

ALMONT TOWNSHIP

ZONING ORDINANCE
NUMBER 39.22

Adopted August 10, 1992
Amendments through August 25, 2021

Table of Contents

ARTICLE 1 SHORT TITLE	1-1
ARTICLE 2 GENERAL PROVISIONS	2-1
Section 2.1 CONFLICTING REGULATIONS.	2-1
Section 2.2 SCOPE.....	2-1
Section 2.3 ACCESSORY BUILDINGS TO ONE AND TWO-FAMILY RESIDENTIAL USES. 2-1	
Section 2.4 APPEARANCE.	2-2
Section 2.5 BUILDING GRADES.....	2-2
Section 2.6 BUILDINGS UNDER CONSTRUCTION.	2-2
Section 2.7 CONDOMINIUM SUBDIVISION APPROVAL.....	2-3
Section 2.8 DWELLINGS IN NONRESIDENTIAL DISTRICTS.	2-3
Section 2.9 DWELLINGS IN OTHER THAN MAIN STRUCTURES.	2-3
Section 2.10 EXCAVATIONS OR HOLES.	2-3
Section 2.11 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.....	2-4
Section 2.12 FRONTAGE.....	2-5
Section 2.13 LOT LIMITATIONS.	2-5
Section 2.14 MEASURING SETBACK REQUIREMENTS.	2-6
Section 2.15 PONDS.....	2-7
Section 2.16 SATELLITE RECEIVERS AND DISH ANTENNAS.	2-8
Section 2.17 SIGNS	2-8
Section 2.18 STORAGE IN FRONT YARD.....	2-21
Section 2.19 STORAGE OF VEHICLES AND MACHINERY.	2-21
Section 2.20 SWIMMING POOLS.	2-22
Section 2.21 HOME OCCUPATIONS.....	2-22
Section 2.22 COMMUNICATION TOWERS.	2-24
Section 2.23 PLANNED UNIT DEVELOPMENTS	2-25
Section 2.24 USES WITH LOCATIONAL RESTRICTIONS TO AVOID SECONDARY EFFECTS.....	2-27
Section 2.25 RACE TRACKS, MOTOCROSS TRACKS, TRACTOR PULLS, MUD BOGS FOR MOTORIZED VEHICLES, AND THE LIKE.	2-27
Section 2.26 YARD WASTE COMMERCIAL COMPOSTING FACILITIES.	2-30
Section 2.27 MULTIPLE FAMILY DWELLING DESIGN REQUIREMENTS	2-34
Section 2.28 WINERIES, CIDERIES, MICRO BREWERIES AND DISTILLERIES	2-36
Section 2.29 MEDICAL MARIHUANA.....	2-38
Section 2.30 SOLAR ENERGY REGULATION	2-40
Section 2.31 COMMERCIAL SOLAR ENERGY COLLECTOR SYSTEM	2-41
Section 2.32 MULTIPLE DRIVEWAYS ON A SINGLE PROPERTY	2-41
Section 2.33 Vehicles and Containers Prohibited as Accessory Buildings	2-42
ARTICLE 3 GENERAL EXCEPTIONS	3-1
Section 3.1 AT-GRADE PATIOS.	3-1
Section 3.2 DRIVEWAYS.	3-1
Section 3.3 ESSENTIAL SERVICES.	3-1

Section 3.4 HEIGHT LIMIT.....	3-1
Section 3.5 LOT AREA.....	3-1
Section 3.6 PORCHES AND TERRACES.....	3-2
Section 3.7 PROJECTION INTO YARDS.....	3-2
Section 3.8 RESTORING UNSAFE BUILDINGS.....	3-2
Section 3.9 CONSTRUCTION TRAILERS.....	3-2
ARTICLE 4 SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES	4-1
Section 4.1 INTENT.....	4-1
Section 4.2 SUBMISSION REQUIREMENTS.....	4-1
Section 4.3 PROCESSING PROCEDURES.....	4-4
Section 4.4 DEVELOPMENT IMPACT STATEMENT.....	4-5
Section 4.5 TRAFFIC IMPACT STATEMENT.....	4-8
ARTICLE 5 SPECIAL LAND USE REVIEW PROCEDURES	5-1
Section 5.1 APPLICATION.....	5-1
Section 5.2 HEARING.....	5-1
Section 5.3 REVIEW STANDARDS.....	5-1
Section 5.4 DECISION.....	5-1
Section 5.5 CONDITIONS.....	5-2
Section 5.6 REVOCATION.....	5-3
Section 5.7 AMENDMENTS.....	5-3
Section 5.8 CHANGE IN OWNERSHIP.....	5-3
ARTICLE 6 OFF-STREET PARKING AND LOADING REQUIREMENTS.....	6-1
Section 6.1 INTENT.....	6-1
Section 6.2 GENERAL PARKING REQUIREMENTS.....	6-1
Section 6.3 OFF-STREET PARKING DEVELOPMENT REGULATIONS.....	6-4
Section 6.4 MINIMUM NUMBER OF OFF-STREET PARKING SPACES.....	6-5
Section 6.5 OFF-STREET LOADING AND UNLOADING.....	6-5
Section 6.6 PARKING LOT LANDSCAPING REQUIREMENTS.....	6-6
ARTICLE 7 ENVIRONMENTAL PROVISIONS.....	7-1
Section 7.1 STATEMENT OF PURPOSE.....	7-1
Section 7.2 SCREENING REQUIREMENTS.....	7-1
Section 7.3 GENERAL SITE LANDSCAPING REQUIREMENTS.....	7-2
Section 7.4 LOCATION AND SCREENING OF TRASH RECEPTACLES.....	7-8
Section 7.5 EXTERIOR LIGHTING REQUIREMENTS.....	7-9
Section 7.6 PERFORMANCE STANDARDS.....	7-10
ARTICLE 8 ZONING MAP AND ZONING DISTRICTS.....	8-1
Section 8.1 ZONING MAP.....	8-1
Section 8.2 ZONING DISTRICTS.....	8-2
Section 8.3 BOUNDARIES.....	8-2
Section 8.4 DISTRICT REGULATIONS.....	8-3
Section 8.5 DISTRICT PURPOSE STATEMENTS.....	8-4
Section 8.6 TABLE OF USES.....	8-6
Section 8.7 TABLE OF USE REQUIREMENTS.....	8-12
Section 8.8 TABLE OF DIMENSIONAL REQUIREMENTS.....	8-35

Section 8.9 SCHEDULE OF REGULATIONS	8-36
Section 8.10 RESIDENTIAL OPEN SPACE DEVELOPMENTS.	8-44
ARTICLE 9 NONCONFORMING USES AND NONCONFORMING BUILDINGS	9-1
Section 9.1 PREAMBLE.	9-1
Section 9.2 NONCONFORMING USE OF LAND, CONTINUATION OF USE.....	9-1
Section 9.3 CHANGE OF NONCONFORMING USE.....	9-1
Section 9.4 EXPANSION OR EXTENSION OF A NONCONFORMING USE IN A BUILDING.	9-1
Section 9.5 MOVING.....	9-2
Section 9.6 MODIFICATIONS.	9-2
Section 9.7 REPAIRS AND MAINTENANCE.....	9-3
Section 9.8 RESTORATION.....	9-3
Section 9.9 DISCONTINUANCE OR ABANDONMENT OF A NONCONFORMING USE OF A BUILDING.	9-4
Section 9.10 RECORDS OF NONCONFORMING USES.....	9-4
Section 9.11 CHANGE OF TENANCY OR OWNERSHIP.....	9-4
Section 9.12 USES SUBJECT TO SPECIAL LAND USE APPROVAL NOT NONCONFORMING USES.....	9-4
Section 9.13 SUBSTANDARD LOTS.....	9-4
Section 9.14 LEGALITY OF NON-CONFORMITIES.....	9-5
Section 9.15 STANDARDS FOR DETERMINING NON-CONFORMITY	9-5
Section 9.16 STANDARDS FOR DETERMINING ABANDONMENT	9-5
Section 9.17 STANDARDS FOR ALLOWING THE CHANGE IN A NONCONFORMING USE	9-6
Section 9.18 STANDARDS FOR THE ELIMINATION OF A NONCONFORMITY THROUGH PURCHASE OR CONDEMNATION	9-6
ARTICLE 10 ZONING BOARD OF APPEALS	10-1
Section 10.1 MEMBERSHIP.....	10-1
Section 10.2 MEETING PROCEDURES	10-2
Section 10.3 APPEALS PROCEDURES.	10-2
Section 10.4 VARIANCE REVIEW PROCEDURES.....	10-3
Section 10.5 APPROVAL OF TEMPORARY DWELLINGS.	10-4
Section 10.6 APPROVAL PERIOD.....	10-5
ARTICLE 11 Reserved	11-1
ARTICLE 12 Reserved	12-1
ARTICLE 13 ADMINISTRATION AND ENFORCEMENT	13-1
Section 13.1 ENFORCEMENT.	13-1
Section 13.2 DUTIES OF BUILDING INSPECTOR AND ZONING ADMINISTRATOR.....	13-1
Section 13.3 PERMITS.....	13-2
Section 13.4 CERTIFICATE OF OCCUPANCY	13-2
Section 13.5 FINAL INSPECTION.....	13-3
Section 13.6 PLANNING COMMISSION.	13-3
Section 13.7 AMENDMENTS AND CHANGES.	13-4
Section 13.8 FEES.....	13-9

Section 13.9 NOTICES.....	13-9
ARTICLE 14 DEFINITIONS	14-1
Section 14.1 DEFINITIONS.....	14-1
ARTICLE 15 INTERPRETATION AND APPLICATION	15-1
ARTICLE 16 VIOLATIONS AND PENALTIES	16-1
ARTICLE 17 CONFLICTING PROVISIONS	17-1
ARTICLE 18 SEVERABILITY.....	18-1
ARTICLE 19 EFFECTIVE DATE	19-1

Table of Figures

Figure 2-1: Illustration of clear vision triangle.	2-4
Figure 2-2: Illustrations for Lot Line Definitions.....	2-6
Figure 2-3: Illustrations for Lot Line Definitions.....	2-6
Figure 6-1: Parking Layout Dimensions Illustration	6-3
Figure 6-2: Allowable Parking Lot Areas Illustration.	6-4
Figure 8-1: Setback Requirements for Agricultural Residential District.....	8-36
Figure 8-2: Setback Requirements for R-1A and R-1B Single Family District.....	8-37
Figure 8-3: Setback Requirements for RM Multiple Family District.....	8-39
Figure 8-4: Setback Requirements for O-1 Professional Office District and C-1 Local Commercial District.....	8-40
Figure 8-5: Setback Requirements for C-2 Planned Shopping Center District.....	8-41
Figure 8-6: Setback Requirements for C-3 General Commercial District.....	8-42
Figure 8-7: Setback Requirements for I-1 Industrial District	8-43
Figure 9-1: Nonconforming Enlargement Illustration	9-2

**ALMONT TOWNSHIP
LAPEER COUNTY, MICHIGAN
ORDINANCE NO. 93**

ZONING ORDINANCE

TITLE

"AN ORDINANCE regulating and restricting the use and development of land by dividing the Township of Almont into zoning districts; restricting the uses of land permitted within such districts; regulating the placement, height, bulk, erection, construction, reconstruction and uses of structures and/or other uses of land; limiting and regulating the density of population, occupancy and size of lots, yards and open spaces; regulating and limiting congestion of transportation systems through the arrangement of land uses by requiring off-street parking and loading facilities; providing for a site plan review prior to construction; providing for uses within each zoning district allowed upon conditional approval; providing for the location; prescribing the rights of owners and occupants of nonconforming uses and structures; providing for fees for zoning permits as a condition to the granting of authority to erect, alter, or locate dwellings, buildings and structures; providing for a cash deposit or irrevocable bank letter of credit to ensure compliance with Ordinance requirements relating to the installation of improvements; graphically portraying the boundaries of zoning districts upon a map incorporated as part of said Ordinance; establishing a Zoning Board of Appeals and defining and limiting the powers and duties of said Board; establishing standards of review for special land uses, and for appeals or other matters reviewable by the Zoning Board of Appeals; providing procedures for amendment, administration and enforcement of said Ordinance; providing a penalty for violation of said Ordinance; and repealing any and all ordinances or resolutions in conflict therewith."

ENACTING CLAUSE

ALMONT TOWNSHIP ORDAINS:

ARTICLE 1

SHORT TITLE

This Ordinance shall be known and be cited as the Almont Township Zoning Ordinance.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 CONFLICTING REGULATIONS.

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

Section 2.2 SCOPE.

Except as elsewhere provided in this Ordinance, no structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose, and no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of this Ordinance, for the district in which such structure, land or premises is located.

Section 2.3 ACCESSORY BUILDINGS TO ONE AND TWO-FAMILY RESIDENTIAL USES.

Buildings accessory to one and two-family residential uses shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
- B. Accessory buildings and structures (except for buildings accessory to agricultural uses) shall not exceed twenty-nine (29') feet to the peak of the roof and shall not have sidewalls or end walls greater than sixteen (16') feet in height as measured from the interior finish floor elevation or interior grade elevation and shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard.
(Amended 3/14/2016)
- C. Detached accessory buildings shall not be erected in any required or non-required front yard. Accessory buildings shall only be constructed in side or rear yards, subject to the setback requirements of this Section.
- D. A setback of seventy-five (75) feet shall be maintained between any accessory building exceeding six hundred square feet and any dwelling unit located on adjoining parcels on lots two (2) acres or greater in size. The setback requirement on a lot that is less than two (2) acres shall be fifty (50) feet.
- E. No detached accessory building or structure shall be located closer than fifteen (15) feet to any principal building, nor shall it be located closer than fifteen (15) feet to any side or fifteen (15) feet to any rear lot lines. In subdivisions, accessory buildings may be located as close as five (5) feet to the side lot line.

- F. A detached accessory building, when located on the same or adjoining lot, shall not involve any business, profession, trade or occupation.
- G. In platted subdivisions, the aggregate of all accessory buildings shall not exceed the ground floor area of the main building.
- H. An accessory building may be constructed prior to the principal residential structure if the following items have been provided:
 - 1. A plot plan has been provided identifying the location of house, accessory building, well, septic field and driveway.
 - 2. An affidavit stating that the accessory building will not be used for operating a business as indicated in Section 2.03(E).

Section 2.4 APPEARANCE.

