to be undertaken by Alpine Township in the event that the Dedicated Open Space is inadequately maintained, as determined by the Township, and becomes a public nuisance. Provisions shall be made to ensure that any costs incurred by the Township to maintain shall be assessed or apportioned to the owners of the property within the OSN-PUD.
- 5) Provide a legal instrument to permanently protect all Dedicated Open Space areas from future development.

SECTION 14A.09 DESIGN STANDARDS FOR RESIDENTIAL LOTS OR UNITS AND RESIDENTIAL STRUCTURES (Ord. No. 22-02; 4/18/22)

The location of residential lots or units shall be based upon the following criteria:

- a) In no case may residential lots or units extend into a primary conservation area. Residential or units lots may extend into Secondary Conservation Areas, if approved by the Planning Commission and Township Board.
- b) Where practical, houses should be placed so that scenic views are left open or uninterrupted, particularly as seen from the public road right-of-way.
- c) Lots within an OSN-PUD are not required to have frontage on public streets or private roadways. Lots within an OSN-PUD may face onto the walkways surrounding greens or squares rather than directly onto streets. Such lots may take their vehicle access from alleys or shared drives that serve the rears of these lots.
- d) "Zero" lot lines on the sides of narrow lots may be permitted; side porches facing the greater side yard of these lots are also encouraged.
- e) All lots shall be accessible by emergency and public service vehicles.
- f) The Township may require that garages not extend beyond the faces of houses served by the garage. Garages located at the rears of lots may be accessed by alleys or drives serving the lot.
- g) To avoid the adjacent placement of identical home facades, the applicant shall provide the Planning Commission and Township Board with a "non-repeat" plan for housing facades.

SECTION 14A.10 DESIGN STANDARDS FOR STREETS

The following criteria shall apply when locating and designing streets, trails, and greens. If the applicant is also seeking approval for a private road, information and approval required by Section 2.34 herein shall also be submitted. Special land use permit approval is required for a private road.

- a) Streets shall be designed to minimize the area devoted to vehicle travel. The use of alleys for access to rears of lots, as well as the use of shared drives, may be required.

- b) Streets shall be designed to preserve existing tree lines and hedgerows.
- c) Streets shall be designed to avoid crossing wetlands, wildlife habitat, or other sensitive natural areas unless no other alternative route exists. Travel lanes may be split into a boulevard-style street with natural areas between the travel lanes.
- d) Streets shall be designed to avoid long street segments. Shorter straight segments at 90 degrees to each other are preferable, as well as irregular street patterns which combine straight, angled, and curving street segments that increase visual appeal and help calm traffic. The use of "T" intersections is encouraged.
- e) Lanes or alleys serving lots shall have a pavement width of at least 14 feet; shared driveways shall have a pavement width of at least 10 feet.
- f) Street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows, or playing fields.
- g) Where practical, streets should allow single loading of house sites, which allows all homes views of open spaces within the development.
- h) Every effort should be made to connect streets so that dead ends are minimized, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- i) Mid-block walkways shall be provided where a block is at least 800 feet long on at least one side of the street. The Planning Commission shall determine the feasibility of such walkways based upon the practicality of connections within and outside of the OSN-PUD.
- j) Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets or adjoining neighborhoods. These cul-de-sacs should be designed with a central island where existing trees can be preserved or native species can be planted, in accordance with the Kent County Road Commission.
- k) Streets shall be designed to connect with adjoining properties.
- l) Street trees shall be installed on both sides of all streets (public and private) in accordance with the approved landscaping plan. Trees shall either be massed at critical points, spaced evenly along the street parkway, or both. A 65-foot minimum spacing interval shall be utilized when placing trees. Street trees species should be chosen for their ability to withstand roadside environmental conditions. Tree type may vary depending on the overall effect desired, but as a general rule, trees should be the same kind on a particular street. The installation of street trees shall be the applicant's responsibility and seasonal mass plantings are encouraged to promote cost efficiency and improved survival of trees.

All street and canopy trees shall be at least of 2" caliper size. All evergreen trees shall be at least 6 feet in height. Understory and flowering trees shall be at least 1.5" caliper in size. (Ord. 22-02; 4/18/22)
- m) Sidewalks shall be installed on both sides of all public streets and private streets. (Ord. 22-02; 4/18/22)

SECTION 14A.11 LANDSCAPING PLAN REQUIRED

- a) Plan Content. A landscaping plan prepared by a registered landscape architect shall be submitted with an OSN-PUD application. The plan shall identify proposed trees, shrubs, ground covers and other landscaping elements. The plan shall identify where plantings will be located as well as planting/construction/phasing details. Where existing natural growth will be preserved, the plan must detail methods to protect existing vegetation during and after construction.

SECTION 14A.12 STORMWATER AND DRAINAGE FACILITIES

All OSN-PUD projects must provide for adequate onsite stormwater and drainage facilities, in compliance with Ordinance #01-06, as amended. Based on their design, stormwater and drainage facilities will be classified and reviewed in accordance with the following designations:

- a) Functional: This facility is designed only for engineering functionality and may be necessary in certain situations. Functional detention basins, headwalls, outlet structures, concrete flow channels, rip rap channels, and other drainage improvements must be screened with plant material and berms.
- b) Functional and Created Wetlands: These types of facilities combine functional designs with wetland creation techniques. These types of facilities must be carefully designed to ensure long-term functionality and maintenance provisions. The detention basin embankment and the basin itself must be extensively planted with wet tolerant plant materials with the intention of re-creating a seasonal and high water wet ecosystem.
- c) Functional and Aesthetic: These types of facilities combine functional design with landscape architecture and active/passive recreation potential. These facilities are detailed in Figure 1, Type 8. These ponds must be developed both as functional utilities and neighborhood amenities. Aeration of wet ponds and created lakes is required. Such facilities cannot be allowed to become a visual nuisance. As such, ongoing maintenance of these facilities is essential, either by the public drain district process or as noted in the required OSN-PUD operation and maintenance agreement noted in Section 14A.09(c).

SECTION 14A.13 SIGNS

Signage within an OSN-PUD shall comply with the regulations for the proposed uses contained in Chapter 20, Signs of the Alpine Township Zoning Ordinance.

SECTION 14A.14 MINIMUM FLOOR AREA

- a) ONE-FAMILY DWELLINGS –
- 1) A one-floor house without full basement shall contain a minimum first floor living area of one thousand twenty-four (1,024) square feet.
 - 2) A one-floor house with full basement shall have a minimum first floor living area of nine hundred (900) square feet, provided, however, where existing platted lots in separate ownership have less than sixty-five (65) feet of street frontage, the required minimum first floor area is reduced to eight hundred (800) square feet.

- 3) A house in which the second floor has less square feet than the first floor (expansion attic) shall have a minimum first floor area of eight hundred forty (840) square feet.
 - 4) A two-floor home shall have a minimum first floor area of seven hundred twenty (720) square feet. A two-floor home shall be one having two full floors above grade.
 - 5) A home having more than two floors excluding basement shall have a minimum of one thousand four hundred forty (1,440) square feet of living area, excluding basement.
- b) TWO-FAMILY DWELLINGS -
- 1) All two-family dwellings shall have a minimum floor area of seven hundred eighty (780) square feet for each unit.
- c) MULTIPLE-FAMILY DWELLINGS -
- 1) All multiple-family dwellings shall contain a minimum of six hundred twenty-four (624) square feet of floor space plus one hundred fifty (150) square feet for each additional bedroom in excess of one.
 - 2) Floor space area shall be measured on the outside perimeter exclusive of breezeway and garage. (Ord. 22-2; 4/18/22)

Figure 1
OSN-PUD Toolbox for Designing Open Spaces



- | | |
|--------------------------------------|------------------------------|
| ① Central open space | ⑤ Active recreational areas |
| ② Preserve road frontage vistas | ⑥ Non-motorized trail system |
| ③ Greenways adjacent to water bodies | ⑦ Boulevard-style streets |
| ④ Peripheral landscaped berms | |

CHAPTER 14B

"M-PUD" - MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT

(Ord. No. 08-05; 12/2/08) (Ord. No 09-01; 3/31/09) (Ord. No. 19-02; 2/18/19)

(Ord. No. 22-04; 9/18/22)

SECTION 14B.01 INTENT AND PURPOSE. The purpose of the "M-PUD" Zoning District is to permit a variety of uses to be located on the same site and/or within the same buildings and to enable these uses to function in an integrated fashion as a community or neighborhood without the separation that is usually required by traditional zoning development standards. The M-PUD zoning district is not intended to be developed with a single type of land use. Uses shall be integrated in such a manner that they are compatible in form and function.

The M-PUD shall be designed to promote interaction among residents and users through the use of pedestrian walkways, by connecting uses on site through building placement and appearance, through preservation of open space, and the provision of public places or spaces for individuals to gather or rest. The M-PUD district is intended to encourage a high-quality built environment which includes distinctive architecture and public gathering spaces, and reflects innovation in the placement and orientation of buildings and other structures. Non-residential uses must be developed concurrently with residential uses in order to ensure a project with a variety of land uses.

SECTION 14B.02 ELIGIBLE PROPERTY AND PROCEDURES

A Mixed Use Planned Unit Development zoning district shall be reviewed pursuant to this Chapter and the procedures of Chapter 22. In order to be eligible for rezoning, an M-PUD shall meet the following minimum qualifying conditions:

- (a) Location: Land proposed for an M-PUD may only be located in an area planned for M-PUDs in the adopted Alpine Township Master Plan.
- (b) Minimum Size: Land proposed for rezoning to M-PUD shall have an area of at least ten acres, unless waived by the Planning Commission and Township Board based on criteria set forth in this chapter.
- (c) Utilities: An M-PUD shall be served by public water and public sanitary sewer services.
- (d) Unified Control: The M-PUD shall be under unified ownership or control such that there is one person, group of persons, or legal entity that would have responsibility for the design, construction, and completion of the M-PUD in compliance with this Chapter.
- (e) Recognizable Benefits: The M-PUD shall result in recognizable and substantial benefits to the users of the M-PUD and to the Township, such as:
 - (1) The provision of commercial, office, and residential uses that accommodate a recognized need, particularly where the need would likely not be met to the Township's satisfaction under conventional zoning.
 - (2) Site design elements that represent creative design, innovative architecture, or other desirable features that would likely not be achieved under conventional zoning standards.

SECTION 14B.03 PERMITTED USES

Land and/or buildings in this district may be used only for the following:

- (a) Single-family detached dwellings
- (b) Two-family dwellings (duplexes). Two-family dwellings shall constitute no more than 15% of the total number of dwelling units in an M-PUD.
- (c) Multi-family dwellings up to eight units per building. Multi-family dwelling units shall constitute at least 20% but not more than 35% of the total number of dwelling units in an M-PUD.

The Township Board, upon recommendation of the Planning Commission, may allow multi-family dwellings to deviate from the aforementioned limitations on units per building and percentage of total dwelling units [but not overall residential density listed in Section 14B.05(d)] in certain circumstances based upon:

- (1) The nature of existing and future land uses adjacent to and near the site
 - (2) The number, type, and size of buildings proposed for the site
 - (3) Location and amount of natural features on the site
 - (4) The location and amount of cultural features on the site
 - (5) Topography of the site
 - (6) Satisfactory evidence supporting the requested deviation such as a market study or similar professional analysis. The focus of the Township's review regarding such studies will be Alpine Township's need for the proposed number of units per building or percentage of total dwelling units. The proposed deviation must further the intent and purpose of this Chapter and be consistent with the Alpine Township Master Plan.
- (d) Dwelling units located above retail, business, office and other permitted commercial uses.
 - (e) Home occupations per Section 2.40 herein.
 - (f) Offices and service uses as permitted by right in the "O-S", Office-Service zoning district.
 - (g) Any use permitted by right in the "C-1" and "C-2" zoning districts, except for self-storage facilities.
 - (h) Golf courses, tennis courts, ball fields, bike paths, walking paths, playgrounds, community buildings, and similar recreational facilities.
 - (i) Other principal uses which are determined by the Township Board upon recommendation of the Planning Commission to be:
 - (1) similar in character and operation to the permitted uses described above;
 - (2) closely complementary to and which enhance the permitted uses described above; and
 - (3) compatible with the intent and purpose of this Chapter and the Alpine Township Master Plan.

- (j) Accessory uses, structures, and buildings which are customarily associated with the uses specified above may be permitted in accordance with Section 2.01 of this Ordinance. However, the provisions of Section 2.01 may be modified by the Planning Commission if such modifications are consistent with the intent and purpose of this Chapter.
- (k) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 14B.04 USES PERMITTED SUBJECT TO SPECIFIC AUTHORIZATION OF THE TOWNSHIP BOARD

The following uses are also permitted within the M-PUD zone when specifically authorized by the Township Board upon the recommendation of the Planning Commission. The uses shall be developed in accordance with the specific standards applicable to each use as set forth elsewhere in this Ordinance, except that the Township Board in its discretion may vary those specific standards in order to achieve the intent and purpose of the PUD:

- (a) Housing for senior citizens including assisted living facilities, nursing homes and continuing care communities which may include independent living housing, and adult foster care congregate facilities.

The Planning Commission and/or Township Board may require the applicant to supply satisfactory evidence demonstrating the need for any proposed dwelling units per building or number of dwelling units per acre through the submission of a professional market analysis or other similar professional study. Need will be determined by the Township Board upon recommendation of the Planning Commission.

- (b) Churches, synagogues, or similar houses of worship.
- (c) Any use permitted as a special use within the “C-1” Commercial zoning district and veterinary clinics, and establishments which have a drive-through window.
- (d) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein. (Ord. No. 09-01; 3/31/09)

SECTION 14B.05 SITE DEVELOPMENT REQUIREMENTS

Except as otherwise provided in this Chapter, development plans for the use of land within an M-PUD zoning district shall comply with the requirements provided in this Section as well as any other applicable provisions of the Zoning Ordinance.

- (a) Design Objectives: All uses and buildings within the M-PUD shall be designed and arranged to achieve the following objectives:
 - (1) Pedestrian access shall be provided between uses so that residents and users are not dependent on motor vehicles to travel to and from other uses within the M-PUD. This may consist of sidewalks or improved pathways.
 - (2) Uses and buildings shall not create a significant negative impact on nearby residents or owners or create a visual or operational nuisance but shall instead complement

- each other in appearance and function through the use of landscaping, building size and orientation, and use of on-site natural features such as trees or topography.
- (3) Uses shall not be segregated but located so that different uses or groups of different uses are integrated together within the same building or are close to or next to each other and are integrated through pedestrian and vehicular connections, complementary building style and orientation, and landscaping arrangement.
 - (4) Buildings and uses shall be planned and located so as to minimize the alteration of existing natural features and to thoughtfully integrate these features into the overall design of the M-PUD.
 - (5) Buildings are encouraged to contain more than one use, such as residential uses located above commercial or office uses.
- (b) Site Amenities: An M-PUD shall be developed such that at least three (3) of the following site amenities are located within the development:
- (1) Public places located throughout the development, including gathering spaces, pedestrian furniture, courtyards, plazas, pocket parks, and other usable landscaped areas. This may include lawns, parks, playgrounds and other places and features that promote or encourage walking, congregating, and social interaction on the part of customers, tenants, property owners, visitors and others.
 - (2) Sidewalks and other pedestrian ways utilizing brick, ornamental paving and other non-concrete materials, along with sidewalk planters and/or outdoor seating areas.
 - (3) Public art, unique or iconic design features, and other outdoor features of an artistic nature designed to withstand adverse weather conditions.
 - (4) Awnings, balconies and other less-conventional exterior building features, or for residential uses, functional porches, at least six feet in depth, attached to the front of buildings.
 - (5) Significant use of sustainable building and site design features such as: stormwater filtration landscaping, low impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/recycled/renewable materials, indoor air quality mechanisms or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.
 - (6) Significant preservation of large contiguous stands of mature trees, woodlands, slopes, or other sensitive natural areas or resources.
 - (7) Similar significant amenities as determined by the Township Board, upon the recommendation of the Planning Commission.

(c) Mixed Land Use Requirements:

- (1) A M-PUD shall include both residential and non-residential uses to a meaningful extent such that there is a reasonably even distribution of land uses, and there is not a substantial disparity between the amounts of land devoted to one type of land use over another.
- (2) A M-PUD shall include a meaningful mix of dwelling unit types including single-family, two-family, and multi-family dwellings, such that there is more than a minimal amount of land devoted to each dwelling unit type. If senior housing or an adult foster care congregate facility is proposed within an M-PUD, at least two other dwelling unit types, such as multi-family dwellings and single-family detached dwellings, shall also be included.
- (3) The commercial, office, and residential elements of the M-PUD shall be constructed generally concurrently, upon such schedule or within such phases as may be approved by the Township Board, upon the recommendation of the Planning Commission.

(d) Permitted Density for Residential Uses:

- (1) The overall density for single-family (detached), two-family (duplexes) or multi-family residential uses shall not exceed six dwelling units per acre.
- (2) The overall density for senior housing or adult foster care congregate facilities shall not exceed eight dwelling units per acre, unless, based upon the recommendations of the Planning Commission, the Township Board modifies this density requirement using the standards of Section 21.02(h).
- (3) For the purposes of calculating the maximum residential density for items (1) and (2) above, maximum density shall be based on that portion of the site planned exclusively for residential uses, excluding rights-of-way, public easements, floodplains, wetlands (whether regulated or not), and areas inundated by water. However, residential uses may be distributed throughout the site in compliance with this Ordinance (for example: above commercial/office uses).

The determination of the existence of all wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a professional biologist, professional wetland consultant, or similar professional person deemed acceptable to the Planning Commission.

(e) Lot Area, Width, Setbacks, and Frontage:

- (1) The front yard building setback for parcels on M-37 shall be a minimum of 75 feet.
- (2) Except as specified elsewhere in this Ordinance, the lot area, lot width, building setback, yard requirements, street frontage, and street widths applicable within an M-PUD may be modified in order to achieve the objectives of this section.

(f) Building Height, Size, Placement, and Appearance:

- (1) Buildings shall not exceed 40 feet or three stories in height, whichever is less.
- (2) Buildings shall not exceed 40,000 square feet in gross floor area for single-story buildings and 20,000 square feet in gross floor area per floor for multi-story buildings. In certain situations, the Township Board, upon recommendation of the Planning Commission, may allow buildings of greater size if it is consistent with the intent and purpose of this chapter and the Alpine Township Master Plan
- (3) The primary entrance of a building shall be oriented towards the street or planned service drive. Buildings shall not be situated such that the rear of a building faces a street or planned service drive.
- (4) Buildings and structures for non-residential uses shall be designed and constructed to avoid or minimize a massive, box-like appearance, and shall comply with the requirements for building façades found in Section 2.44.
- (5) At least 50% of the street-level building façades of non-residential buildings and structures shall be comprised of transparent glass windows.
- (6) For residential dwelling units, the face of any garage shall not extend beyond the face of the front porch more than eight (8) feet. Front porches at least six (6) feet deep and a maximum of ten (10) feet deep are required for all single-family detached dwellings and are strongly encouraged for two-family and multi-family dwellings. (Ord. 22-04; 9/18/22)

(g) Open Space:

- (1) Open space may include, but is not limited to, areas undisturbed by development or areas improved or constructed for landscape viewing, playing, or gathering, pursuant to Section 14B.05(b)(1) and/or (6). At least 10% percent of the gross site area of the M-PUD shall be open space.

The Township Board, upon the recommendation of the Planning Commission, shall determine the actual amount of open space required, and may require more than the minimum amount of open space based on Geographic Information System analysis, on-site surveying data, the residential component of the proposed development, and compliance with the intent and purpose of this Chapter.

- (2) Open space required in accordance with this subsection shall have a minimum dimension of 50 feet by 100 feet.
- (3) Every attempt shall be made to preserve the following existing features within the required open space:
 - (i) Wetlands, creeks, ponds or other bodies of water.
 - (ii) Woodlands or mature significant trees.
 - (iii) Significant habitat of threatened or endangered species.
 - (iv) Slopes of 20 percent or greater.
 - (v) Historic, cultural, and architectural features.

- (vi) Lands providing scenic views.
- (4) The following areas shall not be considered to be part of the required open space:
 - (i) The area within any public street right-of-way or private road easement.
 - (ii) The area within an easement for overhead utility lines.
 - (iii) The area within a platted lot or site condominium lot.
 - (iv) Parking lots and landscaped islands within parking lots.
 - (v) Required landscaping
 - (vi) Storm water management facilities.
- (5) Open space areas shall be arranged and provided to enhance the view from buildings, to provide privacy for and to be useable by residents and users of the M-PUD, and to preserve natural features as identified by on-site surveying data and Geographic Information System analysis.
- (6) At least one area of open space shall be centrally located within the M-PUD, and shall be maintained as a mowed village green, playground, or active recreational park. It is the intent of this section that the centrally located open space be maintained in a formal sense, so as to promote community and human interaction, visibility, monitoring, usability, and safety of the area.
- (7) The open space required for an M-PUD shall be preserved and maintained according to the requirements of Section 14A.08(f).
- (h) Grading: Development of hillsides can affect the equilibrium of vegetation, surface geology, slopes, soils, and run-off. It can also drastically change the way community or neighborhood character is perceived. For these reasons, the following regulations shall apply:
 - (1) Protection of Steep Slopes: In reviewing proposed grading, the Planning Commission shall consider the following standards:
 - (i) Cut and fill slopes shall be minimized.
 - (ii) Proper grading and elevation relationships to adjacent properties shall be maintained.
 - (iii) The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
 - (iv) The negative effects of grading shall be minimized thereby preserving the natural character of key site areas.
 - (v) Mass grading of large pads and excessive terracing shall be minimized.
 - (vi) Unstable slopes or slopes subject to erosion shall be protected.
 - (vii) Storm water runoff that could result from major changes in topography shall be minimized.

(viii) Steep slopes shall be re-vegetated using innovative and low maintenance techniques.

(ix) Large tracts shall be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to winter/spring runoff.

(2) Disturbance of Wetlands, Streams, and Steep Slopes: Grading or removal of vegetative cover on wetlands, streams or steep slopes is not permitted unless it is necessary for the reasonable use of the property or for road or utility construction, trails, pathways, or storm water management facilities.

If permitted, the grading or removal of vegetative cover shall only be to the extent necessary to accommodate the proposed development, and shall be in compliance with Michigan Department of Environmental Quality regulations. In these cases, the Township may require planting of areas where grading or removal of vegetative cover has taken place.

(i) Utilities: The M-PUD development shall be served by public water and public sanitary sewer. Except for necessary above-ground appurtenances, all utilities serving the M-PUD development including electric, natural gas, telephone, cable television, internet access and other utility services shall be installed and maintained underground.

(j) Vehicular and Pedestrian Circulation:

(1) Private Roads. Private roads may be permitted within an M-PUD zoning district, including in the non-residential portions of the development, when specifically approved by the Township Board, upon recommendation of the Planning Commission.

(2) Sidewalks. Sidewalks shall be required within an M-PUD in compliance with the requirements of Section 2.45 and adopted Township sidewalk policies. In addition, the Township Board, upon the recommendation of the Planning Commission, may require additional sidewalks or pathways within an M-PUD in order to improve pedestrian access to buildings and open spaces and to protect pedestrian safety throughout the development.

(3) Transit. Transit stops, both for possible future public transportation and current school bus needs, shall be provided for within the overall M-PUD design.

(4) Interconnections. All roadways (private and public), sidewalks, paths, and trails shall be designed to be continued into adjacent developments or vacant adjacent lands to allow for a more coordinated and efficient vehicular and pedestrian circulation system. If adjacent developments are not yet constructed, the aforementioned items shall be stubbed to appropriate locations on the M-PUD's property lines. Such appropriate locations shall be determined by the Planning Commission during site plan review, based upon data received from the Township Engineer, the Kent County Road Commission, on-site surveying data, and Geographic Information System analysis.

(5) Street Lights. Street lights are required in an M-PUD.

(k) Parking and Loading Requirements:

- (1) Off-street motor vehicle parking and loading areas shall be designed, located and constructed in accordance with Chapter 19, of this Ordinance; provided, however, that such off-street parking and off-street loading requirements may be modified in the approval of an M-PUD, if it would more fully achieve the objectives of the M-PUD.
 - (2) Location of Parking. Parking lots, whenever reasonably possible, shall be located behind or along the side of buildings. A maximum of one row of parking shall be permitted between the building and the street right-of-way for non-residential uses. On-street parking is encouraged.
 - (3) Residential Mixed Use Parking. At least 75 percent of the parking spaces provided for residential units located above non-residential uses shall be provided and maintained in areas designated for the residential units and shall not be available for employee or business customer use.
 - (4) Bicycle Parking. At a minimum, one bicycle parking space shall be provided for every 20 motor vehicle spaces of the first 200 motor vehicle spaces required for non-residential uses. Based upon the M-PUD's number of dwelling units, intensity of uses and proximity to biking facilities, the Township may require a greater number of bicycle parking spaces. Bicycle parking shall be provided within a convenient distance of building entrances. Bicycle parking spaces shall consist of a securely fixed structure that supports the bicycle without damage to wheels or frame and allows the frame and both wheels to be locked to the structure.
- (l) Landscaping. A landscaping plan prepared by a registered landscape architect shall be submitted with an M-PUD application. The plan shall identify proposed trees, shrubs, ground covers and other landscaping elements. The plan shall identify where plantings will be located as well as planting/construction/phasing details. Where existing natural growth will be preserved, the plan must detail methods to protect existing vegetation during and after construction.
- (m) Dumpsters. Dumpsters shall be screened by an enclosure on all four sides by the construction of 6-foot walls matching or complementing the building exteriors and effective landscaping. Dumpsters shall be kept within the designated enclosures.
- (n) Signs. Signs in an M-PUD zoning district shall comply with the regulations contained in Chapter 20, Signs, of this Ordinance except that pole signs are specifically prohibited. Drawings illustrating sign design, size location and lighting shall be submitted by the applicant as part of the M-PUD rezoning application review.

CHAPTER 14C
COMMERCIAL PLANNED UNIT DEVELOPMENT “CPUD” ZONE
 (Ord. No. 00-03; Effective 6/2/00)
 (Ord. No. 04-03; 5/7/04)

SECTION 14C.01 DESCRIPTION AND PURPOSE

The “C-PUD” Commercial Planned Unit Development Zone is established in order to provide for the commercial and service needs of both local Township residents and the motoring public by providing for multiple uses within a unified development that is attractively designed and exceptionally functional. Several objectives will be met within the C-PUD; these objectives include: flexibility and creativity in design; preservation of natural or cultural features; efficient layout of roads and service drives; efficient use of utilities; effective stormwater management; coordination of architectural styles; and adequate provisions for public safety. In addition, any area zoned “C-PUD” shall meet the intent of the Master Plan for Alpine Township.

SECTION 14C.02 AUTHORIZATION AND PROCEDURE

A Commercial Planned Unit Development zoning district may be approved by the Township Board in any location which is recommended for Commercial or Commercial Planned Unit Development use by the Alpine Township Master Plan in accordance with the regulations of this chapter and the procedures of Chapter 22 of this Ordinance.

SECTION 14C.03 PERMITTED USES

Land and /or buildings in this district may be used for the following uses only:

- (a) Any use permitted by right in the “C-1” and “C-2” Commercial Zones and, in addition, any use permitted as a special use within the “C-1” and “C-2” Commercial Zones when specifically authorized by the Township Board upon recommendation of the Planning Commission.
- (b) Residential uses located above commercial or office uses.
- (c) Any other use which, in the opinion of the Planning Commission, advances the objectives of the “C-PUD” Zone and enhances the overall character of the C-PUD.

SECTION 14C.04 DEVELOPMENT REQUIREMENTS

- (a) **Minimum Lot Size** Any site zoned for C-PUD shall not be less than five acres in size. This requirement may be waived by the Planning Commission when the

site under consideration can be shown to meet the intent and objectives of this Chapter.

(b) **Lot Width and Setbacks** The lot width, building setbacks and public or private road frontage requirements shall be determined by the Planning Commission in its review of the C-PUD site plan. The required front building setback for projects with frontage on Alpine Avenue shall be a minimum of 75 feet from the M-37 right-of-way line, but can be altered by the Planning Commission for a good cause shown based on specific findings of fact. When determining these requirements, the Planning Commission shall analyze:

- 1) The nature of existing and planned land uses adjacent to and near the site
- 2) Compatibility of all building setbacks with adjacent land uses
- 3) The location of natural features on the site
- 4) Existing and proposed site topography
- 5) The location of public utilities
- 6) Public safety and emergency vehicle access
- 7) The design of the planned service drive – cross access system
- 8) The design of existing and proposed pedestrian walkways
- 9) The objectives of the C-PUD district contained herein.

(Ord. 04-03; 5/17/04)

(c) **Private Roads** Private roads may be permitted within a C-PUD when specifically approved by the Planning Commission. Private roads shall adhere to the private road requirements of the Alpine Township Zoning Ordinance except that the roads shall be built to the construction standards required by the Kent County Road Commission for commercial roads. The Ordinance requirements for private roads, other than road construction standards, may be modified by the Planning Commission according to the following criteria:

- 1) Number and type of buildings served by the private road
- 2) Amount of traffic generated by the proposed uses
- 3) Existing topography and vegetation
- 4) Public safety and emergency vehicle access
- 5) The inter-relationship with the public street network
- 6) The likelihood of public dedication of the roadway.

(Ord. 04—03;5/7/04)

(d) **Building Height, Size, Placement And Appearance**

- 1) Buildings shall not exceed 35 feet in height.
- 2) Buildings shall not exceed 130,000 square feet in gross floor area. In certain situations the Planning Commission may allow buildings greater than 130,000 square feet in gross floor area. When making this determination, the Planning Commission shall consider the following criteria:
 - a. The proposed location of the development

- b. The proposed nature and intensity of use(s) for the building
 - c. The proposed location, types, sizes, number and arrangement of all buildings within the development
 - d. The impact on adjacent properties
 - e. The public safety and fire department provisions for the proposed building.
- 3) Buildings shall be designed consistent with Section 2.44.
(Ord. 04-03; 5/7/04)
- (e) Sidewalks** Sidewalks and walkways shall be installed consistent with Section 2.45. (Ord. 04-03; 5/7/04)

f) Off-Street Parking

When determining the baseline vehicular parking requirements for a C-PUD site, the Planning Commission shall consider the requirements found for the particular use(s) in Chapter XIX herein. The Planning Commission may modify the static parking requirements of Chapter XIX based on the following criteria:

- 1) The nature and intensity of use(s) proposed for the site
- 2) The location and arrangement of all buildings
- 3) The type, number and size of all buildings
- 4) Market data submitted by the developer or found in generally accepted professional reference manuals.

Where deemed feasible by the Planning Commission, no more than 60% of the site's off-street parking shall be located between the front façade and the corresponding primary street frontage. Parking areas should be placed at the side and rear of buildings wherever possible to allow the building's architecture and onsite landscaping to be the predominate view from the street. (Ord. 04-03; 5/7/04)

g) SIGNS

Building, pylon, and directional signs within a C-PUD shall comply with the regulations for the proposed uses contained in Chapter XX of the Alpine Township Zoning Ordinance.

The Planning Commission may modify the regulations of Chapter XX if the alterations would still result in achieving the objectives of this Chapter. The Planning Commission in its discretion may modify the size, height, area, placement, type and number of signs within a C-PUD. In considering modifications, the Planning Commission shall find that the signage plan as approved will not result in traffic or other transportation safety hazards, will not result in visual blight, and will otherwise not result in a detriment to the public health, safety or welfare.

The developer must submit a separate signage plan at the time of Preliminary Development Plan review by the Planning Commission. The plan must clearly identify where the proposed signage exceeds or deviates from the standards of Chapter XX of the Alpine Township Zoning Ordinance. (Ord. 04-03; 5/7/04)

h) LANDSCAPING

A separate landscaping plan shall be submitted at the time of Preliminary Development Plan review. The landscaping plan shall illustrate the type, size, location and number of all proposed plantings. The landscaping proposal must substantially comply with the requirements of the current Alpine Township landscaping policy and/or zoning ordinance.

Landscaping plans should incorporate a “tree-lined street” design along all roadways and service drives. Evergreen tree plantings should be used to screen dumpsters, utility meters and ground HVAC units as appropriate. Evergreen shrub plantings should be used to shield parking areas from the street.

The overall goal of the landscaping plan is not to overload a site with plantings but to complement the built environment of the site. The color, texture and placement of plantings is, therefore, very important. The use of a registered landscape architect is encouraged in order to create a complementary landscaping plan.

All landscaped areas must be irrigated by a professionally-designed underground watering system. (Ord. 04-03; 5/7/04)

(i) ACCESS MANAGEMENT AND TRAFFIC CALMING

Driveways, service drives, public and private roads and cross access connections must be shown on the Final Development Plan in accordance with the current Alpine Township Master Plan and M-37 Access Management Plan

Driveways proposed onto public roads must receive preliminary approval from the appropriate permitting agency prior to Planning Commission review of the Final Development Plan.

In order to protect pedestrians and non-motorized transportation users, the Plan must display appropriately placed and designed traffic calming devices and strategies. Examples of traffic calming measures include speed bumps, bump outs, chicanes, bulb out midblock or intersection, traffic circles or roundabouts.

(j) STORMWATER MANAGEMENT

A Stormwater management plan must be submitted along with the C-PUD site plan proposal. The Township Engineer will review the Stormwater management plan in accordance with the standards and procedures of the current Alpine Township Stormwater Ordinance. (Gen. Ord. 01-06)

CHAPTER 14D
BUSINESS PLANNED UNIT DEVELOPMENT “B-PUD” ZONE
 (Ord. No. 01-01; Effective 2-15-01)
 (Ord. 04-03; 5/7/04)

SECTION 14D.01 DESCRIPTION AND PURPOSE

The Business Planned Unit Development Zone is intended to provide for the development of lands, which are primarily planned or zoned for industrial use or those parcels, which are zoned for both industrial and commercial use. Commercial uses of a limited nature would also be permitted if specifically authorized as part of the review process. The Objectives of the B-PUD Zone are to allow: flexibility and creativity in design; preservation of natural or cultural features; efficient layout of roads and service drives; efficient use of utilities; effective stormwater management and; adequate provisions for public safety. In addition, any area zoned B-PUD shall meet the intent of the Master Plan for Alpine Township.

SECTION 14D.02 AUTHORIZATION AND PROCEDURE

A Business Planned Unit Development zoning district may be approved by the Township Board for any parcel which is zoned both commercial and industrial or in any location which is recommended for Industrial use by the Alpine Township Master Plan or which is zoned industrial in accordance with the regulations of this chapter and the procedures of Chapter 22 of this Ordinance.

SECTION 14D.03 PERMITTED USES

Land and/or buildings in this district may be used for the following uses only:

- (a) Any use permitted by right in the I-1 and I-2 Industrial Zones and, in addition, any use permitted as a special use within the I-1 and I-2 Industrial Zones when specifically authorized by the Township Board upon recommendation of the Planning Commission.
- (b) Any commercial use permitted “by right” or by special use in the C-1 and C-2 zoning districts may also be allowed when specifically authorized by the Township Board following a recommendation by the Planning Commission.
- (c) Any other use which, in the opinion of the Planning Commission, advances the objectives of the B-PUD Zone and enhances the overall character of the B-PUD.

SECTION 14D.04 DEVELOPMENT REQUIREMENTS

- (a) **Minimum Lot Size** Any site zoned for B-PUD shall not be less than five acres in size. This requirement may be waived by the Planning Commission when the site under consideration can be shown to meet the intent and objectives of this Chapter.
- (b) **Lot Width and Setbacks** The lot width, building setbacks and public or private road frontage requirements shall be determined by the Planning Commission in its review of the B-PUD site plan. The required front building setback for projects with frontage on Alpine Avenue shall be a minimum of 75 feet from the M-37 right-of-way line, but can be altered by the Planning Commission for a good cause shown based on specific findings of fact. When determining these requirements, the Planning Commission shall analyze:
- 1) The nature of existing and planned land uses adjacent to and near the site
 - 2) Compatibility of all building setbacks with adjacent land uses
 - 3) The location of natural features on the site
 - 4) Existing and proposed site topography
 - 5) The location of public utilities
 - 6) Public safety and emergency vehicle access
 - 7) The design of the planned service drive – cross access system
 - 8) The design of existing and proposed pedestrian walkways
 - 9) The objectives of the C-PUD district contained herein. (Ord. 04-03;5/7/04)
- (c) **Private Roads** Private roads may be permitted within an B-PUD Zone when specifically approved by the Planning Commission. The private road shall adhere to the private road requirements of this Ordinance except that the road shall be built to the minimum construction standards required by the Kent County Road Commission for industrial roads. The requirements for private roads other than road construction standards however, may be modified by the Planning Commission according to the following criteria:
- (1) Number and type of buildings served by the private road
 - (2) Amount of traffic generated by the proposed uses
 - (3) Existing topography and vegetation
 - (4) Security provisions
 - (5) The inter-relationship with the public street network
 - (6) The likelihood of public dedication of the roadway.
- (d) **Building Dimensions and Appearance.** B-PUD developments shall be designed with buildings that are architecturally compatible with each other and with nearby structures.

- 1) All buildings (commercial and non-commercial) fronting on or visible from a public street shall be designed consistent with the standards of Section 2.44.
- 2) All other buildings are required to have only the front façade finished primarily with brick, textured or architectural block, glass, stone, concrete or stucco-like material or a combination thereof. Aluminum, vinyl or wood sidings can be used as building trim or accent features as allowed by the Planning Commission.
- 3) Industrial buildings shall not exceed 45 feet in height. All other buildings shall not exceed 35 feet in height.
- 4) All business, service, production or processing shall be conducted entirely within an enclosed building. All outdoor storage of material and machinery must be completely screened from adjacent roadways and properties via an opaque fence or landscaped berm. (Ord. 04-03; 5/7/04)

(e) **PUBLIC SIDEWALKS :**

Sidewalks and walkways shall be installed consistent with Section 2.45. (Ord. 04-03; 5/7/04)

(f) **OFF STREET PARKING:**

When determining the baseline vehicular parking requirements for a B-PUD site, the Planning Commission shall consider the requirements found for the particular use(s) in Chapter XIX herein. The Planning Commission may modify the static parking requirements of Chapter XIX based on the following criteria:

- 1) The nature and intensity of use(s) proposed for the site
- 2) The location and arrangement of all buildings
- 3) The type, number and size of all buildings
- 4) Market data submitted by the developer or found in generally accepted professional reference manuals.

Where deemed feasible by the Planning Commission, no more than 60% of the site's off-street parking shall be located between the front façade and the corresponding primary street frontage. Parking areas should be placed at the side and rear of buildings wherever possible to allow the building's architecture and onsite landscaping to be the predominate view from the street. (Ord. 04-03; 5/7/04)

5) **SIGNS:**

Building, pylon and directional signs within a B-PUD shall comply with the regulations for the proposed uses contained in Chapter XX of the Alpine Township Zoning Ordinance.

The Planning Commission may modify the regulations of Chapter XX if the alterations would still result in achieving the objectives of this Chapter. The Planning Commission in its discretion may modify the size, height, area, placement, type and number of signs within a B-PUD. In considering modifications, the Planning Commission shall find that

the signage plan as approved will not result in traffic or other transportation safety hazards, will not result in visual blight, and will otherwise not result in a detriment to the public health, safety or welfare.

The developer must submit a separate signage plan at the time of Preliminary Development Plan review by the Planning Commission. The plan must clearly identify where the proposed signage exceeds or deviates from the standards of Chapter XX of the Alpine Township Zoning Ordinance. (Ord. 04-03; 5/7/04)

(h) LANDSCAPING:

A separate landscaping plan shall be submitted at the time of Preliminary Development Plan review. The landscaping plan shall illustrate the type, size, location and number of all proposed plantings. The landscaping proposal must substantially comply with the requirements of the current Alpine Township landscaping policy and/or zoning ordinance.

Landscaping plans should incorporate a “tree-lined street” design along all roadways and service drives. Evergreen tree plantings should be used to screen dumpsters, utility meters and ground HVAC units as appropriate. Evergreen shrub plantings should be used to shield parking areas from the street.

The overall goal of the landscaping plan is not to overload a site with plantings but to complement the built environment of the site. The color, texture and placement of plantings is, therefore, very important. The use of a registered landscape architect is encouraged in order to create a complementary landscaping plan.

All landscaped areas must be irrigated by a professionally-designed underground watering system. (Ord. 04-03; 5/7/04)

(i) ACCESS MANAGEMENT AND TRAFFIC CALMING:

Driveways, service drives, public and private roads and cross access connections must be shown on the Final Development Plan in accordance with the current Alpine Township Master Plan and M-37 Access Management Plan

Driveways proposed onto public roads must receive preliminary approval from the appropriate permitting agency prior to Planning Commission review of the Final Development Plan.

In order to protect pedestrians and non-motorized transportation users, the Plan must display appropriately placed and designed traffic calming devices and strategies. Examples of traffic calming measures include speed bumps, bump outs, chicanes, bulb out midblock or intersection, traffic circles or roundabouts. (Ord. 04-03; 5/7/04)

j) STORMWATER MANAGEMENT:

A stormwater management plan must be submitted along with the B-PUD site plan proposal. The Township Engineer will review the stormwater management plan in accordance with the standards and procedures of the current Alpine Township stormwater ordinance. (Ord. 04-03; 5/7/04)

CHAPTER 14-E
RESIDENTIAL OPEN SPACE PRESERVATION – PUBLIC ACT NO. 177 OF 2001,
AS AMENDED - MCLA 125.286h *et seq.*

(Ord. No. 02-04; Effective 12-28-02)

(Ord. No. 09-01; 3/31/09)

SECTION 14E.01 DESCRIPTION AND PURPOSE; APPLICABILITY

The provisions of this Chapter are intended to carry out the provisions of Public Act No. 177 of 2001, as amended, being MCLA 125.286h *et seq.* (“Act No. 177”). In order for a landowner to exercise the open space preservation option of that statute, the land involved must be rezoned to a planned unit development (“PUD”) zoning designation pursuant to this Chapter and all of the requirements of this Chapter must be met. Additionally, the PUD provisions of Chapter 22 of this Ordinance shall also apply except to the extent that an express provision of this Chapter modifies the PUD process.

Act No. 177 requires that townships having a population of 1,800 or more and which have a zoning ordinance must adopt provisions in their zoning ordinances known as “open space preservation” provisions, which permit lands satisfying certain criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50%, that, as determined by the townships could otherwise be developed under existing ordinances, laws, and rules on the entire land area. The purpose of this Chapter is to adopt open space preservation provisions consistent with the requirements of Act No. 177.

SECTION 14E.02 DEFINITIONS

For purposes of this Chapter, the following definitions shall apply:

- (a) “Land zoned for residential development” shall mean any land located in the R-A or R-1 zoning districts pursuant to this Ordinance.
- (b) “Act No. 177” shall mean Public Act No. 177 of 2001, as amended, being MCLA 125.286h *et seq.*

SECTION 14E.03 QUALIFYING CONDITIONS

- (a) Land may be developed pursuant to the provisions of this Chapter and Act No. 177 only if all of the following requirements and conditions are met:
 - (1) The land is located in the R-A or R-1 zoning districts pursuant to this Zoning Ordinance;

- (2) The development of land pursuant to this Chapter shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering or open space option provided for by this Chapter would also depend on such extension; and
 - (3) The clustering or open space option provided pursuant to this Chapter shall not have previously been exercised with respect to the same land.
- (b) If all of the preceding conditions and requirements listed in this Section are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions and requirements of this Chapter.

SECTION 14E.04 PERMITTED USES

- (a) Only those residential land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this Chapter.
- (b) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)
- (c) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein and when specifically authorized by the Township Board upon the recommendation of the Planning Commission. (Ord. No. 09-01; 3/31/09)

SECTION 14E.05 PROCESS

Only land located in the R-A and R-1 zoning districts is eligible for the open space preservation option provided for in this Chapter and pursuant to Act No. 177. Should the owner of a property within the R-A or R-1 zoning districts desire to take advantage of such option, the landowner must apply for a PUD rezoning approval pursuant to the procedural requirements of Chapter 22 of this Zoning Ordinance. Once the land is zoned for a PUD pursuant to this Chapter, it will be deemed a "Residential-Open Space Preservation PUD." All of the normal minimum lot size, setback, road frontage, lot width, width-to-depth ratio, and other dimensional, frontage, and area requirements governing the development of land within the zoning district where the land is located shall apply except to the extent that such standards are expressly varied pursuant to this Chapter or where the Planning Commission and Township Board approve such a variation pursuant to the PUD approval process.

SECTION 14E.06 APPLICATION AND REVIEW PROCEDURE

- (a) The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this Chapter shall be those stated in Chapters 18 and 22 of this Ordinance, governing site plans and planned unit developments, except as otherwise expressly provided in this Section and this Chapter.
- (b) In addition to the application materials required by Chapters 18 and 22 of this Ordinance, an application for the development of land under the provisions of this Chapter shall also include the following:
- (1) The Existing Zoning Yield Plan. The applicant shall prepare and submit to the Township a site plan for the purpose of demonstrating the number and location of dwelling units that could be developed on the land at issue under its existing zoning if the clustering or open space option provided for by this Chapter were not exercised. The Existing Zoning Yield Plan may be conceptual in nature, but shall include at least the following information:
- (A) Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed development using the clustering option permitted by this Chapter.
- (B) Location of all streets and driveways, existing and proposed.
- (C) Location of all lots, illustrating lot area, frontage, and the width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
- (D) Location of all utilities that would be necessary to serve a development under the Existing Zoning Yield Plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
- (E) If development under the Existing Zoning Yield Plan would require the use of septic tanks and drain fields, the Existing Zoning Yield Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Kent County Health Department.
- (F) The location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting development for residential purposes.