In any case where a principal non-residential building or non-residential accessory building is erected or placed within two hundred (200) feet of the front lot line, the front walls of said building or accessory building shall be constructed of stone, face brick, or other decorative material approved by the Planning Commission during site plan review.

(Amended 7/10/2017)

Section 2.5 BUILDING GRADES.

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.

Parcels with public sidewalks shall be graded so that surface water shall flow beyond the sidewalk towards the public right-of-way. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade or such grade determined by the Building Inspector.

(Amended 7/10/2017)

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meeting existing grades and not to permit run-off of surface water to flow onto the adjacent property. Final grades shall be approved by the Building Inspector, and, if he deems necessary, after a "Certificate of Grading and Location of Building" has been duly completed and certified by a registered engineer or land surveyor.

Section 2.6 BUILDINGS UNDER CONSTRUCTION.

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be

completed and used in accordance with the plans and application on which said building permit was granted.

Section 2.7 CONDOMINIUM SUBDIVISION APPROVAL.

Intent. The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with standards applicable to similar forms of development under Township Ordinances. Single-family detached condominiums may be allowed as a permitted use in any single-family zoning district, subject to the requirements of this Section.

- A. **Review.** Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium subdivision plans shall require site plan approval by the Planning Commission as outlined in Article 4 before site improvements may be initiated. The review process shall consist of the following three steps:
- B. **Design Standards.** All development in a condominium subdivision shall conform to the Almont Township subdivision design standards. All private streets in a condominium subdivision shall conform to Almont Township Private Road Ordinance. Public streets may be required, where necessary, to provide continuity to the public road system.
- C. **Final Acceptance.** The Township shall also require all appropriate inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site (or in an approved digital format with a sealed paper copy) shall be submitted to the Township for review by the Township Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said plans have been reviewed and accepted by the Township.

(Amended 7/10/2017)

Section 2.8 DWELLINGS IN NONRESIDENTIAL DISTRICTS.

No dwellings shall be erected in the Commercial or Industrial District. However, the sleeping quarters of a watchman or a caretaker may be permitted in said district in conformance with the specific requirements of the particular district. Said sleeping quarters shall not be constructed as permanent sleeping or housekeeping facilities.

Section 2.9 DWELLINGS IN OTHER THAN MAIN STRUCTURES.

No residential structure shall be erected upon the rear yard of a lot or upon a lot with another dwelling.

Section 2.10 EXCAVATIONS OR HOLES.

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute, or are likely to constitute, a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector; and, provided further, that this

Section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

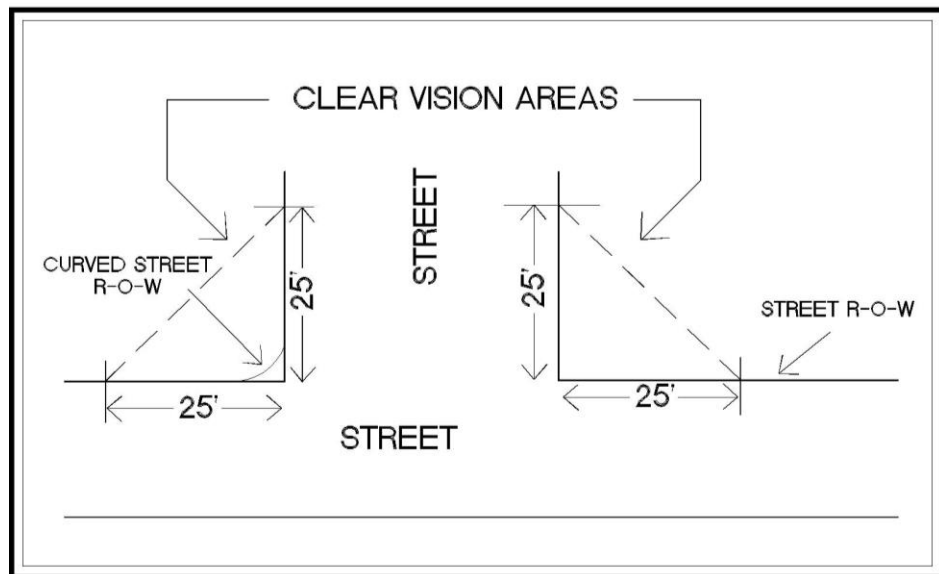
(Amended 7/10/2017)

Section 2.11 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

All fences used for non-agricultural purposes shall conform to the following regulations:

- A. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be reviewed by the Township Zoning Administrator as to the requirements of the zoning district wherein they are located.
- B. No fence, wall, structure, or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty-six (36) inches or less in height. (See Figure 2-1: Illustration of clear vision triangle.)

*Figure 2-1:
Illustration of clear
vision triangle.*



(Amended 7/10/2017)

- C. Fences erected along the boundary line dividing lots or parcels, or located within any required side or rear yard areas, shall not exceed six (6) feet in height. In addition, double faced fences are encouraged when such fence is constructed within a required side or rear yard. In those instances, when a double faced fence is not constructed, such fence shall be constructed so that the non-post side of the fence faces adjacent properties.
- D. In all zoning districts, only decorative fences (e.g. vinyl, wood, wrought iron or simulated wrought iron type fences that are picket or similar non-view obscuring style) shall hereafter be located in the front yard of a lot or parcel having frontage on a public or private street, road or highway. No such fence shall exceed forty-two (42) inches in height. The location of chain

link, privacy or any other type of screening fence that creates a continuous view-obscuring boundary along the fence line are prohibited in the required front yard.

- E. Barbed wire, concertina wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire may be permitted on the top of fences enclosing public utility buildings and industrially zoned sites, as deemed necessary in the interest of public safety by the Planning Commission as part of site plan review. Fences with electric current or charges shall be prohibited, except when incidental to the agricultural use of land for livestock enclosure purposes. Fences with electric currents or charges shall be prohibited as property boundary fences next to existing residentially developed property.
(Amended 7/10/2017)
- F. Fences used for agricultural purposes may be located on all property or road right-of-way lines of a parcel of land, but cannot cause a threat by obstructing the view of any driver.

Section 2.12 FRONTAGE.

Every dwelling or principal building shall be located on a lot which shall front upon a public street or approved private road for the full width of the lot. In all instances, the minimum required frontage shall be continuous and uninterrupted and shall be equal to the lot width requirements established by this Ordinance; however, in the case of cul-de-sacs or curved streets, frontage shall be measured at the two points where the minimum building line or setback intersects the side lot lines. In that instance, the minimum lot width at the right-of-way line shall be 33 feet. In the determination of a land area where a structure is to be erected, altered or used, no road right-of-way shall be included in the computation of the required minimum land area. There shall also be a five (5) foot setback from the property line for driveways. A lot may consist of:

- A. A single lot of record.
- B. A portion of lot of record.
- C. A combination of contiguous lots of record, or contiguous portions of lots of record under common ownership.
- D. A parcel of land described by metes and bounds.
- E. A parcel of land expressed in acreage and based upon the original survey thereof conducted by the United States Government.

In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

(Amended 7/10/2017)

Section 2.13 LOT LIMITATIONS.

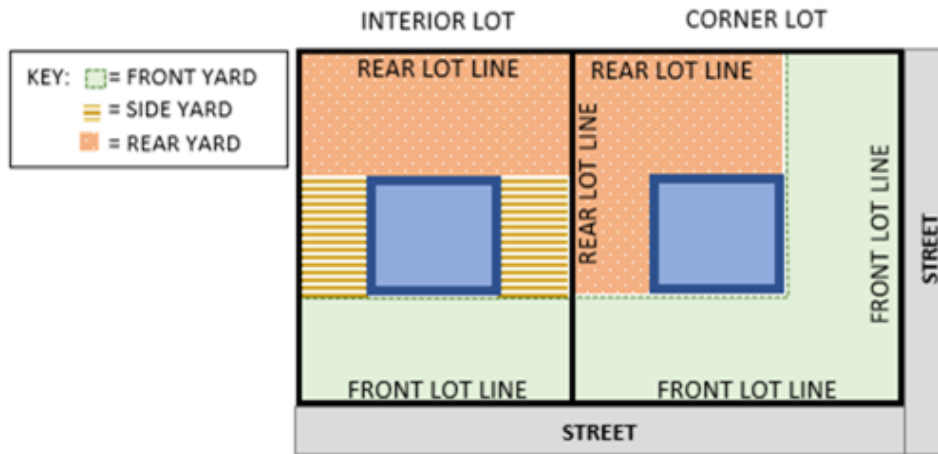
In all residential subdivisions, only one (1) principal building shall be placed on a lot of record, with the exception of uses such as apartment complexes in which multiple principal uses are authorized under this Ordinance provided, further, that no building shall be erected on land subdivided in violation of State statute not include cellars or basements, attached garages or attics, unheated breezeways, shopping centers, apartment complexes, or porches.

(Amended 7/10/2017)

Section 2.14 MEASURING SETBACK REQUIREMENTS.

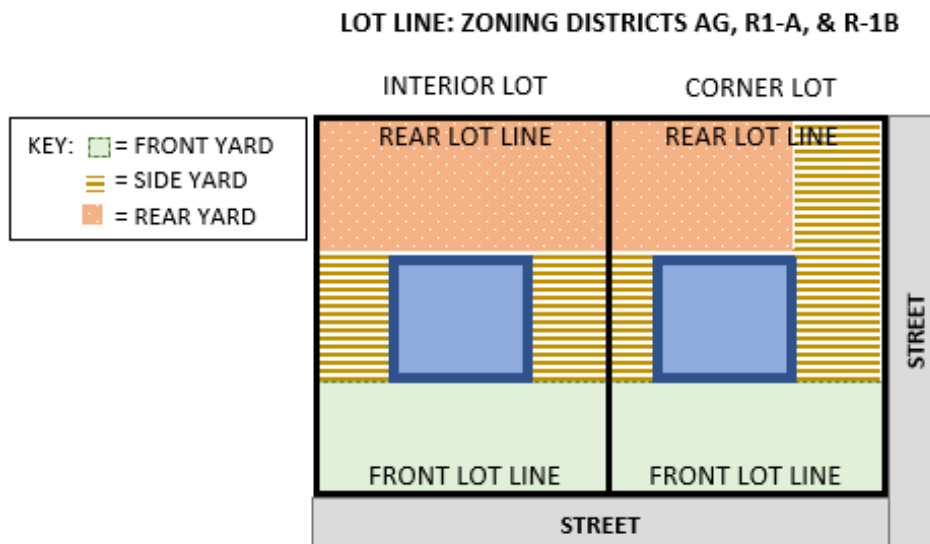
- A. The measurement for determining front, rear and side setback requirements for the C-1, C-2, C-3, MF, MHP, I-1, and I-2 zoning districts shall be from the exterior wall of the principal building to the nearest applicable site line. The front yard is the front lot line to the exterior wall of the principle building. Lots with frontage on two streets shall have two (2) front yards and two (2) rear yards. (See Figure 2-2)

Figure 2-2: Illustrations for Lot Line Definitions



- B. The measurement for determining front, rear, and side setback requirements for the AG, R-1A, and R-1B Zoning Districts shall be from the exterior wall of the principle building to the nearest applicable site line. In all zoning districts, whenever a site has road frontage on two streets, a front yard setback shall be maintained on each road in accordance with the minimum front yard setback requirements established by the zoning district in which the lot is located. The front lot line/front yard shall be determined by the applicant upon application. (See Figure 2-3)

Figure 2-3: Illustrations for Lot Line Definitions



(Amended 8/28/2019)

Section 2.15 PONDS.

Farm, recreation, or aesthetic ponds may be developed as a permitted land use in any single-family zoning district, subject to compliance with the following requirements:

A. A pond construction permit shall be required to construct, enlarge, alter, or modify a pond over a ¼ acre in surface area. Prior to the issuance of a pond construction permit, the applicant shall submit to the Township Engineer a scaled drawing that indicates property lines, structures, and drainage characteristics for the site. The drawing shall indicate existing and proposed spot elevations at the pond site. The Township Engineer may require additional information or more detailed drawings, as necessary, to determine compliance with applicable regulations. A pre-construction staking inspection is required.

(Amended 7/10/2017)

B. All ponds shall maintain a minimum setback of at least twenty-five (25) feet from the property line of abutting parcels and fifty (50) feet from any abutting public road right-of-way. All pond setbacks shall be measured from the point at which the existing grade elevation is changed to start the pond side slope. A pre-construction conference shall be required between the applicant and the Township Engineer whenever a pond falls near the required setback or whenever required by the Township Engineer. The purpose of the pre-construction conference is to ensure that the staked pond site is located within the proper setbacks.

C. No commercial activities shall be allowed unless otherwise approved under the requirements of this Zoning Ordinance.

D. Soils removed to create the pond must remain on the site. In the event that the property owner wishes to sell or transport excavated materials off the site, the applicant shall conform to all applicable requirements for extractive uses specified in this Ordinance.

E. Ponds shall be constructed in such a manner that natural drainage patterns from adjacent parcels are not disrupted and that run-off, overflow, spillage or seepage shall not encroach upon adjacent properties owned by others. Ponds that require an overflow shall be required to indicate the location of the overflow on the site drawing. The Township Engineer shall approve the overflow location before the pond is constructed. The Township Engineer shall review the overflow with regard to impacts on natural drainage and impacts to adjacent properties.

F. Pond construction shall require soil erosion control measures. A soil erosion and sedimentation control permit from the Lapeer County Planning Department shall be required if the proposed pond is located within five hundred (500) feet of a lake or stream, or if more than one (1) acre of land is disturbed, including spreading the excavated material.

G. A permit from the Michigan Department of Natural Resources shall be required if the proposed pond is located within five hundred (500) feet of a lake or stream, or within a wetland area contiguous to a lake or stream.

H. Ponds shall be located a minimum of fifty (50) feet from any dwelling, septic field or well.

I. Ponds shall be constructed with side slopes at a ratio of one (1) foot vertical to three (3) feet horizontal for the first three (3) feet of pond depth. If a pond is intended for swimming, the

swimming area shall be constructed with side slopes at a ratio of one (1) foot vertical to three (3) feet horizontal to a depth of six (6) feet and shall be free of all underwater obstacles, such as sudden drop-offs, deep holes, trees, stumps, brush, rubbish, wire, junk machinery and fences. All swimming areas shall be marked with a float line.

- J. Berms that are constructed adjacent to ponds shall not exceed five (5) feet in height and shall have a maximum slope of one (1) foot vertical to six (6) feet horizontal. Berms may start their up slope at any distance from the pond, but must complete their down slope so that the existing elevation is not changed at the property line. The Township Engineer may require that property lines be clearly marked.
- K. Ponds shall be completed in one (1) year from the date of permit.
- L. A cash bond shall be required by the Township to ensure completion of the pond.

Section 2.16 SATELLITE RECEIVERS AND DISH ANTENNAS.

Any exterior audio-visual dish antenna or receiver (a "satellite dish antenna") being three (3) feet or larger in diameter, to be placed upon a lot, parcel or building, shall be regulated as an accessory structure (building) in the applicable zoning district, and the location thereof shall comply with the regulations applicable to an accessory structure in the particular zoning district. Further, such "satellite dish antennas" shall conform to all building height restrictions in the applicable zoning district and be so located to be as obscure as possible to public view.

Section 2.17 SIGNS

- A. The intent of this Section is to create a comprehensive system of regulating signs to facilitate communication, to enhance the physical appearance of the Township, and to create a more attractive economic and business climate. It is intended by the provisions of this Section is to reduce signage and advertising distraction, to eliminate hazards caused by signs being too close to roads, to avoid the confusion of conflicting adjacent signs, to protect property values, and to eliminate obsolete, non-conforming and deteriorated signs and to support and complement strategies of the Almont Township Master plan. With these purposes in mind, it is the intention of this Section to authorize the use of signs, which are:
 - Compatible with their surroundings.
 - Appropriate to the type of activity to which they pertain.
 - Expressive of the identity of the proprietors or the development.
 - Legible in the circumstances in which they are seen.
 - Protect the public right to receive messages, especially non-commercial messages such as religious, political, economical, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
 - Prevent placement of signs, which will conceal or obscure signs of adjacent uses.
 - Prevent off site signs from conflicting with land uses.
 - Preserve and improve the rural atmosphere of the Township by encouraging signs of consistent size, which are compatible with and complimentary to related buildings and uses, and are harmonious with their surroundings.

1. In instances where a site requires special land use approval, the Planning Commission may reasonably limit or restrict the size/location of signage permitted under this Section to further protect health, safety and welfare in the Township.
- B. **Compliance Statement.** All signs erected or located in the unincorporated area of Almont Township shall comply with the requirements of this Section. No person(s) shall alter, resurface, connect, relocate, erect, place, or construct a sign, except as otherwise specified herein, unless a permit for said sign has been issued by the Township Zoning Administrator.
- C. **Application Process.**
 1. **Application.** Written applications for sign permits shall be made on forms provided by the Zoning Administrator. The application shall be accompanied by and include the following information:
 - a. A scaled site plan (scale to be no less than 1 inch = 20 feet) showing the location of the sign and all structures located within two hundred (200) feet of the sign both on and off of the site.
 - b. The location of the sign in relation to all existing and proposed streets, parking areas, and site entrances within two hundred (200) feet.
 - c. A scaled drawing (scale to be no less than 1 inch = 1 foot) of the proposed sign specifying the height of the sign above the ground, the surface area and material of the sign, the lettering as it will appear on the sign, method of illumination, and any other information as the Zoning Administrator and the Almont Township Planning Commission deem necessary to fully understand the sign request.
 2. **Review.** The Zoning Administrator shall review the application and supporting documentation (sign drawing, site plan etc.) and any other pertinent information and determine the level of review/approval required. The permit may also be reviewed by the Township Building Inspector and/or the Electrical Inspector for compliance with Almont Township Building Codes.
 - a. For any new Ground Sign, the Zoning Administrator shall forward the application to the Planning Commission for review and final approval.
 3. **Approval.** If the sign is determined to be in compliance with all applicable Ordinances and codes by the Almont Township Zoning Administrator, the Almont Township Zoning Administrator shall issue a sign permit.
- D. **General Regulations.** All signs in the Township shall comply with the following requirements:
 1. **Illumination.** Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent streets or property. There shall be no bare bulbs, flashing, oscillating or intermittent type of illuminated sign or display nor shall there be movement of any nature in the lighting.
 - a. No illumination in excess of one-quarter (1/4) foot-candle power shall spill over onto property used for residential purposes or onto any property zoned for residential use. (Intensity to be measured at the residential property line or the residential zoning district line, whichever is closer to the sign).

- b. No colored lighting shall be permitted in zoned districts designated residential, or within two hundred (200) feet of such areas.
 - c. Specialty lighting, such as neon accent lighting signs, may be permitted by the Planning Commission upon finding that the proposal is in character with the use and not detrimental to other uses in the vicinity.
 - d. Illumination shall be positioned so that none of the light spills onto adjacent properties or into the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.
2. **Digital or LED Signs.** In addition to the provisions identified in subsection D.1., digital or LED signs shall be subject to the following requirements:
- a. No digital/LED sign shall be permitted to scroll or oscillate. No sign shall be deemed to constitute a distraction/safety hazard to drivers or pedestrians.
 - b. Any electronic message displayed shall remain unchanged for a minimum of three (3) seconds prior to switching messages.
 - c. A digital sign shall not occupy more than 80% of the maximum permitted sign area.
 - d. The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver. All digital signs shall maintain an auto dimmer for nighttime display. Digital sign light intensity exceeding the following intensity levels (nits) constitutes “excessive intensity or brilliance.” Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the maximum permitted intensity level.

(Amended 3/9/15)

(Amended 3/9/15)

INTENSITY LEVELS (NITS)		
Color	Day-time	Nigh-time
Full Color Permitted	4,690	1,675

- e. Signage should not be designed to emulate traffic safety signage as referenced in subsection K.2.e.
3. **Windblown Devices.** Streamers, windblown devices, spinners, pennants are expressly prohibited.
4. **Right-of-way Encroachment.** No sign, except those established and maintained by the Township, County, State or Federal Government, shall be located in, projecting into, or overhang a public road right-of-way.
5. **Setbacks.**
- a. **Intersection Setbacks.** No sign, except as otherwise permitted in this section, shall be located within, project into, or overhang the triangular area formed by the intersection of two road right-of-way lines or the intersection of a road right-of-way line

(Amended 3/9/15)

and an access drive at a distance measured twenty-five (25) feet along each line from their point of intersection.

- b. **Property Line/Road Setbacks.** No sign, except as otherwise permitted in this section, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
6. **Window Signs.** Window signs shall not exceed twenty-five (25) percent of the area of total window area of any establishment. Window signs must be professionally prepared. No sign shall be painted on the window.
7. **Awning or Canopy Signs.**
- a. An awning or canopy sign may be used to display the name of the firm, the address or a symbol, or type of business, and shall be placed only on the principal front of the building.
 - b. An awning or canopy sign may be permitted in lieu of a permitted wall sign.
 - c. An awning or canopy sign shall not exceed twenty-four (24) square feet in display area.
 - d. A minimum vertical clearance of fourteen (14) feet shall be provided beneath any awning or canopy sign which projects over a parking area or driveway. In all other areas, a minimum vertical clearance of eight (8) feet shall be provided beneath an awning or canopy.
8. **Vehicle Business Signs.** Business signs on vehicles are not permitted to be used as a primary means of sign advertising or as a substitute for commercial or industrial signage. The term includes trailers as noted in the definition of vehicle business signs in Section 2.17.M.

(Amended 3/9/15)

9. **Temporary Signs.**
- a. Unless otherwise stated, a business or organization shall be permitted to display one (1) temporary sign at a time.
 - (1) The temporary sign shall not exceed thirty-two (32) square feet in display area;
 - (2) When a temporary sign is ground-mounted, the maximum permitted height shall not exceed six (6) feet.
 - b. A maximum of four (4) temporary sign permits shall be permitted for any one (1) business or organization during a calendar year, with a maximum display time of thirty (30) days for a single permit, and a total combined permitted annual display time not exceeding one hundred and twenty (120) days.
 - (1) Prior to the issuance of a temporary sign permit, an applicant may not have had a temporary sign located on the subject property for the previous thirty (30) days.
 - i. **Special Events Signs.** A sign used to advertise a special event shall be considered a temporary sign. The sign shall be removed within twenty-four (24) hours after the event.

10. **Creative Signage.** In order to promote a sense of place in Almont Township, the Planning Commission may modify the sign requirements under this section including the number, size and location for signage that enhances the character of the township through its design based on the criteria below:
- a. Types of signs eligible for this waiver include signs designed to reflect historical or local community characteristics, include an element of whimsy, and/or reflect a thoughtfulness, imagination and inventiveness in its use of graphics, color, materials, scale and proportion
 - b. The increase in size or number of sign greater than otherwise allowed under this ordinance must be the minimum necessary for the signs usefulness and impact.
 - c. The material the sign is constructed of shall be adequate to the anticipated life of the sign. Temporary material such as paper or corrosion prone metals shall not be permitted as part of a permanent sign.
 - d. Temporary signage that celebrates activities or events in the community may be permitted in a greater size or number than equivalent permanent signage due to their limited impact. A parcel may be granted approval for such signs up to four times per calendar year with the total display time not exceeding 120 days. The Planning Commission may limit the total display time to less than 120 days per calendar year based on the potential impact of the display on the surrounding area and the durability of the material to be used for the sign.
 - e. Signs must meet any setback and clear vision requirements of this ordinance.
 - f. In granting this waiver, the Planning Commission may impose any conditions necessary to ensure that the signage is not detrimental to other uses in the vicinity.

(Amended 3/9/15)

E. Design and Construction Standards.

1. All new or reconstructed signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein.
2. Signs shall be constructed in a safe and stable manner in accordance with the Township building code and electrical code. All electrical wiring associated with signs shall be underground.
3. All signs to be constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot or seventy-five (75) miles per hour.
4. All signs or supports shall have a minimum clearance of four (4) feet from any electrical fixture, streetlight, or other public utility pole or standard.
5. All ground signs shall have the numerical address listed. This address shall not be less than five (5) inches in height. Also, this address shall not be counted as part of the allowable signage area.

F. **Exemptions.** The following signs are exempt from the application and permit requirements of subsection D., but must comply with all setback requirements of subsection D.5. and the following standards:

1. **Political Signs.** Signs advocating or opposing candidates or ballot issues shall not exceed sixteen (16) square feet in size and, shall not be displayed more than ten (10) days after the election for which the signs were erected.

(Amended 3/9/15)

2. **Bulletin Boards.** Bulletin boards shall not exceed sixteen (16) square feet in area for public, charitable, educational or religious institutions, when the bulletin board is located on the premises of said institutions.

3. **Temporary Construction Signs.** A temporary sign denoting the business name, builder, architect, engineer, and contractor involved in any building construction or renovation. Such signs shall not exceed sixteen (16) square feet in any residential district, or thirty-two (32) square feet in any non-residential district. All such signs shall be removed within seven (7) days after the issuance of an occupancy permit.

4. **Residential Real Estate Signs.** Temporary real estate for sale signs not exceeding six (6) square feet in area may be permitted on any residentially zoned parcel offered for sale. All such signs shall be removed within ten (10) days following the sale of the property.

a. Real estate open house signs are permitted provided that the following conditions are met:

- (1) Such signs are not placed in the public street or road right-of-way.
- (2) There shall be only two (2) signs off premises and one (1) on the premises.
- (3) The size of each sign shall not exceed four (4) square feet in size and three (3) feet in height above grade.
- (4) The person placing the signs shall obtain written permission from the owner of all properties on which the signs are placed.
- (5) Signs will be allowed for ten (10) hours per day and shall be removed within one (1) hour following the closing of the open house.

5. **Non-Residential Real Estate Signs.** Signs used for advertising non-residential land or buildings for rent, lease, or sale shall be permitted when located on the land or buildings intended to be rented, leased or sold. Such signs shall be limited to thirty-two (32) square feet in total for any given lot or building. All signs shall be placed no closer than ten (10) feet from the road right-of-way line and shall be removed within seven (7) days after the property has been sold, rented, or leased. Under no circumstances shall a non-residential real estate sign exempt under this Section be allowed to occupy the property for more than one (1) year.

6. **Directional Signs.** Directional signs not exceeding two (2) square feet in area may be permitted on any site for orientation purposes. No advertising or logo shall appear on such signs.

7. **Agricultural Produce Signs.** One sign not larger than thirty-two (32) square feet in area shall be permitted in any agricultural/residential zoned district in which agricultural products, grown on the premises, are for sale where such signs are placed.

8. **Garage Sale and Estate Sale Signs.** Signs announcing the sale of household goods, provided that there is only one sign per premises, that they are on the premises only,

entirely on private property, that do not exceed six (6) square feet in area and that they be erected no more than five (5) days before and are removed within one (1) business day after the announced sale.

9. **Help Wanted Signs.** Signs used to solicit employees for the place of business where posted, provided that the maximum area for all such signs shall be six (6) square feet with a maximum height of four (4) feet.
10. **Incidental Signs.** Such signs shall not exceed a total of two (2) square feet, with a maximum of two (2) signs per business, indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.

G. Agricultural and Residential District Requirements.

1. **Home Occupation Residential Signage:** Businesses as defined in Section 8.7. shall be permitted one (1) gallows type sign of a double faced design, not to exceed six (6) square feet in area as defined in subsection L. Measurement of Sign Area subparagraph 4.
 - a. All signs must meet the setback/intersection requirements of subsection D.5. of this ordinance.
 - b. Height of sign shall not exceed six (6) feet from grade.
 - c. The cross arm shall not exceed three (3) feet in length.
 - d. Home Occupation signage requires approval by the Zoning Administrator and must meet the requirements of subsection C., Application Process.
 - e. No illumination will be permitted.
2. **Residential Development Identification Signs -Temporary.** One (1) accessory freestanding ground sign is permitted during the development of a residential project. The building official may issue a permit to the project builder, for a temporary use, for a period not to exceed twelve (12) months. An additional twelve (12) month extension may be granted, providing that lots and/or housing are available for sale on that site. At such time as all lots and/or housing are sold, the sign advertising the project development shall be promptly removed. All such signs shall not exceed sixteen (16) square feet. The sign shall not exceed four (4) feet in height. These signs shall not be illuminated.
3. **Residential Entrance Identification Signs – Permanent.** In all residential districts one (1) monument development identification sign may be permitted. It shall be limited to the principle street entrance to that finished development. The sign shall not exceed twenty-four (24) square feet, nor six (6) feet in height as measured from the established street grade. The sign shall not be placed within the twenty-five (25) foot clear vision triangle. This area shall be determined by measuring twenty-five (25) feet along each line of bisecting roads and/or access drive(s) rights-of-way. Monument entranceway identification signs shall be symmetrical in appearance and the use of materials, size, and bulk shall be in character with the surrounding area. The property upon which the sign is to be mounted shall be owned or leased by the applicant or the development and evidence of such shall be provided for township review.