- (G) If any portion of the land has frontage on a lake, river, or stream, the Existing Zoning Yield Plan shall show each such body of water, as well as the number and location of dwelling units that could be developed with frontage on or access to each such body of water under existing zoning if the open space or clustering option provided for by this Chapter were not exercised.
- (2) The Open Space Site Development Plan. The applicant shall also submit a site plan for the open space or clustering option permitted by this Chapter, which, in addition to the site plan requirements specified by Chapters 18 and 22 of this Ordinance, shall also include all of the following information:
- (A) Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the Existing Zoning Yield Plan.
- (B) The site development plan shall clearly illustrate and define the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be utilized for clustered development.
- (C) The site development plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for cluster development, and the percentage of each, as compared to the total site acreage.
- (D) The site development plan shall illustrate the location of all lots and proposed building envelopes and shall indicate the lot area, frontage, and width of each lot, and the proposed front, side and rear yard building setbacks. The number of lots on the site development plan shall not exceed the number of lots on the Existing Zoning Yield Plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described later in this Chapter.
- (E) The site development plan shall also illustrate the location and type of all proposed structures or improvements that are not dwellings.
- (F) If the proposed clustered development will include septic tanks and drain fields, the site development plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Kent County Health Department.

- (G) If the development is to be served by public streets, proof that the Kent County Road Commission has granted preliminary approval of the design, layout and construction of the streets.
 - (H) If any portion of the land has frontage on a lake, river, or stream, the site development plan shall show the proposed location and number of dwelling units with proposed frontage on or access to a body of water.
 - (I) The location, construction and design of any proposed private street(s).
 - (J) The site development plan shall demonstrate that each of the proposed residential lots and proposed building envelopes is “buildable” and fully suited for the construction and use of a single-family residential dwelling.
- (3) Developable Area. When reviewing an application submitted under the terms of this Chapter, the Planning Commission shall determine whether the Existing Zoning Yield Plan accurately reflects the number and location of dwelling units that could be developed on the land under its existing zoning if the clustering or open space option provided by this Chapter were not exercised.

If the Planning Commission determines that the number and/or location of dwellings shown on the Existing Zoning Yield Plan exceeds the number of dwellings that could be permitted or developed on the land if it were developed under its existing zoning if the clustering or open space option provided by this Chapter were not exercised (or the locations are not accurate), the applicant shall submit a revised Existing Zoning Yield Plan which accurately reflects the number and location of dwellings which could have been developed under existing zoning if the Act No. 177 option were not exercised pursuant to this Chapter. For purposes of determining the number and location of dwellings that would have been permitted or developed on the land under its existing zoning if the clustering or open space option were not exercised, the following shall be deemed land not developable and shall be excluded from the formula of determining otherwise developable land area under existing ordinances:

- (A) Wetlands as defined by Michigan law.
- (B) Land located under a lake, pond, river, or stream.
- (C) Land with slopes exceeding 15%.
- (D) Land for which an on-site private septic system or private well could not be utilized under Kent County Health Department regulations.

- (E) Land located within a flood plain or which is subject to periodic flooding.
- (4) The Restrictions Document. The applicant shall submit a copy of the proposed deed restrictions, restrictive covenants, conservation easement, plat dedication, or other legal document which the applicant proposes to utilize if the proposed open space or cluster development is approved pursuant to this Chapter and which would have the legal effect of preserving in perpetuity the open space required by this Chapter in an undeveloped state. Such document shall be reviewed and approved by the Township and the Township Attorney (as to form and content) prior to recording. At a minimum, the document(s) shall provide for all of the following:
- (A) Indicate the proposed permitted use(s) of the undeveloped open space.
 - (B) Require that the open space be maintained forever in an undeveloped condition, without buildings, structures, or other improvements, except such drainage improvements, utilities, riding trails, hiking trails, picnic areas, park or playground equipment, growing of crops, agricultural structures, or similar improvements which are approved by the Planning Commission.
 - (C) Require that the undeveloped open space be maintained by the parties who have an ownership interest in it.
 - (D) Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
 - (E) Provide language explicitly stating that the Township may specially assess those parties having an ownership interest in the open spaces for the purposes of maintenance and upkeep in accordance with original Township approvals if maintenance is not undertaken in a reasonable time period and manner.

The approved restrictions document shall be fully executed by all of the owner(s) of the land and shall be recorded with the Kent County Register of Deeds before any lots are sold and before any building permits are issued.

- (5) If the site development plan complies and all aspects of the proposed development satisfy all requirements of this Chapter, the Planning Commission and Township Board shall approve the site development plan and the planned unit development rezoning for the proposed development.

SECTION 14E.07 REQUIREMENTS FOR OPEN SPACE

- (a) Required Open Space. At least 50%, but no more than 80%, of the land proposed for development under the provisions of this Chapter shall remain in a perpetually undeveloped state (i.e., “open space”) by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land as approved by the Township Board (upon recommendation by the Planning Commission) and the Township Attorney.
- (b) Lands to be Set Aside as Open Space. It shall be the Township Board (upon recommendation from the Planning Commission) that determines which 50% or more of the land shall be set aside for open space, as well as which portion or portions of the land may be developed. At the discretion of the Township Board (upon recommendation from the Planning Commission), the land to be set aside as permanent open space need not be contiguous. The Township Board (upon recommendation from the Planning Commission) shall also determine what percentage of the total land area (between 50% and 80%) shall be set aside as permanent open space.
- (c) The following areas shall not constitute open space and may not be utilized to satisfy the open space requirement:
- (1) Any areas located within or under any public street easement or right-of-way.
 - (2) Property located under or within any private street or road easement.
 - (3) The land located under or the area within any easement for overhead utility lines.
 - (4) The area within a platted lot or site condominium unit.
 - (5) Off-street parking areas.
 - (6) Detention and retention ponds.
 - (7) Community septic drainage fields.
 - (8) The lands or area located underneath a lake, pond, river, or stream.
 - (9) The area within a wetland as defined by Michigan law.
 - (10) Lands with slopes exceeding 15%.
 - (11) Areas subject to flooding or within a flood plain.
- (d) Standards for Open Space. The following standards shall apply to the open space required pursuant to this Chapter:

- (1) The open space shall not include a golf course.
 - (2) The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 - (3) The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
 - (4) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
 - (5) A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 75 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
 - (6) A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
 - (7) Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
 - (8) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
- (e) Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Township Board (upon recommendation by the Planning Commission), at its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

SECTION 14E.08 INDIVIDUAL LOTS, STREETS, AND OTHER IMPROVEMENTS; MISCELLANEOUS PROVISIONS

- (a) Underlying Zoning District. The development of land under this Chapter shall comply with all requirements of this Ordinance applicable to the zoning district in

which the land is located, except those setback, area, lot width to depth ratio, and yard size requirements that must be adjusted to allow the clustering option permitted under this Chapter where approved by the Township Board (upon recommendation from the Planning Commission).

- (b) Uniform Lot Size. Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission).
- (c) Building Envelopes. The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Township Board (upon recommendation from the Planning Commission). The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
- (d) Required Street Frontage. Each lot shall have a minimum of at least 60 feet of frontage on a lawful street, measured at the street right-of-way line.
- (e) Lot Width. Each lot shall have a minimum lot width of 65 feet, measured at the front setback line of the underlying zoning district in which the land is located. Notwithstanding the provisions of this subsection, each lot which abuts or has frontage on a lake, river, stream or creek shall have frontage on such body of water equal to or greater than the minimum lot width requirement for the zoning district in which the land is located.
- (f) Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the Existing Zoning Yield Plan approved by the Planning Commission and Township Board.
- (g) Nondwelling Unit Structures. Lots containing nondwelling structures such as a clubhouse and its related amenities, shall be subject to all requirements of this Chapter applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. However, the Township Board (upon recommendation by the Planning Commission) may, at its discretion, permit the enlargement of a lot containing a nondwelling structure so as to reasonably accommodate it.
- (h) Perimeter Lots. Notwithstanding any other provision of this Chapter, the Township Board (upon recommendation from the Planning Commission) may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of either planned or existing adjacent uses.

- (i) Sidewalks. The Township Board (upon recommendation from the Planning Commission) may require sidewalks as deemed reasonable throughout the development.
- (j) Grading. Grading within the clustered development shall comply with the following requirements:
 - (1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed by the Township Board on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required by the Township Board.
 - (2) All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Township Board (upon recommendation from the Planning Commission). Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Township Board (upon recommendation from the Planning Commission).
 - (3) Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon lakes, streams, wetlands, and the environmental characteristics of the land as may be reasonably feasible.
- (k) Private Streets. Private streets within a clustered development shall conform to the private street requirements found in Section 2.34 of this Ordinance. The Township Board (upon recommendation from the Planning Commission) may, however, modify the requirements for private streets and in doing so, shall consider the following criteria:
 - (1) The number and type of dwelling units served by the private street;
 - (2) Traffic generation;
 - (3) Existing topography and vegetation;
 - (4) Security provisions;
 - (5) Inter-relationship with the public street network;
 - (6) Future installation of public utilities; and
 - (7) Likelihood of public dedication of the roadway.

- (l) Other Laws. The development of land under this Chapter is subject to all other applicable Township ordinances, and state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.
- (m) Access to or Frontage on Lakes and Streams.
 - (1) An approved Residential – Open Space Preservation PUD or other approved development pursuant to Act No. 177 and this Chapter, shall comply fully with the lake access, frontage, and other requirements contained in this Ordinance (if any) with regards to lakes, rivers and streams if the property at issue has frontage on a lake, river or stream.
 - (2) No approved Residential – Open Space Preservation PUD or other development approved pursuant to Act No. 177 and this Chapter shall permit any more lots or dwellings to have access to or frontage upon a lake, river or stream than would be otherwise legally permissible under existing zoning.
- (n) County Drain Commissioner Approval. Any matters involved with drainage, retention/detention ponds, water runoff, and similar matters associated with any proposed development pursuant to this Chapter shall require the approval of the Kent County Drain Commissioner and shall be subject to the applicable rules and regulations of the same.

SECTION 14E.09 AMENDMENTS TO AN APPROVED RESIDENTIAL-OPEN SPACE PUD

- (a) An approved site plan and any conditions imposed upon its approval pursuant to an approved Residential-Open Space Preservation PUD shall not be changed except upon the mutual consent of the Township Board (after recommendation by the Planning Commission) and the applicant, except as otherwise stated below with respect to minor changes.
- (b) A minor change may be approved by the Planning Commission. The following items shall be considered minor changes:
 - (1) Reduction of the size of any building, building envelope, or sign.
 - (2) Movement of buildings or signs by no more than ten (10) feet.
 - (3) Plantings approved in the landscaping plan may be replaced by similar types of plantings.
 - (4) Changes requested by the Township for safety reasons.

- (5) Changes which will preserve natural features of the land without changing the basic site layout.

SECTION 14E.10 PERFORMANCE GUARANTEES

The Township Board, at its discretion, may require reasonable performance guarantees. Such guarantees shall be conditioned upon faithful compliance with all of the provisions and requirements of this Chapter and the approved site plan and PUD. Such performance guarantees shall be in the form of a performance bond, irrevocable letter of credit, or cash deposit in an amount and form deemed by the Township Board to be appropriate.

SECTION 14E.11 TIME LIMITATIONS FOR DEVELOPMENT

Each development approved and permitted pursuant to this Chapter shall be under substantial construction within one (1) year after the date of approval of the site plan and PUD by the Planning Commission and Township Board. If this requirement is not met, the Planning Commission may, at its discretion, grant an extension not exceeding one (1) year, provided that the applicant submits reasonable evidence showing that unforeseen difficulties or special circumstances have occurred which caused excusable delay in the commencement of the cluster or open space development. If the approved development has not been commenced within the above-stated time period or any authorized extension thereof, any zoning permits and building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek a new approval (as if starting over again) from the Planning Commission and Township Board pursuant to the requirements of this Chapter.

SECTION 14E.12 SAVINGS CLAUSE

If for any reason a court of competent jurisdiction determines that the Township cannot require an applicant to obtain a PUD rezoning approval as a prerequisite for exercising the clustering or open space/preservation development option pursuant to Act No. 177 or this Chapter, all other procedures and requirements of this Chapter shall remain applicable, including the site plan approval requirements of Chapter 18 of this Ordinance. If a court of competent jurisdiction determines that zone district(s) in addition to those listed in Section 14D.02 of this Chapter are considered “lands zoned for residential development,” the requirements of this Chapter shall apply to the lands in such additional zone district(s).

CHAPTER XV
"O-S" - OFFICE AND SERVICE DISTRICT

(Ord. No. 13-79; 10/16/79)

(Ord. No. 11-89; 9/5/89)

(Ord. No. 96-03; 5/2/96)

(Ord. No. 09-01; 3/31/09)

(Ord. No. 21-03; 6/21/21)

SECTION 15.01 DESCRIPTION AND PURPOSE. This zoning district is intended to provide a location for office parks, office services, institutional facilities, research laboratories and similar facilities, which, while needing easy access to and from major traffic routes, are non-commercial and non-industrial in character.

SECTION 15.02 PERMITTED USES. Land, buildings, or structures in this zoning district may be used for the following purposes only:

(Ord. No. 21-03; 6/21/21)

- (a) Offices for the following professions and occupations: executive, administrative, scientific, scholarly artistic, architectural, engineering, insurance, accounting, law, secretarial services, drafting, designing, real estate offices, and sales representatives without sales of goods on premises.
- (b) Research, development, and testing laboratories and offices without manufacturing.
- (c) Radio and television studios.
- (d) Electronic data processing centers.
- (e) Medical and dental clinics and offices.
- (f) Photographic studios which only process on the premises photos and film taken in the studios.
- (g) Funeral homes or mortuaries.
- (h) Financial Institutions with or without drive-up windows, and loan or finance offices.
- (i) Telephone exchange buildings.
- (j) Studios for instruction, such as dance or music.
- (k) Nursing homes and hospitals.
- (l) Child day care centers, adult day care centers and nursery schools.
- (m) Governmental offices.
- (n) Schools for vocational training.
- (o) Antennas and towers not exceeding 35 feet in height subject to Section 2.42 herein. (Ord. No. 96-03; 5/2/96)
- (p) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 15.03 REQUIREMENTS. All uses permitted in this zoning district, with the exception of vehicle parking areas, shall be conducted wholly within a completely enclosed building.

SECTION 15.04 HEIGHT REGULATIONS. No building or structure shall be more than thirty-five (35) feet in height.

SECTION 15.05 YARD AND LOT WIDTH REQUIREMENTS. No building or structure nor any enlargement thereof shall be hereafter erected unless the following yard and lot width requirements are maintained in connection with such building, structure, or enlargement:

- (a) FRONT YARD - There shall be a front yard of not less than fifty (50) feet.
- (b) SIDE YARD -
 - (1) Where the side of a lot in this zoning district abuts upon the side of a lot in any R zoning district, the side yard abutting such lot shall be not less than fifty (50) feet;
 - (2) There shall be a side yard of not less than twenty-five (25) feet on the street side of a corner lot; and
 - (3) In all other cases, a side yard of not less than fifteen (15) feet shall be required.
- (c) REAR YARD -
 - (1) Where the rear of a lot in this zoning district abuts upon property in any R zoning district, there shall be a rear yard of not less than fifty (50) feet; provided, however, that where an alley separates the rear of a lot in this zoning district from an R zoning district lot, a maximum of twenty-five (25) feet of the width of the alley may be considered as part of the rear yard in determining depth; and
 - (2) In all other cases, there shall be a rear yard of not less than twenty-five (25) feet.
- (d) LOT WIDTH - The minimum lot width shall be one hundred (100) feet.

SECTION 15.06 LANDSCAPE REQUIREMENTS. Those yards which front on any street and the area between the edge of the street pavement and the property line, with the exception of paved driveways and parking areas, shall be used exclusively for the planting and growing of trees, shrubs, lawns, and other landscaping designed, planted, and maintained in an aesthetically pleasing manner. All other unpaved areas of the lot shall also be landscaped and maintained.

SECTION 15.07 SITE PLAN REVIEW. A site plan review shall be provided for those uses as required by Chapter XVIII herein. (Ord. No. 11-89; 9/5/89)

SECTION 15.08 GREENBELTS. A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any O-S zone which abuts a residential or Rural Agricultural zone and such greenbelts shall also be required where an O-S zone or uses abut an existing nonconforming residential use. (Ord. No. 11-89; 9/5/89)

SECTION 15.09 SPECIAL USES. The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter 21 herein. (Ord. No. 96-03; 5/2/96) (Ord. No. 21-03; 6/21/21)

- (a) Antennas and towers exceeding 35 feet in height as regulated by Section 21.07.
- (b) Churches, synagogues, or similar houses of worship
- (c) Other similar office, business, or service enterprises if authorized by the Planning Commission as a special use and if the principal means of ingress and egress to the site is from a street classified as major arterial in the Township Master Plan. In considering such authorization, the Planning Commission shall consider the following standards:
 - (1) The size, nature and character of the proposed use;
 - (2) The proximity of the proposed use to adjoining properties;
 - (3) The parking facilities provided for the proposed use;
 - (4) Any traffic congestion or hazard which would be occasioned by the proposed use; and
 - (5) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

CHAPTER XVI
"I-1" - LIGHT INDUSTRIAL DISTRICT

(Ord. No. 91-6; 11/18/91)

(Ord. No. 96-03; 5/2/96)

(Ord. NO 09-01; 3/31/09)

SECTION 16.01 INTENT. It is the intent of this Chapter to provide for the development of a variety of warehousing, industrial and manufacturing uses that can be characterized by low land coverage and the absence of objectionable external effects. Regulations contained in this district are designed to encourage the development of industrial areas which will be compatible with one another and with adjacent or surrounding districts. These regulations are also designed to protect existing industrial uses located in the district and to prevent the establishment of uses that are suitably provided for in other districts.

SECTION 16.02 PERMITTED USES. Land and/or buildings may be utilized for the following uses only:

- (a) Warehousing, storage, or transfer buildings, but excluding the storage of bulk petroleum or related products, garbage, or rubbish.
- (b) Truck terminals, including maintenance and service facilities.
- (c) Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
 - (1) Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.
 - (2) Textile mill products, including woven fabric, knit goods, dying and finishing, floor coverings, yarn and thread, and other textile goods.
 - (3) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
 - (4) Lumber and wood products, including millwork, prefabricated structural wood products and containers, not including logging camps.
 - (5) Furniture and fixtures.
 - (6) Paperboard containers, building paper, building board, and bookbinding.
 - (7) Printing and publishing.
 - (8) Chemical products such as plastics, perfumes, synthetic fibers.
 - (9) Manufacturing of engineering, measuring, optic, medical, lenses, photographic, and similar instruments.
 - (10) Jewelry, silverware, toys, athletic, office, and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
- (d) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods,

- hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- (e) Research and development testing and experimental laboratories and manufacturing.
 - (f) Essential service buildings and structures.
 - (g) Trade and industrial schools.
 - (h) Tool and die manufacturing establishments.
 - (i) Central dry-cleaning plants.
 - (j) Lumberyards and other building equipment supply establishments.
 - (k) Commercial fuel depot.
 - (l) Antennas and towers not exceeding 35 feet in height subject to section 2.42 herein. (Ord. No. 96-03; 5/2/96)
 - (m) Any On-Site Use Wind Energy System, including Structure-Mounted Wind Energy Systems, which is 65 feet or less in total height subject to Section 2.46 herein. (Ord. No. 09-01; 3/31/09)

SECTION 16.03 SPECIAL LAND USES. The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Child care centers as an accessory use to the principal use.
- (b) Contractor equipment yards and operations.
- (c) Vehicle repair or body shops provided all work is performed within an enclosed building and outdoor storage of vehicles is within a completely enclosed area.
- (d) Mini-warehouses.
- (e) Antennas and towers exceeding a height of 35 feet as regulated by Section 21.07. (Ord. No. 96-03; 5/2/96)
- (f) Any Wind Energy System, including Structure-Mounted Wind Energy Systems, which is greater than 65 feet in total height and Anemometer (MET) Towers subject to Section 21.09 herein. (Ord. No. 09-01; 3/31/09)

SECTION 16.04 AREA REGULATIONS. No building or structure nor the enlargement of the same, shall be erected unless the following requirements are met:

- (a) **FRONT SETBACK** - There shall be a minimum front setback of seventy-five (75) feet according to the requirements of Section 2.13.

For a corner lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.

- (b) SIDE YARD - There shall be a minimum side yard of twenty-five (25) feet in this district except where an industrial district abuts a residential zone on the side there shall be maintained a fifty (50) foot side yard on each side.
- (c) REAR YARD - There shall be a minimum rear yard of twenty-five (25) feet in this district except that where such district abuts a residential zone a minimum rear yard of one hundred (100) feet shall be provided.
- (d) LOT AREA/WIDTH - Each lot or parcel shall have a minimum lot area of forty thousand (40,000) square feet, exclusive of road right-of-way and a minimum lot width of one hundred fifty (150) feet.
- (e) GREENBELTS. A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any I-1 Zone which abuts a Residential or Rural Agricultural Zone and such greenbelts shall also be required where an I-1 Zone or uses permitted in an I-1 Zone abut an existing nonconforming residential use.
- (f) HEIGHT. No building shall exceed forty-five (45) feet in height or three stories, whichever is lesser.

SECTION 16.05 SITE DEVELOPMENT STANDARDS. The following development standards are designed to mitigate negative impacts on nearby properties.

- (a) All storage of materials related to the use are to be kept within a completely enclosed building or within an area enclosed on all sides by a solid fence, greenbelt, or wall at least six (6) feet in height. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
- (b) Operations which involve the use or storage of diesel powered equipment or heavy trucks shall keep all such vehicles at least one hundred fifty (150) feet from the nearest residential dwelling unit and shall not operate such vehicles in a manner which will be a nuisance to nearby residents.
- (c) The location of driveways shall be determined during site plan review. Driveways shall be located to minimize negative impacts upon nearby properties.
- (d) Operations which involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to

minimize fire hazards and to prevent such fluids from contaminating ground water and surface water.

SECTION 16.06 OFF-STREET PARKING. Off-street parking facilities must be provided for all uses in this district in accordance with the requirements of Chapter XIX.

SECTION 16.07 SITE PLAN REVIEW. A site plan review shall be provided for those uses as required by Chapter XVIII herein.

CHAPTER XVII
"I-2" - GENERAL INDUSTRIAL DISTRICT

(Ord. No. 91-6; 11/18/91)

SECTION 17.01 INTENT. It is the intent of this chapter to encourage and facilitate the development of more intensive industrial enterprises in a setting appropriate to such uses. Land conducive to the intent of this district is limited in availability and is therefore primarily restricted to industrial use.

SECTION 17.02 PERMITTED USES. Land and/or buildings may be utilized for the following uses only:

- (a) Uses permitted in the I-1 Limited Industrial Zone - as regulated by Section 16.02 herein;
- (b) General manufacturing, fabrication, and assembly operations;
- (c) Chemical processes and operations such as drugs, soaps, detergents, paints, enamels, wood chemicals, agriculture, and allied chemicals;
- (d) Other similar industrial uses when authorized as a special use by the Planning Commission according to the special use standards contained herein.

SECTION 17.03 SPECIAL USES. The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Special uses as permitted in the I-1, Limited Industrial Zone, Section 16.03 herein.
- (b) Asphalt, concrete, or similar refining and manufacturing.
- (c) Salvage yards.
- (d) Refuse and garbage incinerators.
- (e) Scrap tire collection sites and scrap tire processors.
- (f) Manufacture of gas, coke, or coal tar products.
- (g) Manufacture of ammunition, fireworks, or other explosives.
- (h) Stockyards and slaughterhouses.

- (i) Blast furnaces, drop forges, petroleum refining, metal stamping, and similar uses.
- (j) Solid waste processing facility, including composting as an incidental use.

SECTION 17.04 AREA REGULATIONS.

- (a) **FRONT SETBACK** - There shall be a minimum front setback of seventy-five (75) feet according to the requirements of Section 2.13.

For a corner lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street.

- (b) **SIDE YARD** - There shall be a minimum side yard of twenty-five (25) feet in this district except where an industrial district abuts a residential zone on the side there shall be maintained a fifty (50) foot side yard on each side.
- (c) **REAR YARD** - There shall be a minimum rear yard of twenty-five (25) feet in this district except that where such district abuts a residential zone a minimum rear yard of one hundred (100) feet shall be provided.
- (d) **LOT AREA/WIDTH** - Each lot or parcel shall have a minimum lot area of two (2) acres, exclusive of road right-of-way and a minimum lot width of two hundred (200) feet.
- (e) **GREENBELTS** - A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any I-2 Zone which abuts a Residential or Rural Agricultural Zone and such greenbelts shall also be required where an I-2 Zone or uses permitted in an I-2 Zone abut an existing nonconforming residential use.
- (f) **HEIGHT** - No building shall exceed forty-five (45) feet in height or three stories, whichever is lesser.

SECTION 17.05 SITE DEVELOPMENT STANDARDS. The following development standards are designed to mitigate negative impacts on nearby properties.

- (a) All storage of materials related to the use are to be kept within a completely enclosed building or within an area enclosed on all sides by a

solid fence, greenbelt, or wall at least six (6) feet in height. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.

- (b) Operations which involve the use or storage of diesel powered equipment or heavy trucks shall keep all such vehicles at least one hundred fifty (150) feet from the nearest residential dwelling unit and shall not operate such vehicles in a manner which will be a nuisance to nearby residents.
- (c) The location of driveways shall be determined during site plan review. Driveways shall be located to minimize negative impacts upon nearby properties.
- (d) Operations which involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating ground water and surface water.

SECTION 17.06 OFF-STREET PARKING. Off-street parking facilities must be provided for all uses in this district in accordance with the requirements of Chapter XIX.

SECTION 17.07 SITE PLAN REVIEW. A site plan review shall be provided for those uses as required by Chapter XVIII herein.

CHAPTER XVIII SITE PLAN REVIEW

(Ord. No. 9-89; 9/5/89)
 (Ord. No. 95-7; 9/5/95)
 (Ord. No. 99-5; 12/20/99)
 (Ord. No. 00-06; 9/01/00)

(Ord. No. 02-02; 6/14/02)
 (Ord. No. 04-06; 9/20/04)
 (Ord. No. 19-05; 1/20/20)

SECTION 18.01 PURPOSE. The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance to promote the orderly development of the Township; to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance.

SECTION 18.02 SITE PLAN REVIEW REQUIRED. A site plan shall be submitted for review and approval before a building permit is issued. Site plans are required for the following uses:

- (a) Any new principal commercial, office, industrial, business, or institutional use or a residential use having more than a two family dwelling unit.
- (b) An alteration of the building or property or change in the use of a building or property which results in the increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
- (c) Special land uses and planned unit developments.
- (d) All other uses requiring site plan approval as required by this Ordinance.
 (Ord. No. 02-02, 6/14/02)

SECTION 18.03 APPLICATION PROCEDURE.

- (a) An application for site plan review shall be made to the Building Inspector along with a fee as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - (1) The applicant's name, address and phone number.
 - (2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as a purchase agreement.
 - (3) The name, address and phone number of the owner(s) of record if different than the applicant.
 - (4) The address and/or parcel number of the property.
 - (5) Project description, including number of structures, dwelling units, square feet of building, parking spaces, and estimated employees.
 - (6) Gross and net size of the parcel in acres.
- (b) The Building Inspector shall forward the application and copies of the site plan to the Site Plan Review Committee ("the Committee") or Planning Commission ("the Commission") within thirty (30) days after the receipt of the application.

SECTION 18.04 SITE PLAN CONTENT.

- (a) Each site plan submitted for review under this chapter shall be drawn at a scale of 1"=200 or more and shall contain the following information:
- A vicinity map illustrating the location of the site within the Township.
 - Date site plan was prepared.
 - Name, address and professional seal of preparer.
 - North arrow and legal description based upon most current survey.
 - Property lines, dimensions, and building setback distances and all structures and lot lines within one hundred (100) feet of the site.
 - Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site.
 - Direction of storm water drainage and how storm water runoff will be handled.
 - Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
 - Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within one hundred (100) feet on either side of the site.
 - Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drain fields, and utility easements.
 - Location of all sidewalks, bike paths, and other walkways.
 - Location and size of any walls, fences or other screening provisions.
 - Location of all proposed landscape materials, including size and type of planting in accordance with the Alpine Township Landscape Guidelines.
 - Location of all proposed accessory structures, including light poles or fixtures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, signs, and existing and proposed utility poles.
 - Proposed parking areas and access drives showing number and size of spaces and aisles, loading areas, and handicapped access ramps. Also note method of surfacing such areas.
 - Location and type of significant existing vegetation, water courses, and water bodies including county or city drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site must be illustrated.
 - Zoning on all adjacent properties.

- Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or other state or federal agencies.
- A scaled drawing of any proposed outdoor lighting fixtures including all size specifications, information on watts, peak candle power at a cutoff angle of 75 degrees, location of the cut-off plane, ground or wall anchorage details, materials, colors, design of the fixture, and any other information needed to ensure compliance with Section 18.06 (c), Outdoor Lighting Standards, of this Ordinance (Ord. No. 00-06; 9/1/00).

SECTION 18.05 REVIEW PROCEDURE AND AUTHORIZATION.

All site plans required under this chapter shall be subject to review as follows:

- (a) **PLANNING COMMISSION REVIEW:**
 - (1) Site plans for parcels which are five acres or greater.
 - (2) Site plans for Special Land Uses and Planned Unit Developments.
- (b) **SITE PLAN REVIEW COMMITTEE.** A Site Plan Review Committee shall review all other developments for which site plans are required under this chapter except those specified in Section 18.05(a) above.
- (c) **DISCRETIONARY REVIEW.** The Planning Commission may review, at its discretion, all site plans required under this Ordinance. The Site Plan Review Committee may also, at its discretion, refer a site plan to the Planning Commission for review and disposition.

In addition, the Township Zoning Administrator, Township Supervisor, or Planning Commission Chairperson shall have the authority to require that a site plan, which would normally be reviewed by the Site Plan Review Committee, be reviewed by the full Planning Commission. This determination shall be made before the site plan is reviewed by the Committee.

- (d) **AUTHORIZATION.** The Commission or Committee shall have the power to approve, deny, modify, or approve with conditions all site plans submitted to it under this Ordinance. A building permit shall not be issued until a site plan has been approved as required herein.
- (e) **SITE PLAN REVIEW COMMITTEE**
 - (1) This Committee shall consist of three members of the Planning Commission and the Township Zoning Administrator. The chairperson of the Planning Commission shall automatically be a member of the Site Plan Review Committee. The other members of the Committee shall be appointed by the Chairperson of the Planning Commission at the first official meeting of the Planning Commission each year. The Chairperson shall also appoint another member of the Planning Commission to the Site Plan Review Committee who shall serve as an alternate. The Committee shall select from its members its own chairperson and determine its own operating procedures. All members of the Committee shall be present in order to take any formal action on a site plan submitted for review.

- (2) The Zoning Administrator shall not be a voting member of the Committee.
 - (3) A site plan which is not unanimously approved or denied by a vote of the Committee shall be referred to the full Planning Commission for a final decision.
 - (4) Following a unanimous vote by the Committee on a site plan the Township Zoning Administrator, Township Supervisor, or Chairperson of the Planning Commission shall have the authority to appeal this vote to the full Planning Commission. This appeal must be made in writing to the Township Clerk within ten days of a decision by the Site Plan Review Committee. The Clerk shall then schedule the appeal for review by the Planning Commission. The Commission upon hearing the appeal may affirm, modify or reverse the decision of the Site Plan Review Committee. Further appeals shall be as permitted by Section 18.11 of this Ordinance.
- (f) **MEETINGS.** The Committee shall meet to review site plans within thirty (30) days after receipt of the site plan by the Building Inspector who shall arrange for such meeting. The Building Inspector shall also send a notice of this meeting to all members of the Planning Commission. All meetings of the Committee shall conform to the provisions of the Open Meetings Act being Act 267 of the Michigan Public Acts of 1976 as amended.
 - (g) **REVIEW PERIOD.** The Committee and/or Planning Commission shall render a decision on a site plan within sixty (60) days of its initial review of the site plan unless an extension of time is agreed to by the Committee or Commission and the applicant.
 - (h) **REVIEW STANDARDS.** The Committee or Commission shall review each site plan according to the standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. In addition, the Committee or Commission is empowered to seek the review and recommendation of appropriate county, state or federal agencies, the Township Engineer and Planner, or other professionals, consultants, or agencies as the Committee or Commission deems necessary to assist it in its review.
 - (i) **APPROVAL.** Upon approval of a site plan, two copies of the plan shall be signed and dated by the applicant and the chairperson of the Committee or Planning Commission. One copy of the plan shall be retained by the applicant and one shall be submitted to the Building Inspector as part of the building permit review process.

SECTION 18.06 STANDARDS.

- (a) **GENERAL STANDARDS.** The Site Plan Review Committee or Planning Commission shall review the site plan for compliance with the requirements of this ordinance and conformance with the following general standards:
 - (1) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - (2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

- (3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- (4) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- (5) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township Fire Department.
- (6) Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- (7) There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- (8) All loading and unloading areas and outside storage areas including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
- (9) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
- (10) With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, particularly the avoidance of building corners next to access drives, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures and the neighboring properties. Streets and drives which are part of an existing or planned street pattern which serve adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Alpine Township Master Plan.
- (11) All streets shall be built in accordance with the requirements of the Alpine Township Subdivision Ordinance and the specifications of the Kent County Road Commission.
- (12) Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and Federal permits before final site plan approval or an occupancy permit is granted.
- (13) The Commission or Committee shall review the proposed landscaping for conformance to the Alpine Township Landscape Guidelines.

(b) **ACCESS MANAGEMENT STANDARDS.** (Ord. No. 19-05; 1/20/20)

The Planning Commission, the Site Plan Review Committee and staff shall review site plans according to the access management standards contained in this Section relating to vehicle access and circulation. The standards contained in this Section are intended to balance the right of property owners to reasonably use their property with the need to enhance vehicular safety and ingress-egress on public roadways. It is the judgment of the Township that the adoption and implementation of these standards is in the best interest of the Township in order to increase traffic safety, lessen congestion, provide safe and adequate access, promote community character, enhance the value of property and ensure orderly and inter-connected development.

In addition to vehicular access, all site development plans shall ensure the safe and efficient use for all travel modes including pedestrian, bicycling and public transit.

The Township, in conjunction with other governmental agencies with appropriate jurisdiction, may require service drives for contiguous parcels along Alpine Avenue and on other streets. The Township may also limit the number of driveways for a site, require parking lots on contiguous parcels be shared, and require opposite driveways be directly aligned, all as required by the particular circumstances of a development project.

As part of site plan review, direct access to M-37 may be approved on a temporary basis by the Alpine Township Planning Commission or Committee in instances where access roads or adjoining parcels are not yet developed. Such conditional approval shall specify the future means of access, location (if known) and date the change will be made. Any such Alpine Township approval shall be memorialized within a Site Development Agreement and recorded with the County Register of Deeds.

While a parcel shall not be denied reasonable access, the public good shall be considered paramount and public safety addressed via the application of the access management standards contained in this Section and cooperation between Alpine Township, the Michigan Department of Transportation (MDOT), the Kent County Road Commission (KCRC), and the developer.

These access management standards do not seek to supplant the permitting authority of MDOT and the KCRC. Rather, these standards have been developed in partnership with MDOT and the KCRC to facilitate vehicular movement and safety within the context of inter-governmental cooperation during the site plan review process.

(1) **Access Management Plan Maps**

Maps 1 - 6 (found at the end of this Section) graphically display the access management standards applicable by the Township during site plan review. It shall be the responsibility of the Alpine Township Planning Commission, Site Plan Review Committee and staff to implement the access management standards shown on Maps 1-6 consistent with the terms of this Section.

Figures A, B and C (found at the end of this Section) provide conceptual references for designing service drives, parking lot cross access and rear service drives.

In its review of future public road and access point needs as shown on Maps 1 - 6, the relevant Township body or individual shall examine the zoning

designations, master planning considerations, pre-existing and proposed land uses for the specific site and vicinity. The goal of any review shall be to facilitate an interconnected, safe and efficient public road network. Recommendations and requirements of Kent County Road Commission and MDOT shall be gathered as part of the public road planning and development process.

In situations where Maps 1 - 6 do not identify specific access management requirements for a particular parcel, the Township shall, in consultation with MDOT and the KCRC, develop and implement such standards, relying on MDOT access management methodology.

In determining such access management methods and requirements, the following criteria shall be considered:

- The type and location of existing and proposed uses on the site
- The location and design of existing and proposed parking areas
- The existing and projected traffic volume on adjacent roadways
- Compatibility between adjacent land uses
- Land ownership and location of lot lines
- The general area recommendations of Maps 1 - 6
- Topography and sight distance along adjacent roadways and on the site
- Location of median crossings on Alpine Avenue
- Distance from intersections
- Location of driveways opposite the site
- Width of roadway and number of lanes.
- Such other factors as deemed appropriate by the relevant Township body or individual

Subject to the provisions of this Section, the Planning Commission or its Committee, upon the recommendation of the Planning Director, shall have the power to waive or alter the provisions of this Section where all of the following conditions are found to exist:

- (i) There are exceptional or extraordinary circumstances or conditions applying to the property which impacts access to or from the property. Exceptional or extraordinary circumstances or conditions include:
 - (A) Exceptional narrowness, shallowness, or the shape of a specific piece of property on the effective date of this ordinance amendment; or
 - (B) Exceptional topographic, environmental or similar conditions or situations; or
 - (C) Those created by reason of the use, development or legal restrictions on the property or immediately adjoining property.
- (ii) The waiver or alteration will not be detrimental to adjacent properties or the surrounding neighborhood.

- (iii) The waiver or alteration will not adversely impact the intent and purpose of the overall access management plan.

(2) **Service Drives**

Service drives shall be constructed according to the following requirements:

- (i) A service drive shall have a minimum width of 24 feet and be constructed to Kent County Road Commission standards for base and thickness of asphalt.
- (ii) A minimum of 10 feet snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of 10 feet from the edge of the public road right-of-way (see Figure A).
- (iii) All driveway radii shall be concrete curbs.
- (iv) The entrance of the service drive from a public road other than Alpine Avenue shall be at least 200 feet measured from the tangent point of the driveway radius along the public road to the tangent point of the public street radius to provide for adequate stacking and maneuvering. For service drives from Alpine Avenue, see Figures A and C. The Planning Commission or Committee shall have the authority to waive or modify the aforementioned spacing requirements when strict adherence to them would result in unreasonable access to a site.
- (v) The service drive shall be a private roadway maintained by adjoining property owners or user who shall enter into a formal agreement together for the joint maintenance of the service drive. This agreement shall first be reviewed and approved by the Township. This agreement shall then be recorded with the Kent County Register of Deeds and shall be binding upon all future property owners.
- (vi) Landscaping along the service drive shall be determined by the Planning Commission or its Committee during site plan review. Installation and maintenance of landscaping shall be the responsibility of each lot owner or user.

(3) **Driveways**

All driveways proposed onto Alpine Avenue/M-37 and other public streets require a permit from MDOT and/or the Kent County Road Commission.

A right turn lane and taper shall be required for driveways in accordance with MDOT and/or the Kent County Road Commission.

(4) **Traffic Studies**

As part of the site plan review process for a project, the Township may require a developer to commission a traffic study or the Township may commission a traffic study. The purpose of such a study is to review the access management plan's requirements and to test the plan for ongoing viability with respect to a particular

development. The traffic study shall be funded by the developer and conducted by a firm with traffic planning expertise approved by the Township and as applicable, MDOT. The results of the study shall be shared with the Planning Commission, MDOT and the Kent County Road Commission for comparison purposes and to support site plan review decisions.

The level of detail required in a traffic study shall be based upon the expected amount of traffic to be generated by the proposed use, based on generally accepted traffic engineering sources such as the Michigan handbook, "Evaluating Traffic Impact Studies", and the Institute of Transportation Engineers (ITE) "Trip Generation" sourcebook (current edition).

- (i) Traffic Impact Assessment: A Traffic Impact Assessment is required for any proposed development expected to generate between 50 and 99 peak hour directional trips or at the discretion of the MDOT Region/TSC Traffic and Safety Engineer. A Traffic Impact Assessment should include estimated traffic generated by the proposed use, existing traffic volumes during peak hours adjacent to the site, locations of existing and proposed drives identified, and trip distribution/assignment for the proposed drives. The Traffic Impact Assessment shall describe proposed access design and other mitigation measures that will positively affect traffic operations at these points.
- (ii) Traffic Impact Study: A Traffic Impact Study is a complete analysis and assessment of traffic generated by a proposed development and of the impact a proposed development would have on the surrounding transportation system. A Traffic Impact Study is required for any proposed development expected to generate over 100 peak hour directional trips or at the discretion of the MDOT Region/TSC Traffic and Safety Engineer.

The Traffic Impact Study should include estimated traffic volumes generated by the proposed use, a transportation system inventory (physical, functional and operational characteristics) of the study area and, where pertinent, local transit services. To be included should be data on peak-hour volumes for individual movements (existing and projected), a capacity analysis of each access point. Any proposed signalized access point within 1 mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing along the entire signalized corridor. A traffic impact study shall be analyzed with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes.

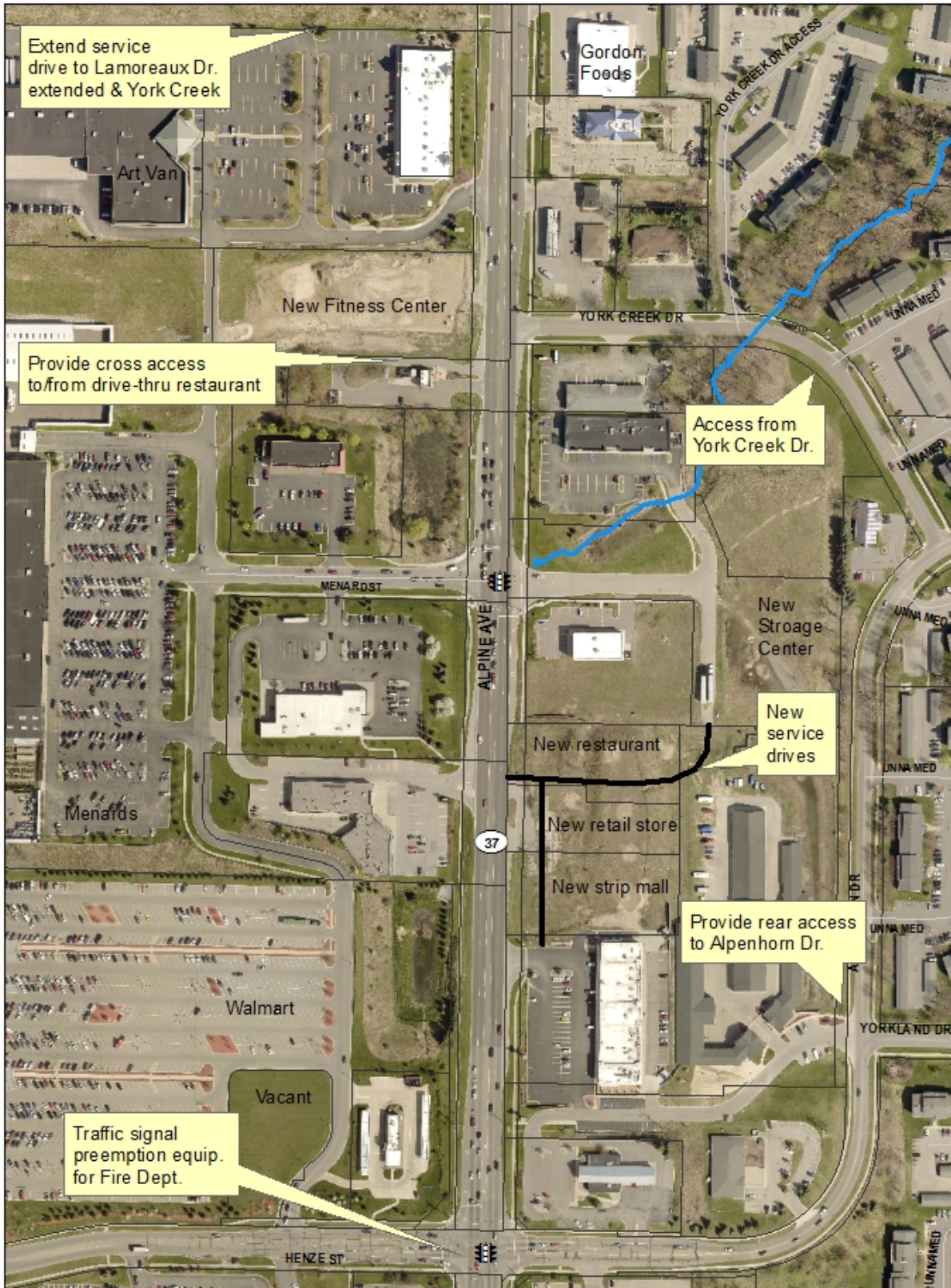
The Traffic Impact Study must also describe and support proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The Traffic Impact Study shall also evaluate pedestrian access, circulation and safety; and must take into account plans within the Alpine Township Master Plan in analyzing future traffic developments.