H. Nonresidential Use Sign Requirements.

1. Wall Signs.

- a. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building. In those cases where multiple tenants share an entrance, one (1) wall sign shall be permitted to include all tenants.
 - b. A wall sign shall not project more than twelve (12") inches horizontally beyond the wall of a building.
 - c. Wall signs shall not exceed one (1) square foot for each linear foot of store front on which the sign is to be placed.
 - d. In no case, shall a wall sign exceed sixty (60) square feet.
 - e. Large, multi-department stores and big box uses with over one hundred fifty thousand (150,000) square feet of floor area may be permitted a wall sign area equal to one (1) square foot for each linear foot of store or building frontage up to a maximum of two hundred (200) square feet.
2. Ground Signs:
- a. Properties zoned O-1: A site may be permitted one (1) ground sign which shall not exceed forty-eight (48) square feet in size and ten (10) feet in height.
 - b. Properties zoned C-1, C-2, C-3 or Industrial: A site may be permitted one (1) ground sign which shall not exceed one hundred (100) square feet in size and twenty-three (23) feet in height.
 - c. Any ground sign that will be newly erected on a site shall require Planning Commission review and approval.
 - d. Exposed poles for any ground sign shall be specifically prohibited.
- I. **Maintenance of Signs.** If, upon inspection by the Township, a sign is found to be unsafe, insecure, corroded, subject to corrosion or otherwise poorly maintained, then the owner shall repair the sign by completing any necessary reconstruction, repairs, painting or other improvements in accordance with the following timetable, unless the sign is required to be removed by nonconforming regulations herein:
- 1. If the Township determines that the sign is an immediate threat to the safety of persons or property nearby, all required action to correct the defect shall be taken within forty-eight (48) hours from the time of notification in writing from the Township, provided that the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If such sign cannot be cordoned off or secured so as to eliminate any immediate threat to the safety of persons or property, then all required action to correct the defect shall be made immediately.
 - 2. If the Township determines that the sign is not an immediate threat to the safety of persons or property, all required action to correct the defect shall be made within thirty (30) days after notification in writing from the Township. The Township may extend the thirty (30) day timetable if temperatures below twenty-five (25) degrees Fahrenheit prevent painting, or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety (such as replacement of burned out light bulbs).
 - 3. If defects are not corrected within the specified time limits, the Township may remove, or cause to be removed, such signs at the expense of the sign owner or tenant to whom the

sign applies. Such expenses shall be paid within thirty (30) days after receiving notification of such expenses from the Township. Such notification shall be made by first class mail. Any expenses, which are not paid, shall be assessed on the tax billing for the property on which the sign is located.

4. **Resurfacing.** In instances where a sign panel is proposed to be replaced, and no structural changes to the brackets or sign frame holding the panel are proposed, the resurfacing shall be permitted without said owner being required to bring any outstanding non-conforming issues into compliance with the Ordinance.
5. **Compliance with Ordinance.** If any maintenance is proposed to an existing nonconforming sign that requires the removal, replacement or alteration of the sign frame, sign brackets or other structural components of the sign, the sign shall be required to be brought into full compliance with the Sign Ordinance.

J. **Existing Signs.** Any sign already existing on the effective date of this Ordinance or any applicable amendment, which is not in compliance with the provisions of this Ordinance, shall be subject to the following regulations:

1. Any sign which advertises a business or industry no longer being conducted, or a product no longer being manufactured or sold on the property, shall be removed by the owner, agent, or person having the beneficial use of the building, or structure, or land within thirty (30) days from the date of written notice from the Township. However, where such a sign structure or frame are typically reused by the current occupant or business in leased or rented buildings, the building owner shall be required to remove the sign advertising the former business within thirty (30) days, but shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in accordance with this section and other relevant Township Ordinances and codes.

(Amended 3/9/15)

2. **Removal of Signs.** Whenever a sign is removed or is required to be removed by this Ordinance or by order of the Building Official or other Township Official, the entire sign structure, including fastenings and anchorage's, shall be removed. The Township shall have the authority to remove the entire sign structure, including fastenings and anchorages, if the owner or persons in possession of said sign fails to comply with the Building Official or other Township Officials order. The cost of the removal shall then be charged to land owner and/or person in possession of the building.

K. **Prohibited Signs.** The following signs are prohibited:

1. Any sign not expressly permitted.
2. Any sign or sign structure which:
 - a. Is structurally unsafe.
 - b. Is capable of causing electrical shock to a person who comes in contact with it.
 - c. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
 - d. Obstructs free access or egress from any building.
 - e. Makes use of words "Stop" or "Danger" or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

- f. In any way simulate or could be confused with the lighting of emergency vehicles or traffic signs.
- g. Contain obscene, indecent or immoral matter.
- h. Are painted on or attached to street furniture, but not limited to, such as benches or trash containers.
- i. Interfere with the clear vision area for motorists, bicyclists and pedestrians or interfere with motorists' vision of regulatory signs, traffic control devices or street signs.
- j. Any sign erected on a tree or a utility pole, except signs of government of utility.
- k. Other prohibited signs, except as otherwise permitted in Section 6, include:
 - (1) Temporary or portable signs.
 - (2) Off-premises advertising sign.
 - (3) Billboards/Offsite signs.
 - (4) Festoons.
 - (5) Banner signs.
 - (6) Animated signs/moving signs, unless part of an approved digital sign.
 - (7) Marquee.
 - (8) Mural.
 - (9) Mansard.
 - (10) Poster panel.
 - (11) Roof sign.
 - (12) Parapet.

L. Measurement of Sign Area. Sign area, unless otherwise noted herein, shall include the total area within a circle, triangle, rectangle, or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, or any similar figure or element of the sign, together with any frame or other integral part of the display, if any, or used to differentiate such sign from the background against which it is placed.

1. In the case of a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the letters, logos, emblems, figures, pictures, etc.
2. In the case of an awning or canopy sign, where there is no design or envelope forming an integral part of the display which differentiates the sign from the background of the awning material or color, the envelope shall be around the letters, logos, emblems, figures, stripes, etc. In the case of transparent or translucent awnings or canopies which have internal lighting, the entire surface shall be considered as the sign.
3. For a single faced sign, the area shall be computed as the total exposed exterior surface in square feet.
4. The area of a double faced freestanding or pylon sign shall be computed using only one face of the sign, provided that the outline, dimensions and message of both faces are identical and that the faces are back-to-back so that only one face is visible at any given location.
5. In the case of double-faced or multi faced signs that are arranged so that the faces are greater than twenty-four (24) inches from one another, or signs with any two faces that

form a “V” in plan, where the angle of the “V” is greater than fifteen (15) degrees, the area shall be computed by totaling the sign area of all faces of the sign. The open area of the “V” shall be enclosed so that the interior of the sign is not exposed. The area of a cylindrical sign shall be computed by measuring the total area of all signs located on the cylinder.

M. Definitions. For the purpose of this Ordinance, certain terms are herewith defined:

Accessory Signs - A sign, which is accessory to the principal use of the premises. A sign, which is directed, to the business activity or service conducted on the premises upon which a business is located.

ANNOUNCEMENT SIGN OR BULLETIN BOARD - A sign with changeable letters, located on the property of a church or school, which provides information relevant to church services, religious activities or educational activities within a building.

ANIMATED/MOVING SIGN - A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, create a special effect or scene or any sign in which the sign itself moves, revolves or rotates. Such motion does not refer to the method of changing the letters on message boards incorporated in the sign.

AWNING - A metal, wooden, fiberglass, canvas or other fabric cover fastened to a building, which extends over a porch, patio, deck balcony, window, door or open space. **Awning Sign** - An accessory sign that is printed on, or otherwise affixed to, an awning. **Balloon Sign** - One or more balloons, or any other air-filled or gas-filled object used as a sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any entertainment.

BANNER SIGN - A sign or display constructed of paper, plastic or fabric of any kind, intended to be hung, either with or without frame.

BILLBOARD SIGN - An off-site or non-accessory outdoor sign, which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy.

BLINK – To shine dimly or intermittently.

BUILDING OFFICIAL - The Building and Zoning Enforcement Administrator of the Township of Almont, or other deputies authorized by the Township to enforce this Ordinance.

CANOPY - A roof-like structure providing shelter to a public access area, which is either freestanding or is projecting from a building and is supported by structural members. A canopy may be constructed of metal, wood, or any approved fire-retardant material, such as cloth, canvas, fabric, plastic, or any light flexible material which is attached to or constructed on a frame or building.

CANOPY SIGN - An accessory sign that is printed on or otherwise affixed to the canopy. **Community Special Event Sign** - Signs, including decorations and displays celebrating a traditionally accepted patriotic or religious holiday or special municipal or school activities.

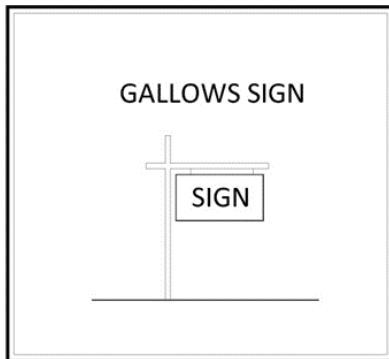
DIRECTIONAL SIGN - A sign not utilized for advertising purposes, but used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building or site.

FESTOONS - A string of ribbons, streamers, tinsel, small flags, pennants, pinwheels or lights, typically strung from poles, vehicles or structures either in continuous lengths or loops.

FLASH - To give off light suddenly or in transient bursts.

GALLOWS SIGN – A sign of double face design suspended from a cross arm perpendicular to the ground.

(Amended 3/9/15)



IDENTIFICATION SIGN OR NAMEPLATE - An accessory sign which displays only the name of a person or firm.

GROUND SIGNS - A freestanding sign mounted on a structure(s) that is placed upon or in the ground.

MANSARD - A slope of roof like facade.

MARQUEE - A permanent roof like structure, supported by and extending from the face of the building.

MARQUEE SIGN - A sign attached to or supported by a marquee structure.

MURAL - A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

OFF-PREMISES ADVERTISING SIGN - A sign, which contains a message unrelated to a business or profession or to a commodity, service, or activity sold or offered upon the premises where such sign is located.

OFF-SITE SIGNS - A sign, which is not accessory to the principal use of the premises. Any card, cloth, paper, metal, painted glass, wood, plastic, stone or other object of any kind, or character whatsoever, placed for non-accessory advertising purposes on the ground or on any tree, wall, bush, rock, post, fence building, structure or thing whatsoever. The term "placed" as used in this definition shall include erecting, constructing, posting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner whatsoever to the public.

OSCILLATE - To swing back and forth with a steady, uninterrupted rhythm.

PARAPET - The extension of a false front or wall above a roof line.

PENNANT SIGN - A sign or display consisting of long, narrow, usually triangular flags.

PERMANENT SIGNS - A sign designed to be installed permanently in the ground a minimum of forty-two inches (42") deep by use of steel post or other appropriate.

PC/PLANNING COMMISSION - Shall mean The Almont Township Planning Commission.

POLITICAL SIGN - A sign relating to the election of a person or persons to public office, or relating to a political party or a political issue, or relating to public office, or relating to a political party or political issue, or relating to a matter to be voted upon at an election.

PORTABLE SIGN - A sign, which is not permanently fastened to a building, structure, or to the ground. Use and definition are the same as a temporary sign.

PROJECTING SIGN - A sign, which is permanently fastened to the surface of a wall in such a way that the sign face is perpendicular to the surface of the wall. The sign face shall consist of two (2) sides, mounted flush back-to-back.

POSTER-PANEL - A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes, sales or services. "A" frame or sandwich signs are types of poster panel signs.

REAL ESTATE SIGN - An accessory sign which advertises the particular property upon which it is placed for sale, rent or lease.

REAL ESTATE DEVELOPMENT SIGN - A freestanding accessory sign informing when a subdivision or other real estate development will commence construction or when it will be available for sale, use or occupancy.

ROOF LINE - The top edge of a roof or building, whichever is higher, excluding cupolas, chimneys or similar minor projections.

SCROLL - To cause (displayed text or graphics) to move up, down, or across the screen so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge in a continuous and uninterrupted manner, without pause.

SIGN - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. Any use of words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripes, lines, reading matter, illuminating devices or paint visible to the general public and designed to inform or attract the attention of persons, including the structure upon which such words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripe, lines, reading matter, illuminating devices or paint are or may be printed or affixed.

SIGNABLE AREA - A continuous wall area on a building which is free from windows and doors and major architectural design. Mansard roofs may be used for signable area, provided they are within twenty (20) degrees of a vertical plane and wall signs on them are vertical, unless individual letters are used to make up the wall sign.

SITE - Any lot or parcel of land or combination of contiguous lots or parcels of land acting in concert to address the needs/criteria of individual site plans and/or developments.

SPECIAL EVENT - Grand opening, going out of business, once a year sales, etc.

STRUCTURE - Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

SUBDIVISION ENTRANCE SIGN - A sign depicting the name of residential, office/service, commercial, or industrial subdivision, and which sign is located at the entrance to said subdivision.

TEMPORARY SIGN - An accessory sign that is intended to be erected for only a few days or a few weeks, including portable signs, trailer signs, banners, pennants, or other support that is not permanently affixed to a building face or to a pole, pylon, or other support, that is permanently affixed to the ground. "A temporary sign includes the frame or support and any use of words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripes, lines, reading matter, illuminating devices or paint visible to the general public and designed to inform or attract the attention of persons, including the structure upon which such words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripe, lines, reading matter, illuminating devices or paint are or may be printed or affixed."

TOWNSHIP BOARD/BOARD - Shall mean The Almont Township Board.

VEHICLE BUSINESS SIGN - A vehicle upon which a sign is painted or attached including trailers and is parked upon a premise for the intent of advertising. Vehicle business signs shall not include licensed commercial vehicles regularly used to transport persons or property for the operation of the business.

(Amended 3/9/15)

WALL SIGN - An accessory sign permanently fastened to the wall of a building or structure or a sign painted on, attached to, or placed flat against the exterior wall surface of any building, no portion of which projects more than twelve (12) inches from the wall.

WINDOW SIGN - A professionally prepared sign which is affixed, attached, or otherwise placed on or adjacent to the interior of a window in such a manner as to be readily visible from the exterior of the building.

Section 2.18 STORAGE IN FRONT YARD.