Map 1: 2019 Access Management Plan



Alpine Twp. Planning Dept. using 8-2019 REGIS data & 2017 photo

Map 2: 2019 Access Management Plan



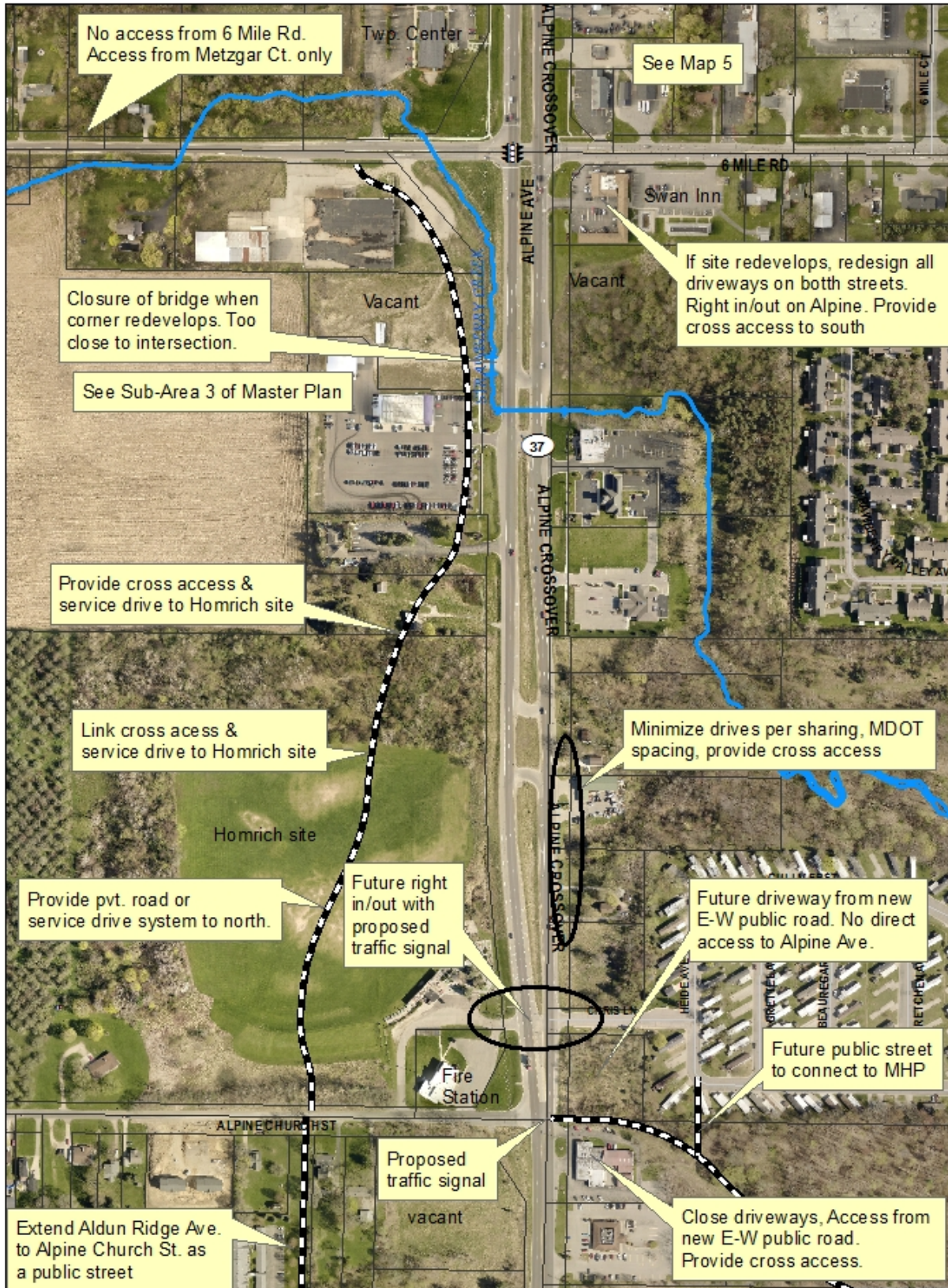
Alpine Twp. Planning Dept. using 8-2019 REGIS data & 2017 photo

Map 3: 2019 Access Management Plan



Alpine Twp. Planning Dept. using 8-2019 REGIS data & 2017 photo

Map 4: 2019 Access Management Plan



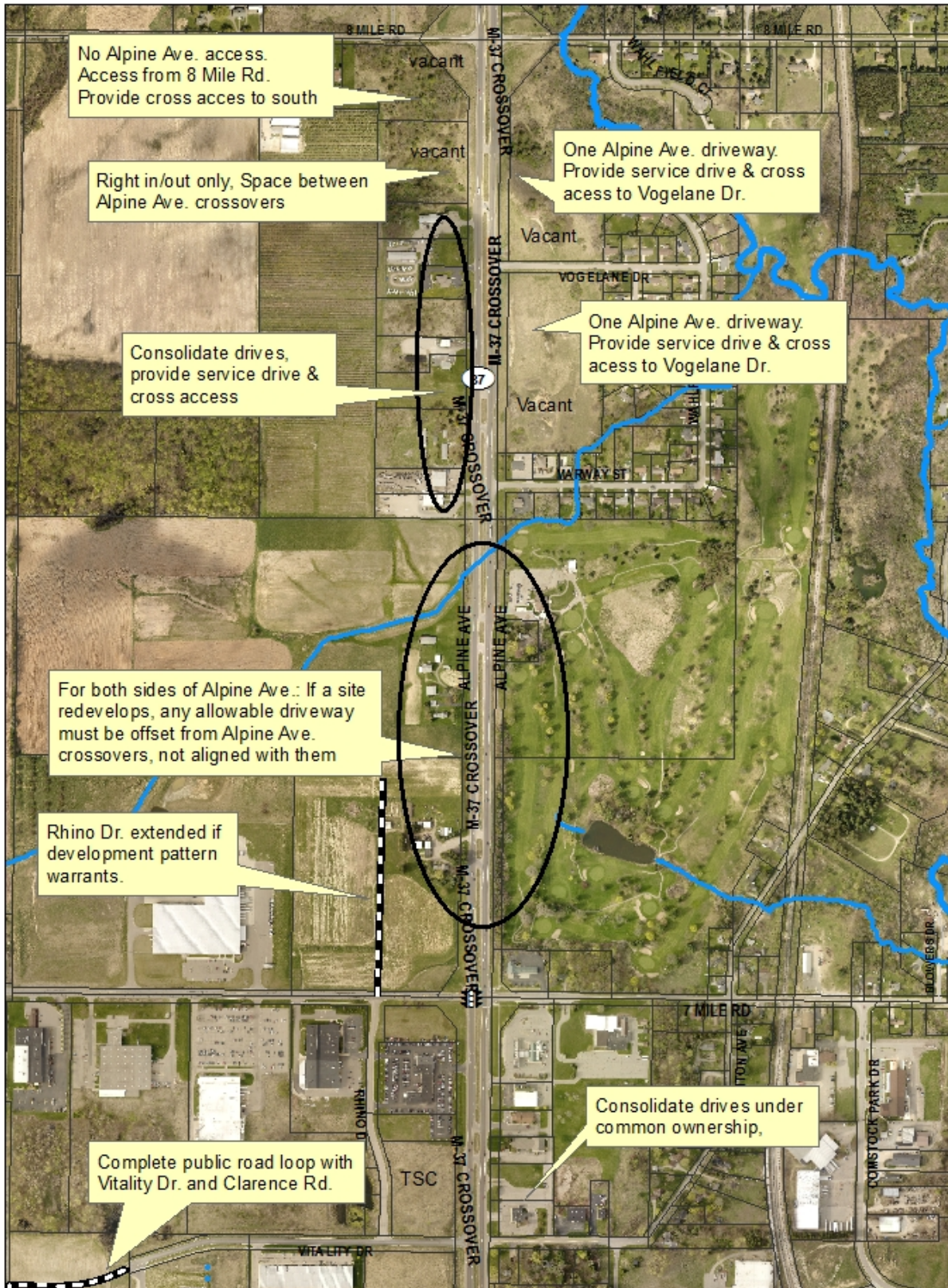
Alpine Twp. Planning Dept. using 8-2019 REGIS data & 2017 photo

Map 5: 2019 Access Management Plan

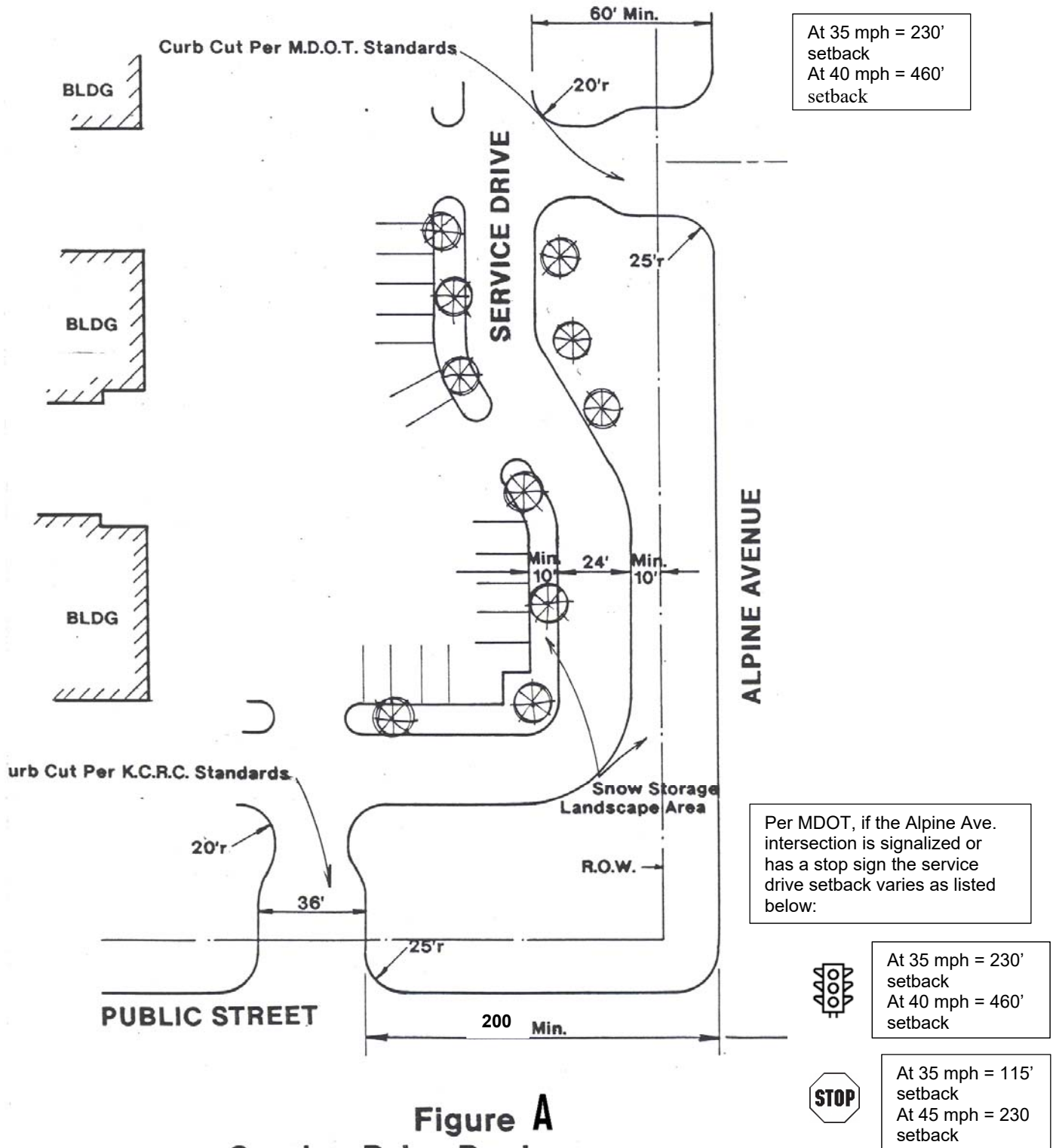


Alpine Twp. Planning Dept. using 8-2019 REGIS data & 2017 photo

Map 6: Access Management Plan



Alpine Twp. Planning Dept. using 8-2019 REGIS data & 2017 photo



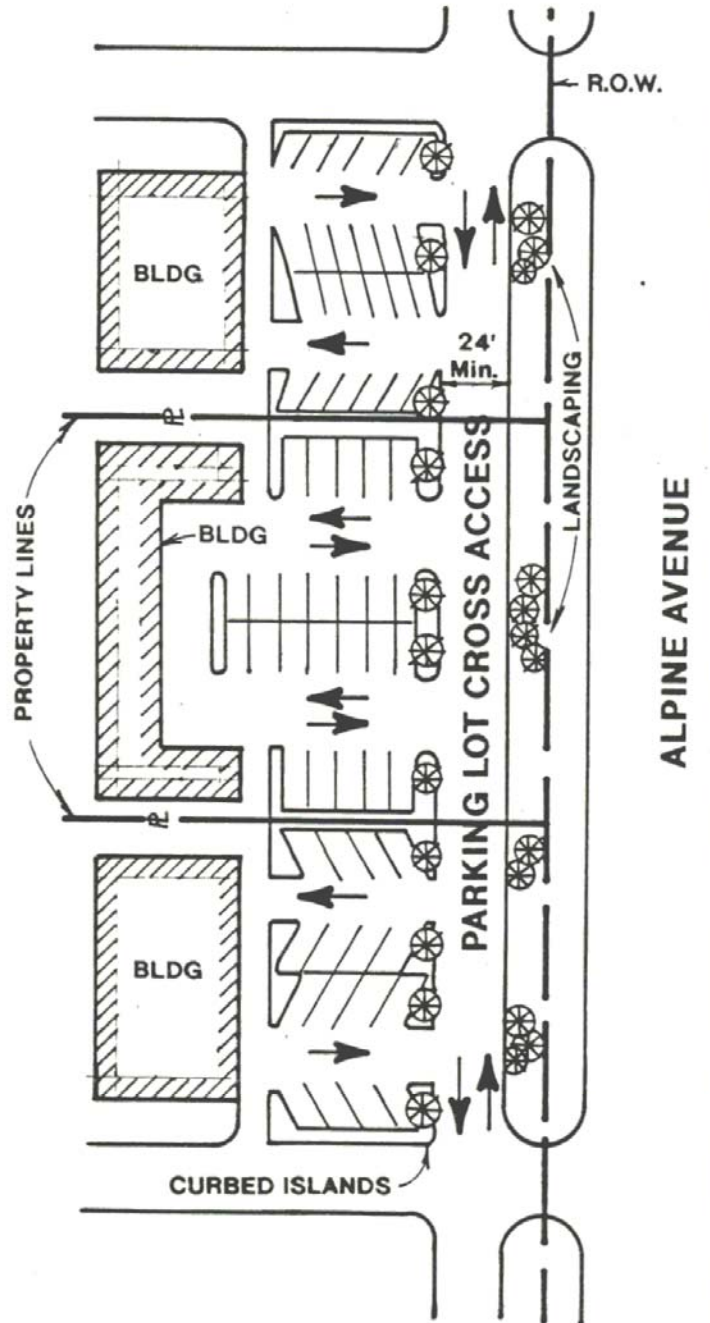


Figure B
Parking Lot Cross Access

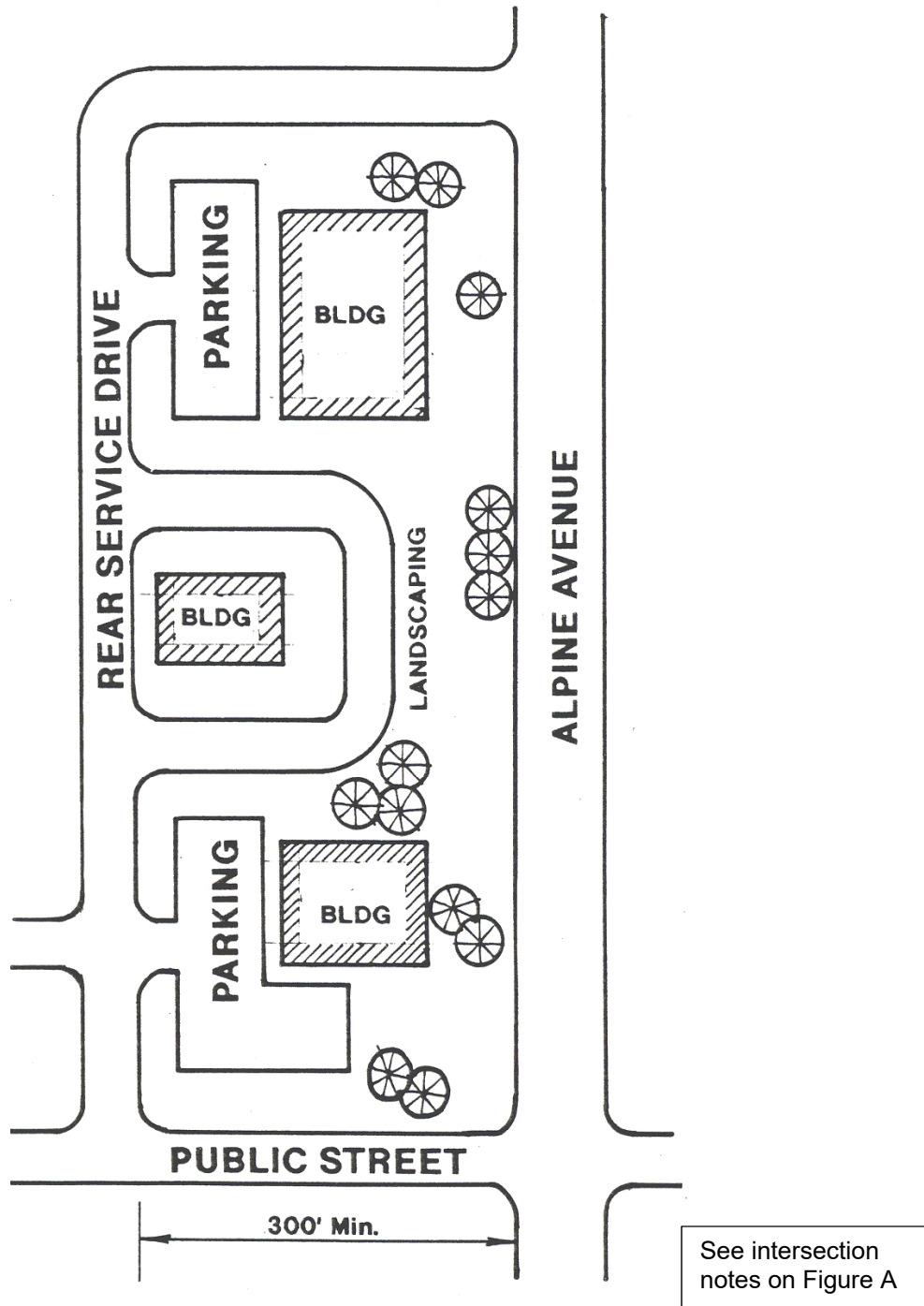


Figure C
Rear Service Drive

(c) **OUTDOOR LIGHTING STANDARDS** (Ord. No. 00-06; 9/1/00):

The following regulations shall apply only to uses for which site plan review is required under this Chapter.

All outdoor light fixtures shall be shielded fixtures except those exempted under Section 18.06(c)(2). The intensity of light emitted from the fixture at any angle above a cut-off angle of 75 degrees from the vertical must be less than 10% of the peak candle power of the outdoor light fixture, as shown in Figure 1 of this Section. Light shall not be emitted above a horizontal plane running through the lowest point on the fixture where light is emitted, as shown in Figure 1.

All outdoor light fixtures shall be installed and placed to ensure that light does not spill onto adjacent properties or roadways and does not produce a glare.

Parking lot light poles shall not exceed a height of 35 feet above the average grade of the surrounding parking lot surface, except for parking lot light poles used to illuminate outdoor recreation uses such as ball fields, tennis courts, golf driving ranges, or similar outdoor recreation uses. Parking lot light poles within 150 feet of a public or private street right-of-way or any residentially zoned property, shall not exceed a height of 23 feet above the average grade of the surrounding parking lot surface.

An outdoor light fixture shall not have a light source which is greater than 400 watts except for outdoor light fixtures used to illuminate those outdoor recreation uses which require site plan review.

Exemptions. The following outdoor light fixtures are exempt from the provisions of this ordinance.

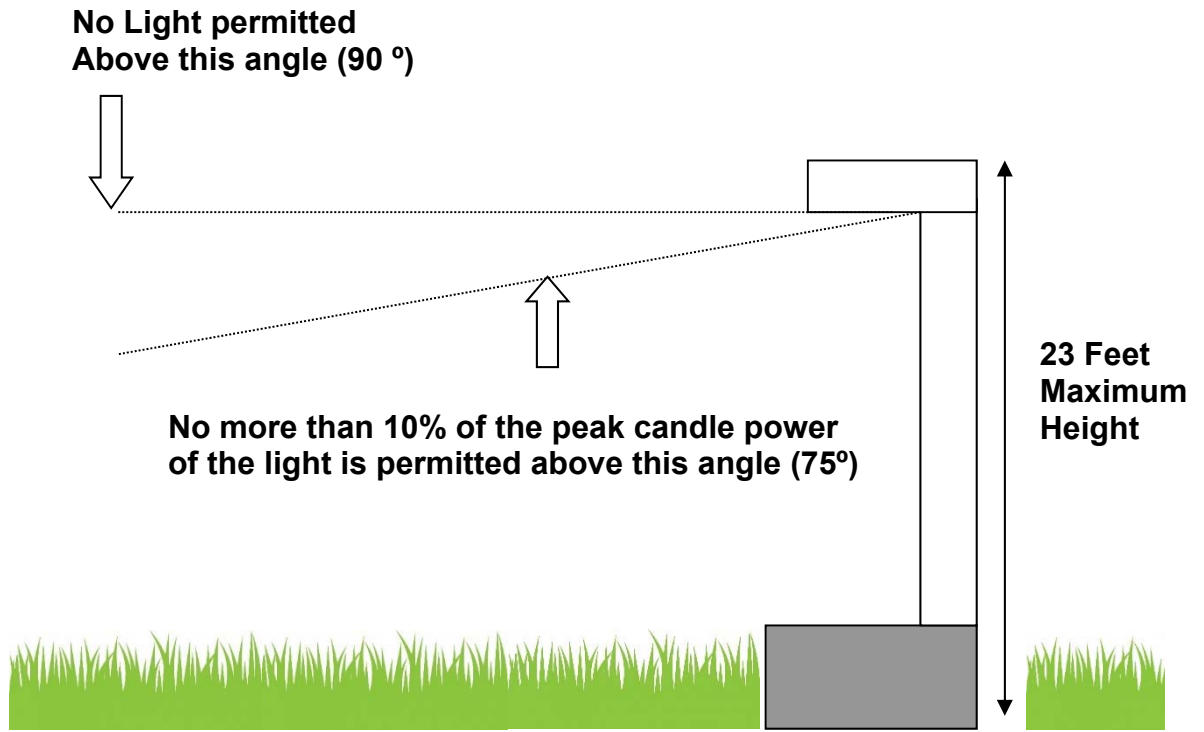
Outdoor light fixtures installed prior to the effective date of this Ordinance are exempt from the provisions of this ordinance; provided, however, that when there is any change in the use, or any replacement, structural alteration or restoration of such outdoor light fixture, then the fixture shall thereafter conform to all provisions of this ordinance.

Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility -type fields.

Outdoor light fixtures which use an incandescent light bulb of 150 watts or less except where they create a hazard or nuisance from glare or spill light.

Night Lighting. Outdoor light fixtures for off-street parking lots shall be turned off no later than one hour after the ending of the use on the site, except for lights which are necessary for security purposes.

**Figure 1
SHIELDED LIGHT FIXTURE**



SECTION 18.07 CONDITIONAL APPROVAL

- (a) The Committee or Planning Commission may condition approval of a site plan on conformance with the standards of another local, county, state, or federal agency. It may do so when such conditions:
 - (1) Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - (2) Would protect the natural environment and conserve natural resources and energy.
 - (3) Would ensure compatibility with adjacent uses of land.
 - (4) Would promote the use of land in a socially and economically desirable manner.
- (b) The Committee or Planning Commission may conditionally approve a site plan upon conformance with fencing, screening, buffering, or landscaping proposals of the Alpine Township Landscape Guidelines and may collect a performance guarantee consistent with the requirements of Section 18.08 herein to ensure conformance. When so doing, the following finding shall be made and documented as part of the review process:

- (1) That such fencing, screening, buffering, or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking, or other similar impact on adjoining parcels.
- (2) That absent such conditions, the development would adversely affect the reasonable use, enjoyment, and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 18.08 PERFORMANCE GUARANTEE

The Committee or Planning Commission may require a performance bond, letter of credit, or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, drainage, and other required improvements associated with the project. The estimated amount shall be determined by the applicant. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan; if not, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Building Inspector. In cases where the provisions of this Chapter have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

SECTION 18.09 AMENDMENT OF AN APPROVED SITE PLAN

Any person or agency for which a site plan has been approved shall notify the Building Inspector of any proposed amendment to the approved site plan. Any minor change such as dimension changes, increase in parking, drive relocation, landscaping changes, or movement of lighting or signs may be approved by the Building Inspector who shall notify either the Planning Commission or Committee in writing of such amendments. A copy shall be placed in the file of the original permit request.

Any major changes to an approved site plan shall comply with the filing procedures contained herein for site plan review. Major changes shall include but are not limited to increasing the density or number of dwelling units, increasing the number of buildings or land area and the addition of another use or uses not initially authorized under the original site plan. The Building Inspector shall determine if other similar changes constitute a major amendment.

SECTION 18.10 ISSUANCE OF BUILDING PERMIT

The Building Inspector shall, upon receipt of notice of approval from the Committee or Planning Commission and upon application by the applicant, issue a building permit provided all other applicable Township regulations have been met.

SECTION 18.11 APPEAL

- (a) **COMMITTEE DECISION.** Any person or party aggrieved by a decision of the Committee under this section may appeal such decision to the full Planning Commission. Such appeal shall be filed with the Township Clerk within ten (10) days of the date of a final decision on the site plan by the Committee. The Clerk shall schedule the appeal for the next regular meeting of the Planning Commission. Further appeal shall be to the Alpine

Township Board of Trustees within ten (10) days of a decision by the Planning Commission. The Board of Trustees shall affirm, reverse, or modify the action of the Planning Commission and shall state its findings in writing to the applicant.

- (b) **PLANNING COMMISSION DECISION.** An appeal of a site plan decision rendered by the Planning Commission shall be made to the Board of Trustees within ten (10) days of such decision in the same manner as noted in 18.11(a) above. The Board of Trustees shall affirm, reverse, or modify the decision of the Planning Commission and shall state its findings in writing to the applicant.

SECTION 18.12 EXPANSION OF EXISTING USE, STRUCTURE or BUILDING. (Ord. No. 93-6; 8/5/93)

It is recognized that there are existing land uses, buildings, and structures which do not conform to the current regulations of this Ordinance and as such do not achieve the intended purposes of this Ordinance. When these uses, buildings, and structures are expanded, enlarged or increased in intensity so that a site plan review is required per Section 18.02 herein, the following regulations shall apply.

- (a) The Planning Commission or Site Plan Review Committee shall require that the site development standards used in reviewing site plans be applied to existing uses, structures or buildings. Those standards shall be applied if it is determined that any of the following situations exist:
- (1) Existing stormwater drainage provisions on site are inadequate.
 - (2) There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust and reduce gravel and dirt runoff into the public stormwater drainage system.
 - (3) Existing driveways may result in hazardous vehicle movements.
 - (4) Additional plantings are needed in order to comply with the intent of the Alpine Township Landscape Guidelines or replace trees and shrubs previously removed and screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.
 - (5) Access to adjoining properties is inadequate and can be improved by way of parking lot connections or installation of a service drive to improve traffic circulation and reduce the number of turning movements onto the public street system.
 - (6) Safety for pedestrians can be improved and better emergency vehicle access can be provided.
 - (7) Better lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby residents.
 - (8) Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.
 - (9) Sidewalks are needed to improve pedestrian safety. (The criteria of Section 11.04 (g) herein shall be considered in addition to the criteria of this Section.)

- (b) In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission or Site Plan Review Committee shall be guided by the following criteria:
- (1) Whether or not compliance would ensure safer on site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this chapter.
 - (2) The practicality of requiring compliance with the applicable regulations of this Ordinance based on the existing design, layout, and operation of the existing use and size of the site.
 - (3) Whether or not requiring compliance would have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

SECTION 18.13 VALIDITY OF FINAL SITE PLANS

Approval of the final site plan is valid for a period of not longer than one year unless extended as allowed herein. The one-year period shall commence on the date when the site plan is signed for approval by the chairperson of the Planning Commission or Site Plan Review Committee as the case may be. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be terminated.

Upon written application, filed prior to the termination of the one year review period, the Planning Commission or Site Plan Review Committee, whichever granted final site plan approval, may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

CHAPTER XIX OFFSTREET PARKING AND LOADING

(Ord. No. 95-8; 11/2/95)
(Ord. No. 00-06; 9/1/00)
(Ord. No 14-04; 10/20/14)

SECTION 19.01 PURPOSE

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

SECTION 19.02 SCOPE

- (a) At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Chapter.
- (b) No parking or loading area or space which exists at the time of the adoption of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- (c) Parking areas must have the same zoning classification as the property on which the principal use is located which they are serving.

SECTION 19.03 LOCATION OF PARKING AREAS

- (a) For all residential uses the number of parking spaces required by this Ordinance shall be located on the same lot or parcel as the dwelling units served.
- (b) For all other uses the number of parking spaces required by this Ordinance shall be located on the same lot, or lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.

Parking on lots under different ownership within 300 feet of the building it is intended to serve shall also be permitted, if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties is provided.

SECTION 19.04 GENERAL REQUIREMENTS

(a) Units of Measurement

- (1) Where benches, pews, or other similar seating are used as seats, each 24 inches of such seating facility shall be counted as one seat.
- (2) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- (3) When units of measurement determining the number of required parking spaces or loading spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.

(b) Shared Parking and Mixed Occupancy

- (1) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
- (2) Joint or collective provision of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission may approve a lesser parking requirement for such uses provided that all of the following requirements are met:
 - (i) The uses proposing to combine parking requirements shall have hours of operation which do not coincide.
 - (ii) Evidence of a signed agreement between the owners of both properties agreeing to such joint use shall be provided to the Planning Commission.
 - (iii) Sufficient area shall be available such that the required parking for both uses computed separately may be provided on each lot or parcel involved in the event that one party to the joint parking agreement abrogates or otherwise withdraws from such agreement. Should such agreement be withdrawn by either party each use shall provide the parking as herein required.

(c) Storage and Repair

The use of semi-trailers for storage purposes for more than one week within a parking area is prohibited.

(d) Parking Requirements for Uses Not Listed

The minimum parking space requirements for all uses shall be as listed in Section 19.07. For uses not specifically listed in Section 19.07 the requirements shall be determined as follows.

- (1) The Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirement to a use which is listed in Section 19.07. In such case, the same parking requirement shall apply.
- (2) If the proposed use is not similar to a use listed in Section 19.07, the Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

(e) Maximum Amount of Parking

In order to minimize excess areas of pavement which result in adverse aesthetic impacts and contribute to high rates of storm-water runoff, parking lots exceeding the minimum parking space requirements by greater than 20 percent shall be prohibited, unless the applicant can demonstrate that additional parking is necessary to the operation of the proposed use. Factors to be considered in such demonstration shall include but need not be limited to the type of use proposed, examples of similar uses requiring such additional parking and whether such additional parking is for seasonal or peak periods only.

(f) Conformance to Parking Plan

Once a parking area has been approved as part of an approved site plan the owners, operators, or tenants shall conform at all times to the requirements of the approved plan including maintaining the parking lot in good working order and appearance.

(g) Existing Parking Lots

Parking areas which are in existence as of the date of adoption of this chapter shall be considered legal non-conforming uses if lawfully approved under the previous regulations. Any expansion of such existing parking areas shall conform to the requirements of this Chapter.

(h) Selling of Vehicles in Parking Lots.

In Commercial, Office and Industrial zoning districts the parking storage or display of vehicles for sale is prohibited within the front yard of any off street parking area unless the vehicle is being offered for sale by the owner or operator of the property or business or unless such use is otherwise permitted under the terms of this Ordinance.

SECTION 19.05 DESIGN, LOCATION, AND CONSTRUCTION REQUIREMENTS

The following regulations shall apply to all uses except one and two family dwellings and farm uses.

(a) Parking Lot Surface and Drainage

All drives, driveways, and parking spaces shall be surfaced with asphalt, bituminous, portland cement binder pavement or gravel surface tested in such a manner so as to provide a durable and dustless surface. Such surfaces shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.

In order to reduce the amount of impervious surface and the corresponding storm water runoff as well as improve parking lot aesthetics, the Planning Commission or Site Plan Review Committee as the case may be may approve alternate parking lot surfaces for overflow parking or employee parking. Such alternate parking lot surfaces may include but not be limited to gravel, crushed stone, or products which are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces.

(b) Striping

All parking spaces shall be striped with paint or a material approved by the Zoning Administrator. Striping shall be at least four inches in width. The striping shall be maintained at all times. For parking lots approved without a paintable surface, the method of marking parking spaces shall be approved by the Planning Commission or Site Plan Review Committee whichever is responsible for approving the parking site plan.

(c) Lighting

Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining residential properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within 150 feet of any residential area shall not exceed 20 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff (See Chapter 18, Figure 1).

(d) Bumper Blocks

The parking lot shall be provided with wheel or bumper guards, or other appropriate means, so that no part of a parked vehicle will extend beyond the parking area onto a street right of way or adjacent property and to protect landscaped areas.

- (e) **Backing into Public Road**

All off-street parking and loading areas that make it necessary for vehicles to back directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas serving residential dwellings with four or less units.
- (f) **Parking Lot Setbacks**

All off-street parking areas, except those serving residential dwellings with less than four dwelling units, shall be set back a minimum of 5 feet from the rear and side lot lines, and a minimum of 20 feet from the front lot line. The Planning Commission or Site Plan Review Committee may permit parking aisles or vehicle maneuvering areas to encroach within the parking setback where substantial additional screening or landscaping acceptable to the Planning Commission is provided. Such setback area shall be landscaped, except for necessary drives, walk-ways, signs, utility or light poles, or similar structures.
- (g) Parking areas shall be designed to delineate access aisles or drives and to provide drivers proper sight distance at the end of parking rows where such rows intersect access aisles or drive. This can be accomplished by traffic islands, striped pavement or other methods approved by the Planning Commission. Such islands shall be a minimum of 10 feet wide.
- (h) Parking lots shall be designed to limit the number of points where pedestrians must cross in front of vehicles. In particular, vehicle access in front of building entrances and exits should be minimized. Landscaped pedestrian walkways to and from parking areas may be required to enhance pedestrian safety.
- (i) Snow shall not be stored in areas with plantings or where it may create visibility problems for drivers or pedestrians.
- (j) Parking areas wherever reasonably possible shall be placed at the side or rear of buildings.

SECTION 19.06 SIZE OF PARKING SPACE AND AISLE

Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 19-1 and Figure 19-2.

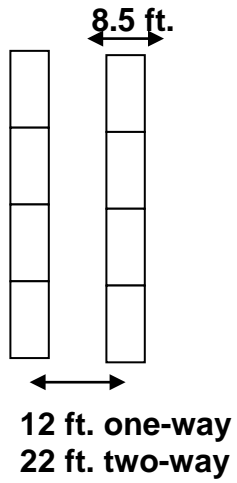
Table 19.1

MINIMUM STANDARDS FOR SIZE OF PARKING AISLES AND DRIVEWAYS							
PARKING ANGLE	MANEUVERING AISLE WIDTH		PARKING STALL WIDTH	PARKING STALL LENGTH		WIDTH OF 2 STALLS PLUS MANEUVERING AISLE	
	ONE WAY	TWO WAY				ONE WAY	TWO WAY
DEGREES							
0 ° (parallel)	12 feet	22 feet	8.5 feet	22 feet		29 feet	39 feet
Up to 53°	13 feet	22 feet	9.0 feet	18 feet		49 feet	58 feet
54° to 74°	16 feet	22 feet	9.0 feet	18 feet		52 feet	58 feet
75 ° to 90°	12 feet	24 feet	9.0 feet	18 feet		48 feet	60 feet

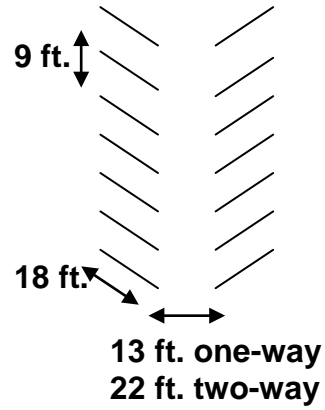
Figure 19-2

Minimum Parking Space and Aisle Requirements

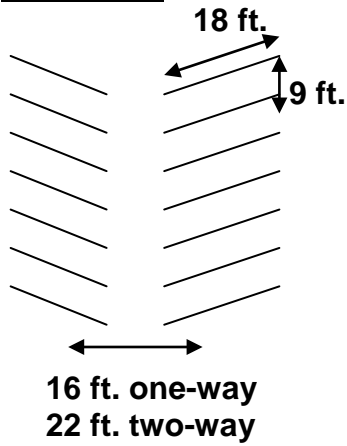
0° Parallel



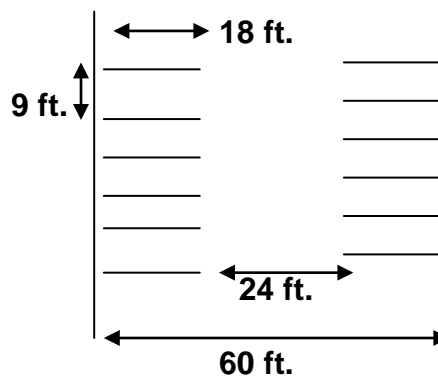
Up to 53°



54° to 74°



75° to 90°



SECTION 19.07 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Each use shall provide parking spaces in conformance with the following schedule of requirements:

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED, PER UNIT OF MEASURE
(a) Residential	
(1) Single family, two family, or multiple family with three or more bedrooms.	Two for each dwelling unit.
(2) Multiple family with one or two bedrooms.	Two for each two-bedroom dwelling unit and 1.5 for each one bedroom dwelling unit.
(3) Efficiencies.	One for each dwelling unit
(4) Mobile home parks.	Two for each mobile home or mobile home site.
(5) Elderly housing or retirement community.	For independent living units, one for each unit. For "interim" or "intermediate care" units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be re-determined based on the new use.
(6) Bed and breakfast, boarding houses	One for each guest room, plus two for the dwelling unit.
(b) Institutional/Public Assembly	
(1) Churches, temples, mosques, synagogues, or similar types of facilities.	One space per each four seats in the main worship room.
(2) Hospitals	One for each two beds plus one for each staff doctor, plus one for each employee other than doctors.
(3) Outpatient care stations	Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.
(4) Child care centers	One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be provided.
(5) Elementary, junior high, and middle schools.	Two spaces per classroom, plus one space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity.
(6) High schools.	Eight spaces per classroom, or one space per each four seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.

(7) Private clubs and lodges.	One space per 2.5 persons allowed, within the maximum capacity load, as established by the appropriate fire, health, or building code.
(8) Auditoriums (non-school), stadiums, and sports arenas.	One space per each three seats.
(9) Conference rooms, exhibit halls, halls, ballrooms, civic clubs, or similar places of assembly without fixed seats, whether public or private.	One space per each four persons allowed within the banquet maximum occupancy load, as determined by the Township Building or fire codes.
(10) Libraries, museums, and non-commercial art galleries.	One parking space per 400 square feet of gross floor area.
(c) Offices	
(1) Medical/dental clinics or offices.	Four spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
(2) General office buildings.	One space per 300 square feet of gross floor area. A minimum of four spaces shall be required.
(3) Banks, credit unions, or savings and loans.	Six spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic teller, plus four on-site waiting spaces for each drive-up window or drive-through automatic teller.
(d) Retail and Service Uses	
(1) Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet.	Four spaces per 1,000 square feet of usable floor area.
(2) Retail centers containing between 400,000 and 600,000 square feet.	Four and one-half spaces per 1,000 square feet of usable floor area.
(3) Retail centers containing greater than 600,000 square feet.	Five spaces per 1,000 square feet of usable floor area.
(4) Other retail uses not otherwise specified herein.	One space per 200 square feet of usable floor area, plus one per employee.
(5) Supermarkets and grocery stores.	One space per 200 square feet of usable floor area.
(6) Personal service establishments not otherwise provided herein.	One space per each 300 square feet of usable floor area, plus one per employee.
(7) Appliance stores	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
(8) Automobile service stations.	Two parking spaces per each service bay, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space.

(9) Automobile wash establishments (automatic)	One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit.
(10) Automobile wash establishments (self-service)	One parking space for each employee, plus three on-site waiting spaces at each wash-bay entrance.
(11) Barber shops, beauty salons.	Two for each barber or beauty operator chair/station, plus one for every two employees.
(12) Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area	One space per 200 square feet of usable floor area, plus one per employee.
(13.) Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area.	Three and on-half spaces per 1,000 square feet of usable floor area, plus one per employee
(14) Convenience store	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be provided.
(15) Dry cleaners	Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
(16) Funeral homes and mortuaries.	One space per 50 square feet of parlor and chapel areas.
(17) Furniture, carpet, and home furnishing stores.	One space per 800 square feet of usable floor area.
(18) Hotel, motel, or other commercial lodging establishment	One space for each guest room, plus one for each two employees, plus amount required for accessory uses provided at the rate of fifty percent of the requirements for such uses, as specified herein.
(19) Laundromats	One space per each three washing machines
(20) Mini-storage houses/warehouses	Six spaces
(21) Motor vehicle dealerships	One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required.
(22) Quick oil change establishments	Two spaces per bay, plus one per employee.
(23) Recreational vehicle and boat dealership	One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.
(24) Restaurants that serve non-fast food and have no drive-through window.	Twelve spaces per 1,000 square feet of gross floor area, OR .4 spaces per seat, whichever is greater.

(25) Restaurants that serve mostly take-out, with six or less booths or tables.	Six spaces plus one for each employee.
(26) Restaurants that serve fast food and have no drive-through window.	Seven spaces per 1,000 square feet of gross floor area.
(27) Restaurants that serve fast food and have both a drive-through window and indoor seating.	Fifteen spaces per 1,000 square feet of gross floor area, plus three designated drive-through, short-term waiting spaces, plus 10 on-site waiting spaces.
(28) Restaurants that serve fast food and have a drive-through window, but no indoor seating.	Fifteen spaces.
(29) Video rental stores	One space per each 100 square feet of gross floor area plus one for each employee.
(30) Service companies doing repair, electrical, and plumbing work.	Two spaces per 1,000 square feet of gross floor area. A minimum of five spaces shall be required.
(e) Recreation/Entertainment	
(1) Arcades	One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.
(2) Batting cage facilities	Three spaces per cage
(3) Bowling centers	Five spaces per bowling lane, plus 50 percent of the spaces otherwise required for accessory uses, such as restaurants, bars, banquet facilities, etc.
(4) Golf driving ranges.	One and one-half spaces per tee.
(5) Golf courses, miniature	One and one-half spaces per each hole.
(6) Golf courses, par three.	Three spaces per hole.
(7) Golf courses.	Five spaces per hole
(8) Health fitness centers	Five spaces per 1,000 square feet of gross floor area.
(9) Movie theaters	One space per each four seats, plus four spaces per screen
(10) Racquetball and tennis centers	One space per 1,000 square feet of gross floor area OR six spaces per court, whichever is greater.
(11) Public recreation centers	Five spaces per 1,000 square feet of gross floor area.
(12) Roller/ Ice skating rink	Six spaces per 1,000 square feet of gross floor area
(f) Industrial Uses	
(1) Manufacturing, light industrial, and research establishments	One and one-half parking spaces per each 1,000 square feet of gross floor area.
(2) Wholesale, warehouses, or distribution facilities, and truck terminals.	One parking space per each 15,000 square feet of gross floor area, OR one per employee, whichever is greater.

(g) Deferred Parking Construction

In order to avoid excessive amount of impervious surface, the Planning Commission or Site Plan Review Committee may approve a development which provides less than the minimum number of parking spaces required herein if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking space will meet the projected parking needs of the project due to:

- (1) The nature, size, density, location, or design of the proposed development, including the design of the circulation and parking plan;
- (2) The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, will remain available to provide additional off-street parking space if additional parking space is subsequently determined to be necessary by the Township Planning Commission to meet the parking needs of the development;
- (3) Characteristics of the development which will affect the parking needs, including factors such as non-conflicting peak hours of operation and the sharing of spaces by different uses; and
- (4) Any other factors reasonably related to the need for parking for the proposed development.

SECTION 19.08 BARRIER FREE PARKING AND DESIGN REQUIREMENTS

- (a) Requirements for barrier free parking spaces, curb, ramps, and signs shall be as required by the State of Michigan Construction Codes and the Michigan Barrier Free Rules. (Ord. 14-04; 10/20/14)

SECTION 19.09 OFF-STREET LOADING REQUIREMENTS (Ord. No. 14-04; 10/20/14)

- (a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
- (b) Required loading spaces shall not be included in the count of off-street parking spaces.
- (c) Loading spaces shall not use any portion of any public road right-of-way.
- (d) Maneuvering space for trucks using the loading spaces shall be provided on-premise, and shall not necessitate the use of public road right-of-way.
- (e) A maximum of 25% of a building's total façade length on the street side may contain loading docks (including wells, ramps and above-grade doors). The 25%

shall be measured as the lineal feet occupied by the loading dock doors and the spaces separating each loading dock door from another. This requirement shall apply to façades on each street side of a corner lot. (Ord. No. 14-04; 10/20/14)

- (f) The design, location, and screening of off-street loading areas shall be reviewed at the time of Site-Plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.