The portion of a site in front of any dwelling shall be used only for ornamental landscaping, driveways, and parking spaces located within such driveways, except as otherwise prohibited in this Ordinance. It may not be used for storage of equipment, furniture, construction material, or other items of a similar nature. Vehicles must be located in established parking spaces or driveways.

(Amended 7/10/2017)

Section 2.19 STORAGE OF VEHICLES AND MACHINERY.

- A. The open parking and/or storage of a trailer, motor home, boat, or similar vehicle not owned by a resident of the Township, for periods exceeding twenty-four (24) hours on lands not approved for said parking or storage, shall be expressly prohibited, except that the Zoning Administrator may extend temporary permits allowing the parking of a motor home or similar recreational vehicle in a rear yard on private property not to exceed a period of two (2) weeks.
 1. The occupants of the motor home or similar recreational vehicle have access to, and the unlimited use of, the sanitary facilities of the dwelling on the premises and if the occupant or owner of such trailer or vehicle shall secure a permit as elsewhere provided in this chapter.
 2. The location of the motor home or similar recreational vehicle complies with the setback requirements for accessory buildings in the rear yard.

- B. All trailers, boats, and similar vehicles, owned by residents of the Township and stored on their individual lots, shall not be stored within any front yard or any required side yard; and shall, further, respect the requirements applicable to Section 8.6 and Section 8.7, insofar as distances from principal structures, lot lines, and easements are concerned. No unoccupied mobile homes shall be stored on any lot.

(Amended 7/10/2017)

Section 2.20 SWIMMING POOLS.

All swimming pools over 48 inches in depth erected in the Township shall comply with the following requirements:

- A. The swimming pool shall comply with the applicable requirements under the State Building Code.
- B. Pool locations shall observe the minimum side yard setbacks for the zoning district within which they are located. No pool may be located in a required or non-required front yard. A minimum rear yard setback of twenty-five (25) feet shall be observed. No pool shall be located closer than four (4) feet to any building. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way granted for public utilities.

(Amended 7/10/2017)

Section 2.21 HOME OCCUPATIONS.

(See Section 8.6 and Section 8.7)

- A. Basic Requirements for all Home Occupations.

The following requirement shall apply to all home occupations:

1. No outdoor storage shall take place anywhere on the site.
2. Only full-time residents of the premises shall be involved in home occupation activities occurring on the site. Further, those non-resident employees, employed by the home occupation for off-site activities, shall not be permitted to park (either on-street or off-street) at the premises where the home occupation is being conducted.
3. No structural modifications or exterior changes in the appearance of the building, including the use of a separate means of access, visibility of products, services or activities related to the home occupation from the exterior of the building.
4. No use or activity associated with the use shall violate the performance standards outlined in Section 1.05 of this Ordinance.
5. No use or activity associated with the use shall create any noise, dust, fumes, odors, vibrations, electrical or electronic emissions or magnetic fields, intermittent or flashing lights or glare which are detectable to the normal senses of persons or equipment located off the premises.
6. The activity shall be in full conformance with all local, State and Federal laws and requirements.
7. Signs for both a Type 1 and Type 2 home occupation shall conform to the standards set forth in the Almont Township Sign Ordinance.

- B. Type 1 Home Occupations

Type 1 home occupations shall be permitted in single-family, two-family, mobile home and multiple-family dwelling units as a customary accessory use when it is minor in physical and functional characteristics and is secondary to the use and occupancy of a dwelling for residential purposes and conforms to the following requirements:

1. Type 1 Home Occupations shall involve those activities, processes, products and/or services which are provided to a user, buyer or subscriber primarily through telephone, fax, modem and off-site contacts.
2. Any product(s) produced on the premises for sale and/or distribution off-site shall only be prepared by equipment and/or processes characteristic of a home office, home workshop or home handcraft activity.
3. All home occupation activities shall be conducted entirely within the main residential dwelling, and not more than fifteen (15) percent of the floor area of the dwelling unit shall be devoted to such home occupation. This excludes attached garages, patio areas and breezeways.
4. Client visitations and pick-ups of material and/or products shall be by appointment only, within established business hours. Vehicular trips involved with client and/ or delivery visitations shall not exceed five (5) such visitations during any weekly period. Such vehicular trips shall be limited to personal type vehicles and delivery vans.

C. Type 2 Home Occupations

In limited situations, the Planning Commission may approve, through the special land use process, a home occupation which involves a somewhat more intense use characteristic than the Type 1 Home Occupation. Type 2 home occupations shall meet the following requirements:

1. The proposed use shall be located within a detached single-family dwelling and/ or an attached accessory building within a single-family zoning district, unless otherwise permitted in this section. No more than twenty (20) percent of the dwelling unit and attached accessory building, in total, shall be devoted to such home occupation. Further, the home occupation shall not reduce the amount of garage parking to a point where on-street parking is required.
2. The use shall not involve products, services and/or activities which result in traffic patterns inconsistent with those normally experienced in a residential neighborhood. Vehicular visitations generated by clients and/or deliveries related to the home occupation shall not exceed ten (10) such visitations during any weekly period. Such vehicular trips shall be limited to personal type vehicles and delivery vans.
3. The sale and/or distribution of any merchandise, whether produced on the premises or not, or the provision of any service shall be by appointment only. Applicant shall be able to demonstrate that sales appointments may be arranged within a limited number of sales hours each week and in such a manner as to avoid adverse conflicts with adjacent and neighboring uses. The applicant shall specifically set forth the number of hours and days during which these appointments will take place. It is not the intent of the Township to approve uses and business hours which approximate those provided in a conventional business or office area.
4. Home occupations involving periodic sales parties in their homes for more than the occupants of one vehicle at a time shall specifically agree as to the frequency and volume of such parties. the applicant shall also provide a drawing indicating parking which would be available for such parties; this inventory would include those on the premises, together

with those on the adjacent street. Pursuant to these requirements, a home occupation may offer periodic instructions in crafts or fine arts.

5. The repair and/or servicing of vehicles, including recreational vehicles, and/or other similar equipment, shall not be deemed as customary home occupations.
6. Service activities which involve the keeping of a commercial vehicle (less than one ton in rated capacity) for use off premises shall be limited to one (1) such vehicle. All other equipment and/or supplies, including trailers, plows, mowers, etc., utilized in this activity shall only be kept on the premises when located within an accessory building. The presence of the service vehicle, plus its ancillary equipment and supplies, shall not occupy more than six hundred (600) square feet of accessory building space, nor shall it occupy off-street parking spaces required by other residents of the dwelling and, therefore, necessitate on-street parking.

(Amended 7/10/2017)

(Amended 9/23/2020)

(Amended 8/18/2021)

Section 2.22 COMMUNICATION TOWERS.

(See Section 8.6 and Section 8.7)

Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, person communication, and similar communication services and facilities, shall be permitted when found to be essential or desirable to the public convenience or welfare and in conformance with the following requirements:

- A. In order to maximize the efficiency of providing such services, while minimizing the impact of such facilities on the Township, co-location of such facilities on a tower are required, when feasible. An applicant shall furnish written documentation as to why a co-location is possible. If the application represents new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and commit itself to make no more than a reasonable charge for a shared use lease.
- B. If the application involves co-location on a tower previously approved under a Special Land Use Permit and the additional facilities conform with the original spirit, intent and requirements of the Special Land Use Permit, the co-location may be approved administratively after the site plan and required documentation submitted by the co-user has been reviewed and approved by the Township Planner and Engineer.
- C. The Township shall review an application for determination that it is administratively complete within fourteen (14) days of receipt as required by Section 3514 (4) of the Michigan Zoning Enabling Act (MZEA). The Planning Commission shall act on a SLU request for a cell tower within ninety (90) days of the application being administratively complete as required by Section 3514 (8) of the MZEA.

(Amended 7/10/2017)

- D. The development of any such facility, together with accessory uses, shall be in such a location, size, and character as to be compatible with the orderly development of the zoning district in which it is situated and shall not be detrimental to the orderly and reasonable development or

use of properties in the adjacent areas or the community at-large. Furthermore, the location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements:

- E. Towers may be located in the districts identified in Section 8.6 Table of Uses, provided the location of such facilities do not represent a hazard to the use and/or development of other permitted uses on the site and in the area. Tower location within a permitted commercial district may be considered when they are located adjacent to an Industrial zoning district or an unbuildable area, such as a wetland or floodplain, or are so located on the commercial site as to not adversely affect the commercial development area or any neighboring residential areas.

(Amended 7/10/2017)

Section 2.23 PLANNED UNIT DEVELOPMENTS

Purpose and Intent. The Planned Unit Development (PUD) concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land than would otherwise be possible through the strict enforcement of the Ordinance. PUD's may be permitted in any zoning district subject to Township approval. The specific objectives of this article are to:

- Encourage innovation in land use and variety in design, layout and type of structures constructed; while preserving the intent and integrity of the Township Master Plan.
- Preserve significant natural resources.
- Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- Encourage the provision of useful open space.
- Permit flexibility in the placement, lot area and building type regulations, while assuring the application of sound site planning standards.

The Planned Unit Development (PUD) regulations herein shall be applied to the initiation and regulation of all Planned Unit Development projects. Where there are conflicts between the PUD regulations herein and general zoning, subdivision, or other regulations or requirements, the PUD regulations shall apply for the project. PUD projects shall follow the same public hearing procedures as a special land use. PUD's shall only be considered by the Township within Sections that include Van Dyke (Sections 4, 9, 16, 21, 22, 27, 28, 33 and 34).

- A. **Development Agreement.** A development agreement shall be provided and agreed to by both the applicant and the Township. The agreement shall include the following:
1. A timetable for the development and completion of the proposed project.
 2. A site plan meeting all submission requirements of Article 4 Section 4.2, Site Plan review requirements of the Almont Township Zoning Ordinance as deemed necessary for conceptual review by the Planning Commission. Residential site plans shall include the street layout and the number and type of dwelling units proposed for each phase. Non-residential phases shall include the building footprint, street layout, square footage of each structure, and the location and number of spaces in all parking areas.

3. The Planning Commission may require the agreement to include traffic studies, environmental studies or any other applicable studies to verify impacts the development may have on the community.
4. A phasing plan, if applicable. Phasing shall be provided in such a manner to ensure overall compliance with the overall PUD.
5. A description of all architectural themes and materials used for each building including architectural renderings.
6. A coordinated sign package.

B. Criteria For Approval. Upon receipt of an application for a PUD, the Planning Commission shall review said application to determine if the proposal meets the eight (8) standards for special land use approval outlined in Section 5.3 of the Almont Township Zoning Ordinance. In addition to meeting these six (6) standards, the Commission shall find that the PUD, and each phase of the PUD, addresses the following issues:

(Amended 7/10/2017)

1. There is, or shall be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water; and
2. The plan provides for an efficient, aesthetic and desirable use of the open areas, and the plan enhances the physical character of the Township and the area surrounding the development; and
3. A suitable development agreement has been provided outlining the specific design of the site including, parking arrangement, building footprint, building design and materials, landscaping and infrastructure improvements. Said agreement provides the Township with a reasonable guarantee that what will be constructed is what has been agreed to by both the Township and the developer; and
4. The plan provides for safe, efficient, convenient and harmonious groupings of structures, uses and facilities; for appropriate relation of space inside and outside buildings to intended uses and structural features; and for preservation of desirable natural or historic features. In particular, streets, drives and parking and service areas shall provide safe and convenient on-site circulation, as well as safe and convenient access to dwelling units, general facilities and for service and emergency vehicles; and
5. The site plan is consistent with the intent of the Master Plan; and
6. The Planning Commission shall review the positive and negative impacts of the proposed PUD to ensure that the PUD development provides benefits that substantially outweigh that which would be achieved under the conventional standards of the Zoning Ordinance.

C. Decision and Final Approvals. The Planning Commission shall recommend approval or denial of the PUD presented by the developer after reviewing all recommendations from Township Consultants, including the Township Attorney. The Township Board shall approve or deny the PUD and final draft of the development agreement based on the recommendations provided by the Township Attorney and Planning Commission.

1. Application for final approval of each phase of the development shall be submitted and regulated under the standard site plan review process of, Section 4.3 as well as criteria 1-6 outlined above in subsection B.

2. Each phase of the project shall be in compliance with the approved PUD and development agreement signed and approved by the Township. The PUD and development agreement shall not be amended without a majority vote of approval by the Township Board, upon review and recommendation of the Planning Commission. All amendments to the site plan and/or development agreement shall follow the same review procedures as outlined for the initial PUD approval.
3. The Zoning Board of Appeals shall not have the authority to consider the appeal of a decision made by the Planning Commission or the Township Board regarding a PUD application.

Section 2.24 USES WITH LOCATIONAL RESTRICTIONS TO AVOID SECONDARY EFFECTS.

(See Section 8.6 and Section 8.7)

- A. **Pawnbrokers and Tattoo Parlors.** It has been demonstrated that the establishment of pawnbrokers and tattoo parlors in business districts which are immediately adjacent to and serve residential neighborhoods have a deleterious effect on both business and residential segments of the neighborhood causing blight. Such prohibition fails to avoid the deleterious effects of blight and devaluation to both business and residential property values resulting from the establishment of these businesses in a business district which is immediately adjacent to and serves residential neighborhoods.

Pawnbrokers and tattoo parlors, as defined herein, shall be considered a permitted use in the Industrial Zoning Districts, subject to the following requirements and conditions:

(Amended 7/10/2017)

1. Such use shall be considered a permitted use in the Industrial Zoning Districts provided no portion of the property upon which such business is situated is within four hundred and fifty (450) feet of any of the following:
 - a. A residentially-zoned district;
 - b. A church;
 - c. A school;
 - d. Any public park.
 - e. Any other pawnbroker or sexually-oriented business use.

The method of measurement shall utilize the two property edges closest to each other, measured with a direct line.

Section 2.25 RACE TRACKS, MOTOCROSS TRACKS, TRACTOR PULLS, MUD BOGS FOR MOTORIZED VEHICLES, AND THE LIKE.