SECTION 19.10 TEMPORARY PARKING

It is recognized that there may be special events or situations that occur infrequently which would result in the temporary reduction in the availability of required parking spaces and aisles or the need for temporary off site parking. Such events could include outdoor vehicle sales, festivals, fairs, carnivals, church/school car washes, or garage sales.

In such instances, the Planning Commission may authorize the temporary use of the required parking area or temporary off site parking upon a demonstration by the applicant of all of the following:

- (1) That the loss of the required parking spaces may be off set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not necessary.
- (2) That if parking is provided off site, permission has been granted by the property owner or operator.
- (3) That the duration of the special event is so short or of such a nature as to not create any parking problems for the normal operation of the existing on site use.
- (4) That temporary off site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles. The Planning Commission may require a site plan to demonstrate this.
- (5) That the proposed special event satisfies all other applicable Township regulations.

CHAPTER XX SIGNS

(Ord. No. 95-2; 4/6/95)
 (Ord. No. 95-6; 7/17/95)
 (Ord. No. 02-03; 9/5/02)
 (Ord. No. 05-01; 10/7/05)
 (Ord. No. 07-02; 8/20/07)
 (Ord. No. 08-04; 9/2/08)

(Ord. No. 09-07; 12/21/09)
 (Ord. No. 11-03; 6/20/11)
 (Ord. No. 12-04; 9/17/12)
 (Ord. No. 13-08; 1/5/2014)
 (Ord. No. 14-04; 10/20/14)

SECTION 20.01 DESCRIPTION and PURPOSE. This chapter is intended to regulate the size, number, location and manner of display of signs in Alpine Township in a manner consistent with the following purposes.

- (a) To protect and further the health, safety and welfare of Alpine Township residents, property owners and visitors.
- (b) To minimize traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- (c) To conserve and enhance community character.
- (d) To promote uniformity in the size, number or placement of signs within districts.
- (e) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- (f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of business and non-business uses to communicate.
- (g) It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.

SECTION 20.02 DEFINITIONS

"A" Frame Sign: A portable sign capable of standing without support or attachments.

Abandoned Sign: A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, or for which no legal owner can be found.

Agricultural Industry Sign: A sign which identifies items, products, breeds of animals, poultry or fish, materials, or farming methods used on a farm and also including signs for farm organizations.

Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.

Awning Sign: Letters, numerals or other drawings painted on, printed on, or attached flat against the surface of an awning or canopy.

Balloon Sign: See Inflatable Sign.

Banner Sign: A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.

Billboard: A sign which advertises an establishment, product, service, use or activity at a location other than the premises on which the sign is located. A billboard is also called an off-site sign. (Ord. No. 12-04; 9/17/12)

Commercial Establishment: A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

Community Service Group Sign: A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycee's, Lion's Club or Ambuc's.

Community Special Event Sign: A portable sign erected for a limited time to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit or whose purpose is charitable, philanthropic, religious or benevolent.

Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.

Digital Billboard: A billboard that consists of, or has a portion comprised of, a computer or playback device connected to a digital screen that utilizes digital, L.C.D., L.E.D., plasma or similar technology to change images on the sign face. Digital billboards can be controlled remotely and display electronic images that have the potential to change without the necessity of physically or mechanically replacing the sign face or its components. (Ord. No. 12-04; 9/17/12)

Digital On-Site Sign: A permanent on-site sign that consists of, or has a portion comprised of, a computer or playback device connected to a digital screen that utilizes digital, L.C.D., L.E.D., plasma or similar technology to change images on the sign face, excluding electronic reader boards. Digital on-site signs can be controlled remotely and display electronic images that have the potential to change without the necessity of physically or mechanically replacing the sign face or its components. (Ord. No. 12-04; 9/17/12) (Ord. No. 13-08; 1/5/2014)

Digital Portable Sign: a portable sign that consists of, or has a portion comprised of, a computer or playback device connected to a digital screen that utilizes digital, L.C.D., L.E.D., plasma or similar technology to change images on the sign face. Digital portable signs can be controlled remotely and display electronic images that have the potential to change without the necessity of physically or mechanically replacing the sign face or its components. (Ord. No. 13-08; 1/5/2014)

Directional Sign: A sign which gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs.

Exempt Sign: A sign that is not regulated by the provisions of this Ordinance except for the regulations of Section 20.07. (Ord. No. 12-04; 9/17/12)

Farm Identification Sign: A sign which identifies the name of the farm, or the family or person operating the farm.

Festoons: A string of ribbons, tinsel, flags, pennants or pinwheels.

Flag Sign: A flag which contains the name, logo or other symbol of a business, company, corporation, or agency of a commercial nature.

Flashing Sign: A sign which contains a rapidly intermittent or changing light source.

Freestanding Sign: A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.

Government Sign: A sign erected or required to be erected by Alpine Charter Township, Kent County, or the State or Federal government.

Ground Sign: A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

Holiday Decorations: In a commercial or industrial zoning districts includes, but is not limited to, strings of lights for nationally recognized holidays. Holiday decorations as defined shall not contain any commercial advertising and specifically excludes inflatable holiday decorations in commercial or industrial zoning districts.

Illegal Sign: A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Incidental Sign: A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g. a credit card sign or restroom sign or sign indicating hours of business, or signs on gas pumps.

Industrial Establishment: See Commercial Establishment. (Ord. No. 12-04; 9/17/12)

Inflatable sign: (Balloon sign) Any three dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a container, figure, product or product trademark, whether or not such object contains a message or lettering.

Mansard: A sloped roof or roof-like façade architecturally comparable to a building wall.

Mansard Sign: A sign that is mounted, painted on, or attached to a mansard.

Mechanical Billboard: A billboard that uses rotating panels, slats, blades, or the equivalent to change images at regular or irregular intervals. Tri-Vision billboards are a type of mechanical billboard. A digital billboard is not a mechanical billboard. (Ord. No. 12-04; 9/17/12)

Memorial Sign - A sign, tablet, or plaque memorializing a person, event, structure or site.

Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.

Marquee Sign: A sign affixed to the surface of a marquee.

Mural: An artistic design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

Nameplate: A non-illuminated, on-site sign giving the name, address or occupation of an occupant or group of occupants. (Ord. No. 12-04; 9/17/12)

Neon Tubing: Electric discharge tubing manufactured in shapes that form letters, parts of letters, skeleton tubing, outline lighting, other decorative elements, and filled with various inert gases. Neon tubing is considered signage. (Ord. No. 08-04; 9/2/08)

Non-Commercial Sign: A sign either portable or non-portable not advertising commerce, trade, or location and not otherwise defined herein. For example, a sign identifying or promoting a candidate for public office.

Non-Conforming Sign: A sign which was legally erected prior to this Ordinance but which does not conform to this Ordinance.

Off-Site Sign: Another term for a billboard. (Ord. No. 12-04; 9/17/12)

On-Site Sign: A sign, which pertains to the use of the premises on which it is located. (Ord. No. 12-04; 9/17/12)

Painted Wall Sign: A sign which is applied with paint or similar substance on the face of a wall or the roof of a building.

Permanent Sign: A sign which is permanently affixed into the ground or to a building, meets the requirements of a structure under the Building Code, and by its nature cannot be nor is intended to be moved from one location to another. (Ord. No. 13-08; 1/5/2014)

Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing", "No Hunting" signs or "Gas Main" signs.

Pole Sign: A freestanding sign which is supported by a structure, or poles, or braces which are less than 50 percent of the width of the sign.

Portable Sign: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another including but not limited to "A" frame signs, signs on movable trailers, devices such as banners, pennants, search lights, rotating signs, sidewalk or curb signs, and inflatable signs.

Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.

Reader Board Sign: An accessory component of an approved on-site permanent sign which is either one of the following: (Ord. No. 12-04; 9/17/12) (Ord. No. 13-08; 1/5/2014)

1. Manual: A sign on which the letters or numbers are changed manually or;
2. Electronic Reader Board: A sign with a fixed or changing display or message of letters and/or numbers composed of a series of lights that may be changed through electronic means excluding digital on-site signs and flashing signs.

Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

Residential Subdivision Sign: A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development.

Roof Line: The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Roof Sign: A sign erected above the roof line of a building.

Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changeable copy.

Sexually Graphic Signs: Any sign or advertising that include photographs, silhouettes or drawings of any specified anatomical areas or specified sexual activities as defined in this Ordinance, or obscene representations of the human form; and any sign with words that describe or relate to a specified sexual activity or to human genitals, pubic area, buttocks, anus, anal cleft or female breasts. (Ord. 11-03; 6/20/11)

Sign: A device, structure, fixture, figure or placard which may or may not use graphics, symbols, emblems, numbers, lights or written copy designed specifically for the purpose of advertising, identifying, or directing attention to an establishment, product, service, person, place, organization, institution or activity.

Snipe Sign: A sign that is attached to a utility pole, tree, fence, or to any object located or situated on public property.

Subdivision Identification Sign: A sign identifying or recognizing a platted subdivision, condominium development, commercial, industrial or residential development.

Temporary Sign: See Portable Sign.

Under Canopy Sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.

Window Sign: A sign installed inside a window and intended to be viewed from the outside.

Vehicle Sign: A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, trailers, semi-trailers or airplanes.

SECTION 20.03 PROHIBITED SIGNS. A sign not expressly permitted by this Ordinance is prohibited. Without limitation, the following types of signs are expressly prohibited: (Ord. No. 12-04; 9/17/12)

- (a) Festoons, pennants, streamers, and flag signs except as defined and permitted herein.
- (b) Flashing signs, including those located in windows.
- (c) Abandoned signs.
- (d) Rotating signs.
- (e) Signs imitating or resembling official traffic or government signs or signals.
- (f) Vehicle signs not used during the normal course of business which are conspicuously parked or located so as to advertise, identify, or bring attention to an establishment, product, service, person, service or activity. [See Section 20.08(c)]
- (g) Roof signs.
- (h) Sexually graphic signs.
- (i) Snipe signs.
- (j) Searchlights, laser lights, strobe lights, and lights of a similar nature.
- (k) Digital on-site signs.

- (l) Lighted or unlighted signs utilizing florescent or neon colors such as “hot pink”, “lime green”, “bright orange”, “day glow” or similar colors. Such signs are prohibited because they are distracting to drivers and may pose a safety hazard. Except for allowed window signs, visible neon tubing is prohibited. (Ord. No. 08-04; 9/2/08)
- (m) Inflatable signs.
- (n) Inflatable holiday decorations in commercial or industrial zoning districts.
- (o) Digital Billboards.
- (p) Mechanical Billboards.
- (q) Digital portable signs. (Ord. No. 13-08; 1/5/2014)
- (r) Any sign not expressly allowed by this Chapter.

SECTION 20.04 SIGNS EXEMPTED. The following signs shall be exempted from the provisions of this Ordinance except for the regulations of Section 20.07.

- (a) Government signs two square feet or less.
- (b) Non-commercial signs two square feet or less.
- (c) Window signs.
- (d) Memorial signs.
- (e) Murals.
- (f) Signs for essential services which are two square feet or less.
- (g) Placards.
- (h) Community service group or agency signs two square feet or less.
- (i) Nameplates two square feet or less.
- (j) Newspaper box signs.
- (k) Farm identification signs.
- (l) Incidental signs two square feet or less.
- (m) Flags or insignia of any nation, state, township, community organization, educational institution or flags of a non-commercial nature. Such flags shall only be displayed on a flag pole.

- (n) Holiday Decorations as defined by this Ordinance for nationally recognized holidays within commercial or industrial zoning districts. Holiday decorations shall be erected no more than 30 days before a nationally recognized holiday and shall be removed no later than 10 days after the holiday in commercial or industrial zoning districts.

SECTION 20.05 SIGNS NOT REQUIRING A PERMIT UNDER THIS CHAPTER. The following signs shall not require a permit under this Chapter but shall be subject to all other applicable regulations of this Ordinance. (Ord. No. 12-04; 9/17/12)

- (a) Government signs.
- (b) Non-commercial signs.
- (c) On-site directional signs
- (d) Construction signs.
- (e) Home occupation signs as permitted by Section 2.40(e).
- (f) Signs for residential yard, garage, and estate sales and auctions.
- (g) Real estate signs advertising the premises on which the sign is located for sale, rent or lease.
- (h) Agricultural industry signs.
- (i) Help wanted signs of a temporary nature not to exceed 32 square feet.
- (j) "A" frame signs.
- (k) Community special event signs.

SECTION 20.06 SIGN PERMITS AND APPLICATION

- (a) Permits Required: A sign permit shall be required for the erection, use, construction or alteration of all signs except those expressly exempted herein. A sign permit is either a construction permit under the State Building Code for a sign that has received zoning approval or a zoning permit under the Alpine Township Zoning Ordinance (where no State Building Code permit is required). For purposes of this section alteration shall mean changing the copy to promote, advertise, or identify a different use or commercial establishment. Alteration shall not mean normal maintenance of a sign. (Ord. No. 12-04; 9/17/12)

- (b) Application: An application for a sign permit shall be made to the Township Building Official or Zoning Administrator along with payment of a fee as required by Township Board resolution. The application, at a minimum, shall include the following:
- (1) Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign.
 - (2) Address or permanent parcel number of the property where the sign will be located.
 - (3) A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed location of the sign in relation to buildings and structures along with setback from lot lines.
 - (4) Construction documents showing dimensions, materials, and required details of construction including loads, stresses, and anchors per the State Building Codes.
 - (5) All signs requiring electrical service shall be reviewed for compliance with the State Electrical Code. Approval of electrical signs shall be noted on or attached to the sign permit.
 - (6) The zoning district in which the sign is to be located.
 - (7) Any other information which the Building Official/Zoning Administrator may require in order to demonstrate compliance with this Ordinance.
 - (8) Signature of applicant or person, firm or corporation erecting the sign.
- (c) Issuance of Sign Permit: The Building Official/Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Township ordinances or applicable State Building Codes are met. A sign authorized by a permit shall be installed or under construction within six months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee. (Ord. No. 12-04; 9/17/12)

SECTION 20.07 DESIGN, CONSTRUCTION AND LOCATION STANDARDS

- (a) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the weather.
- (b) Sign supports, braces, guys and anchors shall be maintained in such a manner so as not to cause a hazard.
- (c) Signs shall be constructed to withstand all imposed loads as required by the State Building Codes.
- (d) Signs may be internally or externally illuminated. The source of the light shall be shielded, directed or operated in such a manner as to prevent the source of light from shining directly onto or adversely impacting traffic or surrounding properties. (Ord. No. 13-08; 1/5/2014)
- (e) Wall signs greater than 40 square feet in size shall be constructed of metal or other approved non-combustible materials.
- (f) Any pole sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- (g) Support structures, poles or braces for pole signs must be less than 50% of the sign width and cannot be more than 3 feet wide on any one side.
- (h) For ground signs, the width of the base shall be at least 50 percent of the width of the sign.
- (i) Signs shall not be placed in, upon or over any public right-of-way, approved private road easement, alley, or other access easements, except as may be otherwise permitted by the Kent County Road Commission, the Michigan Department of Transportation or Alpine Township.
- (j) A light pole or other supporting member shall not be used for the placement of any sign unless specifically designed and approved for such use.
- (k) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- (l) A wall sign shall not extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- (m) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located. (Ord. 02-02; 9/5/02)

SECTION 20.08 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS.

The following sign regulations are applicable to all zoning districts.

- (a) All signs shall be stationary and shall pertain only to the business or activity conducted on the premises where the sign is located except as otherwise expressly permitted by this Ordinance for billboards, non-commercial signs, community special event signs, signs advertising farm products or operations as permitted herein. (Ord. No. 12-04; 9/17/12)
- (b) All on-site wall and freestanding signs may include reader boards as an accessory component to an approved permanent sign subject to the following regulations: (Ord. No. 12-04; 9/17/12) (Ord. No. 13-08; 1/5/2014)
 - (1) For signs which are 50 square feet or less in area the reader board shall not comprise more than 75% of the sign area.
 - (2) For signs which exceed 50 square feet in area the reader board shall not comprise more than 50 % of the sign area.
 - (3) An electronic reader board shall not have any logos, insignia or images or any scrolling, animated or flashing text.
 - (4) The copy on an electronic reader board shall at all times remain completely unchanged for a minimum of 10 seconds. (Ord. 07-02; 8/20/07)
- (c) Vehicles which bear signs may be parked on site provided they are located in such a manner that they do not function as signs as prohibited by Section 20.03 (f) herein.
- (d) Real estate signs are permitted in any District but shall be removed within 30 days after completion of the sale or lease of the property.
- (e) Construction signs are permitted within any District, subject to the following restrictions:
 - (1) Construction signs shall be no larger than 32 square feet and not exceed eight feet in height and shall be located no closer than 10 feet from the street right-of-way and all other property lines.
 - (2) Construction signs shall not be erected until a building permit has been issued for the project that is the subject of proposed sign and construction activity has begun.
 - (3) Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign, or the placement of a permanent sign advertising the principal use, whichever comes first.

- (f) Community special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
- (1) Such signs may be located either on or off the lot on which the special event is held.
 - (2) The display of such signs shall be limited to the 14 days immediately preceding the special event that is being advertised.
 - (3) Such signs shall have a maximum size of 32 square feet in area, and a maximum height above ground level of six feet and shall be set back from any side or rear property line a minimum of 15 feet. The front setback shall be as required for signs in the District in which the sign is to be located.
 - (4) Such signs shall be removed within 24 hours of the conclusion of the special event that is being advertised.
 - (5) Per Section 20.03, Digital portable signs are prohibited. (Ord. No. 13-08; 1/5/2014)
- (g) Directional signs are permitted in any district subject to the following restrictions:
- (1) A directional sign may contain a logo of an on-site commercial establishment, but not the name of the commercial establishment. (Ord. No. 12-04; 9/17/12)
 - (2) Such sign shall not exceed three square feet in area or four feet in height, and shall be set back at least five feet from any lot line and edge of any driving lane.
 - (3) Directional signs shall be limited to traffic control functions only.
- (h) Garage, yard, estate sales, auctions, and roadside stand signs are permitted in any district subject to the following restrictions:
- (1) One sign per premise is permitted, located on the premises on which such sale is being conducted, and set back a minimum of five feet from any side or rear property line.
 - (2) Such sign shall not exceed six square feet in area or three feet in height.
 - (3) Such sign shall be erected no more than three days prior to the day(s) of the sale and shall be removed within one day after the completion of the sale.

- (i) Signs advertising the sale of farm products or farm operations which are not located on the property that contains the farm are permitted in any district subject to the following restrictions:
- (1) No more than three such signs from any seller shall be displayed within the Township.
 - (2) Such signs shall be no larger than 32 square feet and no higher than six feet above grade.
 - (3) The minimum front setback shall be as required for signs in the zoning district in which the sign is to be located.
 - (4) Such signs shall not be placed on land where another sign is located or which contains a principal use except for a single family dwelling or farm operation.
- (j) Non-commercial signs are permitted in all zoning districts subject to the following restrictions:
- (1) Such signs shall be subject to the regulations of the zoning district in which the sign is located.
 - (2) Non-commercial signs erected on billboards are subject to the regulations of Section 20.15.
 - (3) Non-commercial signs may remain until such signs are in disrepair and are deemed not to comply with Section 20.07 of this Ordinance.
 - (4) Per Section 20.03, Digital portable signs are prohibited. (Ord. No. 13-08; 1/5/2014)
- (k) Portable signs are allowed in all zoning districts subject to the following restrictions:
- (1) Only one portable sign shall be permitted on a lot at any one time for a period not to exceed a total of 30 days in any calendar year. Such sign shall be displayed for no more than ten consecutive days. For each day that the portable sign is displayed beyond the permitted ten consecutive days of display, two days will be subtracted from the 30 days per year allowed for portable sign display for that lot.
 - (2) A portable sign shall not exceed 32 square feet in area and shall be back lit only and not have any flashing, colored or glaring lights.
 - (3) Portable signs shall be placed outside of the public right-of-way or private road easement and shall not hamper the visibility of a driver on or off the site.

- (4) "A" Frame Signs shall only be permitted in the C-1, C-2, C-3, B-PUD and C-PUD districts and shall be limited to one such sign per commercial establishment, with a maximum size of six square feet and three feet in height. Such signs shall only be placed on a private walkway no more than 10 feet from the front of the commercial establishment using the sign. Such signs shall not obstruct pedestrian circulation and shall be removed during non-business hours.
- (5) Banner signs shall only be attached to buildings or approved permanent sign posts except if such signs are for a community special event as defined herein.
- (6) Portable signs which are displayed or held by a person are prohibited except if such signs are for a community special event or are a non-commercial sign as defined herein.
- (7) A sign permit must be obtained before placing a portable sign on any lot.
(Ord. 07-02; 8/20/07)

SECTION 20.09 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

- (a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- (b) Nonconforming signs shall not be replaced, moved, altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained so as to continue the useful life of the sign.
- (c) For the purposes of this Chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- (d) A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the district in which the property is located.
- (e) Non-conforming signs shall not:
 - (1) be changed to another non-conforming sign;
 - (2) be repaired, (restored to a sound or good condition after damage or decay) except if such repair brings the sign into conformance with this ordinance or

- (3) be repaired if such repair involves any of the following: (Ord. No. 12-04; 9/17/12)
- (i) An expense which exceeds 50 percent of the sign's fair market replacement value for the entire sign as determined by the Building Official;
 - (ii) Necessitates the replacement of both the sign's frame and sign's panels;
 - (iii) Replacement of the sign's primary support pole(s) or other support structure; or
 - (iv) Replacement of the sign's panels if the sign has no framework.

SECTION 20.10 MEASUREMENT OF SIGNS

- (a) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- (b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- (c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average finished grade of the ground immediately beneath the sign, whichever is less. The height of a sign shall not be increased by any earthen berms.

SECTION 20.11 AGRICULTURAL AND RURAL AGRICULTURAL DISTRICTS.

The following signs are permitted in the Agricultural and Rural Agricultural Zoning Districts.

- (a) Signs as permitted and regulated by Section 20.04, 20.05, 20.07 and 20.08.
- (b) **Wall Sign** - For permitted uses other than dwellings.
 - (1) One sign per street or approved private road frontage to be placed on that side of the building which directly faces the street or approved private road.

- (2) A wall sign shall not exceed 100 square feet.
- (c) **Ground Sign** - For permitted uses other than dwellings.
- (1) One per parcel not to exceed 32 square feet in area.
 - (2) The height of a ground sign shall not exceed six feet above grade.
 - (3) Ground signs shall be set back a minimum of 10 feet from the front lot line and a minimum of 50 feet from all other lot lines.
- (d) **Pole Signs**
- (1) Permitted only for Special Land Uses in the Agriculture Zoning District and only if the proposed use is located on an expressway or principal arterial street as identified in the Alpine Township Master Plan. (Ord. No. 14-04; 10/20/14)
 - (2) Pole signs shall not exceed 64 square feet in area and 25 feet in height.
 - (3) Pole signs shall be set back a minimum of 20 feet from the front lot line and a minimum of 100 feet from all other lot lines.
- (e) **Non-Commercial Signs** - Each sign shall not exceed 32 square feet in area and six feet in height. Such signs shall be set back a minimum of 10 feet from the front lot line and 50 feet from all other lot lines.
- (f) **Agricultural Industry Signs** - Such signs shall not exceed 32 square feet per sign. Such signs shall not be limited in number or placement except they shall not be placed to create a hazard or visibility problem for motorists, pedestrians, or cyclists.
- (g) **Real Estate Sign**
- (1) For single and two family dwellings one sign per parcel. Such signs shall not exceed six square feet in area and six feet in height and shall be set back a minimum of 10 feet from all lot lines.
 - (2) For new subdivisions, site condominiums, and mobile or manufactured home parks one temporary real estate sign advertising the project is permitted at the main entrance. Such sign shall not exceed 32 square feet in area or six feet in height and shall be set back a minimum of 20 feet from all lot lines. The sign shall be removed when 75 percent of the lots are sold or built upon, whichever comes first.
 - (3) For non-residential uses a real estate sign not to exceed 32 square feet in area is permitted. Such sign shall not exceed six feet in height and shall be set back a minimum of 20 feet from all lot lines.

SECTION 20.12 CERTAIN RESIDENTIAL DISTRICTS.

The following signs are permitted in the R-1, R-2, R-3, R-4, and OSN-PUD Zoning Districts.

- (a) Signs as permitted and regulated by Sections 20.04, 20.05 and 20.07 and 20.08.
- (b) **Wall Sign** - For non-residential uses only:
 - (1) One sign per street or approved private road frontage to be placed on that side of the building which directly faces the street or approved private road.
 - (2) A wall sign shall not exceed 100 square feet.
- (c) **Ground Sign**
 - (1) For permitted non-residential uses: One per parcel not to exceed 24 square feet in area. The height of a ground sign shall not exceed five feet above grade. Ground signs shall be set back a minimum of 15 feet from all lot lines.
 - (2) For Residential Subdivision Identification Signs the following regulations shall apply:
 - (i) A ground sign identifying the development is permitted only if provisions acceptable to the Township are made for the maintenance of the sign.
 - (ii) One per parcel not to exceed 24 square feet in area. The height of a ground identification sign shall not exceed 5 feet above grade. Ground identification signs shall be set back a minimum of 15 feet from all lot lines. If the residential development contains more than one parcel, such ground identification signs are allowed at each entrance street or approved private road to the development except that not more than two such ground identification signs shall be allowed per development.
 - (iii) Ground identification signs shall be constructed primarily with carved wood, brick, stone wrought iron, terra cotta, glazed tile or similar decorative material in order to reflect and enhance the residential character of the area.
- (d) **Non-Commercial Sign** - Each sign shall not exceed six square feet in area and six feet in height. All signs shall be set back a minimum of 10 feet from all lot lines.

(e) **Real Estate Sign**

- (1) For single and two family dwellings one sign per parcel. Such signs shall not exceed six square feet in area and six feet in height and shall be set back a minimum of 10 feet from all lot lines.
- (2) For new subdivisions, site condominiums, and mobile or manufactured home parks one temporary real estate sign advertising the project is permitted at the main entrance. Such sign shall not exceed 32 square feet in area or six feet in height and shall be set back a minimum of 20 feet from all lot lines. The sign shall be removed when 75 percent of the lots are sold or built upon, whichever comes first.
- (3) For non-residential uses a real estate sign not to exceed 32 square feet in area is permitted. Such sign shall not exceed six feet in height and shall be set back a minimum of 20 feet from all lot lines.

SECTION 20.13 COMMERCIAL / OFFICE DISTRICTS.

The following signs are permitted in the C-1, C-2, C-3, O-S, B-PUD, and C-PUD Zoning Districts.

- (a) Signs as permitted and regulated by Sections 20.04, 20.05, 20.07 and 20.08.
- (b) **Wall Signs**
 - (1) Each commercial establishment shall be permitted to have one wall sign. For each commercial establishment on a corner lot, one wall sign per public or approved private street frontage is permitted. For each commercial establishment that gains its primary access from an approved commercial service drive that also provides the primary access for at least two other individual lots' and whose building and parking lot setbacks and landscaping treat the approved commercial service drive as a front yard, one wall sign is allowed per commercial establishment along the approved commercial service drive. Each commercial establishment shall have no more than one sign per wall. These wall signs shall be subject to the following regulations:
 - (i) Commercial establishments with 0 to 70 lineal feet of wall are permitted a signage area not to exceed one and one-half (1-1/2) square feet for every one lineal foot of the wall to which the sign will be attached. For those commercial establishments with less than 32 feet of lineal wall frontage a sign of up to 48 square feet is permitted. (See Schedule A).
 - (ii) Commercial establishments with more than 70 lineal feet of wall are permitted, in addition to the signage area identified above, an additional signage area equal to one and one-half (1-1/2) square feet for every three lineal feet in excess of 70 feet of the wall to which the sign will be attached. No wall sign shall exceed 250 square feet.
 - (2) Wall signs shall not face a residential zoning district unless the district and the building are separated by a public or approved private street or other non-residential zoning district.
 - (3) The sign shall be attached to the same wall which was used to determine its size.
 - (4) In addition to the size of a wall sign permitted above, each commercial establishment may be allowed an additional two square feet of wall sign for every one square foot reduction in the amount of the permitted pole sign area. This additional wall sign area may be added to a permitted wall sign to increase its size or may be a separate sign. However, no wall may contain more than one sign unless additional signs are approved by the Planning Commission or the Site Plan Review Committee at the time of

Site Plan Review. In order to allow additional signs the Planning Commission or Site Plan Review Committee must first determine that such additional signs will meet the intent of this Chapter.

- (5) Awning signs are regulated as wall signs. Awning signs are allowed instead of wall signs, not in addition to wall signs.
- (c) **Freestanding Sign** - One ground sign or pole sign per lot subject to the following regulations:
- (1) Address Numbers - All freestanding signs are required to post the address number either on the sign or on the pole facing the public right-of-way.
- (i) Address numbers must be in a contrasting color to the background.
 - (ii) Addresses must be at least four inches in height.
 - (iii) Addresses of three square feet or less will not count against the total allowable signage.
 - (iv) In no circumstances may the total address square footage equal more than 50% of the total sign. (Ord. No. 02-03; eff. 09/05/02)
- (2) Ground Sign - One sign not to exceed 50 square feet shall be permitted for each lot and shall also be subject to the following:
- (i) The height of a ground sign shall not exceed six feet above grade.
 - (ii) Ground signs shall be set back a minimum of 15 feet from the front lot line and 15 feet from the side lot lines.
 - (iii) The width of the base shall be at least 50 percent of the width of the sign.
- (3) Pole Sign - A sign of 64 square feet or less shall be permitted for each lot and shall also be subject to the following:
- (i) For lots with only one commercial establishment which have frontage on a State of Michigan highway or a road with at least four lanes excluding turn lanes a sign may exceed 64 square feet in area according to the following:
 - (A) The size of a sign may be increased by two square feet for every five feet of lineal lot frontage over 160 feet up to a maximum sign area of 128 square feet. (See Schedule B).
 - (B) In addition to the above, for each foot that a sign is set back from the minimum front sign setback requirement of this section, the size of a sign may be increased by one additional foot. In no case shall a sign exceed 160 square feet.

- (ii) For those lots with more than one commercial establishment, which have frontage on a State of Michigan highway or road with at least four lanes excluding turn lanes, the size of the pole sign may be increased by 50 percent of the size allowed by Section 20.13(c)(3)(i) up to a maximum size of 160 square feet.
 - (iii) For lots with only one commercial establishment which have frontage on a road with not more than two lanes excluding turn lanes a sign shall not exceed 64 square feet. (Ord. 07-02; 8/20/07)
 - (iv) For lots with more than one commercial establishment, which have frontage on a road with not more than two lanes excluding turn lanes, the size of the pole sign may be increased by 25 percent of the size allowed by Section 20.13(c)((3)(iii) up to a maximum of 80 square feet. (Ord. 07-02; 8/20/07)
 - (v) For two or more lots that share common property lines and primary access onto a public road, approved private road or an approved commercial service drive, the lots are allowed to share a single common pole sign. An appropriate operation and maintenance agreement for the shared sign is required. The size of the shared sign shall be determined by the combined public road frontage of all the lots sharing the sign as follows: for lots fronting on a State of Michigan highway or a road with at least four lanes excluding turn lanes the maximum sign size is 160 square feet; for lots fronting on a road with not more than two lanes excluding turn lanes the maximum sign size is 80 square feet. The shared pole sign shall be the only freestanding sign allowed for all of the lots that share the sign. In no case may a single lot have more than one freestanding sign. (Ord. 07-02; 8/20/07)
 - (vi) The support structure or poles for a pole sign shall be set back a minimum of 20 feet from the front lot line and 15 feet from the side lot line. The front setback may be reduced by two feet for every five feet over 15 feet which the sign is set back from the side lot line. In no case shall a sign support or pole be placed closer than 10 feet from the front lot line. (See Schedule C)
 - (vii) Pole signs shall not exceed 35 feet in height and shall have a minimum height between the bottom of the sign and the ground of eight feet. The support structure(s) for a pole sign shall be less than 50 percent of the sign width and shall not be more than three feet wide on any one side.
- (d) **Non-Commercial Signs** - Each sign shall not exceed 32 square feet in area and six feet in height. Such signs shall be set back a minimum of 15 feet from the front lot line and at least 15 feet from all other lot lines.

- (e) **Real Estate Signs** - One per lot not to exceed 32 square feet in area and six feet in height. Such signs shall be set back a minimum of 15 feet from the front lot line and 15 feet from all other lot lines.
- (f) **Vehicle Service Station Signs** - Establishments which provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of such signs shall not exceed three square feet. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be permitted.
- (g) **Restaurant Menu Board Signs** – Restaurants that have drive-through facilities may have no more than two menu board signs. Each sign shall not exceed 32 square feet in size and six feet in height. Each sign shall be setback 15 feet from all property lines. (Ord. 07-02; 8/20/07)
- (h) **Flag Signs** - One per lot not to exceed 24 square feet. The flag sign shall be displayed on a pole. If the flag sign shares the same pole as the United States flag, the flag sign shall be the smaller of these two flags and shall be placed below the United States flag.
- (i) **Billboard signs** are permitted in accordance with Section 20.15 herein. (Ord. No. 08-04; 9/2/08)

SECTION 20.14 INDUSTRIAL DISTRICTS

The following signs are permitted in the I-1 and I-2 zoning districts.

- (a) Signs as permitted and regulated by Sections 20.04, 20.05, 20.07, and 20.08.
- (b) **Wall Signs**
 - (1) Each industrial establishment shall be permitted to have one wall sign. For each industrial establishment on a corner lot, one wall sign per public or approved private street frontage is permitted. Each industrial establishment shall have no more than one sign per wall.
 - (2) The size of the wall sign shall be subject to the following regulations:
 - (i) Industrial establishments with 0 to 250 lineal feet of wall area are permitted a signage area not to exceed one square foot for every two and one-half (2 and 1/2) lineal feet of wall. For those industrial establishments with less than 125 feet of lineal wall frontage a sign of up to 50 square feet is permitted (See Schedule D).
 - (ii) Industrial establishments with more than 250 lineal feet of wall are permitted in addition to the above, an additional signage area equal to one square foot for every five lineal feet in excess of 250.

- (3) Wall signs shall not face a residential zoning district unless the district and the building are separated by a public or private street or another non-residential zoning district.
 - (4) The sign shall be attached to the same wall which was used to determine its size.
- (c) **Ground Sign** - One ground sign per lot subject to the following regulations:
- (1) The sign shall not exceed 50 square feet in area.
 - (2) The height of a ground sign shall not exceed six feet in height.
 - (3) Ground signs shall be set back a minimum of 15 feet from the front lot line and 15 feet from side lot lines.
- (d) **Industrial Park Identification Sign** – A ground sign identifying an industrial development is permitted only if provisions acceptable to the Township are made for the maintenance of the sign. One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs to identify the park and the industries within. Such signs may be ground signs or attached to a wall and shall be constructed primarily with carved wood, brick, stone wrought iron, terra cotta, glazed tile or other similar decorative material. Such signs shall be appropriately landscaped. If lit, lighting shall be low level.
- (e) **Non-Commercial Signs** - Each sign shall not exceed 32 square feet in area and six feet in height. Such signs shall be set back a minimum of 15 feet from the front lot line and 25 feet from all other lot lines.
- (f) **Real Estate Signs** - One sign per lot not to exceed 32 square feet in area and six feet in height. Such sign shall be set back a minimum of 15 feet from the front lot line and 25 feet from all other lot lines.
- (g) **Flag Signs** - Each flag sign shall not exceed 24 square feet and shall be displayed on a pole. If the flag sign shares a pole with the United States flag, the flag sign shall be the smaller of these two flags and shall be placed below the United States flag. More than one flag sign is permitted.
- (h) **Billboard signs** are permitted in accordance with Section 20.15 herein. (Ord. No. 08-04; 9/2/08)

SECTION 20.15 BILLBOARDS (Ord. No. 95-2; 4/6/95) (Ord. No. 12-04; 9/17/12)

Billboards are, by their size and nature, different in scope, impact, and purpose from other types of signage in the Township. Among other matters, billboards advertise or communicate goods, services or messages not conducted, sold or generated on the lot where the billboard is located. Billboards are significantly larger in size than other types of stand alone signage allowed in the Township and their principal purpose is to attract the attention of the traveling public and to divert that attention from the road. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Moreover, the potential for distraction to motorists and pedestrians is greater than for other signs. Recently, more businesses desire to utilize advancements in technology which allow signs (including billboards) to change copy electronically (e.g. utilizing an L.E.D. or digital type of sign). These newer technologies exacerbate the potential negative impacts of a billboard in terms of dominating the environment in which they operate due to light spillover and light pollution as well as creating additional distractions for the traveling public. The intent of this section is to (i) establish size, illumination, location and operation standards and regulations for billboards, and (ii) prohibit billboards utilizing these newer technologies in order to minimize the secondary effects that can accompany the display of these types of signs, preserve the character and repose of adjacent areas, property values in all area of the Township, and reduce traffic, pedestrian, and similar hazards caused by undue distractions.

Billboards are subject to all of the following regulations:

- (a) Billboards are permitted only on lots located in the C-1, C-2, C-3, O-S, I-1 and I-2 zoning districts which have frontage on or touch a State of Michigan highway.
- (b) A billboard which is established on a lot shall constitute the principal use of that lot. Any other principal use allowed in that zoning district shall not be established on the same lot as the billboard. No building shall be present on a lot with a billboard thereon and no building shall be built on a lot with a billboard thereon.
- (c) The lot upon which the billboard is to be placed shall conform to the minimum lot area and width regulations of the zoning district in which the billboard is located.
- (d) No more than one billboard shall be located on a lot.
- (f) Each billboard shall be located not less than 1,000 feet from any other billboard regardless of municipal jurisdiction. For purposes of this section, the distance between billboards on opposite sides of the State of Michigan highway shall be measured as the distance between the points at which lines drawn perpendicular to the State of Michigan highway from the location of each billboard intersect with a line along the center of the highway.
- (g) A billboard shall not exceed 300 square feet in area as measured per Section 20.10.

- (h) No billboard shall contain more than one sign panel facing the same direction of traffic on the highway.
- (i) The height of a billboard shall not exceed 35 feet above the preexisting grade at the base of the support pole(s) as measured per Section 20.10.
- (j) A billboard shall have a front setback of 20 feet from the front lot line and a side and rear setback of 15 feet from side and rear lot lines. The setbacks for a billboard shall be measured from the closest point or edge of the billboard.
- (k) A billboard shall not be internally lit.
- (l) Support structures, poles or braces may exceed 3 feet wide on any one side.
- (m) Digital Billboards and Mechanical Billboards, as defined herein, are prohibited.
- (n) Conversion of an existing static or other billboard to a Digital or Mechanical Billboard in part or in whole is prohibited.

SECTION 20.16 REMOVAL OF SIGNS

- (a) Signs on Public Property. Any sign installed or placed in the public right-of-way or otherwise on public property, except in compliance with provisions of this Chapter, shall be and subject to confiscation and may be immediately removed by the Township. In addition to other available remedies, the Township shall have the right to recover from the owner or person placing an unauthorized sign the full costs of removal and disposal of the sign.
- (b) Signs not in Conformance with Ordinance. Any sign and appurtenant structure shall be removed by the owner within 72 hours of receipt of notice from the Zoning Administrator or designee stating that the sign is unsafe, not properly maintained, or otherwise does not comply with the requirements of this Ordinance. Such notice shall also state that the sign will be removed unless the unsafe or improper condition is corrected by the owner.

Upon failure to remove or correct the unsafe or improper condition within 72 hours of receipt of notice, the Zoning Administrator or designee may take whatever action is necessary to have the sign and appurtenant structure removed or to otherwise abate the unsafe or improper condition. In addition, the Zoning Administrator or designee shall take whatever action is necessary to recover from the owner of the sign the full costs of removing and disposing of the sign or abating the unsafe or improper condition.

- (c) Abandoned signs. Abandoned signs are not permitted and must be removed by the owner of the lot on which the sign is located. If the owner does not remove the sign, or if no owner can be found, the Township may remove the sign. The Township shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign. (Ord. 07-02; 8/20/07)

SECTION 20.17 VIOLATIONS AND PENALTIES. Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation and three hundred (\$300.00) for a second or subsequent violation. In addition to the penalties set forth above, a person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter shall be subject to the penalties and provisions contained in subsections (a-e) of Section 24.05. (Ord. No. 95-6; 7/17/95)

SCHEDULE A
Area of Wall Sign
Per Section 20.13 (b) (1) (i)
(Commercial/Office Districts)

<u>Lineal Feet of Wall To Which the Sign is Attached</u>	<u>Permitted Sign Size (Sq. feet)</u>
0-32	48
33	49.5
34	51
35	52.5
36	54
37	55.5
38	57
39	58.5
40	60
41	61.5
42	63
43	64.5
44	66
45	67.5
46	69
47	70.5
48	72
49	73.5
50	75
51	76.5
52	78
53	79.5
54	81
55	82.5
56	84
57	85.5
58	87
59	88.5
60	90
61	91.5
62	93
63	94.5
64	96
65	97.5
66	99
67	100.5
68	102
69	103.5
70	105
Over 70	1-1/2 sq. ft. for every 3 feet over 70

No wall sign shall exceed 250 square feet.

**SCHEDULE B
Area of Pole Sign on a Road
With Four or More Lanes
Per Section 20.13 (c) (3) (i) (A)
(Commercial/Office Districts)**

<u>Lineal Feet of Frontage</u>	<u>Permitted Sign Size (Sq. feet)</u>
0-160	64
165	66
170	68
175	70
180	72
185	74
190	76
195	78
200	80
205	82
210	84
215	86
220	88
225	90
230	92
235	94
240	96
245	98
250	100
255	102
260	104
265	106
270	108
275	110
280	112
285	114
290	116
295	118
300	120
305	122
310	124
315	126
320	128

**SCHEDULE C
Front Setback Requirements for
Pole Sign Support Structures
Per Section 20.13 (c) (3) (vi)
(Commercial/Office Districts)**

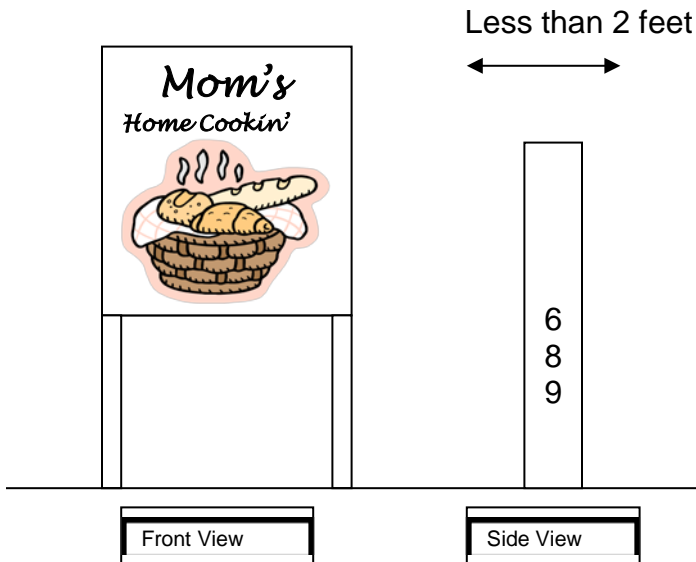
<u>If the Side Setback for the Sign Is at Least:</u>	<u>The Front Setback for the Sign May Be No Less Than:</u>
15 ft. (Minimum)	20 ft.
20 ft.	18 ft.
25 ft.	16 ft.
30 ft.	14 ft.
35 ft.	12 ft.
40 ft.	10 ft.

A pole sign support structure shall not be closer than 10 feet from the front line.

**SCHEDULE D
Area of Wall Sign
Per Section 20.14 (b) (2) (i)
(Industrial Districts)**

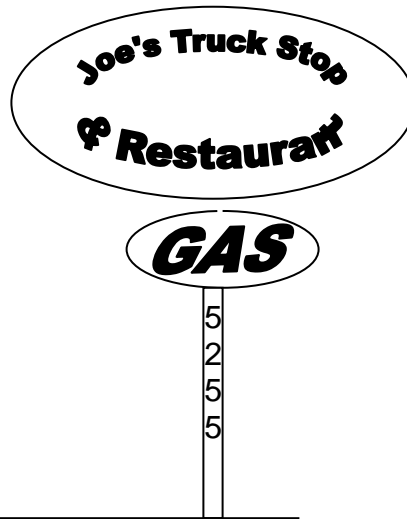
Lineal Feet of Wall To Which Sign is Attached	Permitted Sign Size (Sq. feet)
0-125	50
127.5	51
130	52
132.5	53
135	54
137.5	55
140	56
142.5	57
145	58
147.5	59
150	60
152.5	61
155	62
157.5	63
160	64
162.5	65
165	66
167.5	67
170	68
172.5	69
175	70
177.5	71
180	72
182.5	73
185	74
187.5	75
190	76
192.5	77
195	78
197.5	79
200	80
202.5	81
205	82
207.5	83
210	84
212.5	85
215	86
217.5	87
220	88
222.5	89
225	90
227.5	91
230	92
232.5	93
235	94
237.5	95
240	96
242.5	97
245	98
247.5	99
250	100
Above 250	1 sq. foot for every 5 lineal feet in excess of 250

Figure 1 Sign Measurement



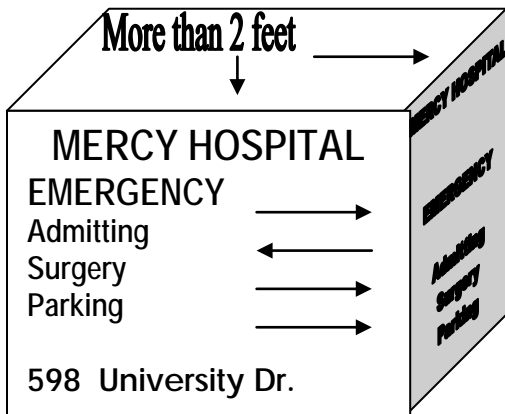
The area of these back to back sign faces are counted as one face as they are of equal size and less than 2 feet apart.