Race Tracks, Motocross Tracks, Tractor Pulls, Mud Bogs for motorized vehicles and the Like provided such uses can also meet the following conditions:

- A. Race tracks, motocross tracks, tractor pulls, mud bogs, and the like shall be permitted as a special land use approval in the I Industrial District. If the event is a one (1) time, yearly event (no more than two (2) consecutive days), the event may be approved administratively by the Township Board after being reviewed against these standards.
- B. A site for any race track, motocross track, tractor pull, mud bog, or the like shall be no less than thirty (30) acres. The Planning Commission may modify this standard based on but not limited to, the existing physical conditions, an existing approved site plan, a building permit being issued, existing and planned surrounding land uses, the existing zoning, justifying such modification.
- C. The minimum setback from any property line shall be one hundred (100) feet for any area utilized as a part of the track facility (except the entry drive). The Planning Commission may modify this standard based on but not limited to, the existing physical conditions, an existing approved site plan, a building permit being issued, existing and planned surrounding land uses, the existing zoning, justifying such modification.
- D. The site shall have direct access to a major thoroughfare as defined in the Almont Township Master Land Use Plan.
- E. The general layout of the site shall be provided depicting specific areas for racing (activity) as well as "pit" areas, staging areas, spectator viewing and walking/maneuvering areas, vehicular parking and maneuvering areas. Particular attention shall be given to the separation of the activity and pit areas from those areas dedicated to general parking and spectators themselves. The method of physically separating the activity and pit areas from the general parking and spectator areas shall be clearly noted and shall provide an acceptable means of ensuring such separation.
- F. Due to the presence of, but not limited to, noise, dust, odor, and light, the Planning Commission may limit the number of days and hours of operation that the event may be held including all ancillary aspects of the event. The noise levels generated from the site shall not exceed 60 decibels at the property line. Adequate screening and site planning in an amount necessary to ensure appropriate noise levels are maintained shall be employed.
- G. An emergency action plan, including emergency access routes shall be in place as approved by the Township Fire Department; this also includes the necessity of whether emergency vehicles need to be located onsite or on standby during event times. The cost of this shall be the responsibility of the applicant. The Planning Commission, based on the recommendation of the Township Fire Department may waive or alter this requirement.
- H. A plan delineating staff operation and procedures as well as a safety plan shall be provided for all workers onsite. These plans may include, but are not limited to, clarification on the number of employees dedicated to certain areas of the site, their roles in the operation, their training and/or certifications. All staff members shall wear appropriate marked clothes (such as day glow orange vests or similar) identifying them as official staff.
- I. The storing of any fuels or other hazardous materials as defined by Michigan Department of Transportation (MDOT), Michigan Department of Environmental Quality (MDEQ), or National Fire Protection Agency (NFPA), which may cause the risk of fire or contamination shall be

noted for the record and the method of storing and containing such fuels and fluids shall also be provided for review and approval by Township Fire Department.

- J. A written plan for how spilled or lost fluids will be recovered from the track, driving, or pit areas if such fluids are lost as a result of an engine break or other issue which releases fluid onto the track or any dirt surface is required.
- K. If any event is to be run at night and lighting is necessary, particular attention shall be given to the placement, intensity, and angle of lights to ensure light pollution onto adjacent roadways and properties is eliminated.
- L. The ticket or admission area shall be placed in such a manner that allows for the stacking of vehicles attending the event on the site and does not require stacking, stopping, or staging of vehicles on the adjacent roadways at any time.
- M. The location of acceptable restroom facilities shall be shown, either temporary or permanent. If permanent, the location of the appropriate hook up to an approved public system or a septic field as approved by the Health Department shall be shown. If temporary, a written plan for cleaning, emptying and the removal of the temporary facilities on a regular basis should be provided.
- N. The use and location of a speaker or public address system shall be reviewed as a part of special land use approval. The method of limiting the projection of audible noise from the speaker or address system shall be clearly noted and may be further restricted by the Township in order to minimize potential adverse effects on surrounding property owners.
- O. Only active vehicles shall be within the defined race or activity area. All other vehicles shall be kept either in the defined staging or pit areas.
- P. Proof of insurance shall be provided as follows: comprehensive general liability in the amount of one million (\$1,000,000) dollars per occurrence and two million (\$2,000,000) dollars in the aggregate, the policy shall also include an umbrella or excess liability policy in the amount of one million (\$1,000,000) dollars per occurrence and in excess of the aggregates. These terms shall be considered minimums. These policies shall be provided for each event. Finally, the Township shall be noted as an additionally insured entity as a part of all policies.
- Q. A plan shall be provided which indicates how the abutting public roads will be kept clean and free of debris. This could include, but is not limited to aggregate stabilized entrances of at least fifty (50) feet, car/truck washing area, the trailering of competition vehicles.
- R. The Township may waive the requirement (based on the Township Engineer) for the surface materials for all or portions of the parking area due to the seasonal and potential limited use of these types of facilities. The Township may approve alternate surface materials which may include, but are not limited to grass, gravel, and milled or crushed asphalt and concrete.
- S. As a condition of waiving the requirement for a paved parking and maneuvering area, the Township may reevaluate the waiver and require the property owner to pave the parking and all maneuvering areas compliant with Township requirements should the operation of the site consistently draw one hundred (100) vehicles or more vehicles for a total of seventy-five (75) percent of the events conducted in a calendar year.

- T. For those tracks or facilities that don't require the construction of physical structures, a written plan or statement shall be provided which indicates how the site will be returned to its previous state as determined necessary by the Planning Commission to ensure the site is in a safe condition and adequate drainage is maintained.
- U. There shall be no overnight staying in tents, vehicles, campers, or other recreational type vehicles at the event site unless specifically approved by the Township. If requested, the Township shall review the location and size of the dedicated overnight area as a part of a special land use review, ensuring that the location and potential impact of the overnight area will not have a negative impact on surrounding properties.
- V. All proper Township, County, and State reviews and permits shall be obtained prior to the commencement of the activity. This potentially includes, but is not limited to, roadway permits, soil erosion permits, sedimentation permits, and Health Department permits.

(Amended 7/10/2017)

Section 2.26 YARD WASTE COMMERCIAL COMPOSTING FACILITIES.

The uses or sites which accept yard waste and other organic matter for the purpose of conducting yard waste commercial composting facilities, (those that manage the biological decomposition of organic matter under controlled, aerobic conditions), may be permitted in Industrial districts only, subject to this issuance of a Special Land Use Permit by the Planning Commission and compliance with the following conditions and standards:

- A. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. Material shall only be accepted in biodegradable clear bags; tan, cornstarch-based compost bags; or unbagged.
- B. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors.
- C. Ponded water shall not be permitted to collect on a yard waste composting site. A plan for collection, retention, and drainage of storm water shall be provided for review and approval. The Planning Commission shall require that the plan provide a settling basin/detention pond or other acceptable best management practice as approved by the Township Engineer and vegetation filtration of runoff prior to discharge off site. Vegetation filtration shall be accomplished by use of a fifty (50) foot wide perimeter strip of grass, or a similar measure.
- D. A composting facility shall not be allowed within any 100-year or 500-year floodplain, unless the Michigan Department of Environmental Quality has approved the area for such operation. Permission from the Michigan Department of Environmental Quality (MDEQ) stating where composting operations will be permitted in the floodplain shall be necessary prior to site plan and special land use approval.
- E. A composting facility shall not be allowed in any protected or regulated wetland. A wetland assessment and determination accepted by the State shall be conducted and submitted prior to site plan and special land use approval.

- F. Because of the level of truck traffic typically associated with a yard waste commercial composting facility, direct access to a paved public roadway designated as a major thoroughfare in the Township's adopted Master Plan and capable of carrying Class A loadings on a year-round basis is required.
- G. The operator shall provide sufficient equipment on site to properly manage the composting process. At a minimum, this shall include a front-end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
- H. The site shall be level and well-drained. If the site abuts property utilized as or shown as residential on the Township Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to five hundred (500) feet from existing residences (as measured from the closest area or active composting to the building wall of the residence) and one hundred (100) feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants.
- I. The entire site utilized for composting operations shall be screened and buffered by means of a six (6) foot high berm with a four (4) foot wide flat crown. Further, such berm shall be planted with a double row of evergreens six to eight (6-8) feet in height at planting. Each row of trees shall not exceed a spacing of fifteen (15) feet on center. These rows shall be offset by eight (8) feet. In no case, shall the trees be planted lower than three (3) feet on the height of the berm.
- J. If any river, creek, stream, swale, drain, regulated wetland, or similar natural feature is present on site, it shall be buffered by a twenty-five (25) foot wide undisturbed greenbelt. The twenty-five (2) feet shall be measured from the outer edge of the defined floodplain or the established high water mark, or the top of the bank, whichever is greater.
- K. The area being actively utilized for composting shall be provided with a clay lining to a depth as determined by the design engineer and acceptable to the Township Engineer to ensure that contamination or leaching into the ground and groundwater is eliminated or minimized to the greatest extent possible.
- L. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. All other roads or maneuvering lanes internal to the site shall be kept dust free. Such roads and maneuvering lanes shall be crushed concrete or limestone. The thickness of such road and maneuvering lanes shall be acceptable to the Township Engineer to ensure emergency access. A plan for how such areas will be kept dust free shall also be submitted. A minimum of five (5) parking spaces shall be provided on site.
- M. The volume of yard wastes handled by the facility shall not exceed three thousand (3,000) cubic yards of incoming yard wastes per acre of active composting area on site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.

- N. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Township.
- O. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for revocation of the permit by the Planning Commission.
- P. The operator shall submit a set of “low-odor” operating protocols and an odor response management plan that shall be employed in the event that the operator or the Township receives odor complaints during operation.
- Q. Windrows shall be turned in conjunction with the most favorable wind conditions. As a part of the site plan and special land use approval, prevailing wind conditions shall be reviewed. These wind conditions shall be considered during the layout and management of the site as to windrow placement, orientation, height, necessary wind breaks, etc.
- R. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The entire site being actively used for the storage or processing of compost shall be fenced. The fence shall be no higher than eight (8) feet in height and shall be vinyl coated or the equivalent. Such fence shall be placed behind the landscape berm required by this Ordinance. Further, access point(s) to the site shall be controlled by gates to prevent unauthorized entrance. Finally, the use of barbed, razor or electrified fencing shall be prohibited. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill. Further, all non-organic material such as debris and litter shall be contained on site so as to not scatter or blow off the premises.
- S. Treated yard wastes shall be actively rotated, that is, they shall not be allowed to accumulate for longer than three (3) years before being finished and removed from the site.
- T. The maximum height of all windrows or any other material being stored on site shall not exceed a total height of eight (8) feet.
- U. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment.
- V. The area for truck stacking and staging shall be shown on the plan. The staging of trucks on the exterior of the site shall be prohibited. The area designated for truck staging shall be located in such a manner as to not impact adjacent residences. Based on the location of the operation and the proximity to residential land use, the Planning Commission may place restrictions on the hours of operation for the staging and filling of trucks.
- W. In the event that the Township retains the services of an independent compost engineer to evaluate the site plan and operation/management plan, the proposed yard waste composting facility shall comply with the conditions of the compost engineer’s review. These conditions shall be contained as conditions of the approval.

- X. The operator shall submit a bond or other acceptable means or financial assurance, in an amount established by resolution of the Township Board, to guarantee restoration in the event of abandonment, clean-up of chemical or other hazardous spills, and the like.
- Y. The applicant shall submit proof of insurance for the proposed operation as a part of site plan and special land use review and shall provide proof of ongoing insurance as a part of each yearly license renewal. Such proof shall be kept on file in the clerk's office or other designated area. Such insurance shall insure the applicant, his employees and/or agents or representatives, and the Township for general comprehensive liability in an amount of at least one million (\$1,000,000) dollars per person and two million (\$2,000,000) dollars per occurrence. Further, the applicant shall also provide an umbrella policy under the same terms, no less than two million (\$2,000,000) dollars above that previously described. These policies shall have no pollution liability exclusions.
- Z. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Township Board. Further, the operator shall pay for all inspections necessary to verify compliance with this Ordinance and any conditions attached to the annual license/permit.
- AA. All yard waste composting operations shall be licensed yearly by the Township Board. As a part of the yearly licensing, a licensing fee as established by Township Board Resolution shall be paid in full. Any violation of this Ordinance shall be grounds for the denial of the license.
- BB. Copies of all Michigan Department Natural Resources, MDEQ, County Departments (as applicable) applications/permits, where required, shall be provided to the Planning Commission as part of the application package.
- CC. A semi-annual inspection for rodents shall be performed by a licensed pest control company. Copies of the report shall be transmitted to the Township. If at any time rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.
- DD. A semi-annual test shall be performed to ensure that on-site soils and surface waters leaving the site are not contaminated by a concentration of nitrogen, phosphorus, phenols, pesticides and/or herbicides. Soil samples shall be taken from the windrow area and the settling basin/detention pond and surface water samples shall be taken at the outlet from the detention pond.
- EE. Township Officials and/or consultants engaged by the Township shall be permitted entry to a yard waste composting facility for inspection purposes during normal operating hours to determine compliance with this Ordinance and other applicable regulations. No person shall impede reasonable inspection of a composting facility by Township Officials and/or consultants engaged by the Township.
- FF. All applicable performance standards specified in ARTICLE 8 of this Ordinance shall be met.
- GG. As a part of the conditions of the annual licensing and permit process, the operator of a yard waste composting facility shall provide monthly reports to the Township between the months of April and October. These reports shall contain information regarding the amount

of material brought to the site, the amount of material sold or taken from the site, any incidents which may cause environmental impact, any occurrence of rodents on the site, monitoring of soil conditions and ground wells, as well as any other conditions placed on the permit by a regulatory agency or the Township Board.

- HH. Agricultural operations which are determined to be bona fide farming operations, regulated by the Michigan Department of Agriculture and which follow the Generally Accepted Agricultural Management Practices adopted by the State and which have also obtained an approved plan from the State for on farm composting operations shall be exempt from the applicable provisions of this Ordinance.
- II. Test wells shall be required to be drilled prior to the commencement of any composting activity. The number and placement of such wells shall be determined by the Township Engineer subject to the size of the site. An independent agency (as agreed upon by both the applicant and the Township) shall provide the initial testing prior to the commencement of operations as well as testing on a monthly basis. Such information shall be provided in the required monthly reports.