Figure 2 Sign Measurement



Address numbering must face road and be at least 2 square feet in size and of a contrasting color or material. If total is less than 3 square feet, the address is not counted in computing the total allowable sign square footage.

FIGURE 3 Sign Measurement



Include all sides in computing sign area, as faces are more than two feet apart.

Address is in contrasting color

Figure 4 Wall Sign

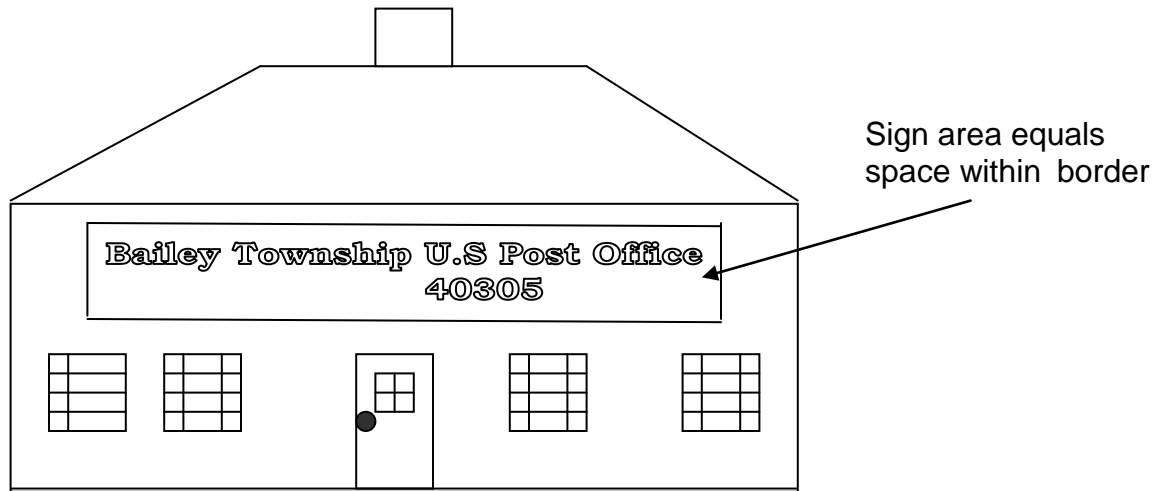


Figure 5 Ground Sign

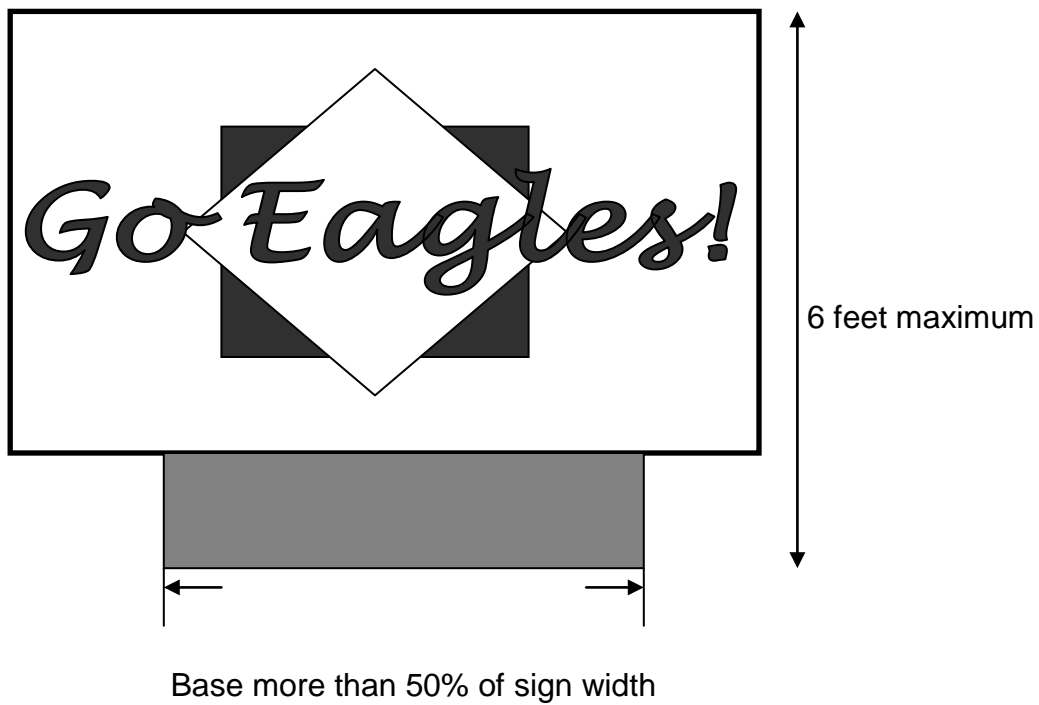
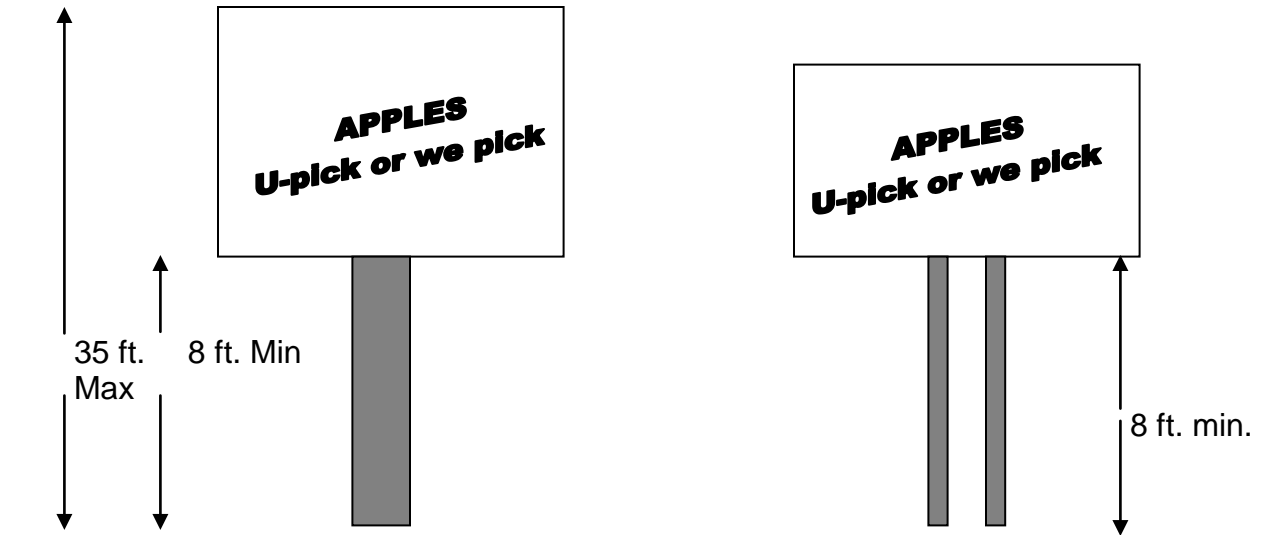


Figure 6 Pole Sign



Poles must be less than 50% of sign width and cannot be more than 3 ft. wide.

Figure 7 Directional Sign

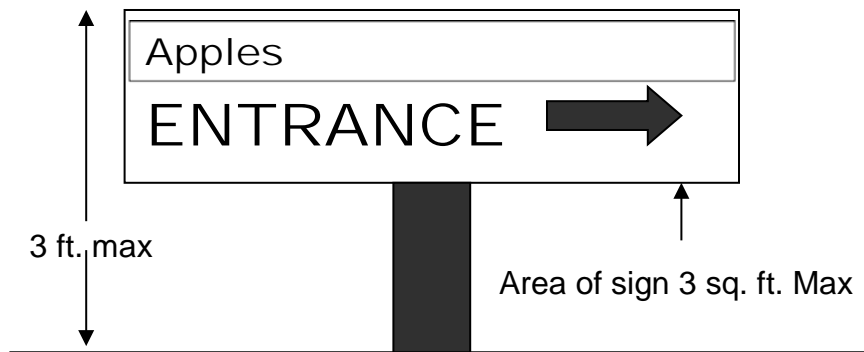


Figure 8 Sign Measurement

Sign area equals space within dotted lines



Figure 9 Sign Measurement

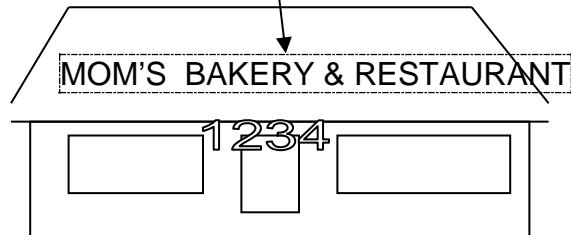
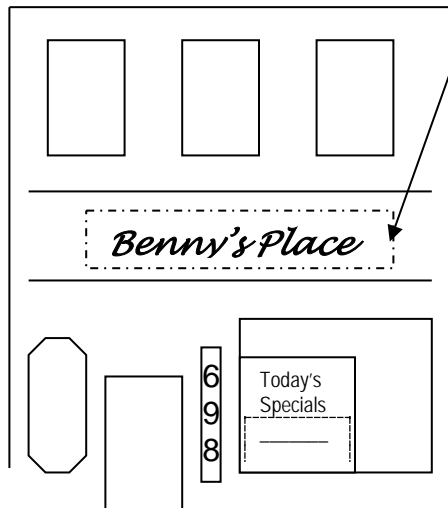


Figure 10 Wall Sign Measurement



CHAPTER XXI SPECIAL USES

(Ord. 06-01; 02/26/06)

(Ord. 06-07; 08/24/06)

(Ord. 09-01; 3/31/09)

(Ord. 11-03; 6/20/11)

SECTION 21.01 DESCRIPTION AND PURPOSE

The purpose of this article is to provide regulations for uses which are not essentially incompatible with uses permitted by right in a given district but which should not be permitted without restrictions or conditions being imposed by reason of special problems presented by the use itself or its particular location in relation to neighboring properties. The special use permit procedure established herein is designed to provide the Planning Commission with an opportunity to review and act upon any application for a conditional use permit.

SECTION 21.02 PROCEDURE FOR ALL SPECIAL USES.

Any special use shall meet and continuously follow and adhere to the approved site development plan conditions placed upon the use, and the requirements for approval and the requirements of the district in which they are located.

- (a) **APPLICATIONS**--The applicant shall submit to the Planning Commission, through the Township Clerk, an application which shall include a site plan per the requirements of Chapter 18, and written evidence and drawings showing that all requirements for the applicable special use are met.
- (b) **NOTICES** -- Upon receipt of such application, one (1) notice that a request for a special land use has been received shall be published within a newspaper which circulates within the township, an additional notice shall be sent by mail or by personal delivery to all owners of property to whom real property is assessed and to all occupants of structures within 300 feet of the boundary of the property that is the subject of the application and to the petitioner.
- (c) **NOTICE TIMING**-- Such notice must be given no less than five (5) days nor more than fifteen (15) days before the date the application will be considered.
- (d) **NOTIFICATION ITEMS** – The notice shall include the following:
 - (1) Describe the nature of the special land use requested.
 - (2) Indicate the property which is subject of the special land use request.
 - (3) State when and where the special land use request will be considered.
 - (4) Indicate when and where written comments will be received concerning the request.

- (5) Indicate that a public hearing on the special land use request may be requested by the property owner as the occupant of any structure within three hundred (300) feet of the boundary of the property being considered for a special use.
- (e) **PUBLIC HEARING** – Upon the initiative of the Planning Commission, Township Board, or Building Inspector, as the case may be, the applicant or the owner of the property or occupant of the structure within three hundred (300) feet of the boundary of the subject property, a public hearing will be held before a decision is made with notice given as stated in Sections 21.02 (c) and (d); however, a second notice is not required if initiated by the Planning Commission, Township Board, or Building Inspector, or the applicant and the notice specifies it is a public hearing and a prior notice was not given before such initiation by the Planning Commission, Township Board, or Building Inspector, or applicant.
- (f) **CONDITIONS** – Reasonable conditions may be required with the approval of a special land use, by the Planning Commission, Township Board, or Building Inspector, as the case may be. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
- (1) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Be related to the valid exercise of the police power, and purposes which will be affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- (g) **RECORD OF CONDITIONS** – The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission, Township Board, or Building Inspector, as the case may be, and the landowner. The approving Planning Commission, Township Board, or Building Inspector, as the case may be, shall maintain a record of conditions which are changed.

- (h) **STANDARDS** -- The following general standards shall serve as the basis for decisions by the Planning Commission involving special use permits. The Commission shall find that, in addition to specific standards listed herein for a particular use, the proposed use shall:
- (1.) Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.
 - (2.) Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, water and sewage facilities and schools.
 - (3.) Not create excessive additional requirements at public cost for public facilities and services.
 - (4.) Not involve uses, activities, processes, materials, and equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - (5.) Be consistent with the intent and purpose of the zoning district in which such use will be located and not set precedents for development which could adversely affect the long term plans and policies of the Township.
 - (6.) Be compatible and in accordance with the Alpine Township Master Plan. (Ord. No. 91-3; 8/26/91)

SECTION 21.03 REVOCATION OF PERMIT.

If a violation of any of the above conditions, regulations, or special conditions is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special use, and the Planning Commission, Township Board, or Building Inspector (whichever allowed the special use) that such violation exists and that the permit will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the body or official who allowed the special use shall revoke the permit.

SECTION 21.04 HOUSING FOR SENIORS OR RETIRED PERSONS (Ord. 06-01; 02/26/06)

The following shall apply:

- (a) The facility may include independent living units, basic or intermediate nursing care, meal services, recreation and health facilities. Other uses may be included if deemed appropriate by the Planning Commission.
- (b) The minimum lot size for the development shall be two (2) acres and the housing density shall not exceed eight (8) dwelling units per acre unless the requirements

- of this subsection (b) are waived or varied by the Planning Commission using the standards in Section 21.02(h).
- (c) No part of the building or buildings so used is closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds such reduction in the set back will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; will not result in visual blight, distraction, or clutter; and will not materially impair the intent and purpose of this Ordinance or the public's interest. In modifying such set back requirements, the Planning Commission may attach conditions regarding the location, character, landscaping, or treatment of the buildings or premises or other such matters as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the public's interest.
 - (d) Each dwelling unit shall contain a minimum of 400 square feet of finished floor area, exclusive of basement and attic space unless the Planning Commission waives or varies such requirement under the standards contained in Section 21.02(h).

SECTION 21.05 REMOVAL OF NATURAL RESOURCES.

Special Use. The removal or extraction of sand, gravel, soil, rock, minerals, and similar natural resources or the reshaping, enlarging, straightening, damming or diminuation of lakes, waterways, pond, or other bodies of water is only permitted with the intent and in such manner as to prepare or render the premises suitable for the primary intended uses of the district in which such premises is located. No such operation, change, removal, or extraction shall be permitted by the Planning Commission unless the following provisions are complied with:

- (a) **EXCEPTIONS** -- The provisions of this section shall not apply to the following:
 - (1) Where the removal or extraction of natural resources is more than five hundred (500) feet from any street or property line, occupies not more than one (1) acre in area, does not constitute an average intensity of use of more than five (5) yards of material per day and creates no area which fills with water other than a watering pond for farms.
 - (2) The control and regulation of oil or gas.
- (b) **PROCEDURE FOR PERMIT**—No building permit shall be issued to the owner of any parcel of land or body of water desiring to proceed with any undertaking set forth in Section 21.04 until application to the Planning Commission for a temporary occupancy permit has been approved. Said application shall include the following information and fees:

- (1) A fee of five (\$5.00) dollars for each acre of land affected or from which the natural resources are to be removed.
- (2) A map of the parcel to be so changed depicting all buildings, streets, drainage facilities, and natural features within two hundred (200) feet thereof, which map shall show contour elevation readings at five (5) foot intervals along the perimeter of the subject property or portion involved.
- (3) A two-foot interval contour plan of proposed final elevations, the location of proposed temporary structures, drives, parking areas, loading equipment, drainage facilities, and the extent of the operating during the first year.
- (4) A written statement describing the equipment to be used and the process involved, estimating the time such removal will require, describing the proposed use of the premises after such removal and an agreement to conform to the provisions of this section.

(c) **REQUIRED CONDITIONS** – The following conditions shall be complied with:

- (1) Final grades shall be harmonious with surrounding grades and shall not be in excess of ten percent unless demonstrably necessary for future intended use of the land. Topsoil may be removed from the property, but in no case shall the amount of topsoil removed exceed that amount which would leave the premises with a minimum of four inches of topsoil for the entire site. Except as provided in (c) of this section, no final grades shall be as such to create any area which will fill with water after the removal operation. No removal shall be permitted below the grades of the proposed plan unless a surety bond satisfactory to the township board is posted with the township to insure that the final grades of the plan will be met by the expiration date of the building permit.
- (2) No mechanical processing of natural resources shall be permitted in any R or C district where such operation would be detrimental to an adjacent conforming use of land. Storm or water run-off shall be led to existing drainage systems in a manner approved by the township and the county.
- (3) The creation or enlargement of a lake shall only be permitted where the applicant can demonstrate from engineering and

- (4) The alteration, straightening, damming, widening, or diminution of a waterway or body of water shall be approved by the said Department and Commission.
 - (5) No removal, storage area, structure, access drive or loading area shall be closer than one hundred fifty (150) feet to a principal structure on adjoining property unless across a public street therefrom.
 - (6) Truck routing shall be only on streets approved by the County Road Commission under such conditions and securities as may be imposed by the Township or the County to protect or repair the roads and to insure the safety of the public.
 - (7) All structures and stored material equipment shall be removed from the property within six (6) months of the discontinuance of the use for removal or extraction of natural resources. All land shall be graded to final elevations and re-seeded so as to avoid erosion following the expiration of activities.
- (d) **DETERMINATION BY PLANNING COMMISSION** –Following public hearing, the Planning Commission shall determine the proper disposition of the application. In making its determination, the Planning Commission shall determine that the proposed change or removal will:
- (1) Prepare or render the premises for a permitted primary intended use for its district in a reasonable period of time.
 - (2) Not adversely affect permitted uses in the district.
 - (3) Conform to all provision of this section.
 - (4) Not create any condition which will adversely affect the public health, safety, or general welfare.
- (e) **AUTHORIZATION.** Upon approval of the application, the Planning Commission shall inform the Township Board of its action, of the

amount of the bond required, and of special conditions imposed. Upon approval of a corporate surety bond by the Township Board, the Township Board shall direct the Building Inspector to issue any necessary building permit and a temporary occupancy permit for a one-year period. All approved plans, sureties, recommendations, reports and special conditions shall be filed by the Building Inspector for future reference.

- (f) **PERMIT AND RENEWAL OF PERMIT.** An occupancy permit may be issued for three (3) years and may be renewed for up to three (3) years at a time or for the duration of an accepted surety bond, whichever is lesser, upon a finding by the Planning Commission that all conditions and plans are being complied with and no nuisance had been created by prior operations. Where any new area is to be considered, or where any area not shown by the contour plan of Section 21.04(b)(3) is to be included, the procedures for a new application shall be followed.
- (g) **REVOCAION OF PERMIT.** The Building Inspector shall revoke an occupancy permit where operations do not conform to approved plans or special conditions. All operations shall cease 14 days following notification by the Building Inspector of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefor.

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of one hundred dollars (\$100.00) for a first violation and five hundred dollars (\$500.00) for a second or subsequent violation. In addition to the penalties set forth above, a person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter shall be subject to the penalties and provisions contained in subsections (a-e) of Section 24.05. (Ord. No. 95-6; 7/17/95)

SECTION 21.06 UNPLATTED AND PLATTED PROJECTS IN THE R-A ZONE

- (a) **PURPOSE** – Single family detached dwelling units are considered to be a use which can, in most instances, be compatible with other permitted uses in the R-A Zone, principally farming uses, due to the larger lots required. Single family dwellings which are part of a condominium project or traditional plat, however, may not be compatible with farm operations and may, therefore, not be appropriate in all locations in the R-A Zone. Such projects are essentially subdivisions.

The construction of several non-farm residences, which would be built over a period of years in the vicinity of an active farm, are unlikely to adversely affect the farm operation. A subdivision, however, in the same location would be much more rapid in occurrence and of greater scale, and therefore poses more of a threat to the viability of the farming operation.

In order to protect the viability and integrity of farm operations, to guard against the premature loss of farmland, as well as to provide a measure of protection for non-farm residents from the nuisance characteristics of farming, subdivisions shall be subject to special approval by the Planning Commission. Such a procedure will enable the Commission to more effectively manage the location, size, and timing of subdivisions in the R-A Zone so they can be compatible with active farm operations in the same zone and to also preserve the long-term farming practices in the Agricultural Zone, as recommended in the Alpine Township Master Plan.

- (b) **SITE LOCATION STANDARDS** – Subdivisions in the R-A Zone shall be located according to the following criteria:
- (1) Subdivision shall have direct access to a paved roadway.
 - (2) Subdivisions shall be located such that they are part of a logical residential growth pattern extending outward from developed or developing residential areas so that such projects do not “leapfrog” into areas of active farms.
 - (3) Subdivision projects shall be located where public sanitary sewer is available or can be economically and efficiently provided for the long-term health and safety of project residents and where a potable source of water can be supplied.
 - (4) Subdivisions shall be located such that project residents and farm operations will not adversely affect each other.
 - (5) Such projects shall not be located on land that is classified as prime or unique by the United States Department of Agriculture.
- (c) **APPROVAL STANDARDS**—In addition to the Standards of Approval for all Special Uses as contained herein, the Planning Commission, before approval for subdivisions in the R-A Zone shall find:
- (1) That future residents of the proposed subdivision will not be adversely affected by nearby farming activities such as spraying of pesticides, spreading manure, operation of farm equipment in early morning or night, or other similar activities, or the Commission shall find that measures can be implemented to mitigate the adverse affects of such activities.
 - (2) That any nearby farming operations will not be hampered or economically threatened by the subdivision project due to an increase in traffic on

adjacent roadways, complaints from nearby residents regarding farm operations, or the possibility of subdivision residents interfering with farm operations by trespassing on farm property or posing a hazard or nuisance to farm animals.

- (3) The proposed project will not have a detrimental impact on the natural features of the site such as steep slopes, wetlands, drainage, and mature woodlots, and that steps will be taken to protect nearby streams and drains during and after construction. (Ord. No. 91-3; 8/26/91)

SECTION 21.07 VALIDITY OF SPECIAL LAND USE PERMIT

- (a) In cases where actual physical construction of a substantial nature of the structures authorized by a special land use permit has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided in Subsection (b) below, the permit shall automatically be terminated and all rights thereunder shall terminate. The one year period shall commence on the date when the site plan is signed for approval by the chairperson of the Planning Commission or Site Plan Review Committee as the case may be.
- (b) Upon written application filed prior to the termination of the one year period, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension.
- (c) An application for a special land use permit which has been denied wholly or in part shall not be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

SECTION 21.08 ANTENNAS AND TOWERS ABOVE A CERTAIN HEIGHT OR EXCEEDING A CERTAIN DIMENSION.

Freestanding radio, television, or microwave antennas or towers including cellular phone antennas, exceeding a height of 35 feet above grade, or exceeding a dimension of 35 feet in any other direction, including any mounting structure, may be approved by the Planning Commission as a special land use upon compliance with the following conditions:

- (a) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning as required by the Alpine Township Building Code.

- (b) No part of the antenna or tower shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.
- (c) An antenna or tower may not be located closer than its height to an existing building or structure (on any lot or parcel). An antenna or tower may not be located closer than its height to a property line unless the applicant (with the adjacent property owner's permission) records a building and use restriction, in a form satisfactory to the Township, prohibiting buildings or structures within the fall zone of the antenna or tower. (Ord. No. 06-07; 8/24/06) (Ord. No. 09-01; 3/31/09)
- (d) A commercial or public antenna or tower, including accessory buildings and guy wire supporting structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonable determined by the Planning Commission. The fence may be fitted with barbed wire along the top of the fence if permitted by the Planning Commission.
- (e) The antenna or tower and the construction, installation, maintenance and operation thereof shall comply with all federal, state and local laws, ordinances and regulations.
- (f) The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use and maintenance of such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:
 - (1) The screening or buffering of an antenna or tower and any accessory buildings or structures thereof.
 - (2) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures thereof.
 - (3) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower; the reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of an antenna or tower or accessory buildings or structures thereof.
- (g) Where the effect of any of the provisions of Section 21.08 of this Ordinance would be to prevent or preclude the operation of

amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antennas may still be approved by the Planning Commission as a special land use. (Ord. No. 90-01; 3/31/09)

- (h) Towers as permitted herein may be permitted to be on the same site as another principal use. In its consideration of this, the Planning Commission shall find that allowing the antenna or tower shall not pose a hazard to nearby buildings, properties and roadways and shall also comply with the Special Approval standards of this Ordinance.
- (i) The applicant shall establish that it has made a good faith effort to place the antenna on an existing structure suitable for such placement. For purposes of the subsection, a “good faith effort” could include, but is not limited to, a demonstration that the applicant contacted the owners of such suitable structures and which are located within the designated service area desired by the applicant for the proposed antenna and were denied reasonable access to those structures.
- (j) Co-Location: All approved towers shall reasonably accommodate other wireless communication facilities, both to increase the efficient use of approved towers and to avoid the construction of unnecessary infrastructure. Towers may allow for future rearrangement of attached wireless communication facilities to accept or attached facilities mounted at varying heights.

Co-location shall be deemed reasonable and feasible when all of the following are met:

1. The co-locator will pay market rent or other market compensation for the co-location rights.
2. The approved tower is able to provide structural support, considering reasonable modification or replacement of a facility.
3. The co-location being considered is technically reasonable and will not result in unreasonable interference, given appropriate technical and physical adjustments.
4. The height of the original tower will not be increased beyond maximum height limits.

The administrative processing of co-locations onto communication towers that have been approved as special land uses shall proceed as follows:

1. An application letter for co-location shall be submitted to Alpine Township. Copies of any co-location lease agreements shall also be provided in order to prove the legal right to use the property.
2. Two copies of engineered and professionally sealed site plans detailing the specific property location, legal description and survey, plus the design, placement, size, and scale of the proposed co-location units must accompany the application letter.
3. The site plans must also detail the placement, size, design and scale of any accessory buildings proposed to enable the co-location by housing new electronics and other infrastructure.
4. The application letter and accompanying site plans shall be reviewed by the Alpine Township Planning Director and Zoning Administrator for compliance with local laws and regulations.
5. An approval or denial letter shall be generated and forwarded to the applicant. If approved, one copy of the approved site plan will be signed by the Alpine Township Planning Director and Zoning Administrator and sent to the applicant for their records. The other copy will be retained for Alpine Township records.
6. If approved, the applicant is then required to apply for building permits as required by federal, state, and local codes, rules, and regulations.(Ord. No. 02-02; 6/14/02)

SECTION 21.09 WIND ENERGY SYSTEM (WES) (Ord. No. 09-01: 3/31/09)

The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

(a) Definitions

- (1) See Chapter 1 for the following definitions:
 Ambient Sound Level or Ambient Noise
 Anemometer (MET) Tower
 Freestanding Wind Energy System
 Interconnected Wind Energy System
 Nacelle
 On-Site Use Wind Energy System

Shadow Flicker
 Structure-Mounted Wind Energy System
 Utility Grid Wind Energy System
 Wind Energy Systems (WES)
 Wind Energy System Height
 Wind Energy System Setback

- (2) Applicant. The person, firm, corporation, company, Limited Liability Corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the owner of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.

(b) Standards For All Wind Energy Systems. All WES shall comply with the following:

- (1) Sound Pressure Level.
- (i) On-Site Use Wind Energy Systems shall not exceed 55 dB(A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level (i.e. the sound pressure level without the Wind Energy System in operation) exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). In addition, the applicant shall provide modeling and analysis that will demonstrate that the On-Site Use Wind Energy System will not exceed the maximum permitted sound pressure.
- (ii) Utility Grid Wind Energy Systems shall be subject to the requirements of Section 21.09(b)(1)(i) above but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid Wind Energy System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid Wind Energy System will not exceed the maximum permitted sound pressure.
- (2) Shadow Flicker. Any WES shall be designed, located and installed so that shadow flicker does not have a significant adverse effect upon affected property and any occupied building or residence. The Planning Commission, or Planning Director in the case of On-Site Use WES, may request that the applicant perform an analysis of potential shadow flicker.

The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

- (3) Construction Codes and Interconnection Standards. MET Towers and WES shall comply with all of the following:
- (i) All applicable state construction and electrical codes and local building permit requirements;
 - (ii) Federal Aviation Administration requirements.
 - (iii) The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
 - (iv) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
 - (v) Local airport overlay zone regulations
 - (vi) The Michigan Public Service Commission and Federal Energy Regulatory Commission standards if the WES is an Interconnected WES.
- (4) Safety.
- (i) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
 - (ii) To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
 - (A) Tower climbing apparatus shall not be located within 12 feet of the ground.
 - (B) A locked anti-climb device shall be installed and maintained on the tower.
 - (C) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire strands at the top.
 - (iii) All WES shall have lightning protection.

- (iv) If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least 10 feet above the guy wire anchors.
- (5) Blade Clearance.
- (i) Blade arcs created by a horizontal axis Freestanding WES shall have a minimum clearance of 20 feet above the ground and 20 feet over and from any structure or tree within the full swept arc area created by any blades used in the system. The minimum clearance above the ground and over and from any structure or tree for blade arcs created by vertical axis WES shall be determined on a case by case basis based upon the design of the WES.
 - (ii) Blade arcs created by a horizontal axis WES mounted on an existing structure shall have a minimum clearance of eight feet. The minimum clearance height for blade arcs created by a vertical axis WES mounted on an existing structure shall be determined on a case by case basis based upon the design of the WES.
- (6) Signs.
- (i) Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or on the fence if the structure is fenced. The sign shall include the following information:
 - (A) The words “Warning: High Voltage”
 - (B) Emergency phone numbers.
 - (ii) Utility Grid Wind Energy Systems shall have one sign not to exceed two square feet posted at the entrance of the access drive stating: “Warning falling ice”.
 - (iii) A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer’s and/or owner’s identification.
- (7) Electromagnetic Interference. WES shall be designed, constructed and operated so as not to cause electromagnetic interference with radios and televisions.
- (8) Maintenance. WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
- (9) Distribution Lines. All distribution lines from the WES to the local electrical grid connection shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission, or Planning Director in the case of On-Site Use WES, may

waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission or Planning Director determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

- (c) **Met Towers and Wind Energy Systems Which Require A Special Use Permit.** Met Towers and any WES which is greater than 65 feet in height, including a Structure-Mounted WES, may be allowed as a Special Use only within the A, C-1, C-2, C-3, I-1 and I-2 Zoning Districts subject to the requirements of this Section, the general special land use review procedures and standards of Chapter 21, Special Land Uses, and the following regulations:

- (1) **Site Plan Requirements.** For Met Towers and those WES for which a Special Use is required the following items shall be included with or on the site plan:
- (i) All requirements for a site plan contained in Chapter 18, Site Plan Review.
 - (ii) A location map of the proposed Met Tower or WES sufficient to show the character of the surrounding area.
 - (iii) Land uses within 300 feet of the lot or parcel.
 - (iv) Location and height of all existing and proposed towers, guy wires, guy wire anchors, security fencing, buildings, structures, and any other above-ground structures proposed or existing for the lot(s) or parcel(s) proposed for the Met Tower or WES.
 - (v) Locations of all buildings and structures within 300 feet of the exterior boundaries of the lots(s) or parcel(s) where the MET Tower or WES is proposed to be located.
 - (vi) The distance of the tower(s) to all property lines.
 - (vi) Specific distances from the Met Tower or WES structures to all other buildings, structures, and above ground utilities on the lot(s) or parcel(s) upon which the Met Tower or WES is proposed to be located.
 - (vii) The distance to the closest building on adjacent property.
 - (viii) Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot(s) or

parcel(s) upon which the Met Tower or WES is proposed to be located, as well as within 300 feet of the boundaries of the lot(s) or parcel(s).

- (ix) Contour elevations of all MET Tower and WES buildings and structures. For WES only: the elevations of all existing and proposed structures within 300 feet of the lot(s) or parcel(s) upon which the WES is proposed to be located.
 - (x) Access drive(s) to the MET Tower or WES including dimensions and composition, with a narrative describing proposed maintenance of the drive(s).
 - (xi) All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
 - (xii) Security measures proposed to prevent unauthorized trespass and access.
 - (xiii) Elevation drawings of the tower(s) and any buildings designed to serve the tower(s).
 - (xiv) Standard drawings of the structural components of the MET Tower or WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
 - (xv) Documentation that all requirements of Section 21.09, Wind Energy Systems have been complied with.
 - (xvi) Additional information as required by Chapter 21, Special Land Uses of this Ordinance, or as may be required by the Planning Commission.
- (2) Design Standards:
- (i) Height. The height of a MET Tower or WES for which a Special Use is required shall be determined by compliance with the requirements of this Section.
 - (ii) Setbacks for Towers from Lot Lines.
 - (A) The setback from lot lines for a MET Tower or WES shall be at least equal to the height of the MET Tower or WES. In the case of multiple parcels utilized for a Utility Grid Wind

Energy System, the setbacks shall be taken from the outside boundary of the lots or parcels utilized for the WES project.

- (B) In the case of multiple parcels utilized for a Utility Grid Wind Energy System, a WES shall be set back at least one rotor radius from the edge of public road right-of-way.
- (C) A reasonable setback shall be maintained from overhead electrical transmission lines. No portion of a MET Tower or WES, including guy wire anchors, shall be located within or above any required front, side, or rear yard setback.
- (D) For the purposes of determining whether a proposed WES or MET Tower complies with these setback requirements, the setbacks shall be measured from the lot or parcel lines regardless of whether the WES or MET Tower may be located on a smaller leased parcel or area within such lot or parcel.

Parcels of land leased for more than one year are deemed to be a land division per the state Land Division Act (P.A. 288 of 1967). Such leases of land for a WES or MET tower will be treated as a tax parcel division by the Township, but will not be deemed to create a lot for Township Zoning purposes. Therefore, lot area, width and frontage of the respective zoning district are not applicable.

- (iii) Setbacks for Towers from Dwellings. The distance between a Utility Grid WES and a dwelling on a non-leased property shall be at least 1,320 feet as measured from the base of the WES to the nearest edge of the dwelling.
- (iv) Setbacks for Accessory Structures. Other than WES themselves, accessory structures shall comply with any property setback requirements of the respective zoning district.
- (v) Lighting. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
- (vi) Siting Standards and Visual Impact.
 - (A) A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.

- (B) A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project.
- (C) All WES shall be finished in a single, non-reflective matte finished color
- (vii) Environmental Impact. The site plan and other documents shall show measures proposed to be used to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites. An environmental impact study may be required by the Planning Commission.
- (viii) Wildlife Impact. The site plan and other documents shall show measures proposed to be used to minimize potential impacts on wildlife. An avian and/or wildlife impact study may be required by the Planning Commission.
- (3) For MET Towers:
 - (i) The application should include a description of the number and type of MET Tower(s) to be installed and the expected length of time that the MET Tower(s) will be operable.
 - (ii) The application should include an explanation of the type, height and number of wind energy systems anticipated to be proposed for installation on the site or nearby.
 - (iii) MET Towers shall also comply with the provisions of Section 21.09(b)(3), Construction Codes and Interconnection Standards.
 - (iv) The Commission may approve a MET Tower for a specified period of time subject to renewal by the Planning Commission.
- (4) Maintenance Program Required. The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.
- (5) Decommissioning Plan Required. The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning including inflation; the method of ensuring that funds will be available for decommissioning and restoration of the site; and

removal and restoration procedures and schedules that will be employed if the WES or MET Tower becomes obsolete or abandoned.

- (6) Removal.
- (i) A WES or any structure or equipment regulated under the terms of this section shall be removed by the applicant not later than when the device or equipment is no longer consistently operating or when it has been abandoned.
 - (ii) For purposes of this section, a WES shall be deemed abandoned when it has not produced appreciable amounts of electrical energy for 12 consecutive months. Operation of the WES for less than 168 hours within 12 consecutive months shall not be considered production for purposes of this subsection.
 - (iii) The failure to timely remove a WES or any structure or equipment regulated by the terms of this section shall be a violation of this Ordinance and may be abated as a nuisance per se.
- (7) Insurance. The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval.
- (8) Performance Guarantee. If a Special Use is approved pursuant to this section, the Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section, including decommissioning, and any conditions of approval.
- (9) Inspection. The Township shall have the right upon approving any MET Tower or WES to inspect the property on which the MET Tower or WES is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's cost.

Section 21.10 SEXUALLY ORIENTED BUSINESSES

The Township hereby adopts and incorporates as the rationale for this section of the Zoning Ordinance the Legislative Findings and record related to the adverse secondary effects of sexually oriented businesses adopted by separate resolution of the Township Board (Resolution No. 11-04). Without limiting the foregoing, the Township further finds and states that the purpose and intent of this Section is to minimize the negative secondary effects associated with Sexually Oriented Businesses through regulating, but not excluding, the location and operation of Sexually Oriented Businesses within the Township. It is recognized that Sexually Oriented Businesses, because of their very

nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private land uses. The regulation of Sexually Oriented Businesses is necessary to ensure that these negative secondary effects will neither adversely impact the health, safety and general welfare of Township residents, nor contribute to the blighting or downgrading of surrounding areas. The provisions of this Section are not intended: (i) to violate the guarantees of the First Amendment to the United States Constitution or Article I, Section 5 of the Michigan Constitution of 1963; (ii) to deny adults access to Sexually Oriented Businesses and their products; (iii) to deny Sexually Oriented Businesses access to their intended market; or (iv) to legitimize activities which are prohibited by Township ordinance, state or federal law. The Township further states that it would have passed and adopted what might remain of this Section following the removal, reduction or revision of any portion of this Section found to be invalid or unconstitutional.

- (a) Regulated Uses. Uses subject to these regulations are as follows:
 Adult Arcades, Adult Cabaret, Adult Merchandise Store, Adult Motion Picture Film Studio, Adult Motion Picture Theater, Adult Motel, Adult Theater, Massage Establishment, Massage School, Nude Model Studio, Sexual Encounter Center, Sexual Oriented Business, or other commercial enterprise regularly featuring the sale, rental or exhibition for consideration of books, films, videos, DVDs or other visual representation of live performances characterized by an emphasis on the display of specified anatomical areas or sexual activities or a commercial enterprise that regularly features activities that expose specified anatomical areas or involves specified sexual activities.
- (b) Notification and Use Requirements. Any of the regulated uses in Section 21.10 identified herein as “Sexually Oriented Businesses” are permitted only after a public hearing is held, which hearing was preceded (in addition to the notice required in Section 21.02), by mailing of a notice to all property owners and occupants of structures within a five hundred (500) foot radius of the subject property, stating the time, place, and purpose of the meeting. Following the public hearing the Planning Commission may approve the use if it determines that all of the following standards are met:
- (1) The use is located solely within a "C-2" Commercial Zone.
 - (2) The use will not be established on a parcel within five hundred (500) feet of any residential district or any parcel used for a single or multiple family residence, public park, school, licensed child day care center, church or place of worship, public library, hospital, Township office, or commercially operated school attended by children (e.g., dance schools, gymnastic centers, etc.), regardless if located in Alpine Township or another municipality. With respect to such spacing determination, the following guidelines apply:

- (i) The distance between a proposed sexually oriented business and a zoning district or existing use shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of that zoned area or existing use.
 - (ii) A sexually oriented business lawfully operating is not rendered a nonconforming use by the subsequent location of one or more of the uses listed in this subsection 2 above; provided however, that if the sexually oriented business ceases operation for a period of one (1) year or more, it shall, as a matter of law and without regard of any intent to resume operation, not recommence operation at that location.
- (3) The use will not be located within five hundred (500) feet of another sexually oriented business as measured in subsection 2(i) above, except that such restriction may be waived by the Planning Commission, if it finds all of the following exist:
- (i) That the proximity of the uses will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this section will be observed.
 - (ii) That the proximity of the uses will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - (iii) That the proximity of the uses will not be contrary to any program of neighborhood conservation, and will not interfere with any program of urban renewal.
 - (iv) That all applicable state laws and local ordinances will be observed.
- (4) Multiple Businesses. No sexually oriented business shall be located within a principal building that is occupied by another use, an accessory building, or on the same parcel already containing another sexually oriented business.
- (5) Entrances. The entrances to the proposed sexually oriented business at the exterior walls, in a location visible to those entering the business, must be clearly marked with lettering at least two (2) inches in height stating:
- (i) “Persons under the age of eighteen (18) are not permitted to enter the premises;” and
 - (ii) “No alcoholic beverages of any type are permitted within the premises;” unless specifically allowed pursuant to a license duly issued by the Liquor Control Commission.
- (6) Visibility of Merchandise or Services.
- (a) An Adult Merchandise Store may only display in its window(s) merchandise that does not depict, describe or relate to any

- specified sexual activity or any specified anatomical area. Sexually Graphic Signs as defined herein are prohibited in windows and doors.
- (b) For all other sexually oriented businesses, no product or service for sale, rent or gift, or any picture or other representation of any product or service for sale, rent or gift, shall be displayed so as to be visible to a person outside the building whether through a window, doorway or otherwise. Sexually Graphic Signs as defined herein are prohibited in windows and doors.
- (7) Booths or Rooms. Any booth, room or cubicle available in any sexually oriented business, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:
- (i) Be unobstructed by any floor, lock or other entrance and exit control device;
 - (ii) Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
 - (iii) Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
 - (iv) Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.
- (8) Live Entertainment. All live performances shall occur on a stage elevated at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest employee or patron.
- (9) Parking and Lighting. All off-street parking areas and parking lot lighting shall comply with the requirements of the Zoning Ordinance. In addition, the parking lot shall be illuminated after sunset during all hours of operation of the sexually oriented business until one (1) hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one (1) foot candle, with a 3:1 uniformity ratio on the parking surface and walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
- (10) Other Regulations. The proposed use shall be in compliance with all other ordinances of the Township and with all statutes, laws, rules and

regulations of the County, State and Federal government and, to the extent required, all governmental approvals must be obtained.

- (11) Violation of this Section. Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with this Section 21.10, entitled "Sexually Oriented Businesses", shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00), costs of prosecution, and/or imprisonment not exceeding ninety (90) days, or both. Each day on which any violation of this Section 21.10, entitled "Sexually Oriented Businesses" continues, constitutes a separate offense, and shall be subject to penalties or sanctions as a separate offense. In addition to any remedies otherwise available, the Township may bring an action for an injunction or other process to restrain, prevent, or abate any violation of this Section 21.10, entitled "Sexually Oriented Businesses".

- (c) Definitions. The following terms shall have the indicated meanings as used in this Section:

Adult Arcade: A commercial establishment that offers coin-operated (or operation by any other form of consideration) electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video players, or other image-producing devices to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of specified anatomical areas or specified sexual activities.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

- * Persons who appear in a state of nudity;
- * Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- * Films, motion pictures, video cassettes, digital video disks, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified anatomical areas or specified sexual activities; or

Adult Merchandise Store: An establishment that emphasizes merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area. An establishment emphasizes merchandise that is predominantly distinguished by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area if any one or more of the following applies to the establishment:

- (a) The establishment is operated consistent with its being a sexually oriented business (e.g., advertising is directed to an "adults only" market; the establishment self-imposes or imposes consistent with state or federal law prohibitions on minors being present in the establishment).

- (b) The establishment displays merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area such that that merchandise is visible to patrons in the store and without cover (as opposed to a situation where a *de minimis* amount of such merchandise, while available for sale or rental, is covered or otherwise discretely shielded from the view of patrons).
- (c) A comparison of (i) the establishment's ratio of general product to merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, and (ii) other retail establishments' ratio of general product to merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, indicates that the establishment emphasizes merchandise depicting, describing or relating to any specified sexual activity or any specified anatomical area

Adult Motion Picture Film Studio: A commercial establishment that, for any form of consideration, films, video tapes, records, creates or produces movies that are characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities.

Adult Motion Picture Theater: A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, digital video disks, slides, other photographic reproductions or visual media, that are characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities. This definition includes, without limitation, establishments which offer individual viewing booths.

Adult Motel: A hotel, motel or similar commercial establishment that does any of the following:

- * Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions (as distinguished from commercial cable services), films, motion pictures, video cassettes, digital video disks, slides, computer displays, other photographic reproductions or visual media that are characterized by the depiction or description of specified anatomical areas or specified sexual activities; or
- * Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- * Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live

performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.

Material: Anything tangible, whether through the medium of reading, observation, sound, or in any other manner, including, but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, audiotape, audio disk, computer tape, holographic images, or any other medium used to electronically produce or reproduce images, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent. This definition is intended to include material which is the product of any technology, whether that technology is available on the effective date of this Ordinance or becomes available after that date.

Merchandise: Merchandise means material and novelties.

Massage: Means any method of applying pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body of another with hands or with any devices.

Massage Establishment: Means any building, room, place or establishment having a fixed place where body massage is regularly practiced on the human body, solely or in combination with any other service or activity, to club members or to the general public for a charge or other consideration. The term “massage establishment” shall not include:

- (a) Hospitals, nursing homes, medical clinics;
- (b) The office of a state-licensed physician, surgeon, osteopath, chiropractor or physical therapist;
- (c) The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulder;
- (d) The establishment of a massage therapist that is a graduate of a recognized massage school and is licensed as a massage therapist by the State of Michigan or is a graduate of a recognized school and is certified as a massage therapist by and is a member in good standing of the American Massage Therapy Association, the Associated Bodywork and Massage Professionals or the Association of Medical Massage Therapists.

Recognized Massage School: Any school or educational institution which teaches the theory, method, profession, or work of massage; requires at least five hundred (500) hours class hours or other units of study before the student receives a diploma or certificate of graduation for having completed the course; and is either licensed to teach massage and to do business as a school or educational institution in the State of Michigan, or is

approved by the American Massage Therapy Association or the American Medical Massage Association.

Novelty: Any instrument, device, or paraphernalia which depicts or describes any specific anatomical area or any specific sexual act, or which is designed for use, or commonly used, in connection with specific sexual activities, excluding condoms and other birth control and disease prevention products.

Nude Model Studio: Any place where a person who displays specified anatomical areas is provided in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but not including:

- * An educational institution funded, chartered, licensed or recognized by the State of Michigan; or
- * A private artist's studio where the private artist employs or contracts with the model to be observed and depicted solely by the private artist.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include:

- * A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding;
- * Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, as amended, being MCL 752.362, or any similar successor statute; or
- * Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MCL 722.673, or any similar successor statute.

Public Place: Any real property or an appurtenance to real property that is owned or leased by the State of Michigan, any local unit of government of the State of Michigan, a public agency, or by a college or university of the State of Michigan and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed by any agency of government or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Regularly: Regularly means recurring, attending, or functioning at fixed or uniform intervals.

Sexual Encounter Center: An establishment, except that which is part of the practice of and under the supervision and control of a physician, psychologist, or psychiatrist licensed to practice in Michigan, that offers for any form of consideration:

- * Activities between male and female persons and/or persons of the same sex when one or more of the persons exposes or displays any specified anatomical area; or
- * The matching and/or exchanging of persons for any specified sexual activities.

Sexually Oriented Business: Any of the following businesses or commercial establishments:

- * Adult Arcades
- * Adult Cabaret
- * Adult Merchandise Store
- * Adult Motion Picture Film Studio
- * Adult Motion Picture Theater
- * Adult Motel
- * Adult Theater
- * Massage Establishment
- * Massage School
- * Nude Model Studio
- * Sexual Encounter Center
- * Other commercial enterprise regularly featuring the sale, rental or exhibition for consideration of books, films, videos, DVDs or other visual representation of live performances characterized by an emphasis on the display of specified anatomical areas or sexual activities or a commercial enterprise that regularly features activities that expose specified anatomical areas or involves specified sexual activities.

Specified Anatomical Areas: Defined as either of the following:

- * Less than completely and opaquely covered human genitals, pubic area, buttock, anus, anal cleft or female breast below a point immediately above the top of the areola; or
- * Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Include any of the following:

- * The erotic fondling or erotic touching of covered or uncovered human genitals, pubic area, buttocks, anus, anal cleft or female breasts;
- * Sex acts, actual or simulated, including, but not limited to, intercourse, oral copulation, and sodomy
- * Masturbation, actual or simulated
- * Sexual arousal or gratification using animals or violence, actual or simulated;
- * Excretory functions as part of or in connection with any of the activities set forth above.

CHAPTER 22

PUD - PLANNED UNIT DEVELOPMENT DISTRICT PROCEDURES

(Ord. No. 00-02; 5/19/00) (Ord. No. 04-03; 5/7/04) (Ord. No. 19-02; 2/18/19)

SECTION 22.01 PURPOSE AND INTENT

The purpose of this chapter is to set forth procedures and approval standards to rezone land in Alpine Township to a Planned Unit Development District designation.

Planned Unit Development Districts are intended to permit a degree of flexibility from conventional zoning regulations found in non-PUD Districts. Because of this, a thorough review by both the Planning Commission and Township Board is necessary to ensure compliance with the objectives and standards of this Ordinance.

It is the intent of this Chapter is to provide a process and standards for the review and approval of Planned Unit Developments to achieve the following objectives:

- (a) To provide desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- (b) To encourage the provision of open space and the development of recreational and other support facilities in a generally central location within reasonable distance of all living units.
- (c) To encourage developers to use a more creative and imaginative approach in the development of residential, commercial, and industrial uses or a combination of such uses.
- (d) To allow phased construction with the knowledge that subsequent phases will be constructed as originally planned and approved by the Township.
- (e) To promote flexibility in design and location of structures.
- (f) To promote the efficient use of land for a more economic arrangement of buildings, circulation systems, land use, and utilities.
- (g) To combine and coordinate architectural styles, building forms, and building relationships within the planned unit development.
- (h) To ensure a quality of construction commensurate with other developments within the Township.
- (i) To allow for improved vehicular and pedestrian traffic management and regional storm water system design.

SECTION 22.02 PRE-APPLICATION CONFERENCE

Before submitting an application for a PUD, an applicant shall meet with the Township Planning Director, Zoning Administrator, Engineer, or others as deemed necessary by the Township. The purpose of this meeting is to allow the applicant to submit information regarding a proposed PUD to the Township and to discuss whether the proposed PUD generally complies with the purpose and intent of this Chapter, and if it qualifies for PUD rezoning pursuant to applicable requirements of this Ordinance.

- (a) As a part of the required pre-application conference, the applicant shall submit a preliminary development plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
- (b) Formal action shall not be taken at a pre-application conference. Statements made at the pre-application conference by Township staff shall not be considered binding commitments or an approval of the preliminary development plan.

SECTION 22.03 PRELIMINARY DEVELOPMENT PLAN - PLANNING COMMISSION REVIEW

- (a) **Required Information.** Following the pre-application conference, the applicant shall submit a completed application form for PUD rezoning, any required application fees and escrow funds, and eleven (11) copies and a PDF of the preliminary development plan to the Planning Director at least thirty (30) days prior the next Planning Commission meeting.

Preliminary Development Plan. The preliminary development plan shall be professionally prepared by a licensed civil engineer and shall be drawn to a scale of not less than one (1) inch = 100 feet. The preliminary development plan shall contain, at a minimum, the following information:

- (1) Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal
- (2) Name and address of the property owner or petitioner
- (3) Scale, north arrow and date
- (4) Acreage, gross and net
- (5) Zoning of adjacent properties
- (6) Legal description of the property
- (7) Boundary survey lines and setbacks

- (8) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the Planning Director
- (9) Location, width, and purpose of all existing easements and lease areas, including cross-access
- (10) Abutting street right(s)-of-way and width
- (11) Topography with contour intervals of no more than two (2) feet
- (12) Natural features such as wooded areas, floodplains or floodways, wetlands, slopes exceeding 15 percent, lakes, ponds, rivers, creeks, County drains, and other significant site features, including the area of such features
- (13) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure
- (14) Size and location of existing utilities and status, where applicable
- (15) Layout of proposed buildings, structures, driveways, cross vehicular access, parking lots, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements
- (16) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use
- (17) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage
- (18) Layout and typical dimensions of building envelopes, proposed parcels, and lots
- (19) Parking, stacking, and loading calculations, if applicable
- (20) Phasing plan, if applicable
- (21) Preliminary plan for provision of public water and public sanitary sewer services
- (22) Preliminary grading plan
- (23) Preliminary storm water plan
- (24) Building type concepts, including building elevations and footprints, prepared by a licensed architect or landscape architect)

Narrative Statement. In addition to the foregoing, the applicant shall also submit the following written items:

- (1) A narrative, which shall describe the proposed PUD, the proposed timeframe (or phasing, if applicable) of development, the PUD zoning district in which it will be located, the overall residential density of the project (if applicable), and

documentation indicating how the purpose and intent of Section 22.01 and the approval standards of Section 22.05 are satisfied.

- (2) A table detailing any requested deviations identified in the preliminary development plan, compared to the requirements of the existing zoning district. This table shall clearly identify the requirement in comparison to the requested deviation.

Impact Assessments. The Township Planning Director and/or the Planning Commission may require additional information from the applicant to assist in the determination of PUD qualification including, but not limited to, market studies, community fiscal impact analysis (emergency services, schools, storm water drainage, water supply, sewage disposal, historic resources and property values), traffic impact studies, economic feasibility studies of the principal uses of the PUD, and environmental impact assessments.

- (b) **Planning Commission Review and Public Hearing.** The Planning Commission shall hold a public hearing and review the preliminary development plan at a regular or special meeting. Notice of the public hearing shall be provided in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.
 - (1) Following the public hearing, the Planning Commission shall review the preliminary development plan with consideration of public hearing comments, technical reviews from Township staff and consultants, correspondence from applicable review agencies, and compliance with the standards of this Chapter and other applicable Chapters of this Ordinance, and all other applicable standards and requirements.
 - (2) Within a reasonable time after the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary development plan and PUD rezoning to the Township Board. The Planning Commission shall document its findings in writing to support its recommendation.
 - (3) In order to recommend approval of the preliminary development plan and PUD rezoning, the Planning Commission shall find that the standards of Section 22.05 are satisfied.

SECTION 22.04 PRELIMINARY DEVELOPMENT PLAN -TOWNSHIP BOARD REVIEW

- (a) Following receipt of a recommendation from the Planning Commission on the preliminary development plan and PUD rezoning, the Township Board shall hold a public hearing at a regular or special meeting. Notice of the public hearing shall be provided in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.
- (b) Following the public hearing, the Township Board shall review the application with consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from Township staff and consultants, correspondence from applicable review agencies, compliance with the requirements of this Chapter, and compliance with other applicable local, state, or federal laws.
- (c) Within a reasonable time, the Township Board shall approve, approve with conditions, or deny the preliminary development plan and PUD Rezoning. The Township Board's decision shall be documented in writing with findings stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
- (d) In order to approve the preliminary development plan and PUD rezoning, the Township Board must affirm that the standards of Section 22.05 are satisfied.
- (e) The Township Board is authorized to approve only those site development requirement deviations from the existing zoning district as outlined in each of the specific PUD zoning districts.
- (f) In accordance with the Michigan Zoning Enabling Act, as amended, the Township Board may place reasonable conditions on the approval of a PUD. Conditions attached to the approval shall be incorporated into the PUD rezoning ordinance and shall meet the following requirements:
 - (1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project, and the community as a whole.
 - (2) They shall be related to the valid exercise of the police power, and the purposes, which are affected by the proposed project.
 - (3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed PUD, and be necessary to ensure compliance with those standards.
 - (4) Any deviations from the existing zoning district shall be expressly identified in the PUD rezoning ordinance.

- (g) **Effect of PUD Rezoning.** The approval of a preliminary development plan and PUD rezoning application, including all conditions imposed, shall constitute an amendment of the Zoning Ordinance and the Zoning Map. Such rezoning shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

SECTION 22.05 STANDARDS FOR PRELIMINARY DEVELOPMENT PLAN AND PUD REZONING APPROVAL

In order to approve a preliminary development plan and PUD rezoning, the Planning Commission must find, and the Township Board must affirm, that all of the following standards are met:

- (a) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning.
- (b) The PUD will not result in a significant increase in the need for current or anticipated public services and facilities, will not result in unsafe traffic movements, and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
- (c) The PUD will be compatible with the Alpine Township Master Plan and shall be consistent with the intent and purpose of this chapter and other applicable chapters of this Ordinance.
- (d) The PUD is designed to ensure compatibility with adjoining land uses.
- (e) The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
- (f) The PUD preserves, insofar as practical, individual trees or stands of trees, fields, hillsides, wetlands, floodplains, other bodies of water, scenic views, steep slopes, and similarly significant existing natural features.
- (g) The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- (h) The proposed PUD and uses within the PUD shall meet all applicable local, state, and federal statutes and regulations.
- (i) The proposed PUD shall satisfy the general standards for site plans pursuant to Section 18.06(a).

SECTION 22.06 FINAL SITE DEVELOPMENT PLAN REVIEW

- (a) Within 12 months after preliminary development plan and PUD rezoning approval by the Township Board, a minimum of eleven (11) copies and a PDF of the Final Site Development Plan for the entire PUD (or at least the first phase of the PUD) shall be submitted to the Township Planning Director in accordance with Chapter 18, *Site Plan Review* of this Ordinance. At a minimum, the final development plan shall contain the following information:
- (1) Final plans for provision of public water and public sanitary sewer services
 - (2) A final grading plan
 - (3) A final storm water plan
 - (4) Final renderings and elevations of proposed buildings
 - (5) Final photometric plan
 - (6) Final landscape plan
 - (7) Any additional information required by the Township Planning Director or by Chapter 18, *Site Plan Review* of this Ordinance.
- (b) The Planning Commission shall consider the Final Site Development Plan at a regular or special meeting. If the Planning Commission finds that the Final Site Development Plan substantially conforms to the approved preliminary development plan, subject to minor revisions and all conditions attached to its approval, the PUD rezoning ordinance, and the requirements of this Chapter, it shall approve the Final Site Development Plan.
- (c) For land uses within the PUD that require specific authorization of the Township Board (i.e. special land use approval), or for PUDs that contain private roads, plats, condominiums, and/or site condominiums, such uses shall be reviewed and approved in accordance with all other applicable sections of this Ordinance and other Township Ordinances as they may apply.
- (d) If a Final Site Development Plan is not submitted within one (1) year, the Planning Commission may, in its discretion, grant a one-time extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the submission of required materials. Such extension shall be requested by the applicant and must be submitted in writing to the Township at least one month before expiration of the Preliminary Site Development Plan approval.

If a Final Site Development Plan has not been submitted within the above-stated period of time, or within any authorized extension thereof, all development rights

granted by the PUD approval shall be null and void. Further, the Planning Commission and Township Board may in their discretion, initiate proceedings to rezone the land to its previous zoning district, or to another zoning district, as appropriate.

SECTION 22.07 CONCURRENT REVIEW

- (a) At his/her option and risk, an applicant may request that a final site development plan be reviewed concurrently with an application for preliminary development plan review and PUD rezoning.
- (b) If requested, the Planning Commission may approve or deny (or recommend approval or denial) of certain permitted or uses requiring specific authorization of the Township Board (i.e. special land uses), tentative preliminary plats, condominiums, site condominiums, or other development forms within a PUD pursuant to Section 22.06(d) above, concurrently with its preliminary site development plan review and PUD rezoning.
- (c) If approval is recommended, such approval(s) or recommendation(s) of approval shall be conditioned upon the Township Board's approval of the preliminary site development plan and PUD rezoning pursuant to Section 22.04(c).
- (d) In all cases, no land use authorization shall be given until all required permits and approvals are granted by the Township in accordance with applicable standards.

SECTION 22.08 PERFORMANCE GUARANTEES

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the final development plan and construction and placement of all of the improvements therein. The Township Board, upon recommendation by the Planning Commission, shall rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

SECTION 22.09 AMENDMENTS TO APPROVED PUD

An approved Final Site Development Plan and any conditions imposed upon a Final Site Development Plan approval shall not be changed except upon the mutual consent of the Township Board and the applicant, except as otherwise noted below.

- (a) **Minor Amendments**. A minor change may be approved by the Planning Director or his/her designee who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign
 - (2) Movement of buildings and/or signs by no more than 20 feet
 - (3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping
 - (4) Changes of building materials to a higher quality
 - (5) Changes in floor plans which do not alter the character of the use
 - (6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design
 - (7) Changes required or requested by the Township or other public agency for safety reasons
 - (8) Changes which will preserve the natural features of the site without changes to the basic site layout
 - (9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Planning Director to be not material or significant in relation to the entire site and which are not material or significant in relation to the entire site and which the Planning Director determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare
- (b) The Planning Director may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval, regardless of whether the change may qualify as a minor change.
- (c) Should the Planning Director determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment to the preliminary development plan and PUD rezoning shall be required and conducted in the same manner as an original application.

SECTION 22.10 TIME LIMITATIONS ON DEVELOPMENT

Each PUD shall be under construction within one (1) year after the date of approval of the Final Site Development Plan.. If this requirement is not met, the Planning Commission may, in its discretion, grant a one-time extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. Such extension shall be requested by the applicant and must be submitted in writing to the Township at least one month before expiration of the Final Site Development Plan.

If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect at the conclusion of said periods of time and all development rights granted by the PUD approval shall be null and void. Further, the Planning Commission and Township Board may, in their discretion, initiate proceedings to rezone the land to its previous zoning district, or to another zoning district, as appropriate.

SECTION 22.11 PHASED PROJECTS

- (a) If a PUD is authorized for construction in phases, it shall be designed and constructed such that each phase, when complete, includes all services, facilities, and open space necessary for the full occupancy and use of that phase. Further, each phase shall include all necessary elements to ensure protection of natural features and the health, safety and welfare of the residents and users of the PUD.
- (b) Each phase of a PUD shall be commenced and/or completed within the time period specified in the PUD's approved phasing plan. If construction of a phase is not commenced within the required time period, the provisions for a requested extension and the expiration of the PUD approval set forth in Section 22.10 shall apply.

**CHAPTER XXIII
BOARD OF APPEALS**

SECTION 23.01 MEMBERS, PER DIEM EXPENSES AND REMOVAL.

There is hereby continued and/or created a Zoning Board of Appeals of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission and appointed by the Township Board. The remaining members shall be appointed by the Township Board; and shall be selected from among the electors residing in the unincorporated area of the Township and shall represent the population distribution of the various interests present in the Township; provided that no employee or contractor of the Township Board may serve as a member of or as an employee of the Township Board of Appeals, and that no elected officer of the Township shall serve as chairman of the Board of Appeals.

The Township Board shall appoint two alternate members who shall serve in the case of the absence or temporary incapacity of the regular members of the Zoning Board of Appeals. The total amount allowed such Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall be a reasonable sum which shall be provided annually in advance by the Township Board. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing. (Ord. No. 15-82; 7/19/82).

SECTION 23.02 OFFICERS.

The Board shall elect from its membership a chairman, vice chairman, and such other officers as deemed necessary.

SECTION 23.03 RULES OF PROCEDURE.

The Board shall adopt procedural rules and regulations. Copies of such regulations shall be made available to the public at the office of the Township Clerk.

- (a) Meetings of the Board shall be held at such times as the Board may determine. There shall be a fixed place of meeting and all hearings shall be open to the public.
- (b) The presence of a majority of total members shall constitute a quorum. The Board shall act by resolution. The concurring vote of a majority of members present of said Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector or to decide in favor of the applicant on any matter upon which it is required to

pass by this Ordinance, or to grant variances from the requirements of this Ordinance.

- (c) The Board shall keep minutes of its proceedings, showing the action of the Board, the reasons on which it bases its action, and the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its proceedings and other official action, all of which shall be filed promptly in the office of the Board and shall be a public record.
- (d) A copy of each resolution passed upon by the said Board of Appeals shall be filed with the Clerk of the Township and to the secretary of the Zoning Board.

SECTION 23.04 JURISDICTION.

The Board of Appeals, in conformity with the provisions of this ordinance, may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination appealed from, and shall make such order, requirements, decision or determination as in its opinion ought to be made on the premises, and to that end shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this ordinance; also where it is alleged by the appellant that there is error or misinterpretation in any order, requirements, decision, grant or refusal made by the Building Inspector or other administrative officer in the carrying out or enforcement of the provisions of this ordinance.

SECTION 23.05 VARIANCES.

Subject to the provisions of Section 23.06, the Board, after public hearing, shall have the power to decide the applications, filed as hereafter provided, for variances:

- (a) Where, by reason of exceptional narrowness in width, breadth, length, or shape of a specific piece of property on the effective date of this ordinance, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building, or structure, or of the use of or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulties or would cause undue hardship; provided that the Board shall not grant a variance on a lot of less area than the requirements of its zone district, even though such lot existed at the time of passage of this ordinance, if the owners or members of his immediate family own adjacent land which can, without undue hardship, be included as part of the lot.

- (b) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance relating to the construction, structural changes in equipment, or alterations of buildings or structures, or the use of land, buildings or structures, so that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done.

SECTION 23.06 GENERAL.

No variance in the provisions or requirements of this ordinance shall be authorized by the Board unless the Board finds, from reasonable evidence that all the following facts and conditions exist:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- (c) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this ordinance or the public interest.
- (d) That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

SECTION 23.07 CONDITIONS OF APPROVAL.

Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- (a) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use

or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals and landowner. The approving Zoning Board of Appeals shall maintain a record of conditions which are changed. (Ord. No. 13-79; 10/16/79)

SECTION 23.08 PROCEDURE.

The following procedure shall be required:

- (a) An appeal for variance from any ruling of the Building Inspector or other administrative officer administering any portion of this ordinance may be taken by any person, partnership, corporation, or any governmental department affected or aggrieved. All matters coming before the Board of Appeals by the Zoning Board for consideration as required by the Zoning Ordinance. When a matter is so referred by the Zoning Board, no fee shall be charged.
- (b) Fees. The required fees for a hearing before the Board of Appeals are a part of the cost of any building permit and are in addition to other building permit fees.

If a petition is filed for a hearing before the Board of Appeals, a fee of seventy-five (\$75.00) dollars shall accompany said petition.

Said fee shall be paid to the Township Clerk before any action shall be taken on said petition. Said amount so received shall be used as provided by law. Fees may be changed by the Township Board at any regular meeting, which change shall be effective thirty (30) days from the date of publication of such change.

- (c) When an application for hearing or appeal has been filed in proper form and the fee paid with the required data, the Secretary of the Board shall immediately place the said application or appeal upon the calendar for

hearing and cause notices stating the time, place, and object of the hearing to be served. Such notices shall be served personally or by mail at least seventy-two (72) hours prior to the day of such hearing, or other administrative body from which such appeal is taken. A like notice shall be sent at least seventy-two (72) hours prior to the hearing to all owners of property as shown by the Township Treasurer's Office within three hundred (300) feet of the premises involved by regular United States Mail, postage prepaid, addressed to the last known address of such property owners as shown by said records. Any interested party may appear and be heard at such hearings, in person or by agent or attorney.

- (d) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served or for further consideration of the matter involved. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides, provided, however, any adjournment shall be stated at the hearing giving the date, time, and place to which adjournment is made.

SECTION 23.09 DECISIONS OF THE BOARD.

- (a) The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Building Inspector. Such decision shall be binding upon the Building Inspector and observed by him and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find that immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record. (Ord. No. 226; 6/6/78)
- (b) In the event the Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question such that it would exceed those rights given by the zoning ordinance or the variance or fail to follow any conditions placed thereon by the Board of Appeals. In the event the use of the property exceeds those rights given by the zoning ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall immediately terminate. (Ord. No. 226; 6/6/78) (Ord. No. 13-79; 10/16/79)

SECTION 23.10 STAY OF PROCEEDINGS.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals after notice of appeal shall have been filed with him, that by reason of fact stated in the certificate, a stay, would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown by granted by the Board of Appeals or by the Circuit Court on application, after notice to the Building Inspector.

SECTION 23.11 TIME LIMIT FOR APPROVED VARIANCES.

(Ord. No. 94-4; 12/29/94)

- (a) Each variance granted under the provisions of this Ordinance shall become void unless the construction, occupancy or other actions authorized by such variance have commenced within one (1) year of the granting of such variance.
- (b) Upon written application filed with the Township Clerk prior to the termination of the one year time period, the Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one year upon the finding of the Board of Appeals that the original circumstances creating the need for the extension were largely beyond the control of the applicant.

**CHAPTER XXIV
ADMINISTRATION AND ENFORCEMENT**

(Ord. No 13-79; 10/16/79)
(Ord. No 90-2; 5/21/90)
(Ord. No. 95-6; 07/17/95)
(Ord. No 99-02; 3/22/99)
(Ord. No 03-01; 01/23/03)
(Ord. No. 06-01; 02/26/06)

SECTION 24.01 BUILDING PERMIT REQUIRED.

It shall be unlawful for any person to commence excavation for construction of any building, structure, or parking area, or to make structural changes in any existing building or structure, or to change the use of any premises, without first obtaining a building permit from the Township Building Inspector. No permit shall be issued for the construction, alteration, or remodeling of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code, and a site plan is submitted on approval in accord with Section 11.03(h). No plumbing, electrical or drainage permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance. (Ord. No. 13-79; 10/16/79)

SECTION 24.02 ADMINISTRATIVE OFFICIALS.

The Township Board shall appoint a Zoning Administrator to administer and enforce the provisions of this Ordinance. The Building Inspector may also serve as the Zoning Administrator. The Zoning Administrator or his or her agent shall also have the authority to receive applications, inspect premises for violations, issue building permits, and institute proceedings for enforcement of this Zoning Ordinance. The Zoning Administrator or his or her designated agent is specifically authorized to issue and serve appearance tickets, based on reasonable cause, on any person, business, or organization in violation of any of the provisions of this Zoning Ordinance and for which a fine, imprisonment, or both may be levied as a result of such violation. (Ord. No. 90-2; 5/21/90)

SECTION 24.03 PERMITS.

Every application for a building permit shall be made as required by the Building Code and shall designate the existing or intended use of the structure or premises, or part thereof which is proposed to be altered, erected, or extended, and the number of dwelling units, if any, to be occupied. The application shall be accompanied by two ink, blueprint, or photostatic copies of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon

or used, and the size and location on the lot of all existing and proposed structures and uses, together with specifications.

The application shall contain other information with respect to the lot and adjoining property as may be required by the Building Inspector. One copy of both plans and specifications shall be filed in and retained by the Office of the Building Inspector, and the other shall be delivered to the applicant when the Building Inspector has approved the application and issued the permit. In cases of minor alterations, the Building Inspector may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance.

Any permit required by this Zoning Ordinance or the Building Code of this Township shall be displayed face out, within twenty-four (24) hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest highway, and shall be continuously so displayed until all work, or the term for which issued, or purpose for which issued is completed. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance and Building Code and shall subject each person or persons or corporations who performs or authorized the performance of any act for which a building permit is required, and the owner or owners of the premises involved to prosecution for such violation.

SECTION 24.04 OCCUPANCY.

It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended or erected, until the Building Inspector shall have made an inspection of the premises and shall have approved the same in writing for occupancy. The Building Inspector shall not issue a certificate of occupancy until he has ascertained that there has been compliance with all of the requirements of this Ordinance and the Building Code and substantially all of the approved plans of the building.

A certificate of occupancy requested prior to the completion of improvements noted on an approved site plan, noted as specific conditions of project approval by the Alpine Township Planning Commission or Township Board, and/or required in accordance with the Construction Code, may only be issued upon the applicant's filing with the Township a performance guarantee in a form satisfactory to the Township. The performance guarantee shall be an irrevocable letter of credit unless the Township approves a performance bond or other type of security.

The performance guarantee must be accompanied by a detailed punch list of the uncompleted improvements along with the corresponding estimated cost of completing the same and a completion deadline. The amount of the performance guarantee must be sufficient to cover all uncompleted improvements as

determined by the Township and must include a provision authorizing the Township to utilize the performance guarantee if the applicant has not completed the improvements in accordance with the approved deadlines. The Township will hold the performance guarantee until all improvements have been inspected and approved by the Township or as otherwise provided for in accordance with this section. (Ord. No. 03-01; 01-23-03)

SECTION 24.05 VIOLATIONS AND PENALTY.

Unless a section of this Ordinance specifically provides otherwise any person, firm, corporation, trust, partnership or other legal entity who violates, or refuses to comply with any provision, or any condition imposed by the Planning Commission or Zoning Board of Appeals in pursuance thereof, of this Ordinance shall be responsible for a municipal civil infraction shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, two hundred fifty dollars (\$250.00) for a second violation and five hundred dollars (\$500.00), for a third or subsequent violation. Each day a violation occurs or continues shall constitute a separate offense, and shall make the violator liable for the imposition of a fine for each day.

- (a) The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created or who has assisted knowingly in the commission of such violation shall be liable to the fines and costs provided above.
- (b) In addition to a civil fine, a person admitting or determined to be responsible for a municipal civil infraction shall be liable for the payment of the costs of the prosecution in an amount not less than nine dollars (\$9.00) or more than five hundred (\$500.00).
- (c) In addition to the penalties otherwise provided, the district court shall have jurisdiction to enforce any judgment, writ or order necessary to enforce any provision of this Ordinance, the violation of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or granting injunctive relief.
- (d) Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the effective date of this Ordinance and in violation of any of its provisions is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.
- (e) The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law.

24.06-A CONDITIONAL REZONING (Ord. 06-01; 02/26/06)

The Planning Commission and Township Board recognize that, in certain instances, it would be an advantage to the Township and any property owners seeking rezoning if the application for rezoning was accompanied by a site plan and was subject to certain conditions. Accordingly, it is the intent of this Section of the Zoning Ordinance to provide a conditional rezoning option to property owners in connection with the submission of an application for rezoning. This option is intended to accomplish the objectives of the Zoning Ordinance through a rezoning review process that applies site planning criteria to achieve integration of the development project into the fabric of the project area.

(a) **Definitions**

The following definitions should apply in the interpretation of this Section:

- (1) **Applicant:** The property owner, or a person with the written and signed authorization of the property owner to make application under this Section.
- (2) **Conditional Rezoning Agreement (CR Agreement):** A written agreement approved and executed by the Township and property owner, incorporating a CR Plan, and setting forth Rezoning Conditions and any other terms mutually agreed upon by the parties relative to land for which the Township has approved a conditional rezoning.
- (3) **Conditional Rezoning Plan (CR Plan):** A plan of the property which is the subject of a conditional rezoning, prepared by a licensed civil engineer or architect, that may show the location, size, height, design, architecture, or other measure or feature of buildings, structures and improvements on, and in some cases adjacent to, the property. The details to be offered for inclusion on a CR Plan shall be determined by the applicant, subject to approval of the Township Board after recommendation by the Planning Commission.
- (4) **Rezoning Conditions:** Conditions proposed by the applicant and approved by the Township as part of an approval under this Section, which shall constitute regulations in connection with the development and use of property for which conditional approval has been granted. Such Rezoning Conditions shall not:
 - a. Authorize uses or developments of greater intensity of density than are permitted in the district proposed by the rezoning.
 - b. Authorize uses that are not permitted in the district proposed by the rezoning.

c. Permit uses or development expressly or implicitly prohibited in the CR Agreement.

(5) **Rezoning:** The act of rezoning land from an existing zoning district/classification to a different zoning district pursuant to MCL 125.271, *et seq.*, as amended. A rezoning constitutes an amendment to the Zoning Map (which is an integral part of the Zoning Ordinance).

(b) **Authorization and Eligibility**

(1) **Application for Optional Conditional Rezoning.** A property owner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. The conditional rezoning option shall be selected by filing an Application for Conditional Rezoning Review, which, if approved, would authorize a specific use for the property. Conditional rezoning represents a legislative amendment to the Zoning Ordinance, pursuant to MCL 125.268i.

(2) **Site-Specific Regulations.** In order to be eligible for review of an application for conditional rezoning, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR Plan and CR Agreement) which are equally more strict or limiting than the regulations that would apply to the land under the proposed zoning district.

(c) **Review and Approval Procedures**

(1) **Pre-Application Meeting.** Prior to submitting an Application for Conditional Rezoning, the applicant shall schedule a pre-application meeting with the Township Supervisor and Township Planner for preliminary review of the proposal and to provide the applicant with an understanding of the review process. The applicant shall pay the expenses incurred by the Township for this meeting.

(2) **Application.** A property owner may submit an Application for Conditional Rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The application, which may be amended during the review process, shall include a CR Plan proposed by the applicant and a list of Rezoning Conditions proposed by the applicant, recognizing that the Rezoning Conditions shall not authorize uses or development not permitted in the proposed zoning district.

- (3) **Planning Commission Review.** After the completed application and all required supporting materials have been received and fees paid, the petition shall be reviewed by the Planning Commission in accordance with the procedures outlined in Section 24.01 (b) (1) and (2).

 - a. **Public Hearing.** The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Section 14 and other applicable sections of Public Act 184 of 1943, as amended.
 - b. **Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall make findings of fact which it shall transmit to the Township Board, together with its comments made at the public hearing and its recommendation.
- (4) **Township Board Consideration.** Upon receipt of the recommendation of the Planning Commission, the Township Board shall deliberate on the proposed conditional rezoning. If the Township Board determines that it may approve the conditional rezoning, then the Township Board shall work with the landowner to identify tentative conditions, and direct the Township Planner to work with the applicant to develop a draft CR Agreement.
- (5) **Township Board Action.** Upon completion of the CR Agreement, the Township Board, by majority vote of its membership, shall make a final determination to approve, approve with conditions, or deny the conditional rezoning.
- (6) **Zoning District Designation.** If approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR, Conditional Rezoning." For example, in the C-2-Commercial District the Zoning Map designation would be "C-2/CR." The use of property so designated shall be restricted to the uses specified in the CR Agreement, and no other development or use shall be permitted.
- (7) **Effects of Approval.** The use of property in question shall conform with all regulations governing development and use in the zoning district to which the property has been rezoned, subject to the following:

- a. **Development Subject to Conditional Rezoning Requirements.** Development and use of the property shall be subject to the more restrictive requirements specified on the CR Plan, in the Rezoning Conditions and in the CR Agreement, required as part of the Conditional Rezoning approval. Such requirements shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
 - b. **Site Plan Review Required.** Approval of the CR Plan and Agreement confirms only the rezoning of the property, subject to any conditions imposed as reflected in the CR Plan. Site plan, special land use, plat, and condominium approval, as appropriate, shall be required, pursuant to procedures set forth by the Alpine Township Zoning Ordinance, prior to any improvements to the property.
 - c. **Recordation of CR Agreement.** A conditional rezoning shall become effective following publication in the manner provided by law, and after recordation of the CR Agreement, whichever is later.
- (8) **Amendments of CR Agreement.** Amendment of a CR Agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.
- (9) **Expiration of CR Agreement.** The conditional rezoning approval shall expire following a period of two (2) years from the effective date of the rezoning unless: 1) approved development of the property commences within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion, or 2) the rezoning is extended for good cause by the Township Board as provided herein.
- a. **Extension of Approval.** In the event that a bona fide development has not commenced within two (2) years from the effective date of the rezoning, the conditional rezoning and CR Agreement shall be void and of no effect. However, the land owner may apply to the Township Board for a one (1) year extension one (1) time. The request for extension must be submitted to the Township Clerk before the two (2) year time limit expires. The land owner must show good cause why the extension should be granted.
 - b. **Revert to Former Zoning.** If the conditional zoning becomes void and of no effect, then by automatic reverter set forth in MCL 125.286i the land shall revert to its former

zoning classification, which shall be confirmed by resolution of the Township Board.

- (10) **Violations of the CR Agreement.** If development or actions are undertaken on or with respect to the property in violation of the CR Agreement, such development or actions shall constitute a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.
- (11) **Fees.** The applicant shall pay as a fee the expenses incurred by the Township in the review of any conditional rezoning application. Additionally, zoning escrow fees or amounts shall be deposited with the Township by the applicant as required by this Ordinance or Township resolution or policy. Any unexpended amounts from such escrow shall be returned to the applicant.

(d) **Elements of a Conditional Rezoning Application**

As an integral part of the conditional rezoning, the following shall be reviewed and may be approved:

- (1) **CR Plan.** A CR Plan, with such details as proposed by the applicant and approved by the Township Board in accordance with this Section. The CR Plan shall not replace the requirements for site plan, subdivision or condominium approval, as the case may be.
- (2) **Rezoning Conditions.** Rezoning conditions shall not authorize uses or development which are not permitted in the proposed zoning district, and shall not permit uses or development which are expressly or implicitly prohibited in the CR Agreement. Rezoning conditions may include some or all of the following:
 - a. The location, size, height, and setbacks of buildings, structures, and improvements.
 - b. The maximum density or intensity of development (e.g. units per acre, maximum usable floor area, hours of operation, etc.).
 - c. Measures to preserve natural resources or features.
 - d. Facilities to address storm water drainage and water quality.

- e. Facilities to address traffic issues, for example, through road paving or other road improvements.
 - f. Open space preservation provisions.
 - g. Minimum landscaping, buffering and screening provisions.
 - h. Added landscaping, above and beyond what is required by the Zoning Ordinance.
 - i. Building design, materials, lighting and sign criteria.
 - j. Permissible and prohibited uses of the property.
 - k. Provisions to preserve historic farms, barns and other buildings to preserve the history of the Township.
 - l. Measures to protect the rural view shed, which is an undeveloped area adjacent to the road right-of-way, having a depth of at least two hundred (200) feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating landforms, and scenic vistas are preserved and incorporated into the landscape.
 - m. Reclamation and reuse of land, where previous use of land causes severe development difficulties, or has caused blight.
 - n. Drainage improvements, beyond what is required by ordinance, using best management practices (BMP).
 - o. Such other conditions as deemed important to the development by the applicant.
- (3) **CR Agreement.** A CR Agreement, which shall be prepared by the Township Planner and the applicant (or designee) and which shall incorporate the CR Plan and set forth the Rezoning Conditions, together with any other term mutually agreed upon by the parties, including the following terms.
- a. Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal would not have granted the rezoning but for the terms in the CR Agreement.
 - b. Agreement and acknowledgement that the conditions and CR Agreement are authorized by all applicable state and federal laws and constitution, and that the CR Agreement is

valid and was entered into only on a voluntary basis, representing a permissible exercise of authority by the Township.

- c. Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR Plan or CR Agreement.
- d. Agreement and understanding that the approval and CR Agreement shall be binding upon and inure to the benefit of the property owner and the Township, and their respective heirs, successors, assigns, and transferees.
- e. Agreement and understanding that, if a conditional zoning becomes void in the manner provided in this Section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
- f. Agreement and understanding that each of the requirements and conditions in the CR Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.

(e) **Approval Criteria**

The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR Plan, Rezoning Conditions, and CR Agreement:

- (1) **Enhance the Project Area.** The Township Board shall determine that the approval of the conditional rezoning shall accomplish the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of conditional rezoning.
- (2) **In the Public Interest.** The Township Board shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the CR Plan and CR Agreement so that it would be in the public interest to grant the conditional rezoning. In determining whether approval of a proposal would be in the public interest, the benefits that would be

reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted, planning, engineering, environmental and other principles.

24-06-B AMENDMENTS.

Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

(a) PROCEDURE -

- (1) The Planning Commission may propose amendments on its own initiative.
- (2) Any resident or land owner of Alpine Township may bring before the Planning Commission a proposed amendment or change by filing a petition signed by all persons having an interest in such premises to be acted upon, requesting the adoption of any specified amendment or change or regulation under the Zoning Ordinance. If the proposed amendment pertains to rezoning, such application or petition shall be accompanied by a development plan as provided in (c) of this section. The Township Clerk shall file the same with the Secretary of the Planning Commission within ten (10) days of the date the petition was filed with the Clerk.

(b) CONTENTS OF PETITION - The petition requesting a proposed amendment or change shall contain the following:

- (1) The legal description of the premises involved.
- (2) The zone in which such premises are presently situated.
- (3) The zone into which petitioner desires such premises to be situated.
- (4) The use to be made of such premises if rezoned.
- (5) The signatures of all persons having an interest in such premises.

(c) CONTENTS OF DEVELOPMENT PLAN - If the proposed amendment pertains to rezoning, the petition shall be accompanied by a development plan which shall include the following and be drawn to a scale of one (1) inch equaling one hundred (100) feet.

- (1) A topographic map showing contour lines at five (5) foot intervals of a scale of one (1) inch equals one hundred (100) feet.
 - (2) A plot plan showing the location of all proposed buildings and drawings showing the elevations and architectural style thereof.
 - (3) All non-enclosed uses.
 - (4) All drainage and sewage facilities.
 - (5) All parking areas and number of vehicles proposed to be facilitated thereby and nature of surface to be used.
 - (6) All loading and traffic handling facilities.
 - (7) All screening and other landscaping and existing fences, barrier, and landscaping including but not limited to trees and shrubs.
 - (8) All pedestrian walkways.
 - (9) Location, type, and size of all signs.
 - (10) Location of all streets adjacent thereto or within three hundred (300) feet thereof.
 - (11) Location and nature of all adjacent uses and structures within three hundred (300) feet of the property requested to be rezoned and zoning of all such area.
 - (12) Proposed flow of all vehicular traffic and location and number of all exits and entrances for said vehicular traffic.
- (d) FEES - The required fee for rezoning premises are a part of the cost of any building permit and are in addition to other building permit fees.

If a petition is filed for the purpose of rezoning any property, a fee of two hundred (\$200.00) dollars shall accompany said petition or if rezoning is considered by any other method initiated by the property owner(s), a like fee shall be paid by the petitioner having an interest in the premises which is subject to such proposed rezoning.

Said fee shall be paid to the Township Clerk before any action shall be taken on said petition. Said amount so received shall be retained whether the requested relief is granted or not and shall be used as provided by law. Fees may be changed by the Township Board at any regular meeting, which change shall be effective thirty (30) days from the date of publication of such change.

- (e) **POWER OF REVOCATION** - The Township Board shall have the power to revoke or cancel any change of zone effected for any failure or neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in any petition, application, specification, plan, or sketch submitted or filed pertaining to rezoning proceedings, or for failure to carry out any provision of such application, petition, specification, plan, or sketch or conditions or provisions on which such rezoning of property was granted.
- (f) **ACTION ON PETITION BY PLANNING COMMISSION** - Said petition shall be considered by the Planning Commission at its next meeting following the receipt thereof by its Secretary, provided, however, that there is adequate and sufficient time for giving any public notices required by law. The Planning Commission may recommend to the Township Board, modification, rejection, or the adoption of said proposal either in its original or changed form.
- (g) **DUTIES OF PLANNING COMMISSION AND TOWNSHIP BOARD**
 - (1) Before submitting its recommendations of a tentative zoning plan to the Township, the Planning Commission shall hold at least one public hearing, as provided by law.
 - (2) Following such hearing, the Township Planning Commission shall submit the proposed amendment or supplement to the County Planning Commission of the County of which the Township is a part for its approval. The County Planning Commission shall approve or disapprove the plans as provided by law.

SECTION 24.07 FEES AND ESCROW CHARGES

For each zoning review conducted or permit issued, fees and escrow charges shall be paid to the Township Clerk. All fees shall be paid in accordance with the fee schedule established by resolution of the Township Board.

The Township Board shall by resolution, establish fees for the administration of the Ordinance, including all proceedings and matters that may arise hereunder. A list of current fees shall be available for review by the public during Township office hours at the Township Hall. Such fees may be changed from time to time by resolution of the Township Board. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan, or any other request or application under this Ordinance. In addition to regularly established fees, the Township Board may also require an applicant to submit to the Township (prior to Township review of an application, proposed site plan, or other request) an amount of money determined by the Township to be a reasonable estimate of fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act), but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include, but shall not be limited to, Township engineering fees, Township attorney fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township pursuant to an escrow shall be refunded.(Ordinance 99-2, effective March 22, 1999.)

POLICY GUIDELINES FOR LANDSCAPING, BUFFER STRIPS, AND SCREENING

**ADOPTED BY THE ALPINE TOWNSHIP PLANNING COMMISSION ON
AUGUST 17, 1989**

INTENT The intent of this policy is to promote the public's health, safety, and general welfare by minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use, areas buffering incompatible land uses; controlling the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention. The recommendations contained in this document are designed to assist land planners, landscape architects, developers, and builders in providing landscaping for their developments which will meet the desired landscaping objectives of the Alpine Township Planning Commission.

- a) This policy applies to all uses for which site plan review is required under Section 18.02 of the Alpine Township Zoning Ordinance.
- b) For existing and proposed uses which require site plan approval to either expand or be built, landscaping as noted herein should be installed insofar as practical. The Site Plan Review Committee and Planning Commission in its review of the site plan have the authority to vary the landscaping and screening guidelines for such uses. In doing so, the Committee and Commission shall consider the following criteria:
 - 1) The amount of space on the site available for landscaping.
 - 2) Existing landscaping on the site and on adjacent properties.
 - 3) The type of use on the site and size of the development.
 - 4) Existing and proposed adjacent land uses.
 - 5) The effect which the required landscaping would have on the operation of the existing or proposed land use.

GENERAL REGULATIONS

- a) Landscaping shall be installed within one hundred eighty (180) days of occupancy of the building or structure unless a longer period is permitted in writing by the Building Inspector.
- b) All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time, but no longer than one growing season.
- c) For the purpose of this Chapter, a corner lot is considered as having two front yards and the appropriate landscaping shall be provided for both.
- d) The extensive use of cobblestones, crushed stones, or other non-living material as a ground cover should be minimized.

GREENBELTS

For all uses where greenbelts are required, the following regulations shall apply:

- a) **WIDTH:** Required greenbelts shall have a minimum width of twenty-five (25) feet, except such greenbelt shall be reduced to ten (10) feet when abutting an existing non-conforming residential use.
- b) **PLANTINGS:** For each twenty-five (25) feet of length or portion thereof of greenbelt, plantings shall consist of:
 - 1. One (1) deciduous canopy tree.
 - 2. One (1) deciduous under-story tree.
 - 3. Three (3) evergreen trees.
 - 4. Four (4) shrubs.
- c) **BERMS AND WALLS:** Earthen berms, not to exceed 3:1 slope and/or decorative walls, may be permitted within a required greenbelt. Credit of up to fifty (50) percent may be given through the use of earthen berms of five (5) to six (6) feet in height or walls of six (6) feet or greater, located where the greenbelt should be.
- d) **MINIMUM PLANT SIZE:** All new plants in any required greenbelt shall meet the minimum size requirements set forth herein.
- e) **LOCATION:** Trees shall be planted no less than five (5) feet from a property line where a greenbelt is located entirely on property in one zoning district. If one property is in two zoning districts, the boundary between the districts may be the approximate midpoint of the greenbelt.
- f) **REQUIRED GREENBELTS – ADDITIONAL PLANTING REQUIREMENTS:** For reasons of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the Site Plan Review Committee or Planning Commission may increase recommended landscape plantings in any required green strip or greenbelt, if in its discretion an increase is found to be necessary to reasonably achieve the intent of this chapter. In making such a determination, the criteria of Section 18.07 (b) of the Zoning Ordinance shall be considered.
- g) **GREENBELTS – REDUCTIONS AND SUBSTITUTIONS OF PLANTINGS:** If a physical hardship exists or existing topography and vegetation are determined by the Committee or Planning Commission to provide equal or better landscape and buffering effect, the Committee may approve modifications to the planting recommendations of this document. The Committee or Planning Commission may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with the intent of this document and Section 18.07 (b) of the Zoning Ordinance herein.