(Amended 7/10/2017)

Section 2.27 MULTIPLE FAMILY DWELLING DESIGN REQUIREMENTS

(See Section 8.6 and Section 8.7)

- A. All lots used for two, three or more multiplex or other multiple-family dwellings in this district must be provided with an approved water and sewage system, and every main building hereafter erected or structurally altered and so used shall provide a lot area of not less than five thousand five hundred (5,500) square feet for each dwelling unit with not more than two (2) bedrooms, and shall provide an additional five hundred (500) square feet for each additional bedroom over two (2), but in no case shall any lot be less than twelve thousand (12,000) square feet.
- B. Efficiency units shall not be permitted.
- C. Plans presented which include a den, library or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.
- D. For the purpose of yard regulations, each multiple-family structure shall be considered as one (1) building occupying one (1) lot. Front, side and rear yards relating to the spacing between buildings within multiple-family development shall have the following minimum overall dimensions:

Overall Distance Between Buildings	
Buildings Relationship	(exclusion of parking area)
Front to Front	100 feet *
Front to Rear	80 feet *
Rear to Rear	100 feet *
Rear to Side	45 feet
Side to Side	20 feet
Corner to Corner	15 feet

- * Parking may be permitted in a portion of the required yard provided that there shall be at least twenty-five (25) feet of yard space between said parking area and the building.
- E. Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet, or part thereof, by which length the structure exceeds forty (40) feet in overall dimension along the adjoining lot line, provided that no multiple-family building shall exceed one hundred eighty (180) feet in length along any one face of the building. Any court shall have a width equal to not less than fifty (50) feet for the front yard and sixty (60) feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.
- F. The front and rear of each building shall be considered to be the faces along the longest dimensions of said building. The front of the building shall be considered to be the direction indicated on the drawings by the designer provided it is not inconsistent with floor plan of the individual unit; and the side of the building shall be considered to be the face along the narrowest dimension of said building.
- G. Service drives shall have a width of at least twenty-two (22) feet and shall not be located in any required yard.
- H. Minimum floor areas for multiple-family shall be as follows:
 - 1. Efficiency Unit: The term "Efficiency Unit" shall mean a dwelling unit containing a minimum of four hundred fifty (450) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities.
 - 2. One Bedroom Unit: The term "One Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
 - 3. Two Bedroom Unit: The term "Two Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities.
 - 4. Three or More Bedroom Unit: The term "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet.
- I. Maximum height of each building:
 - 1. In stories: 2
 - 2. In feet: 25
- J. Minimum yard setback from the project perimeter.

Front yard setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's adopted Master Plan as follows:

Major and Secondary - 110 feet
Collector - 93 feet Local - 83 feet
Private - 50 feet *

* In the case of a private road, the front yard setback shall be measured from the road easement line abutting the lot.

A setback of twenty-five (25) feet shall be provided from all other perimeter property lines.

Yard setbacks are also subject to the requirements of Subsections 4 and 5 above, as applicable.

- K. Off-street parking spaces shall be provided for in accordance with the provisions of Article 6 of this Ordinance.
- L. Landscaping. Areas of the site not required to be hard surfaced shall be landscaped. A landscape plan for these areas shall be provided as per the requirements of Section 7.02.

Section 2.28 WINERIES, CIDERIES, MICRO BREWERIES AND DISTILLERIES

It is the intent of this ordinance to promote local agricultural production by allowing construction of processing facilities for cider, beer, wine, spirits and other alcoholic beverages regulated by the Michigan Liquor Control Code of 1998, being Public Act 58 of 1998 [MCL 436.1101 et seq] (the "Code") on lands where the ingredients for such products are raised or grown. Such facilities are permitted with or without tasting rooms. Retail sales of the alcoholic beverages produced on the site are permitted along with retail sales of related products. The growing of wine fruit and production of wine, the growing of cider fruit and the production of cider (non-alcoholic and alcoholic), the growing of the ingredients for making beer and the growing of crops to be used in distilling spirits are recognized as an integral component of the rural and agricultural atmosphere within Almont Township. It is, therefore, the intent of this section to maintain the viability of growing agricultural products by providing for the value added processing and direct sales of such alcoholic beverages and other end products of such processing.

Wineries, distilleries, micro breweries and cideries may be permitted after special land use approval in the AR Agricultural Residential District, C-1 Local Commercial District, C-2 Planned Shopping Center District, C-3 General Commercial District, and the I-Industrial District, and shall meet the following requirements:

- A. The winery, cidery, micro brewery or distillery must, if required, be properly licensed by any state or federal regulatory agency, including the Michigan Liquor Control Commission.
- B. The site dedicated to the winery, cidery, micro brewery and/or distillery use, and all other agricultural uses must be at least ten (10) acres if located within the agricultural residential zoned areas. If located in a nonresidential district, the minimum acreage requirement shall not apply.
- C. For those sites located in the Township's agricultural residential zoned areas, the site shall have a minimum of two (2) planted acres of fruit or other crop used in the wine, cider, micro brewery or spirit processing, which shall be maintained pursuant to generally accepted agricultural management practices. Those sites within the Township's nonresidential districts shall not be required to have a minimum planted acreage.
- D. The total area covered by buildings and structures used for the beverage processing, storage and sales shall be dependent on the size of the property in which the operation is located

along with the location of those buildings and structures relative to the property lines and surrounding land uses.

(Amended 7/10/2017)

- E. All winery, cidery, micro brewery or distillery buildings shall be setback at least one hundred (100) feet from any lot line. To encourage the use of existing buildings or in recognizing unique property characteristics, the setback requirements may be reduced by the Planning Commission subject to the special land use review taking into account the impact of the use on neighboring properties.
- F. For retail sales and food service (if permitted by law) at a winery, cidery, micro brewery or distillery in the agricultural residential zoning district, the sales and service must be clearly accessory to the production of the beverage being processed. If located in a nonresidential zoning district, sales and service need not be accessory to the beverage being processed.
- G. A winery, cidery, micro brewery or distillery within the agricultural residential zoning districts may offer food service that is directly related to the crops raised on the farm subject to the following conditions:
 - 1. Any outdoor eating areas shall be adequately screened from any adjoining properties.
 - 2. Sale of food shall not exceed 25% of gross sales of licensed products.
 - 3. Food service shall be completed at 8:00 pm or sunset, whichever is later.
 - 4. Carry-out and deli-type foods are prohibited.
 - 5. Winery must be licensed to prepare and serve food by the appropriate Health Agency.

The above provisions (7(b) – 7(d)) shall not apply to a winery, cidery, micro brewery, or distillery, located within the Township’s nonresidential zoning districts.
- H. Any alcoholic beverages sold at retail at the winery, cidery, micro brewery or distillery within the agricultural and residential zoning districts must be produced at said facility or other permitted facility under the same ownership. This provision shall not apply to those wineries, cideries, micro breweries or distilleries located within the Township’s nonresidential zoning districts.
- I. Parking for those wineries, cideries, micro breweries, and distilleries located in the agricultural residential zoning districts shall be provided on an improved parking surface. Parking may be either gravel or pavement for those sites which have direct access to a gravel public roadway. For those sites which have direct access to a paved public roadway the parking lot shall be paved. All parking areas shall be adequately screened from neighboring properties as determined by the Planning Commission. Parking for those facilities located in the Township’s nonresidential zoning districts shall comply with the standards of Article 6.
- J. All exterior lighting shall be downward directed and shielded to prevent light being directed off of the premises.
- K. Parking shall be provided at a rate of one (1) space for each three (3) persons permitted within the maximum occupancy of the facility (including any outdoor seating area).

- L. Every winery, cidery, micro brewery and distillery is subject to the site plan review requirements as provided in Article 4 and special land use review procedures of Article 5 of this ordinance.

(Amended 2/10/14)

Section 2.29 MEDICAL MARIHUANA.

A. Intent.

1. Voters in the State of Michigan approved a referendum authorizing the use of marihuana for certain medical conditions, being the Michigan Medical Marihuana Act, MCL 333.26421, et seq. ("The Act").
2. The specified intent of The Act is to enable certain specified persons who comply with the registration provisions of the law to acquire, possess, cultivate, grow and use marihuana as well as to assist specifically registered individuals identified in the statute without being subject to criminal prosecution under state law in limited, specific circumstances.
3. Despite the specific provisions of The Act and the activities identified in The Act, marihuana remains a controlled substance (Schedule 1 drug) under Michigan law. The activities set forth in The Act have a potential for abuse. Such activities should be closely monitored and, to the extent permissible, regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana, even for the purposes specified by The Act, may present an increase for illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of Almont Township.
5. Nothing in this Ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for non-medical purposes or allow any other activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal.
6. This Section is intended to protect and preserve the public health, safety and welfare of the community, the quality of life and the stability of property values including but not limited to the value of residential, commercial, and industrial districts.
7. This Section is intended to prohibit a caregiver's cultivation of marijuana in residential and commercial districts in order to protect and preserve peace, order, property and safety of persons as a result of issues associated with the growth of marijuana in residential and commercial districts including problems with insufficient or improper electrical supply, problems with ventilation leading to mold, offensive odors, or other health hazards and other hazards which are associated with the cultivation of marijuana in residential and commercial settings and which is otherwise often difficult to detect and regulate.

(Amended 8/18/2021)

- B. Medical Marihuana Dispensary, Grow Facility, Compassion Club and Similar Operations. It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marihuana dispensary, grow facility, compassion club or similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marihuana dispensary, grow facility, compassion club or similar establishment in Almont Township.

(Amended 9/23/2020)

- C. Registered Primary Caregiver Operations. Any registered primary caregiver may acquire, possess, cultivate, manufacture, transfer, or transport medical marijuana compliant with the MMMA. Cultivation of medical Marijuana by a registered primary care giver as defined under the MMMA, is prohibited in any zoning district, except the Industrial District (I); and further subject to the following:
1. A registered primary caregiver may only grow, cultivate, manufacture, process, and store marijuana on a parcel in the Industrial District (I) and in an enclosed locked facility.
 2. The registered primary caregiver is responsible for utilizing an enclosed locked facility upon the industrial zoned parcel, compliant with the MMMA for cultivating, growing, manufacturing, processing, and storing marijuana for medical use only. The enclosed locked facility utilized by the primary registered caregiver, shall provide separation by fully enclosed walls or fences, for plants that are grown on behalf of each registered qualifying patient, on whose behalf the registered primary caregiver is furnishing marijuana for medical use, so it is accessible only to the primary caregiver and registered patient. The processing and storing of medical marijuana is permitted only by registered primary caregivers and their registered qualifying patients.
 3. The registered primary caregiver may grow up to a maximum of 72 plants, but no more than 12 plants for each individual registered qualifying patient as set forth in the MMMA.
 4. The registered primary caregiver is responsible for providing the security necessary to assure that the growing marijuana and usable product are accessible only by the primary registered caregiver and/or registered qualifying patients who are registered to the registered primary caregiver through the state registration system. The security must fully comply with the provisions of the MMMA, and Administrative Rules promulgated by the State of Michigan.
 5. Each parcel upon which enclosed locked facilities with marijuana for medical use are present, must be a minimum of 500 feet from any parcel upon which any school, school facility, child care facility, place of worship, or public park is situated. Measurement of the buffer shall be from property line to property line.
 6. A Certificate of Occupancy is required and must be obtained from the Township before the presence of marijuana is allowed on the parcel.
 7. The consumption, transfer, or use of marijuana, in public, or a place opened to the public is prohibited.
 8. No person other than the primary caregiver shall be engaged or involved in the growing, processing, dispensing, delivering or handling of medical marijuana except to the extent that the primary caregiver lawfully transfers medical marijuana to a qualifying patient to whom the primary caregiver is linked through the state registration system.
- D. Certificate Required. The operations of a registered primary caregiver within the Industrial District (I) shall only be permitted upon the issuance of a **Zoning Certificate to Cultivate Medical Marijuana**. Such certificate is required to be renewed annually and is subject to inspections by the building and fire department as well as local, county and state law enforcement agencies for compliance with the provisions of this Ordinance and for the issuance of the certificate and its renewals.

1. A complete and accurate application shall be submitted on a form provided by the Township along with submission of the application fee. The application fee and renewal fee shall be in an amount determined by resolution of the Township Board.
2. The certificate application shall include the name and address of the applicant; the address of the property; a copy of the current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; and a description of the location at which the use will take place. The Township Supervisor shall review the application to determine compliance with this Ordinance, the MMMA and any applicable Michigan Regulatory Agency General Rules. A certificate shall be granted if the application demonstrates compliance with the Zoning Ordinance, the MMMA and Administrative Rules.
3. The use shall be maintained in compliance with the requirements of this Ordinance, the MMMA and Administrative Rules promulgated by the State of Michigan. Any departure shall be grounds to revoke the certificate and take other lawful action. If a certificate is revoked, the applicant shall not engage in the activity unless and until a new Zoning Authorization to Cultivate Medical Marijuana certificate is granted.
4. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

(Amended 8/18/2021)

Section 2.30 SOLAR ENERGY REGULATION

A. All Solar Energy Collectors

1. The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
2. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
3. All panels shall have tempered, non-reflective surfaces.
4. Solar energy equipment shall be repaired, replaced, or removed within three months of becoming nonfunctional.
5. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
6. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Building inspector approval is required.
7. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.

(Amended 1/14/2019)

Section 2.31 COMMERCIAL SOLAR ENERGY COLLECTOR SYSTEM

- A. The commercial solar energy collector system must meet all requirements in for Roof-Mounted and Ground Mounted solar energy collector systems.
- B. Required in the AG zoning district to have a lot area of at least 10 acres and 2 acres in the C-1, C-2, C-3 commercial and I-1 industrial zoning districts.
- C. Any commercial solar energy collector system adjoining any residential districts or uses shall be provided with a buffer of at least 60 feet along the adjacent property line and meet requirements listed in Section 7.2.
 - 1. The planting of native ground covers that shall be maintained on site during the operation, until the site is decommissioned.
 - 2. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels.
 - 3. Power and communication lines to electric substations or interconnections with buildings shall be buried underground.
 - a. Exception for underground power communication lines:
 - (1) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
 - (2) When required by the utility company.
 - (3) Unless otherwise determined by the Planning Commission.
- D. The installation of the solar energy collectors shall not disturb the existing topography.
- E. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Township equal to 125 percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Planning Commission's approval.

(Amended 1/14/2019)

Section 2.32 MULTIPLE DRIVEWAYS ON A SINGLE PROPERTY

Shared driveways or multiple private driveways servicing not more than two (2) properties may be permitted by the Township upon a finding from the Lapeer County Road Commission that the driveway location(s) are not permissible based on inadequate clear vision, sight distances or other roadway configurations. Shared or multiple driveways shall not be permitted unless required as a result of Lapeer County Road Commission Review. In permitting shared or multiple driveways, the Township shall require adequate joint access or user easements, including any necessary maintenance agreements to ensure the long term viability of the driveway configuration.