FRONT YARD LANDSCAPING

- a) Except for necessary driveways, frontage roads, service drives, or walkways, the front yard shall be landscaped according to the following minimum requirements:
 - 1) One (1) canopy tree and two (2) evergreen trees plus one (1) additional canopy and evergreen tree for each fifty (50) feet in length of road frontage.
 - 2) One (1) under-story tree plus one (1) for each fifty (50) feet in length of road frontage.
 - 3) Shrubs at a rate of one (1) per each tree required.
- b) CLEAR VISION: Such landscaping shall be located so it does not obstruct the vision of drivers entering or leaving a site.
- c) BERMS: Undulating earthen berms not exceeding six (6) feet in height and 3:1 slopes may be permitted within a required green strip. Credit of up to twenty-five (25) percent may be received against providing the required plantings through the use of berms three (3) feet in height or greater.

PARKING AREA LANDSCAPING

- a) All parking areas over five thousand (5,000) square feet in area, except those parking areas for industrial uses which are located in the rear yard shall be landscaped according to the following minimum requirements:
 - 1) One (1) canopy and one (1) evergreen tree for every ten (10) parking spaces, with a minimum of two (2) trees, shall be planted adjacent to the parking area.
 - 2) For those parking areas which abut the required front yard green strips, credit for the required trees in the green strip shall apply toward the number of trees required for the parking area.
- b) Landscape islands or peninsulas shall be installed at the end of those parking rows which are more than twenty (20) spaces long. Within such rows a landscaped island shall be installed every twenty (20) spaces.
- c) Landscape islands or peninsulas at the end of parking rows shall be a minimum of ten (10) feet in width, by the length of the parking space or spaces, with appropriate curb radius. Islands within parking rows shall be a minimum of four (4) feet wide by the length of the parking space or spaces. Islands shall be separated from the parking area by a rolled or stand-up curb.
- d) Each island or peninsula within a parking area shall contain a minimum of two (2) canopy trees.
- e) Landscaping in and adjacent to parking areas shall be of a height and location which will not block the vision of drivers or pedestrians.

GREENSPACE WITHIN THE PUBLIC RIGHT-OF-WAY AND PRIVATE EASEMENTS.

For the land area lying between the required green strip in the front yard of properties and the edge of pavement of a public or private street, the following standards shall apply:

- a) At a minimum, grass or other living ground cover shall be neatly maintained and kept weed free by the owners of property abutting the public right-of-way or private easement.
- b) Trees within a public right-of-way shall not be planted without the written consent of the Kent County Road Commission or the Michigan Department of Transportation. Trees planted within the public right-of-way shall be located to avoid interference with overhead and underground utility lines.

MINIMUM PLANT SIZE

New plant materials required herein shall meet the following minimum size standards:

Plant material Type	Planting in buffer yards abutting vacant lands	All other plantings
Tree		
Canopy Tree, single stem	1 ½” caliper	2” caliper
Under-Story Tree	6-7 feet (height)	1 ½ “ caliper or clump form
Evergreen Tree (well brushed and dense)	4 feet (height)	5-6 feet (height)
Shrub		
Deciduous	24 inches (height)	36 inches (height)
Evergreen	18 inches (height)	24 inches (height)

LAND DIVISION ORDINANCE
TOWNSHIP OF ALPINE
KENT COUNTY, MICHIGAN

ORDINANCE NO. 97-8

An ordinance to regulate the creation, partitioning and division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, being the Michigan Land Division Act, Act 359 of 1947, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

The Township of Alpine ordains:

SECTION 1 TITLE

This ordinance shall be known and cited as the "Alpine Township Land Division Ordinance."

SECTION 2 PURPOSE AND SCOPE

- A. The purpose of this Ordinance is to implement the provisions of the Michigan Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) ("Act"), to prevent the creation of parcels of property and access easements which do not comply with applicable ordinances, zoning regulations and said Act, to minimize potential boundary disputes, to monitor the creation of new parcels and easements, to prevent illegal land divisions and to ensure that newly-created parcels are not landlocked, to prevent the creation of unusable lots due to noncompliance with the Alpine Township Zoning Ordinance or other ordinances, to assure orderly development of the community, and to otherwise provide for the health, safety and welfare of the residents and property owners of Alpine Township by establishing reasonable standards for prior review and approval of land divisions within Alpine Township ("Township").
- B. Approval of any land division pursuant to this Ordinance shall not provide, constitute, infer or imply use or zoning approval of any such division or resulting parcels or assure or imply buildability. Such use of land must still comply with the Township Zoning Ordinance and any other applicable ordinances, laws or regulations, and it remains the responsibility of the property owner to ensure such compliance.
- C. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with provisions of the Township Zoning Ordinance or of other laws or ordinances (except as otherwise expressly stated in Section 12 hereof) or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the division or use of land, easements or buildings than are imposed or required by the provisions of any restrictions or any other law or ordinance, or any of said rules, regulations or permits, then the provisions of this Ordinance shall govern.

SECTION 3 DEFINITIONS

For purposes of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. "Act" - Public Act No.288 of 1967, as amended (including, but not limited to, Public Act No.591 of 1996), being the Michigan Land Division Act (MCLA 560.101 et seq.)
- B. "Applicant" - a natural person, firm, association, partnership, corporation, estate, entity, or combination of any of them that holds an ownership interest in land whether recorded or not.
- C. "County" - Kent County, Michigan.
- D. "Divided" or "Division" - the creation, partitioning or splitting of a parcel or tract of land by the owner thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, transfer or lease of more than one (1) year, or of building development that results in one or more parcels. For purposes of this definition, "divided" or "division" shall include, but not be limited to, the creation of one or more access easements, parcels, lots or site condominium units whether created by partition, deed, land contract, a lease over one (1) year or other written agreement, whether or not recorded with the county register of deeds records, "Divided" or "division" shall also include the adjustment or reconfiguration of property lines.
- E. "Governing body" - the Alpine Township Board.
- F. "Township" - Alpine Township, Kent County, Michigan
- G. Except as expressly otherwise stated in this Ordinance, the definitions of the Act, as amended, are hereby incorporated by reference and are made a part of this Ordinance.
- H. For purposes of Sections 105(b) and 109(1)(d) of the Act, the word "area" shall mean any dimensional or space requirement of the Alpine Township Land Development Code, including, but not limited to, ~~size~~, road frontage, easement regulations and similar requirements.
- I. For purposes of Sections 105(b) and 109(1)(c) of the Act, the word "width" shall mean the width and frontage requirements of the Alpine Township Land Development Code, including, but not limited to, road frontage, private road, easement regulations and similar requirements.
- J. For purposes of this Ordinance, "lot" or "parcel" shall be used interchangeably

SECTION 4 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided and access easements shall not be created without the prior review and approval of the Township Zoning Administrator (or such other official as is designated by the Alpine Township Board by resolution from time to time) in accordance with this Ordinance and the

Act, except that a parcel proposed for subdivision through a recorded plat pursuant to the Township's Land Subdivision Ordinance and the Act shall be exempted from this requirement. If a proposed land division involves the division of one or more existing platted lots or the reconfiguration or adjustment of a boundary line of an existing platted lot, this Ordinance (including, but not limited to, its review and approval requirements) shall be applicable.

SECTION 5 APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Zoning Administrator (or such other official as is designated by the Alpine Township Board by resolution from time to time) for review and approval of a proposed land division before making any division either by recorded or unrecorded deed, land contract, lease for more than one year, or for building development:

- A. A completed application form, together with all required supporting materials.
- B. Written proof of fee ownership (warranty deed or recorded land contract) of the land proposed to be divided and a signature on the application by the fee title owner of the property.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended (MCL 54.211), by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel, the parcels proposed to be created by the division(s) (including "remnant" parcels or those to be retained by the owner) and any easements, the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 45 day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township and submit a tentative preliminary parcel map drawn to scale of not less than 1" = 60' including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, easements, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the Township Zoning Administrator or other designated official prior to a formal application under this Section 5. Additionally, the Township may waive the survey requirement for good cause shown if adequate and accurate legal descriptions are demonstrated by the materials submitted by the applicant, and additionally, such materials are sufficient to show that all the requirements of the Ordinance and the Act have been met.

- D. Proof that all standards of the Act, this Ordinance and other applicable ordinances and laws have been met.
- E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Act. The Township may require that the applicant

provide a title search from a title insurance company if it is reasonably necessary to show that previous land divisions do not preclude the proposed land divisions.

- F. Proof that all due and payable property taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- H. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section 8 of this Ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.
- I. The full fee in an amount as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance.

SECTION 6 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. Upon receipt of a complete land division application package from an applicant, the Township Zoning Administrator (or such other official as is designated by the Alpine Township Board shall forthwith submit the same to the Township Zoning Administrator or other designated official for decision. The Township Zoning Administrator or other designee shall (i) approve, (ii) approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and welfare, or (iii) disapprove the land division applied for within 45 days after receipt of the complete application package conforming to this Ordinance's requirements (including any and all required zoning and private road approvals) and shall promptly notify the applicant in writing of the decision(s) and the reasons for any denial.

If the application package does not conform to this Ordinance requirements and the Act, the Township Zoning Administrator or other designee shall return the same to the applicant for completion and refilling in accordance with this Ordinance and the Act.

- B. Any person or entity aggrieved by the decision of the Township Zoning Administrator or designee may, within 30 days of said decision, appeal the decision to the Township Planning Commission or such other board or person designated by the Township Board which shall consider and resolve such appeal by a majority vote of said Board or by such other designated board at its next regular meeting or session affording sufficient time for a 20-day prior written notice to the applicant (and the property owner where other than the applicant) of the time and date of said meeting and appellate hearing. Any such appeal shall be in writing and must be

fled with the Township Clerk within said thirty (30) day time limit.

- C. Land division approvals shall be valid only for a period of ninety (90) days from the date of approval by the Township. If such lots, easements, parcels or site condominium units proposed by the land division are not properly recorded and accepted by the County Register of Deeds within this period, the land division approval shall be considered null and void and a new application must thereafter be submitted in compliance with the requirements of this Ordinance. If an amendment to the Township Zoning Ordinance or other Township ordinance becomes effective prior to the land division being recorded and the amendment applies to any of the resulting parcels, easements, lots or site condominium units in a way which would make the proposed lots, easements, parcels or site condominium units violate the Township Zoning Ordinance or other Township ordinance, the land division approval shall be null and void even if the 90-day time limit has not expired.
- D. The Township Zoning Administrator or designee shall maintain an official record of all land division applications, including denied, approved, unrecorded and accomplished land divisions.
- E. Approval of a land division does not grant or imply approval for the use of such resulting lots or parcels. Any lot, easement, parcel or site condominium unit created by a land division must still comply with the requirements of the Township Zoning Ordinance (including, but not limited to, minimum lot area and width, road and lake frontage and width requirements, and where applicable, private road requirements) and any other applicable ordinances or regulations.
- F. No permanent parcel number or property tax identification number shall be issued for any new parcel, lot or site condominium unit until and unless a land division approval by the Township has been granted pursuant to this Ordinance and the deed, land contract or memorandum of land contract creating the land division has been recorded with the County Register of Deeds and Records.
- G. If the land division involves the use or creation of a private road, approval of the private road must be obtained from the Township in accordance with the Township Zoning Ordinance prior to the approval of the land division. Additionally, the applicant must submit evidence of review and approval of the private road location and entry by the Kent County Road Commission.

SECTION 7 STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved only if the following criteria are met:

- A. All the parcels and easements to be created by the proposed land division(s) fully comply with the applicable lot (parcel) yard access and area requirements of the Township Zoning Ordinance and other applicable Township ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, setback areas and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures

- B. The proposed land division(s) comply with all requirements of the Act, this Ordinance and all other applicable ordinances.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public road for public utilities and emergency and other vehicles not less than the requirements of the Township Zoning Ordinance, major thoroughfare plan, private road ordinance or this Ordinance. All proposed parcels shall have frontage on an improved public street or approved private street, at a minimum, equal to the required lot width for the zoning district in which the lot is located, as well as compliance with all applicable public or private street regulations.
- D. The ratio of depth to width of any parcel created by the division shall not exceed 4:1 unless otherwise provided by the Township Zoning Ordinance.
- E. Where accessibility is to be provided by a proposed new dedicated public road, proof that the County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.
- F. The Township may require such additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this Ordinance.
- G. The Township Board may establish reasonable fees for Township review and approval of land divisions, easements, and condominiums hereunder. Additionally, the Township may require the applicant to reimburse the Township for fees and costs incurred by the Township Attorney and/or Township Engineer in reviewing the proposed land division, easements, or condominium units. No land division or easement approval or permit shall be effective until all such fees and reimbursements have been paid to the Township in full.
- H. Within ten (10) days of the date the applicant receives the recorded copy of the deed, land contract, memorandum of land contract or easement agreement back from the County Register of Deeds Records (with the county stamps thereon), the applicant shall provide the Township with copies of the same so that the Township can verify that the resulting lots, parcels, condominium units and/or easements created by the recordings complies with the Township approval.
- I. No land division shall be approved until all ad valorem property taxes due and owing on the original parcel have been paid in full to the Township and/or County, and all special assessments and charges in lieu of special assessments, due and owing against the original parcel have been paid to the Township in full (unless exempted by Alpine Township). Additionally, no land division shall be approved until all indebtedness of the owners of the original parcel have been paid in full to the Township.

SECTION 8

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the Township Zoning Ordinance or this Ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records a permanent deed restriction with the County Register of Deeds, in a form acceptable to the Township, designating the parcel as "not buildable" and also not usable for anything other than agricultural or passive uses, which restrictions shall be enforceable by the Township.

Any such parcel shall also be designated as "not buildable" in the Township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding 1 foot in height or used except for agricultural or passive uses.

- B. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, the Township Zoning Ordinance, or the Act and the Township Zoning Administrator (or designee) determines the boundary adjustments to be minor.

SECTION 9 CONSEQUENCES OF NONCOMPLIANCE WITH THE LAND DIVISION APPROVAL REQUIREMENT

Any parcel or easement created in violation of or noncompliance with this Ordinance shall not be eligible for any building permits or zoning approvals such as special land use approval and site plan approval. Furthermore, no parcel, lot, site condominium unit or easement created in violation of this Ordinance or the Act shall be utilized for any purpose whatsoever, nor shall such land division be recognized. In addition, a violation of this Ordinance shall also subject the violator to the penalties and enforcement actions set forth in Section 10 of this Ordinance, and as may otherwise be provided by law.

In addition to the other remedies provided herein, the Township Zoning Administrator is authorized to deny or rescind a permanent parcel number or property tax identification number for any lot, parcel or site condominium unit created in violation of this Ordinance and to also formally request that County officials either rescind or refuse to issue such a property tax identifying number for any lot, parcel or site condominium unit created in violation of this Ordinance, where applicable.

SECTION 10 PENALTIES AND ENFORCEMENT

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation two hundred and fifty (\$250.00) for a second violation and five hundred dollars (\$500.00) for a third or subsequent violation.

Any person who violates any of the provisions of this Ordinance shall also be subject to civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION 11 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION 12 REPEAL

Alpine Township Ordinance No 96-1 is hereby repealed as of the effective date of this Ordinance. Additionally, all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, the Alpine Township Subdivision Ordinance, or the Township's building code.

SECTION 13 EFFECTIVE DATE

This Ordinance shall take effect 30 days following its publication after adoption.

The above Ordinance was offered for adoption by Brechting, and was seconded by Johnson, the vote being as follows:

AYE: Brechting, Chase, Heinbeck, Johnson, Roth, Schweitzer and Steffens
NAY: None
ABSENT: None

ORDINANCE #97-8 WAS DECLARED ADOPTED.

Cynthia Heinbeck
Alpine Township Clerk

I hereby certify that the above Ordinance was adopted by the Alpine Township Board at a regular meeting held at the Alpine Township Hall, 5255 Alpine Avenue, Comstock Park on Monday, October

**ALPINE TOWNSHIP
KENT COUNTY, MICHIGAN
RESOLUTION #00-09**

A RESOLUTION TO CONSIDER APPEALS TO THE INTERPRETATION OF THE LAND DIVISION ORDINANCE AND ANY DENIALS BY THE TOWNSHIP ZONING ADMINISTRATOR OR DESIGNEE RELATED TO THAT ORDINANCE

WHEREAS, in response to changes in State Law under Public Act 591 of 1996, the Alpine Township Board of Trustees adopted a General Township Ordinance, known as the Land Division Ordinance on October 20, 1997, which was published as required by law on October 30, 1997; and

WHEREAS, Section 6, Sub-section B gives any person or entity aggrieved by the decision of the Township Zoning Administrator or designee, an appeal process of the decision to deny a land division; and

WHEREAS, the approval of this General Township Ordinance, known as the Land Division Ordinance, was approved by the Township Board and enforcement of the same has not been overseen by the Planning Commission.

NOW THEREFORE, BE IT RESOLVED, that the Alpine Township Board designates the Township Board of Trustees to be the board so designated to hear appeals from the Land Division Ordinance.

At a regular meeting of the Alpine Township Board of Trustees held on Monday, March 20, 2000, a motion was offered Johnson, supported by Schweitzer, to approve the foregoing resolution.

**AYE: Brechting, Chase, Heinbeck, Johnson, Schweitzer and Steffens
NAY: None
ABSENT: Roth**

RESOLUTION NO. 00-09 WAS DECLARED ADOPTED.

Cynthia Heinbeck, Clerk

I hereby certify the above to be a true copy of a resolution adopted by the Alpine Township Board at a regular meeting held at the Alpine Township Hall on Monday, March 20, 2000, pursuant to the required statutory procedures.

Cynthia Heinbeck, Clerk

ALPINE TOWNSHIP

**LAND SUBDIVISION
AND
UTILITY EXTENSION ORDINANCE**

ORDINANCE NO. 89-10

As Amended April 17, 1989
As Amended February 19, 2001
(Ordinance #01-03)



**Alpine Township
County of Kent
State of Michigan**

LAND SUBDIVISION AND UTILITY EXTENSION ORDINANCE

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PUBLIC NOTICE

At regular meeting of the Alpine Township Board, held on the 17th day of April, 1989, the following Ordinance was adopted:

ORDINANCE NO. 89-10

*An Ordinance to adopt the Land Subdivision and
Utility extension Ordinance of Alpine Township*

LAND SUBDIVISION AND UTILITY EXTENSION ORDINANCE

Alpine Township, Kent County, Michigan, does ordain as follows:

ARTICLE I TITLE, PURPOSE, AND SERVICE AREAS

SECTION 1.1 SHORT TITLE. This Ordinance shall be known as the "Land Subdivision and Utility Extension Ordinance" of the Township of Alpine

SECTION 1.2 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of public health, safety, convenience, and general welfare. It shall be administered to insure orderly growth and development, to protect, and conserve land and natural features, and adequately provide for streets, utilities, and other land improvements in the Township.

SECTION 1.3 PURPOSE. This Ordinance is adopted to regulate the subdivision of land to accomplish the following purposes:

- (a) To carry out the purpose and intent of the Subdivision Control Act of 1967, PA 1967, No. 288 (MCLA 560.10), as amended.
- (b) To further the orderly layout and development of the Township
- (c) To provide for and regulate the economical provision or extension of utility services, streets, and other necessary land improvements.
- (d) To require that land be suitable and suitably improves for building sites.
- (e) To provide for adequate drainage.

- (f) To prevent the premature development of land; to provide for proper ingress and egress to lots.
- (g) To promote proper surveying, monuments, and legal descriptions.
- (h) To provide for safe and convenient traffic circulation and traffic movement.
- (i) To insure against the creation of unsafe or undesirable conditions.
- (j) To conserve the value of property.
- (k) To regulate the density of development in relation to utility services for the protection of the public health.
- (l) To conserve energy and natural features.
- (m) To carry out the purpose and intent of the Township Master Plan and Zoning Ordinance.
- (n) To establish rules and procedures for the process of subdivision under said act.
- (o) To provide for the adoption of improvement standards.
- (p) To provide penalties for the violation of this Ordinance.
- (q) To provide for the variation of these rules and requirements.

SECTION 1.4 APPLICABILITY. This Ordinance shall not apply to land divisions resulting in parcels or lots which are more than ten (10) acres in area.

ARTICLE II DEFINITIONS

SECTION 2.1 DEFINITIONS. For the purposes of this Ordinance, terms shall be defined as set forth in the Subdivision Control Act of 1967 and as defined herein:

BOARD: The Alpine Township Board.

COMMISSION: The Alpine Township Planning Commission

LOT SPLIT:

- (a) The combination of existing lots in a recorded plat into one (1) parcel;
- (b) The alteration of an existing lot line(s) in a recorded plat which does not change the number of lots;
- (c) The elimination of one (1) existing lot within a recorded plat combining it with not one more than four (4) immediately adjacent lots. Adjacent shall not include lots separated by any road right-of-way or easement or unplatted lots.

The term "lot split" shall not include the creation of new parcels of more than ten (10) acres, or the creation of parcels defined as a subdivision.

OUTLOT: A lot in a recorded plat which is set aside for purposes other than a building site, park, or other land dedicated to public or reserved to private use.

PLAT: A map or chart of a subdivision of land.

- (a) **Preliminary Plat:** A map showing the salient features of a proposed subdivision to an approving authority for the purposes of preliminary consideration and approval.
- (b) **Final Plat:** A map and accompanying material showing or explaining the salient features of a proposed subdivision to an approving authority for the purposes of final consideration and approval.

PROPRIETOR: A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land whether recorded or not.

STREET:

(a) Expressway: A street designed to move traffic to and from major thoroughfare, arterials and traffic generators and designated as such on the General Development Plan, as amended, intended to serve high volume traffic movements within the Township.

(b) Major Arterial: A street designated as such on the Thoroughfare Plan of the General Development Plan, as amended, intended to connect principal traffic generation to sections of the township and to the freeway system.

(c) Secondary Arterial: A street designated by the Thoroughfare Plan of the General Development Plan to provide connecting link between major system and local streets within a neighborhood.

(d) Local Street: A local street intended primarily to serve adjacent individual properties.

SUBDIVISION OF SUBDIVIDE: The partitioning or dividing of a parcel of tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns, for the purpose of sale, or lease of more than one year, or of building development, where the act of division created five (5) or more parcels of land, each of which is ten (10) acres or less in area; or five (5) or more parcels of land, each of which is ten (10) acres or less in area, are created by successive divisions within a period of ten (10) years.

SUBDIVISION CONTROL ACT: Public Act No. 288, the Subdivision Control Act of 1967, as amended.

TOWNSHIP: Alpine Township, Kent County, Michigan.

ARTICLE III LOT SPLITS

SECTION 3.1 SKETCH PLAT FOR LOT SPLITS. Before a Lot Split shall be effected by any owner of land or his agent, four (4) copies or prints of a Sketch Plat of the proposed subdivision shall be submitted to the Building Inspector for approval. The following procedures shall be followed:

- (a) Said Sketch Plat shall be drawn to scale and shall show the original parcel of land, of which such lot in question is a part, in full, the lot to be created, any building located on or within forty (40) feet of such new lot(s), and the names of the owner and the owners of all adjoining land. Dimensions to the nearest foot shall be showing on all lot lines and existing buildings and the distances between buildings and lot lines shall be shown.
- (b) The resulting lot or lots of any lot splits shall comply with all the original requirements for lots within the plat as provided by this ordinance and any other township ordinances.
- (c) The Building Inspector shall review the proposed Lot Split and determine if it complies with the provisions of this Ordinance and of the Zoning Ordinance. He shall approve the subdivision and shall certify such approval and the date thereof by signing said copies of the Sketch Plat. The Building Inspector shall forward one approved copy to the Supervisor and return one signed copy to the owner or his agent.

ARTICLE IV PROCEDURES

SECTION 4.1 APPROVALS. The following procedure must be completed in order for a subdivision to receive approval by the Township:

Preliminary Plat approval by the Planning Commission.

Preliminary Plat approval by the Township Board – Step I.

Preliminary Plat approval by the Township Board – Step II.

Final Plat approval by the Township Board.

SECTION 4.2 PREPLAT DISCUSSION. Prior to the preparation of the preliminary plat, there should take place a preplat discussion meeting between the proprietor and the Planning Commission of a proprietor's intent to initiate a subdivision. On or before this meeting, the proprietor should submit the following to the Commission:

- (a) Several copies of a sketch, to scale, indicating the general location and configuration of the property to be subdivided; the alignment of streets and lots; and the relationship of the proposed plat to adjacent streets and neighboring properties.
- (b) A statement regarding the purpose of sewer and water supply.

During the preplat discussion meeting, it shall be the responsibility of the Planning Commission, based on the information available, to inform the proprietor about the following:

- (c) General requirements of this Ordinance and the Zoning Ordinance.
- (d) Planned or anticipated sites of parks and recreation areas or other public uses.
- (e) Utility system capabilities.
- (f) Planned or anticipated public improvements, including streets, utility extensions, and the like.
- (g) Major street plans and potential problems relative to the natural features of the area including, but not limited to, floodplains, soil conditions, topography, and groundwater tables.

(h) Additional information which will assist the proprietor in proceeding in a reasonable and sound manner toward a Final Plat Approval.

Preplat discussions are intended for information purposes only and do not constitute binding commitments on the part of the Township. Neither do they imply tentative approval of any subsequent preliminary plat. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.

In the event the proprietor does not elect to undertake preplat discussions with the Planning Commission, the proprietor is encouraged to contact the Township Supervisor, Building Inspector, or other Township officials prior to initiating a preliminary plat for the purposes of discussing the items listed in Section 4.2 above.

SECTION 4.3 PRELIMINARY PLATS. The Preliminary Plat approval procedure is intended to assure the Township that the proprietor is proceeding towards a Final Plat which will conform to all applicable regulations and be acceptable to the Township and other approving agencies. Approval of the Preliminary Plat by the Township shall not relieve the proprietor from obtaining the necessary approvals from other agencies having jurisdiction over other aspects of the plat.

SECTION 4.4 PRELIMINARY PLAT REQUIREMENTS. Preliminary Plats shall be prepared in accord with Sections 111 through 120 of the Subdivision Control Act, as amended, and Article 5 of this Ordinance. Preliminary Plats prepared for Planning Commission review and Step I approval by the Township Board shall include or be accompanied by items of Article 5.1. In addition to the review required in Section 4.5, the proprietor or his agent shall submit copies of the Preliminary Plat to the appropriate agencies as required in Sections 113 through 119 of the Subdivision Control Act, as amended.

SECTION 4.5 SUBMISSION OF PRELIMINARY PLATS.

(a) Preliminary Plats shall be submitted to the Township Clerk at least three weeks prior to the next regular meeting of the Planning Commission. The following procedure shall be followed:

- (1) Submit seven (7) copies of the Preliminary Plat to the Township Clerk.
- (2) Submit to the Township an application fee of one-thousand (\$1,000.00) and an escrow fee of one-thousand (\$1,000.00).
- (3) The Township Clerk shall retain one (1) copy of the Preliminary Plat, and, within seven (7) days from submission, forward two (2) copies to the Supervisor and five (5) copies to the Secretary for the Planning Commission.

(b) State law requires that within ninety (90) days from the date of submission, the Township Board shall act upon the Preliminary Plat. In order to accomplish the necessary review within this time period, the proprietor or his agent is encouraged to be present at all meetings of the Planning Commission and the Township Board at which the plat will be reviewed. The plat shall be reviewed by the Supervisor, Planner, and the Engineers, who shall report to the Planning Commission on any suggestions or recommendations.

SECTION 4.6 PLANNING COMMISSION REVIEW. The Secretary of the Planning Commission shall notify by mail all the members of the Planning Commission and the proprietor that a meeting will take place at a specified time on the property proposed to be subdivided. The Secretary shall also give such notice of the special meeting as is required by the Open Meetings Act. Said special meeting shall be as far as possible on the same day as the regular meeting. The Planning Commission shall give particular attention to the requirements of Article V of this Ordinance. If the Preliminary Plat meets the requirements of this Ordinance, the Planning Commission shall forward one (1) copy of the Preliminary Plat along with a notation indicating Preliminary Approval and any recommendations to the Township Board for Step I Approval.

If the plat does not meet the requirements of the ordinance, the Planning commission shall:

- (a) Deny Preliminary Plat approval, setting forth the reasons in writing, or
- (b) Grant Preliminary Plat approval contingent upon completion of the revisions as noted.

The Secretary of the Planning Commission shall forward one (1) copy of the Preliminary Plat along with the planning Commission's recommendations to the applicant and one (1) copy to the Township Board.

SECTION 4.7 TOWNSHIP BOARD STEP I REVIEW, PRELIMINARY PLAT. After receipt of the Preliminary Plat and recommendations from the Planning Commission, the Township Board shall consider the Preliminary Plat and its next meeting, or within twenty (20) days from the date of receipt from the planning Commission.

- (a) The Township Board shall consider the Preliminary Plat along with the recommendations of the planning Commission and Supervisor. If the plat meets the Preliminary Plat requirements of the Ordinance, the Board shall grant Step I Preliminary Plat approval. The Township Clerk shall sign the plat with the notation that it had received Step I approval and the proprietor shall be so notified. Step I approval shall give the proprietor the following rights for a one (1) year period from the date of approval:
 - (1) That the general terms and conditions under which Step I approval was granted will not be changed by the Township.

- (2) That the lot sizes, lot orientation, and street layouts have been approved.
 - (3) That Step I approval may be extended if applied for by the proprietor prior to the one (1) year expiration date and granted by the Township Board in writing.
- (b) If the Preliminary Plat substantially meets the requirements of this Ordinance, the Township Board may grant tentative approval of Step I, such approval being conditioned upon the submission of such changes, revisions or additional material as is determines to be necessary to complete Step I. Upon the submission of such changes, revisions, or additional material, the Preliminary Plat shall be granted unconditional Step I approval and the proprietor shall be so notified.
- (c) If the Preliminary Plat does not meet the requirements of this Ordinance, the Township Board shall deny Step I approval and so notify the proprietor along with the reasons therefore.

SECTION 4.8 TOWNSHIP BOARD STEP II REVIEW, PRELIMINARY PLAT.

- (a) After the Township Board has granted Step I approval, the proprietor shall submit two (2) copies of the Preliminary Plat to the Township Board for Step II review. Step II review shall, after filing, take place at the next Township Board meeting or within twenty (20) days of filing. The proprietor shall also submit the following:
- (1) A lost of all reviewing authorities certifying that the lost shows all authorities as required by Sections 112 to 119 of the Subdivision Control Act, as amended.
 - (2) A copy of each review of subdivision site report by the above noted authorities after their approval has been secured.
 - (3) A copy of any proposed or required deed restrictions or covenants.
 - (4) A copy of a preliminary draft of any special agreements which may be required before the Final Plat approval is granted.
- (b) The Township Boars shall consider the Preliminary Plat and the above noted material and, if found to be in compliance with the terms of this Ordinance, shall grant Step II approval. Step II approval shall give the proprietor the following rights for a period of two (2) years from the date of approval:
- (1) That the general terms and conditions under which Step II approval was granted will not be changed and the proprietor may proceed with the installation of required improvements.

- (2) That the proprietor may submit all or parts of the Step II approved Preliminary Plat as a Final Plat in accordance with the Subdivision Control Act, as amended, and this Ordinance.

The two (2) year period may be extended if applied for by the proprietor and granted by the township in writing. Written notice of the extension shall be sent by the Township Clerk to the other approving authorities.

- (c) If the Preliminary Plat substantially meets the requirements of the Ordinance, this Township Board may grant tentative approval of Step II, such approval being conditioned upon the submission of such changed, revisions, or additional materials as is determined to be necessary to complete Step II. Upon the submission of such changes, revisions, or additional material, the Preliminary Plat shall be granted unconditional Step II approval and the proprietor shall be so notified. Upon the Conditions having been met, Final Step II approval shall be given. Final Step II Preliminary plat approval shall also be noted on the copy of the Preliminary Plat to be returned to the proprietor.
- (d) If the Preliminary Plat does not meet the requirements of this Ordinance, the Township Board shall deny Step II approval and so notify the proprietor along with the reasons therefore.
- (e) Installation of all plat improvements authorized by Step II approval shall be in accord with the requirement of the appropriate agency of utility having jurisdiction. The following have jurisdiction in Alpine township:

Kent County Road Commission – streets, sidewalks, storm sewers
Kent County Drain Commission – drains and drainage from the plat
Kent County Department of Public Works – sanitary sewer and water main
Consumers Energy Company – electrical and street lights
Michigan Bell Telephone Company – telephone
Michigan Consolidated Gas Company - gas

SECTION 4.9 FINAL PLAT APPROVAL. Within two (2) years from the date of Step II approval of the Preliminary Plat, the proprietor shall prepare and submit a Final Plat containing all the certificated, signatures, and specifications required by the Subdivision Control Act.

- (a) After the signature of the surveyor, proprietor, County Treasurer, Township Treasurer (if necessary), County Drain Commissioners, and the County Road Commission are obtained, the proprietor shall submit the Final Plat to the Township Clerk at least two (2) weeks prior to the next regular meeting of the Township Board. The proprietor shall also submit the following:

- (1) A twenty (\$20.00) dollar filing and recording fee as required in section 241 of the Subdivision Control Act together with a Township fee of one (\$1.00) dollar for each lot in the Final Plat.
 - (2) One (1) copy of as-built plans of all completed improvements.
 - (3) All final agreements and deed restrictions.
 - (4) Letters of approval from all applicable agencies or utilities listed in 4.8(4) stating that improvements have been properly installed and inspected, and the inspection fees paid, or that performance bonds or other similar surety have been submitted for uncompleted improvements.
- (b) The Clerk shall review the Final Plat and associated material for compliance with all requirements of Section 4.8 Township Board Step I Review Preliminary Plat.
 - (c) If all submissions are found acceptable, the Clerk shall submit the same to the Township Board at its next regular meeting for approval.
 - (d) The Board shall approve or reject said Final Plat and associated material, and if approved, shall instruct the Clerk to certify such approval together with the date thereof. When required, the Clerk shall also certify upon the Final Plat the approval and date of Health Department approval on the approved Preliminary Plat.
 - (e) The Clerk shall thereupon promptly forward all copies of the Final Plat to the Clerk of the County Plat Board together with the twenty (\$20.00) dollar filing and recording fee.
 - (f) When the Final Plat is returned by the State Treasurer with a certification of approval, the Final Plat shall be recorded as a plat of record.
 - (g) If the Final Plat and associated material are not found acceptable, the Clerk shall so notify the proprietor who shall arrange for correction, modification, or additional guarantees to satisfy the requirements of this Ordinance.

SECTION 4.10 BUILDINGS AND SALES. Until recorded as a plat of record, a property is unsubdivided. No more than one (1) principle building may be constructed on such parcel, except that where streets and other improvements have been installed in accordance with the Step II Approved Preliminary Plat, such streets shall be deemed to have subdivided the plat into blocks; and one principle building may be constructed upon each block so formed. Sale of any lot or portion of said parcel, unless by an entire block, shall not be made until approval of the Final Plat.

- (a) Where a proprietor desires to construct additional buildings before improvements are completed and before the Final Plat is approved by the Township, he shall submit proof of Performance Guarantees to the Township Board for approval. Said Performance Guarantee shall cover the entire cost of installing improvements plus an amount sufficient to pay all inspection costs. The Performance Guarantee shall be in proper form, issued by an approved surety, and have specific time limit noted.
- (b) Regardless of the above stipulations on buildings, the Township Board may restrict building on uncompleted plats if in its opinion premature construction would not be in the best interests of the Township.
- (c) The Building Inspector shall not be authorized to issue any Building Permits in an unrecorded plat unless otherwise authorized by the Township Board under these provisions.

ARTICLE V PLAT DETAILS

SECTION 5.1 PRELIMINARY PLAT. The preliminary Plat shall be designed in accordance with the provisions of Articles VI, VII, and VIII, the requirements of the Subdivision Control Act and, where applicable, the requirements of the County Health Department, the Drain Commission, the County Road Commission, the Department of Natural resources, the Department of State Highways and Transportation, and the Water Resources Commission. The Preliminary Plat shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:

- (a) The name of the plat; the name and address of the proprietor; the name, address, and seal of the surveyor; and a description of the property to be subdivided.
- (b) A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area, including existing zoning of abutting areas.
- (c) North arrow, scale, contour interval, and legend when appropriate.
- (d) Contour elevations adjusted to USGS datum at nor more than five (5) foot intervals.
- (e) Where appropriate, established floodplain contours and elevations adjusted to USGS datum.
- (f) Location of all existing streets, lots, plats, public utilities, drains, streams, or bodies of water on/or abutting the property.
- (g) The outlines, intended layout, and intended use of the entire property owned or represented by the proprietor. The following shall be included:
 - (1) Street and stub street right-of-way: location, width, and curve radii.
 - (2) Proposed street names.
 - (3) Lot lines, lot line dimensions to the nearest foot. Lot and block numbers, and lot areas to the nearest one hundred (100) square feet.
- (h) The location and dimensions of all existing or proposed easements or reserve strips, including electrical and telephone easements.

- (i) The locations and tentative sizes of proposed sanitary sewers, storm sewers, and catch basins, water mains, culverts, bridges, ponding area, ponds, lagoons, slips, waterways, lakes, bays, and canals.
- (j) Statements regarding:
 - (1) Intent to hook up to public sanitary sewage facilities.
 - (2) Intent to utilize private water.
 - (3) Zoning and lot size requirements
 - (4) Zoning requirements for front, side, and rear yard.
 - (5) Size and type of street in accord with Kent County Road Commission standards.
 - (6) Intent to install gas, sidewalks, street lights, and shade trees.
 - (7) Use of waterways, rivers, streams, creeks, lakes, or ponds.
- (k) Copy of any proposed or required deed restrictions or covenants.
- (l) Copies of reviews and approvals and, where necessary, Subdivision Site reports from:
 - (1) Kent County Road Commission.
 - (2) Kent County Drain Commission.
 - (3) Michigan Department of State Highways and Transportation.
 - (4) Michigan Department of Natural Resources.
 - (5) Michigan Water Resources Commission.
 - (6) Kent County Health Department.

SECTION 5.2 FINAL PLAT. The Final Plat shall be prepared as required by the Subdivision Control Act, as amended, and submitted to the Township Clerk in accord with Article 4.9.

The Final Plat shall also be accompanied by or show the following additional information:

- (a) One (1) set of approved as-built or final construction plans for all required improvements to be kept on file by the Township.
- (b) One (1) copy of the final deed restrictions or restrictive covenants
- (c) Deeds to any properties to be dedicated to the Township.
- (d) Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, street lights, or shade trees.
- (e) One (1) copy of any financing arrangements between the Township and the proprietor for the installation of required improvements.

ARTICLE VI
REQUIRED IMPROVEMENTS IN SUBDIVISIONS

SECTION 6.1. Prior to the granting of Final Plat Approval, the proprietor shall have installed, or have approved plans and agreements for the installation of, the following improvements:

- (a) **STREETS:** A paved street conforming to the Kent County Road Commission Construction Standards.
- (b) **RIGHTS-OF-WAY:** All rights-of-way and easements shall be grades across their entire width and length.
- (c) **WATER:** A public water supply of a size specified by the Township Engineer connected to an existing public system and available at the property line of each lot within the subdivision, together with fire hydrants of a kind approved by the Township Fire Chief in locations specified by the Township when the plat is within five hundred (500) feet of an existing public water line.
- (d) **SEWERS AND DRAINAGE:** Public sanitary sewers connected to an existing public system and available at the property line of each lot within the subdivision, culverts, catch basins, and storm sewers of a size specified by the Kent County Road Commission and outletting from the subdivision in a method, and to a drainage system, approved by the Kent County Drain Commissioner.
- (e) **ELECTRIC AND TELEPHONE CONDUITS:** Underground electrical and telephone conduits together with connection terminals available at each lot.
- (f) **STREET LIGHTS:** Street lights of a design and location approved by the Township and Consumers Power Company.
- (g) **GAS SERVICE:** Where available, gas distribution lines beneath the street prior to the paving and curbing of any street, at locations adequate to serve each lot by connections thereto without the further installation of gas lines beneath such streets.
- (h) **SIDEWALKS:** Five (5) foot wide sidewalks along all streets and where needed to serve public uses and the convenience and safety of the public as determined by the Planning Commission.
- (i) **TOPSOIL:** Topsoil moved during the course of construction shall be redistributed to where it was obtained. No topsoil may be used as fill in the plat or elsewhere but that

amount of topsoil that after redistribution from where it was obtained that would render the site from where obtained with the excess of four (4) inches of topsoil may be removed provided it is used as topsoil elsewhere.

- (j) **MONUMENTS:** Monuments shall conform to the Subdivision Control Act of 1967, as amended.
- (k) **STREET SIGNS:** Street signs shall be placed at all intersections within or abutting the subdivision. The name, type, and location shall be specified or approved by the Kent County Road Commission.

SECTION 6.2 VARIATIONS IN SUBDIVISIONS. The following provision may be waived by the Planning Commission upon request of the proprietor during the Preliminary Plat review stage:

- (a) Where an existing metes and bounds parcel is being incorporated into a subdivision, the width, depth, and area requirements of this Ordinance may be waived for the specific parcel if the Planning Commission determines it will not have a detrimental effect on the subdivision.

SECTION 6.3 COST DISTRIBUTION OF OVERSIZED IMPROVEMENTS. Where the Township requires that a given improvement be increased in size, length, or depth to meet the needs of other areas, arrangements shall be made with the Township or its agent prior to installation, or prior to approval of, a Final Plat for the additional costs thereof.

Township funds for permanent investment in these improvements are limited, and nothing contained herein shall serve to obligate the Township for these costs. The extension of utilities of improvements smaller than required to meet the needs of an entire area is prohibited.

ARTICLE VII
GENERAL PROVISIONS FOR ALL SUBDIVISIONS

SECTION 7.1 MASTER PLAN. All subdivisions shall conform to the provisions and conditions of the master Plan and Zoning Map for future development of the Township except as may be modified by this Ordinance.

SECTION 7.2 STREETS. All streets shall conform in direction and alignment with the Master Plan and shall connect with existing streets without jogs or sharp angles. The following requirements shall be met:

- (a) **CURVES:** Curving local streets shall have a centerline radius conforming to Kent County Road Commission standards.
- (b) **RIGHTS-OF-WAY:** Local and Secondary arterial street rights-of-way shall be at least sixty-six (66) feet in width. Major arterial street right-of-way shown on the Master Plan shall be at least eighty-six (86) feet in width of forty-three (43) feet from the centerline. Expressway rights-of-way shown on the Master Plan shall be at least one hundred twenty (120) feet in width, or sixty (60) feet from the centerline. Alley rights-of-way, if permitted by the Planning Commission, shall be at least twenty (20) feet in width.
- (c) **STUB OR OUTLET STREETS:** Stub streets or outlets to adjacent undeveloped property shall be fully improved, including drainage and utilities as required for all other streets in the subdivision.
- (d) **RESERVE STRIPS:** Reserve strips along major streets may be required by the Planning Commission to be dedicated to the Township or County to prohibit access upon the major street from a specified lot or lots.
- (e) **STREET NAMES:** All street names shall be subject to the approval of the Township Board and the Road Commission.
- (f) **OFF-SETS:** Off-setting streets at an intersection are prohibited unless the centerlines thereof are off-set at least one hundred twenty-five (125) feet. Such off-sets shall be subject to Township approval and the approval of the Road Commission.
- (g) Streets shall be designed in such a way to promote reasonable access to the plat and any further development that may occur.

SECTION 7.3 LOTS. The following lot requirements shall be met:

- (a) **SUITABILITY:** Where there is a questions as to the suitability of a lot or lots for their intended use due to factors such as soil formations, flood conditions, floodplains, wetlands, high water tables, or similar circumstances, the Planning Commission and Township Board shall, after adequate investigation, withhold approval of such lots for development purposes. Such lots shall be combined with other lots in such a manner as to prohibit future subdivisions.

7.4 BLOCKLENGTHS. Blocks shall generally be between six hundred (600) feet and one thousand (1,000) feet in length. Side streets or outlets or streets adjoining property may be required at a lesser interval if deemed necessary by the Planning Commission. Twenty (20) foot pedestrian crosswalk easements may be required by the Planning Commission with sidewalks at least five (5) feet in width.

SECTION 7.5 PUBLIC EASEMENTS. Where a subdivision is traversed by a water course or open drain, there shall be provided a public easement of such a width determined by the County Drain Commissioner, but in no case less than twenty (20) feet in width. There shall be required twenty (20) foot public easements along the lot lines of a block for utility facilities, drainage, walkways, access to public land, or similar needs of the community. Easements may be required to be dedicated to the Township of County.

SECTION 7.6 PUBLIC SITED AND OPEN SPACES. Where a proposed park, playground, school, street, or other public use shown in the Master Plan is located whole or in part in a subdivision, the Planning Commission shall bring the same attention of the proprietor and

the Township Board so that they may address the question of acquiring such areas by dedication, reservation, or payment.

SECTION 7.7 BUSINESS AND INDUSTRIAL SUBDIVISIONS. Where land is subdivided to be used for business or industrial purposes permitted by the Zoning Ordinance, the services and improvements to be required shall be fixed by the Planning Commission with reference to the use and density of the subdivided area and the type of business or industrial activity to be carried on in the subdivided area in accordance with the provisions of Section 6.1.

SECTION 7.9 LAW. The requirements, procedures, regulations, and powers set forth in the Subdivision Control Act of 1967, as amended, shall apply except as provided by this Ordinance.

SECTION 7.10 INSPECTION AND SPECIFICATIONS. The Township Boards may establish inspection fees, inspection requirements, specification standards and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance. All plans and installations of improvements called for shall be subject to the approval of the Township or its agent, or such other competent persons as designated by the Township. All inspection fees shall be paid by the proprietor before the Final Plat is signed by the township unless adequate sureties or deposits to cover these expenses are given to the Township prior to Final Plat approval.

ARTICLE VIII
GROUND AND PROCEDURE FOR A VARIANCE

SECTION 8.1 GROUND FOR A VARIANCE. If the proprietor can clearly demonstrate that literal enforcement of this Ordinance is impractical or will impose undue hardship in the use of his land because of peculiar conditions pertaining to his land, the Township Board may permit such variances as, in its sound discretion, it believed to be reasonable and within the general purpose and policy of this Ordinance. A financial hardship or gain shall not of itself be sufficient.

In making the findings required below, the Board shall consider the recommendations of the Planning Commission, the location and condition of the proposed subdivision, the nature of the proposed variance as compared with the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivisions and variances on traffic conditions, public health, and safety in the vicinity.

No variances shall be granted unless the Board finds that all of the following conditions exist:

There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.

The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The granting of the variance will not be contrary to State or County regulations or Township Ordinances, detrimental to the public welfare, or injurious to other property in the area in which said property is situated.

SECTION 8.2 PROCEDURE FOR A VARIANCE. A petition for any such variance shall be submitted in writing by the proprietor at the time when a preplat or the Preliminary Plat is filed for consideration of the Planning Commission, or thereafter to meet any requirements of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The Planning Commission shall make a recommendation by the full majority vote to the Township Board upon any requested variance. Upon recommendation by the Planning Commission that a variance be disapproved, the Township Board may grant such variance upon the concurring vote of three members of the Township Board.

ARTICLE IX
VALIDITY, ADMINISTRATION, AND ENFORCEMENT

SECTION 9.1 ADMINISTRATION. This Ordinance shall be administered by the Township Board. The rules, regulations, and standards imposed by this ordinance shall be considered to be the minimum requirements for the protection of the public health, safety, and welfare of the citizens of the Township; and in interpreting and applying them, primary consideration shall be given to these factors.

SECTION 9.2 VALIDITY. If any article, section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 9.3 ENFORCEMENT.

(a) This Ordinance shall be enforced by the Township Board.

(b) Penalty:

(1) Any person who shall sell or agree to sell any lot, piece, or parcel of land without first having recorded a plat thereof (as defined in the Subdivision Control Act) when required by this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred (\$500.00) dollars, or imprisonment in the county jail not to exceed one hundred eighty (180) days, or both, for the first offense, and for each subsequent offense, a like fine and imprisonment in the county jail not to exceed one year, or both. The term "agree to sell" shall not include an option to buy extended from the seller for a money consideration to the prospective buyer.

(2) Any person who violated any other provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred (\$500.00) dollars of imprisonment not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution of such offense. Every day such violation is permitted to exist shall constitute a separate offense.

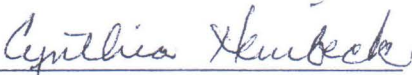
(c) Actions of Restrain of Prevent Violations. The Township Board may bring an action in its own name in the Circuit Court to restrain or prevent any violation of this Ordinance or any continuance of any such violation. Such action shall be brought in the county where the land is located, the defendant resided, or has his principal place of business.

SECTION 9.4 EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after publication in a newspaper circulating within Alpine Township.

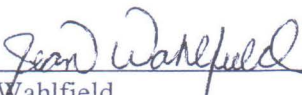
At a regular meeting held on Monday, February 19, 2001, Steffens, offered a motion, with support from Brechting, to approve the foregoing Ordinance as presented. The Ordinance was approved as follows in a roll call vote.

AYE: Brechting, Heinbeck, Kober, Schweitzer, Steffens and Wahlfield
NAY: None
ABSENT: Chase

ORDINANCE NO. 01-03 WAS DECLARED ADOPTED.

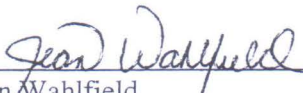


Cynthia Heinbeck
Township Supervisor



Jean Wahlfield
Township Clerk

I hereby certify the foregoing to be a true and accurate copy of an ordinance duly adopted at a regular meeting of the Alpine Township Board held on February 19, 2001 and that public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.



Jean Wahlfield
Township Clerk

Public Hearing: 02/19/01
Approval: 02/19/01
Publication: 03/15/01
Effective Date: 04/15/01

Charter Township of Alpine
UNPLATTED PROPERTY ORDINANCE
Ordinance No. 91-4

An ordinance regulating the use and development of unplatted property adopted under the provisions of Act 184 of the Public Acts of 1943, as amended, Act 359 of the Public Acts of 1947, as amended, and giving due consideration to the provisions of Act 59 of the Public Acts of 1978, as amended, requiring the preparation and presentation of preliminary and final plans for such purposes; establishing minimum standards; providing for minimum improvements to be made or guaranteed to be made by the developer; setting forth the procedures to be followed by the Township Planning Commission and Township Board in applying these rules, regulations, and standards; and prescribing penalties for the violation of its provisions:

ARTICLE 1
SCOPE AND PURPOSE

The purpose of this Ordinance is to provide procedures for the orderly use and development of property which results in the creation of 5 or more lots, as defined herein, and which is not otherwise regulated by the Township's Land Subdivision and Utility Extension Ordinance (herein called the "Subdivision Ordinance").

SECTION 1.1 SHORT TITLE. This Ordinance shall be known as the "Unplatted Property Ordinance" of the Charter Township of Alpine.

SECTION 1.2 SCOPE. The scope of this Ordinance is to adopt minimum standards and procedures required in the preparation and presentation of plans for the development of lots not otherwise subject to the Township's Subdivision Ordinance and the Michigan Subdivision Control Act of 1967 (Act 288, Public Acts of Michigan, 1967, as amended). This Ordinance also identifies minimum standards for the development of property in the Township; and sets forth procedures to be followed by the Township in applying these rules, regulations, and standards; and prescribing penalties for the violation of the provisions of this Ordinance.

SECTION 1.3 PURPOSE. The purpose of this Ordinance is to insure that plans for the use and development of all property within the Township, unless such development is controlled and provided for by the Township's Subdivision Ordinance, shall be reviewed with the objective and intent of achieving many of the same characteristics and land use results as if the proposed development and improvements were being proposed under the Township's Subdivision Ordinance.

In addition, this Ordinance is adopted to accomplish the following:

- (1) To further the early layout and development of property within the Township.
- (2) To require that land be suitable and suitably improved for building sites.
- (3) To provide for adequate drainage.
- (4) To prevent the premature development of land; to provide for proper ingress and egress to all parts of such development.
- (5) To promote proper surveying and legal descriptions.
- (6) To provide for safe and convenient traffic circulation and traffic movement.
- (7) To insure against the creation of unsafe or undesirable conditions.
- (8) To conserve the value of property.
- (9) To regulate the density of development in relation to the availability of, or the lack of, utilities services.
- (10) To conserve energy and natural features.
- (11) To carry out the purpose and intent of the Township Master Plan and Zoning Ordinance.
- (12) To establish rules and procedures for the rational development of land within the Township.
- (13) To provide for the adoption of improvement standards.
- (14) To provide penalties for the violation of this Ordinance.

SECTION 1.4 APPLICABILITY. This Ordinance shall apply to any project which results in the creation of five or more lots or building sites, each of which is ten acres or less in area, whether such development is accomplished in one phase or in successive phases within a period of ten years. This Ordinance shall not apply to the development of land wherein such development results in lots or building sites which are more than ten acres in area.

ARTICLE 2 DEFINITIONS

The following terms are defined in a manner intended to make comparison possible between the terms of the Alpine Township Zoning Ordinance, the Township Subdivision Ordinance, and this Ordinance, and also in the context of Act 59 of the Public Acts of 1978, as amended (sometimes referred to herein as the "Condominium Act").

"Building envelope" means the area of a condominium Project within which a Condominium Structure may be constructed, together with any accessory structures, as described in the master deed for the condominium Project. In a single-family residential site condominium Project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

"Condominium Structure" shall mean the principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g. in a residential development, the condominium structure would refer to the house and any attached garage.

"Condominium Project" shall mean a condominium Project developed under the Condominium Act.

"Lot(s)" shall have the same meaning as set forth in the Alpine Township Zoning Ordinance, the definition of which is hereby incorporated by reference.

"Master Deed" means the legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the Project and the approved condominium subdivision plan for the Project.

"Project" means a proposal made to the Township, subject to this Ordinance, for the use or development of property.

"Setback - Front, Side and Rear Yard" shall mean the distance measured from the respective front, side, and rear yard boundary lines associated with the lot to the respective front, side, and rear of the condominium structure/building envelope.

"Condominium Unit" means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium Project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

"Subdivision Ordinance" means the Alpine Township Land Subdivision and Utility Extension Ordinance.

Except as otherwise provided by this Chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meanings given to them in that Act: "common elements"; "limited common elements"; "condominium documents"; "condominium unit"; and "general common elements".

ARTICLE 3
REVIEW AND APPROVAL PROCEDURES

Application for review and approval of a proposed project subject to this Ordinance shall be in accordance with the following procedures:

SECTION 3.1 PRELIMINARY DISCUSSION. Prior to formal application, the developer shall meet with the Planning Commission to inform the Planning Commission of the applicant's intent to initiate a Project regulated by this Ordinance. Before this meeting, the applicant shall submit the following to the Township Clerk who shall distribute it to all Planning Commissioners, the Township Supervisor and the Township Planner:

- (a) A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment and type of streets and lots; and the relationship of the proposed Project to adjacent streets and neighboring properties.
- (b) In a Project to be located in the RA Zone, the site sketch shall show any and all farms within one-half (1/2) mile of the site.
- (c) A statement providing information regarding utilities, soil, drainage and other similar information.

During the preliminary discussion meeting, the Planning Commission, based on the information available to it, shall inform the applicant about the following:

- (d) General requirements of this Ordinance and the Zoning Ordinance.
- (e) Planned or anticipated sites of parks and recreation areas and other public uses.
- (f) Utility system capabilities.
- (g) Planned or anticipated public improvements, including streets, utility extensions, and the like.
- (h) Major street plans and potential problems relative to the natural features of the area including, but not limited to, floodplains, soil conditions, topography, and groundwater tables.
- (i) Existence of farms on the surrounding property, which includes the possibility that future residents of the Project may experience unwanted farm production practices, such as noises, smells and fertilizers.

- (j) Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward final approval of the Project.

Preliminary discussions are intended for information purposes only and do not constitute binding commitments on the part of the Township. Neither do they imply tentative approval of any subsequent Project plans. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.

SECTION 3.2 PRELIMINARY DEVELOPMENT REQUIREMENTS.

- (a) **Submission Requirements.** An application for preliminary review of a Project Plan, subject to this Ordinance, shall be made to the Township Clerk along with the appropriate fees as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - (1) The applicant's name, address, and phone number.
 - (2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as an option or a purchase agreement.
 - (3) The name, address, and phone number of the owner(s) of record if different than the applicant.
 - (4) The address and/or parcel number of the property.
 - (5) Project description, including number of structures, dwelling units, square feet of building, parking spaces, and estimated employees.
 - (6) Gross and net size of the parcel in acres.
- (b) The applicant shall provide at least ten (10) copies of the preliminary site plan and additional copies if deemed necessary by the Clerk. The plans shall contain the information required for preliminary site plans as required by this Ordinance.
- (c) The application and plans shall be submitted at least two weeks before the next regularly scheduled meeting of the Planning Commission.
- (d) Upon receipt of the preliminary site plans, the Clerk shall forward one copy to each member of the Planning Commission, the Township Engineer, and Township Planner for consideration at the next regularly scheduled meeting of the Planning Commission. The Township Planner and Township Engineer shall report to the Planning Commission on any suggestions or recommended changes.

SECTION 3.3 PLANNING COMMISSION REVIEW. The Township Clerk shall notify by mail all the members of the Planning Commission and the applicant that a meeting will take place at a specified time concerning the property proposed for a Project. The Clerk shall also give such notice of the meeting as is required by the Open Meetings Act. In reviewing the Project Plan, the Planning Commission shall give particular attention to the requirements of Article 5 of this Ordinance. If the Project Plan meets the requirements of this Ordinance, the Planning Commission shall give it Preliminary Approval. The Secretary of the Planning Commission shall forward one (1) copy of the Project Plan along with a notation indicating Preliminary Approval and any recommendations to the Township Board for Step I Approval.

If the Project Plan does not meet the requirements of this Ordinance, the Planning Commission shall:

- (a) Deny Project Plan approval, setting forth the reasons in writing, or
- (b) Grant Project Plan approval contingent upon completion of the revisions as noted.

The Secretary of the Planning Commission shall forward the Planning Commission's recommendations to the Township Board.

SECTION 3.4 TOWNSHIP BOARD STEP I REVIEW, PROJECT PLAN. After receipt of the Project Plan and recommendations from the Planning Commission, the Township Board shall consider the Project Plan at its next meeting, or within twenty (20) days from the date of receipt from the Planning Commission. The Township Board shall act upon the Project Plan within ninety (90) days of receipt from the Planning Commission, unless the applicant agrees, in writing, to a longer period.

- (a) The Township Board shall consider the Project Plan along with the recommendations of the Planning Commission. If the plan meets the Project Plan requirements of this Ordinance, the Board shall grant Step I Project Plan approval. The Township Clerk shall sign the plan with the notation that it has received Step I approval and the applicant shall be so notified. Step I approval shall give the applicant the following rights for a one (1) year period from the date of approval:
 - (1) That the general terms and conditions under which Step I approval was granted will not be changed by the Township.
 - (2) That the lot sizes, lot orientation, and street layout have been approved.
 - (3) That Step I approval may be extended for not more than one (1) year if applied for by the applicant prior to the one (1) year expiration date and granted by the Township Board in writing.

- (b) If the Project Plan substantially meets the requirements of this Ordinance, the Township Board may grant tentative approval of Step I. This approval shall be conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step I. Upon the submission of such changes, revisions, or additional material to the Township Board, the Project Plan shall be granted unconditional Step I approval and the applicant shall be so notified. The initial one (1) year period set forth in subsection 3.4(a) begins on the date the Township Board grants tentative approval hereunder.
- (c) If the Project Plan does not meet the requirements of this Ordinance, the Township Board shall deny Step I approval and shall notify the applicant along with the reasons for denial.
- (d) If the information required for Step II approval as contained in Section 3.5 below is submitted during Step I review, the Township Board may grant Step II Approval if all such requirements are met.

SECTION 3.5 TOWNSHIP BOARD, STEP II REVIEW, PROJECT PLAN

- (a) Following Step I approval the applicant shall submit the site plans to the following agencies for their review and approval:
 - (1) Kent County Health Department
 - (2) Kent County Road Commission
 - (3) Kent County Drain Commission
 - (4) Michigan Department of Natural Resources
 - (5) Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the Project's construction phases.
- (b) The applicant shall then submit the necessary copies of the Project Plan to the Township Clerk along with a completed application form for Step II approval and any fee established by the Township Board. The applicant shall also submit the following:
 - (1) Documentation that the above agencies have approved the site plans, as applicable.
 - (2) A copy of any deed restrictions or covenants that will be enforceable against persons using any portion of the Project.

- (3) A copy of any preliminary agreements which may be required before Final Plan approval is granted.
 - (4) A copy of any proposed Master Deed or other master property use document to which a user or owner of a lot or building site in the Project is subject, and the supportive information whether intended to be recorded with the Register of Deeds or not.
- (c) The Clerk shall forward copies of the Plan to the Township Planner, the Township Engineer and others as deemed appropriate, for their review and recommendation.
 - (d) The Township Board shall review the site plans along with other submitted materials and the recommendation of the Township Engineer and Planner. If the Board determines that all requirements of this Ordinance have been met, it shall grant Step II approval and shall notify the applicant in writing of this approval. Project Plan approval shall also be noted on the copy of the Project Plan to be returned to the applicant.
 - (e) Step II approval shall be valid for a period of two (2) years from the date of approval and guarantees the following rights:
 - (1) That the general terms and conditions under which Step II approval was granted will not be changed and the applicant may proceed with the installation of required improvements.
 - (2) That the applicant may submit all or parts of the Step II approved Project Plan as a Final Plan in accordance with the Condominium Act, as amended, and this Ordinance.

The two (2) year period may be extended for a period not longer than one (1) year if applied for by the applicant and granted by the Township in writing. Written notice of the extension shall be sent by the Township Clerk to the other approving authorities.

- (f) If the Project Plan substantially meets the requirements of this Ordinance, the Township Board may grant tentative approval of Step II, such approval being conditioned upon the submission of such changes, revisions, or additional materials as is determined to be necessary to complete Step II. Upon the submission of such changes, revisions, or additional material to the Board/Building Inspector, the Project Plan shall be granted unconditional Step II approval and the applicant shall be so notified. Project Plan approval shall also be noted on the copy of the Project Plan to be returned to the applicant. The initial two (2) year period set forth hereinabove, begins on the date the Township Board grants tentative approval to Step II.

- (g) If the Project Plan does not meet the requirements of this Ordinance, the Township Board shall deny Step II approval and so notify the applicant along with the reasons for denial.
- (h) Installation of all Plan improvements authorized by Step II approval shall be in accord with the requirement of the appropriate agency or utility having jurisdiction. The following have jurisdiction in Alpine Township:

Kent County Road Commission - public streets, sidewalks, storm sewers

Kent County Drain Commission - drains and drainage from the site

Kent County Department of Public Works - sanitary sewer

Plainfield Township and Alpine Township - water mains

Consumers Power Company - electrical and street lights

Michigan Bell Telephone Company - telephone

Michigan Consolidated Gas Company - gas

SECTION 3.6 FINAL PLAN APPROVAL

- (a) Within two (2) years from the date of Step II approval of the Project Plan, the applicant shall prepare and submit the necessary copies of the Final Site Plan to the Township Clerk along with a completed application form and any fee established by the Township Board at least two (2) weeks prior to the next regularly scheduled Board meeting. The applicant shall also submit the following:
 - (1) Two (2) copies of as-built plans of all required improvements which shall be reviewed by the Township Engineer for compliance with applicable Township ordinances.
 - (2) A copy of all final agreements, restrictions, deeds or other documents and any Master Deed, which restricts or controls the use of the property in the development.
 - (3) Letters of approval from all applicable agencies or utilities listed in 3.5(h) stating that improvements have been properly installed and inspected, and inspection fees paid, or that performance bonds or other similar surety have been submitted for uncompleted improvements.

- (b) If all submissions are found acceptable, the Clerk shall submit the same to the Township Board at its next regular meeting for approval.
- (c) If the Board shall approve the Final Plan based upon the Plans and other material submitted and the recommendation of the Township Engineer, it shall notify the applicant in writing.
- (d) If the Board shall reject the Final Plan, the Clerk shall notify the applicant in writing stating the reasons for denial.
- (e) All provisions of the Final Plan which are approved by the Township Board must be incorporated, as approved, (i) in the Master Deed for a condominium Project, or (ii) in the site and development plans and deed restrictions for all other developments, as the case may be. A copy of any Master Deed as filed with the Kent County Register of Deeds for recording must be provided to the Township Clerk within ten (10) days after such filing with the County. Any other document providing rights and restrictions of users of the Project, must also be provided to the Township Clerk.

SECTION 3.7 EFFECT OF APPROVAL. Approval of a Final Plan shall serve as conditional authorization to proceed with the Project. Approval shall not serve as the authorization of land uses on individual lots. Uses on individual lots shall be subject to authorization under the provisions of the Alpine Township Zoning Ordinance and any general or special regulations applicable to the use.

ARTICLE 4
PROJECT PLANS

SECTION 4.1 REQUIRED CONTENT - Project Plan. Project Plan shall be prepared in accordance with the requirements for plats as contained in Article 5.1 of the Alpine Township Subdivision Ordinance which is hereby incorporated by reference.

In addition, the following shall be illustrated on the site plan or included as part of the application for site plan approval:

- (a) The location of any and all general and limited common elements.
- (b) The use and occupancy restrictions and maintenance provisions for all general common elements as will be contained in a Master Deed, or other document which imposes rights, obligations and/or restrictions on the owners or users of the lots.

SECTION 4.2 FINAL PLAN. The Final Plan for a Project shall be prepared in accordance with the requirements set forth in Article 5.2 of the Alpine Township Subdivision Ordinance which is hereby incorporated by reference.

ARTICLE 5

PROJECT PLAN LAYOUT, DESIGN, AND REQUIRED IMPROVEMENTS

SECTION 5.1 CONFORMANCE WITH ZONING. A Project, subject to this Ordinance, shall also be subject to the requirements of the Alpine Township Zoning Ordinance for that zoning district in which it is located.

SECTION 5.2 STREETS. A Project may be served by either a public or private road system. However, all streets, both public and private, shall adhere to the requirements of the Kent County Road Commission and Section 7.1 and 7.2 of the Alpine Township Subdivision Ordinance which is hereby incorporated by reference.

SECTION 5.3 WATER AND SANITARY SEWER.

- (a) All Projects within five hundred (500) feet of an existing public water line shall be served by public water of a size and available to the Project as required by Section 6.1 of the Alpine Township Subdivision Ordinance, incorporated herein by reference.
- (b) All Projects which are to be served by a private well shall adhere to the requirements of the Kent County Health Department.
- (c) All Projects shall be served by public sanitary sewer in accordance with the requirements of Section 6.1 of the Alpine Township Subdivision Ordinance, incorporated herein by reference.

SECTION 5.4 OTHER REQUIRED IMPROVEMENTS.

- (a) Before Final Plan Approval is granted, the applicant shall have installed or have approved plans and agreements for the installation of improvements as set forth in Section 6.1(d)(f)(g)(h) and (i) and Section 6.3 of the Alpine Township Subdivision Ordinance.
- (b) Monuments shall be located in the ground at all angles along the boundaries of the Project. These monuments shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least four (4) inches in diameter.
- (c) All corners of lots within a Project shall be staked in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter or other markers as approved by the Township Building Inspector.

SECTION 5.5 LAYOUT AND DESIGN. A Project shall be designed in accordance with Sections 7.1 through 7.6 of the Alpine Township Land Subdivision Ordinance which is hereby incorporated by reference.

SECTION 5.6 PERFORMANCE GUARANTEES. The Township Board may require formal agreements or the posting of a bond or other surety sufficient to guarantee the proper performance of required improvements or materials to meet the provisions and intent of this Ordinance. Where a bond is required, it shall be a corporate surety bond, meeting the approval of the Township.

SECTION 5.7 LAW. The requirements, procedures, regulations, and powers set forth in the Condominium Act shall apply except as provided by this Ordinance.

SECTION 5.8 INSPECTION, SPECIFICATIONS AND FEES. The Township Board may, by resolution, establish filing fees, inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance. All plans and installations of improvements called for shall be subject to the approval of the township or its agent, or such other competent persons as designated by the Township. Inspection fees shall be paid by the applicant before the Final Plan is signed by the Township unless adequate sureties or deposits to cover these expenses are given to the Township prior to Final Plan approval. Filing and inspection fees shall be set in an amount sufficient to cover the Township's costs for review by the Township Planning Commission, Township Planner, Engineer and other persons or bodies which perform services under this Ordinance.

SECTION 5.9 CONDOMINIUM PUD. A Project proposed as a Planned Unit Development shall adhere to the requirements of this Ordinance and Chapter XXII of the Alpine Township Zoning Ordinance which is hereby incorporated by reference.

SECTION 5.10 MOBILE HOME PROJECTS. A mobile home park proposed as a Project subject to this Ordinance, shall conform to all requirements of this Ordinance and Chapter X of the Alpine Township Zoning Ordinance which is hereby incorporated by reference.

ARTICLE 6

GROUNDS AND PROCEDURE FOR A VARIANCE

SECTION 6.1 GROUNDS FOR A VARIANCE. If the applicant can clearly demonstrate that literal enforcement of this Ordinance is impractical or will impose undue hardship in the use of the land because of peculiar conditions pertaining to the land, the Township Board may permit such variances as, in its sound discretion, it believes to be reasonable and within the general purpose and policy of this Ordinance. A financial hardship or gain shall not of itself be sufficient.

In making the findings required below, the Board shall consider the recommendations of the Planning Commission, the location and condition of the proposed Project, the nature of the proposed variance as compared with the existing use of land in the vicinity, the number of persons to reside or work in the proposed Project, and the probable effect of the proposed Project and variances on traffic conditions, public health, and safety in the vicinity.

No variance shall be granted unless the Board finds that all of the following conditions exist:

- (a) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land.
- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- (c) The granting of the variance will not be contrary to State or County regulations or Township Ordinances, detrimental to the public welfare, or injurious to other property in the are in which said property is situated.

SECTION 6.2 PROCEDURE FOR A VARIANCE.

- (a) The applicant shall submit an application for a variance to the Township Clerk on a form provided by the Clerk. The application fee shall be the same as provided by the Township Board for zoning variances. The application shall be submitted at least ten (10) days before the regularly scheduled meeting of the Planning Commission.
- (b) The Clerk shall forward the application and all associated materials to the Planning Commission and to the Township Engineer, Planner or Attorney as necessary.
- (c) The Planning Commission shall hold a public hearing and notice shall include, and shall be given in accordance with Section 22.08(a), (b) and (c) of the Township Zoning Ordinance.

- (d) The Planning Commission shall make a recommendation to approve, deny or modify the variance request to the Township Board stating its reasons for the recommendations. The Commission shall rely on the criteria of Section 6.1 above in making its recommendation.

- (e) The Township Board shall consider the recommendation of the Planning Commission at its next regularly scheduled meeting following the Planning Commission's recommendation and shall approve, deny, or modify the recommendation of the Planning Commission.

ARTICLE 7

VALIDITY, ADMINISTRATION, AND ENFORCEMENT

SECTION 7.1 ADMINISTRATION. This Ordinance shall be administered by the Township Supervisor, Township Zoning Administrator or their designated agent. The rules, regulations, and standards imposed by this Ordinance shall be considered to be the minimum requirements for the protection of the public health, safety, and welfare of the citizens of the Township; and in interpreting and applying them, primary consideration shall be given to these factors.

SECTION 7.2 VALIDITY. If any article, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7.3 ENFORCEMENT.

- (a) This Ordinance shall be enforced by the Township Supervisor, Township Zoning Administrator or their designated agent.
- (b) Penalty
 - (1) Any person who violates any provision of Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred (\$500.00) dollars or imprisonment not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution of such offense. Every day such violation is permitted to exist shall constitute a separate offense.
- (c) Actions to Restrain or Prevent Violations. The Township Board may bring an action in its own name in the Circuit Court to restrain or prevent any violation of this Ordinance or any continuance of any such violation. Such action shall be brought in the county where the land is located, the defendant resides, or has his principal place of business.

SECTION 7.4 EFFECTIVE DATE. This Ordinance shall be effective immediately after publication in a newspaper circulating within Alpine Township.

RESOLUTION NO. 91-113

At a regular meeting of the Alpine Charter Township Board held on the 19th day of August, 1991.

It was moved by Member Steffens and seconded by Member Schweitzer that Ordinance No. 91-4, a copy of which is attached hereto and made a part herof, be adopted.

AYES: Brechtling, Chase, Czarnecki, Roersma, Schweitzer, Steffens, Tikkanen

NAYS: None

ABSENT: None

ABSTAIN: None

RESOLUTION DECLARED ADOPTED:

Sharon Steffens
Sharon Steffens, CMC
Alpine Charter Township Clerk

I, Sharon Steffens, hereby certify that the foregoing is a true copy of Resolution 91-113 adopted by the Alpine Charter Township Board at its ~~special~~ regular meeting held on the 19th day of August, 1991.

Sharon Steffens
Sharon Steffens, CMC
Alpine Charter Township Clerk

CHARTER TOWNSHIP OF ALPINE
FILL ORDINANCE
ORDINANCE NO. 93-1
EFFECTIVE APRIL 8, _____, 1993

SECTION 1 - PURPOSE & SCOPE

A. The purpose of this Ordinance is:

1. To regulate filling and stockpiling activities in order to **avoid or mitigate negative impacts of changes to existing drainage patterns.**
2. To monitor the amount and type of material brought into the Township or transferred between sites within the Township
3. To prevent the creation of hazardous conditions or nuisances from filling or stockpiling activities
4. **To prevent conflict with the installation of future underground public utilities.**

B. **This Ordinance is not intended to apply to businesses such as landscaping, nurseries, excavating or others which regularly stockpile fill material as defined herein, on the same property as the business.**

C. The Ordinance is not intended to apply to activities regulated by P.A. 641 of 1978 as amended, the Solid Waste Management Act.

SECTION 2. **AUTHORITY.** The Alpine Township Board pursuant to Act 359 of the Public Acts of 1947 as amended and Chapter 16 of the Revised State Statutes of 1846 as amended, hereby ~~authorizes~~ the Alpine Township Planning Commission and Zoning Administrator to carry out the provisions of this Ordinance as set forth herein.

SECTION 3. **DEFINITIONS.** For purposes of this Ordinance, the following definitions shall apply:

- A. Acceptable Organic Materials - Wood chips, shredded or chopped bark, sawdust, or similar material.
- B. Earth Materials - Soil, topsoil, clay, sand, gravel, rock, stone or other similar material.

- C. Fill Material - Acceptable organic or earth material as defined herein which is free from cinders, ashes, refuse, soft or plastic clays, vegetable or other similar organic matter such as food waste, trees, branches, or stumps. Fill material shall be capable of being compacted. Up to ten (10) percent of fill material may be cobbles (small boulders), bricks, concrete or asphalt pieces no more than **twenty four (24)** inches in size in any direction.

Concrete slabs, asphalt chunks, metal bars, or similar material larger than **twenty four (24)** inches in size in any direction are prohibited as fill material.

SECTION 4 . PERMIT REQUIRED AND EXCEPTIONS

- A. 1) A permit shall be required for any activity which involves fill materials as defined herein being brought into a property from an off-site location. This requirement shall also apply to all properties where filling or stockpiling is occurring or has occurred as of the date of adoption of this Ordinance **except for businesses such as landscaping, nurseries, excavating or others which stockpile fill material on the same property as the business.** The owners of such properties shall apply for a permit under this Ordinance within thirty (30) days of the effective date of this Ordinance or such fill activities shall be deemed a violation of this Ordinance.
- 2) Activities permitted under this Ordinance may also be subject to a Soil Erosion Control Permit which is under the jurisdiction of the Kent County Road Commission.
- B. A permit is not required for the following fill activities:
- 1) When the total amount of fill material to be brought onto a property is less than **five hundred (500)** cubic yards.
- 2) When the fill material to be brought onto a property has already been authorized under a Special Use Permit for the removal of natural resources as required by the Alpine Charter Township Zoning Ordinance.
- 3) When the fill material is to be brought onto a site for a public improvement project **which has been duly authorized by the appropriate public agency or agencies.** For purposes of this Ordinance, a public improvement project shall be defined as a project funded with federal, state, and/or local monies such as roads, utilities, parks, public buildings or similar projects.
- 4) The construction of a single or two family dwelling unit **for which a permit has been issued.**
- 5) The construction of any use which is subject to site plan review in accordance with the requirements of the Alpine Township Zoning Ordinance.

- 6) **Ground restoration activities for public utility construction.**

SECTION 5. APPLICATION AND REVIEW PROCEDURES

- A. Application for a Fill Permit shall be filed with the Zoning Administrator, who shall provide the application form. The application shall include a fee as determined by resolution of the Alpine Township Board from time to time. In those instances where there will be only one (1) operator stockpiling or filling, application for a Fill Permit may be made by the operator on behalf of the land owner or by the land owner.

When more than one (1) operator will be stockpiling, or filling in connection with a project, then application for a Fill Permit shall be made by the land owner.

- B. The Township Zoning Administrator shall review all applications for fill activities involving between **500** and **5000** cubic yards of fill material. The Zoning Administrator may however, refer any such application to the Planning Commission for review and disposition.
- C. The Township Planning Commission shall review all applications for fill activities involving over **5000** cubic yards of fill material.

SECTION 6. REVIEW BY ZONING ADMINISTRATOR.

- A. An application for a fill permit which is initially to be reviewed by the Zoning Administrator shall contain the following information.
 - (1) The address and signature of the property owner and the business address of the person who will conduct the filling operation.
 - (2) Permanent parcel number of the property where the fill activity will take place.
 - (3) The nature of the proposed Project, the type of fill material to be brought onto the site, an estimate of the number of cubic yards of materials involved, and the depth and composition of proposed fill materials.
 - (4) A statement of the manner in which the Project work is to be completed, the kind of equipment proposed to be used, and estimated frequency of vehicle trips..
 - (5) The proposed route which the applicant proposes to use over the public streets and over private property in transporting the fill materials.
 - (6) The time within which the Project is to be commenced after the granting of the Permit and the time when it is to be completed.

- (7) The measures that will be taken by applicant to control noise, vibration, dust and traffic, and the measures that will be provided during the Project to prevent soil, dust, or other materials from being deposited on adjoining lands, public or private streets or in waterways through erosion by wind or water.
- (8) A description of any traffic control devices, public facilities, or public services which will be required for the proposed operation and a statement indicating how these will be provided.
- (9) Any measures which the applicant proposes to take to insure public safety especially the prevention of trespass by children or recreational vehicles on land **where filling or stockpiling activities may create hazardous situations.**
- (10) A drawing of the property which shall contain the following information as deemed necessary by the Zoning Administrator:
 - (a) North Arrow.
 - (b) The dimensions of the lot and acreage.
 - (c) Dimensions of area to be filled and proposed phasing and method of stabilization for each phase.
 - (d) The location of all roads bordering or on the property.
 - (e) The location of any power and gas lines on the property.
 - (f) The location of any easements on the property.
 - (g) Existing drainage patterns on the site.
 - (h) Natural features such as significant vegetation, bodies of water, wetlands, and streams on the site as well as within 500 feet of the site. **The presence of these water related items may also require a Soil Erosion and Sedimentation Permit from the Kent County Road Commission, as well as an Inland Lake and Stream Permit from the Michigan Department of Natural Resources.**
 - (i) The location, size, and use of buildings, structures, or other improvements on the land to which the Permit is to apply, as well as any buildings, structures, or other improvements within one hundred (100) feet of the property to which the Permit is to apply.
 - (j) Ingress and egress to the property.
- (11) Additional information as the Zoning Administrator may reasonably require to assist in reviewing the application.

- B. The Zoning Administrator shall review the information required for the application and other applicable information in accordance with the Standards for Permit Approval contained herein.

If, in the opinion of the Zoning Administrator, the proposed operation is in compliance with the requirements of this Ordinance, a Fill Permit shall be issued to the applicant.

If the proposed operation does not meet the requirements of this Ordinance, the Zoning Administrator shall so notify the applicant in writing stating the reasons for denial of the Permit.

The Zoning Administrator shall render a decision within **five (5) working** days of the date of receipt of the completed application.

- C. (1) Any person or party who is adversely affected by a decision of the Zoning Administrator under this Ordinance may appeal such decision to the full Planning Commission. Such appeal shall be filed with the Township Clerk within ten (10) days of the date of a final decision on the permit by the Zoning Administrator. The Clerk shall schedule the appeal for the next regular meeting of the Planning Commission. The Planning Commission shall affirm, reverse or modify the decision of the Zoning Administrator and shall state its findings in writing to the applicant.
- (2) Further appeal shall be to the Township Board within ten (10) days of a decision by the Planning Commission in the same manner as described above. The Board shall affirm, reverse or modify the action of the Planning Commission and shall state its findings in writing to the applicant.

SECTION 7 - REVIEW BY THE PLANNING COMMISSION

- A. An application for a Fill Permit which is initially to be reviewed by the Planning Commission shall be processed in the following manner:
- (1) The application shall be filed with the Zoning Administrator who shall review the application for compliance with the submission requirements of this Section. The Applicant shall provide ten (10) copies of the site drawing as required herein.
- (2) If the application contains sufficient information, the Zoning Administrator shall place the application on the next appropriate Planning Commission agenda for a public hearing. The Zoning Administrator shall follow the public hearing notification procedures for Special Use Permits as contained within the Alpine Township Zoning Ordinance. Such procedures are hereby incorporated by reference.
- (3) The Zoning Administrator shall forward all information submitted with the application to the Planning Commission.
- (4) The Planning Commission shall hold a public hearing on the application and shall render a decision on the application based on the information presented to it.

- (5) The Commission may approve, deny, modify, or approve with conditions, the application.
- (6) If the proposed operation is in compliance with the requirements of this Ordinance, the Commission shall approve the application and instruct the Zoning Administrator to issue a Fill Permit.

If the proposed operation fails to meet the requirements of this Ordinance, the Commission Chairperson shall notify the applicant in writing of the reasons for denial.

- (7) Any person on party **who is adversely affected** by a decision of the Planning Commission may appeal such decision to the Board of Trustees. Such appeal shall be filed with the Township Clerk within ten (10) days of the date of the Planning Commission's decision. The Clerk shall schedule the appeal for the next regular meeting of the Board. The Township Board shall affirm, reverse, or modify the decision of the Planning Commission and shall state its findings in writing to the applicant.

B. An application for a Fill Permit under this Section shall contain the following information.

- (1) As required by Section 6. A (1) - (9) and (11).
- (2) A drawing of the property at a scale not to exceed one inch equals two hundred feet, which must illustrate the following:
 - (a) As required by Section 6 A.(10)
 - (b) Existing and proposed contours at four (4) feet intervals (minimum) on the site and extending one hundred (100) feet beyond the boundaries of the site. Such contours shall be certified by a registered engineer, surveyor, or landscape architect.
 - c. Ingress and egress to the site and any driveways or roads within 125 feet of the driveway to the site.

SECTION 8. STANDARDS FOR APPROVAL

The following standards shall serve as the basis for decisions involving fill permits. The Zoning Administrator or Planning Commission, as the case may be, shall find:

- (1) That the proposed fill activity shall not interfere with existing drainage patterns so as to cause a negative impact on adjacent properties.
- (2) That the operation shall not result in hazardous traffic situations from vehicles entering or leaving the site.

- (3) That the proposed method of fill will result in the filled area being readied for building placement or other site improvements without the need for excessive or expensive measures such as removing the fill to permit site development.
- (4) That the proposed operation will be carried out in a manner which will not be detrimental to nearby persons or property by reason of excessive production of traffic, noise, dust, fumes or odors.
- (5) That the fill material is not hazardous, toxic or otherwise a threat to the public health, safety, and general welfare, and complies with the type of fill permitted by this Ordinance.
- (6) That the restored elevation of the land will be compatible with elevations on adjacent properties.

SECTION 9. RESTRICTIONS GOVERNING PERMIT HOLDER. Every person to whom any permit is granted under these regulations shall comply with the following.

- A. **The topsoil for the area to be filled shall first be removed before any fill is brought onto the site. If stockpiled on site, the topsoil shall be no higher than twenty (20) feet and comply with Item G herein.**
- B. All vehicles transporting fill materials from or to a project over public streets in the Township shall follow the truck route approved with the application.
- C. The restored elevation of the land shall be compatible with the surrounding area and the land shall be left in a condition suitable for subsequent development for uses permitted in the zoning district in which the land is zoned by the Alpine Township Zoning Ordinance.
- D. If, at the time the permit is granted, the Zoning Administrator shall determine that any project will present a dangerous condition if left open and unfenced, then such Project shall be enclosed by chain link, wire mesh, or snow fence completely surrounding the portion of the land where the Project extends; said fence to be not less than four (4) feet in height and to be complete with gates, such gates to be kept locked when operations are not being carried on. Barbed wire shall not be used as part of any such fence.
- E. Any fill materials that may be spilled on any public street or public place from any vehicle transporting materials from the project site shall be immediately removed without damage to the public street or public place at the expense of the permit holder.
- F. Any on-site roads used for the purpose of ingress and egress to the site which are located within three hundred (300) feet of any occupied residential, commercial or industrial establishment **must be treated to reduce airborne dust** by hand topping with concrete, asphalt, chemical treatment, or such other means as may be proposed by the applicant and approved by the Zoning Administrator or Planning Commission at the time a Permit is granted.

- G. The slopes of the banks of the materials dumped, stockpiled, or used as fill shall not exceed two (2) feet of run to one (1) foot of rise **and shall be compatible with adjoining grades and land uses.** However, the Zoning Administrator or Planning Commission may, at the time a permit is granted, prescribe more lenient or stricter requirements
- H. Filling activities shall not interfere with or change existing surface water drainage **so as to be detrimental to nearby properties.**
- I. As phases of the fill operation are completed they shall be stabilized by ground cover by the applicant to prevent erosion by wind and water. The Zoning Administrator shall approve the stabilization plan so that continuing fill activities will avoid newly stabilized areas.
- J. The Planning Commission or Zoning Administrator may require additional performance standards or stricter performance standards than are provided herein where, because of peculiar conditions, such standards are necessary to achieve the purposes of these regulations. In addition, the Planning Commission may also attach and impose conditions, restrictions, or requirements as it shall determine are necessary to achieve the purposes of these regulations. Violation of any performance standard, condition, restriction, or requirements imposed by the Planning Commission shall be deemed a violation of these regulations.

Conditions imposed by the Commission shall remain unchanged unless a change is mutually agreed to by the applicant and the Commission in writing.
- K. The project may be inspected by the Zoning Administrator as deemed necessary.

SECTION 10. PROJECT COMPLETION

In order to insure that fill activities authorized by this Ordinance are carried out to completion, the following procedures shall be followed:

- A. Upon completion of a project or expiration of a Fill Permit, **the applicant shall contact the Zoning Administrator to arrange for an inspection of the site.**

If the requirements have not been met, the Zoning Administrator shall notify the applicant in writing of the permit deficiencies and shall pursue permit compliance as authorized by this Ordinance.
- B. For those permits approved by the Planning Commission, the above procedure shall be followed. In addition to this, the applicant shall retain the services of a registered engineer to certify that the final elevations of the fill activity comply with those illustrated on the approved site drawing.

SECTION 11. DEPOSIT OF BOND AND CERTIFICATE OF INSURANCE.

The Planning Commission or Zoning Administrator may require as a condition to the granting of a permit that the applicant file or deposit with the Township Treasurer performance securities in

the form of a performance bond, cash, a certified or cashier's check payable to the Township, or an irrevocable bank letter of credit, in form satisfactory to the Township Attorney.

The Planning Commission or Zoning Administrator shall, in establishing the amount of the surety, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses to guarantee that the applicant will fully and faithfully perform all applicable performance standards, conditions, restrictions and requirements of these regulations. The Township Engineer may be consulted in determining the amount of the surety.

The Planning Commission may also require, as a condition to the granting of any such permit, that the applicant deposit a certificate of an indemnity company licensed to do business in the State of Michigan, in an amount reasonably relevant to the proposed work to be done as specified by the Planning Commission, insuring the Township against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant, or any person acting on his behalf, in carrying on any work connected directly or indirectly with the issuance of said permit.

SECTION 12. EXPIRATION OF PERMIT. A Permit granted under this Ordinance shall be valid for one year at which time it shall automatically expire. However, the Planning Commission or Zoning Administrator may grant up to a three year permit with an option for an additional three year permit.

The expired permit may be reviewed by the Planning Commission or Zoning Administrator as the case may be, for reinstatement and/or continuance without payment of a permit filing fee, provided that the failure to complete the project within the permitted time limit is caused by access problems, weather conditions, lack of proper fill material, or other conditions or circumstances beyond the control of the applicant.

SECTION 13. REVOCATIONS AND SUSPENSION OF PERMIT. Any permit granted under these regulations may be revoked and/or suspended for failure to comply with any of the performance standards, conditions, restrictions or requirements attached and imposed as part of the issuance of a permit. Revocation of such permit shall be accomplished through a hearing held before the Planning Commission after five (5) days written notice to the permit holder stating the grounds of complaint against the Permittee, stating the time and place where such hearing will be held.

SECTION 14. FINES. Any person or organization who violates any of the provisions of these regulations shall be subject to a fine of up to Five Hundred and No Dollars (\$500) for each offense and/or an imprisonment of not to exceed ninety (90) days.

SECTION 15. SEVERANCE CLAUSE. This ordinance in each article, section, subsection, paragraph, subparagraph, or words shall be deemed severable, and if any portion or provision is adjudicated by a Court of competent jurisdiction to be invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

RESOLUTION NO. 93-40

At a regular meeting of the Alpine Charter Township Board held on the 15th day of March, 1993.

It was moved by Member F. Brechting and seconded by Member Chase that Ordinance No. 93-1, a copy of which is attached hereto and made a part herof, be adopted.

AYES: F. Brechting, J. Brechting, Chase, Roth, Schweitzer, Tikkanen

NAYS: None

ABSENT: Steffens

ABSTAIN: _____

RESOLUTION DECLARED ADOPTED:

Sharon Steffens
Sharon Steffens, CMC
Alpine Charter Township Clerk

I, Sharon Steffens, hereby certify that the foregoing is a true copy of Resolution 93-40 adopted by the Alpine Charter Township Board at its regular meeting held on the 15th day of March, 1993.

Sharon Steffens
Sharon Steffens, CMC
Alpine Charter Township Clerk