(Amended 2/10/2014)

Section 2.33 Vehicles and Containers Prohibited as Accessory Buildings

- A. Over-the-road truck trailers, shipping containers, other enclosed trailers, and similar vehicles and containers shall not be permitted as permanent accessory buildings in any zoning district.
- B. The Planning Commission may permit the use of trailers, shipping containers, and similar enclosed vehicles for temporary storage at new building construction sites for a period not to exceed six (6) months, and may grant no more than one (1) six (6) month extension. A valid building permit shall be in place during the entire time the temporary storage unit is in use. A cash performance guarantee, in an amount established by resolution of the Township Board, shall be deposited with the Almont Township Clerk to guarantee removal of the temporary storage unit upon expiration of the building permit and/or as a condition for issuance of a Certification of Occupancy.

(Amended 11/9/2020)

ARTICLE 3

GENERAL EXCEPTIONS

Section 3.1 AT-GRADE PATIOS.

At-grade patios may be constructed within required side and rear yard setbacks.

Section 3.2 DRIVEWAYS.

Driveways may be constructed within required front, rear or side yard setbacks.

Section 3.3 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township; it being the intention hereof to exempt such essential services which primarily serve Almont Township from the application of this Ordinance.

Section 3.4 HEIGHT LIMIT.

No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, roof towers (including towers designed to provide architectural variation in a building roofline) or steeples, stage lofts, and screens. Flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, wind spinner towers, or similar structures may be erected above the limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building nor shall such structure be used for any residential purpose other than a use incidental to the main use of the building. The height limits of public utility or commercial microwave, radio and television transmitting, relay or other type of antenna towers are specified in Section 8.7 Table of Use Requirements.

(Amended 7/10/2017)

Section 3.5 LOT AREA.

Any lot which was (of) record at the time of the adoption of this Ordinance that does not meet the requirement of this Ordinance for lot width and depth and available space for yards, shall meet the provisions of Section 9.13 "Substandard Lots."

YARD REGULATIONS.

When yard regulations cannot reasonably be complied with, as in the case of lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

Section 3.6 PORCHES AND TERRACES.

An unenclosed and uncovered porch (i.e., one which is not roofed over) or paved terrace may project into a required front or rear yard for a distance not exceeding ten (10) feet.

Section 3.7 PROJECTION INTO YARDS.

Architectural features such as, but not limited to: window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet.

Section 3.8 RESTORING UNSAFE BUILDINGS.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector, or required to comply with his lawful order, provided that the restoration is not contrary to Section 18.07 of this Ordinance.

Section 3.9 CONSTRUCTION TRAILERS.

Temporary construction trailers shall not be subject to the requirements of this Ordinance provided an active building permit from Almont Township exists for the site in which the trailer is located. The construction trailer shall be removed from the site prior to the issuance of a certificate of occupancy.

ARTICLE 4

SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

Section 4.1 INTENT

The purpose of this Article is to provide the Township Planning Commission with the opportunity to review the proposed use of a site in relation to surrounding uses, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics, site vegetation, screening and buffering, developmental characteristics and other site elements which may have an effect upon the public health, safety, morals and general welfare, and its relationship and harmony with adopted Township ordinances and plans. Site improvements and development shall conform exactly to the approved site plans and supplemental drawings as approved by the Planning Commission.

Section 4.2 SUBMISSION REQUIREMENTS.

A. A site plan shall be submitted for review by the Planning Commission if one or more of the following situations apply:

1. Whenever a building permit is required for the erection or structural alteration of a building (other than a farm structure, single-family home and accessory building to such dwelling).
2. Wherever a parking or storage area is to be used or constructed.
3. For any substantial change in use or class of use, which is defined as an instance where the previous use and the proposed use fall under separate classifications in the zoning district list of permitted uses or uses permitted as special land uses.
4. The erection or addition to any major public utility service facilities, including the transporting, generating, processing, storing or transmitting of petroleum, electricity, sanitary sewage, water, etc., including towers, rights-of-way, substations, pumping stations, regular stations and similar appurtenances.

(Amended 3/14/16)

5. All uses requiring Special Land Use approval.

6. All condominium projects as provided for in Section 8.6 and Section 8.7.

(Amended 7/10/2017)

B. A required site plan shall consist of the following and shall include the entire site proposed for improvement with no unplanned areas.

1. The Site Plan Review Application shall be furnished in the number of copies required by the Township, together with the same number of site plan and building drawings.

The site plan shall be prepared by, and carry the seal of, the registered architect, landscape architect, land surveyor, or professional engineer who prepared it, unless waived by the Planning Commission.

(Amended 3/14/16)

2. The site plan shall contain the legal description, existing address, and zoning of the particular site and all adjacent properties.

(Amended 3/14/16)

3. The site plan shall include the locations of the existing and proposed structures and improvements, including yards, drives, screening areas, walls, parking areas, hard surfaces, signs, utilities, park areas, and dimensions of all such items and areas including the site, so that the requirements of the Zoning Ordinance as to such items will be apparent. The site plan shall show the locations and dimensions of individual sites for proposed structures, including parking sites for mobile homes and other vehicles. If the project includes more than one discrete lot or site such as a mobile home park of site condominium, the locations and dimensions of each individual site shall be shown.

(Amended 3/14/16)

4. The site plan shall be drawn to a minimum scale of one inch equals thirty feet (1" = 30') for less than five (5) acres, and at one inch equals fifty feet (1" = 50') for five (5) acres or more, and shall contain scale, date, revisions, north point and size in acres. A general location map at a scale of four inches equals one mile (4" = 1 mile), giving site location, is also required on the site plan.

(Amended 3/14/16)

5. The site plan shall show the proposed and existing right-of-way of County and State highways which adjoin the site, together with the proposed zoning, existing buildings, or improvements on all land adjacent to the site within one hundred (100) feet shall be shown. Front, side and rear elevations and typical floor plan(s) of proposed buildings and dimensions shall accompany the site plan for determination of compliance with the requirements of this Ordinance.

6. Existing and proposed topography drawn to at least two (2) foot contour intervals (five (5) foot contour intervals in areas of extreme topography) shall be shown on the site plan. Grade shots at building corners, property lines, and for the parking lot and street may be substituted on small site plans. Benchmarks for the elevations shown on the drawing shall be properly indicated.

7. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist or where such vegetation will be planted prior to occupancy. All trees over twelve (12) inch caliper to be labeled but allow other groups of trees to be shown as a general representation. Whenever a tree or group of trees of twelve (12) inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted "to be removed."

(Amended 3/14/16)

8. Location and size of existing natural features, such as streams, bodies of water, and floodplains.

(Amended 3/14/16)

9. In addition to the above requirements, all site plans shall contain the following information:

- a. Gross and net acreage figures.

(Amended 3/14/16)

- b. Designation of units by use of buildings.

(Amended 3/14/16)

- c. Interior sidewalks, and sidewalks within right-of-way.
- d. Hydrant locations.
- e. Exterior lighting locations with height, intensity, type and method of shielding.
- f. Trash receptacle location, loading stops, and method of screening.
- g. Transformer pad location and method of screening.
- h. Front, side and rear yard dimensions.
- i. Building length and width dimension.
- j. Parking spaces with typical dimensions, include handicapped parking spaces, and a table showing the calculation of required and proposed spaces.

(Amended 3/14/16)

- k. Greenbelt, obscuring wall or berm locations, and cross sections, where appropriate.
- l. A landscape plan for all unpaved areas.
- m. Dedicated road or service drive right-of-way and pavement widths and lengths.
- n. Drive or street approaches, including acceleration, deceleration and passing lanes.
- o. All utility lines serving the area located on the site.
- p. Soil borings, locations and summary report data shall be shown where soil quality may be in question.
- q. Surface drainage and drainage plan including drainage calculations.

(Amended 3/14/16)

- r. Location of storage, use and disposal areas, if any, for hazardous substances.
- s. List of hazardous substances used, stored or generated at the proposed facility, in accordance with procedures approved by the Almont Township Planning Commission.
- t. For residential uses (Multiple-Family, Mobile Home Parks, PND, and cluster developments) indicate the following additional information:
 - (1) Density calculations.
 - (2) Carport locations and details.
 - (3) Community building details and method of fencing the swimming pool, if applicable.
 - (4) Number of dwelling units, size of dwelling units (e.g., 1-bedroom, 2-bedroom, and 3-bedroom).

(Amended 3/14/16)

- u. In the case of nonresidential uses (i.e., Commercial, Industrial, Special Land Use, Flood Plain, and Office development), the following additional information shall be required:
 - (1) Loading and unloading area.

- (2) Total and usable floor area.
 - (3) Designation of fire lanes.
 - (4) Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, and other data of all such equipment and/or machinery shall be indicated.
10. Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the same time of site plan review or at a later date. However, the location of all signs shall be shown on the site plan.
11. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of a site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Commission's minutes, together with the unique circumstances and reasons for such waiver.

(Amended 3/14/16)

12. The Planning Commission may require additional information not listed in this section if it is necessary to determine compliance with the requirements of the zoning ordinance.
(Amended 3/14/16)

Section 4.3 PROCESSING PROCEDURES.

- A. The proposed site plan shall be submitted to the Township Zoning Administrator who shall check the submission date and transmit it to the Planning Commission for review.

The site plan shall be reviewed by the Planning Commission with reference to the specific requirements of the Ordinance, including those items listed above and other factors to be considered by the Township in planning and establishing zoning districts as authorized under this Ordinance. The Commission shall also request review and comment from the Township Planner and Township Engineer, when appropriate for compliance with zoning ordinance requirements and the requirements of other township adopted standards. Approval of the site plan (as submitted, or with additions, corrections, or alterations) by the Planning Commission shall satisfy the requirements of this Zoning Ordinance for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other Township ordinances.

(Amended 7/10/2017)

- B. A site plan approval shall be valid for one (1) year after the date of approval. If physical improvement of the site is not in actual progress at the end of a year and completed within two years, the approval becomes null and void unless renewed or extended by specific Planning Commission action. If approval is not extended before expiration of the one-year period, then a new application and a new approval shall be required before a building permit may be issued.
- C. Where the Planning Commission finds it is appropriate, for reasons stated in writing, to the satisfactory completion of the site development in accordance with the site plan, the Commission may require a cash deposit or irrevocable bank letter of credit acceptable to the Township, covering the estimated cost of improvements associated with a project for which

the site plan approval is sought, be deposited with the Township Treasurer to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project, and any cash deposits shall be rebated in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

An applicant for a site plan approval or others such as adjacent property owners who have a specific interest in a site plan decision may appeal the decision or absence of a decision of the Planning Commission to the Township Zoning Board of Appeals under Article 19 of this Ordinance.

(Amended 3/14/16)

Section 4.4 DEVELOPMENT IMPACT STATEMENT.

A. Statement of Intent.

The purpose of the Development Impact Statement (DIS) is to provide the Township with relevant information on the anticipated impact of a proposed development on public utilities, public services, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.

B. Submission Requirements.

Qualifications of Preparer: Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.

1. A Development Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:

- a. For any request for site plan review or special approval land use having an area of five (5) acres or more.
- b. For any rezoning.
- c. For any proposal for residential development (site plan, subdivision or site condominium) of fifty (50) or more units and/or resulting in a density of more than four (4) units per acre.

The Commission may waive any of the DIS submission requirements if it is determined that the subject information is not necessary to conduct a review of the application. The Planning Commission may waive the DIS review process when it is determined that the potential impact of the project does not warrant. (Amended 3/14/16)

C. Information and Data Required.

1. The Development Impact Statement shall include all applicable information as normally required for site plan review, rezoning, subdivision review, site condominium review, or special land use, as specified in the Zoning Ordinance and Subdivision Ordinance; and, in addition, the following supplemental information shall be required:

- a. If the possibility of wetlands exist on-site is indicated by the National Wetland Inventory map or at the request of the Township Engineer, an official Level III wetlands assessment conducted by the Michigan Department of Environmental Quality shall be conducted.

(Amended 3/14/16)

Conceptual Plan, showing how the proposed development relates to the above referenced conditions.

(Amended 3/14/16)

Any application for commercial rezoning shall be accompanied by a market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.

(Amended 3/14/16)

- b. Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development.

2. Impact Assessment.

The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate (For rezoning requests, the impact assessment shall be based on the most intense use possible under the permitted uses within the zoning district being requested).

(Amended 3/14/16)

a. **Land Use Impacts.**

- (1) Brief description of the proposed land use.
- (2) Hours of operation, if applicable.
- (3) Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property.
- (4) Project phasing plan or schedule.

b. **Impact on Public Utilities.**

- (1) Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
- (2) General calculations for water flows and water demands and how they relate to sewer line capacity.
- (3) For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Lapeer County Health Department shall be required.

- (4) Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the Lapeer County Drain Commissioner stating their initial concerns and recommendation shall be attached.

c. Impact on Public Services.

- (1) Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire and other emergency services. Particular attention should be given to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.

d. Impact on Natural Features.

- (1) Describe how existing natural features will be preserved.
- (2) Describe any impact on groundwater quality or quantity.

D. Evaluation Standards.

In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:

1. Land Use Impacts.

- a. The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
- b. The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.

2. Public Utilities.

- a. Public water and sanitary sewers with adequate capacity to serve the site are available, as determined by the Township Engineer.
- b. For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting on site wastewater disposal systems and well(s).
- c. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading the watercourses in the area.
- d. That the plan provides for the proper extension of public utilities and drainage improvements as provided for in the Township Master Plan and as determined by the Township Engineer.

3. Public Services.

- a. The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel. The decision by the Planning Commission regarding police and fire services shall be based on information provided to the Commission from the Fire and Police Departments.

(Amended 3/14/16)

- b. Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only). The decision by the Planning Commission regarding the ability of the public school system to accommodate a proposed residential development shall be based on information provided to the Commission from the school district.
- 4. Economic Impacts (for rezonings only).
 - a. The applicant has demonstrated that a sufficient market demand exists to support the use based on a documented market study and that the use will not create vacancies for existing retail establishments within the trade area. (Amended 3/14/16)
- 5. Natural Resources.
 - a. That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
 - b. The proposed development does not encroach into floodways or floodplains.
 - c. That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
 - d. The proposed development will not cause soil erosion or sedimentation problems.
- 6. Any adverse impacts that are the direct result of mitigation strategies shall also be addressed.

E. Processing Requirements.

- 1. A Development Impact Statement, when required under Section 4.04B, shall accompany applications for rezoning, special land use, site plan review, tentative preliminary plat approval and preliminary condominium approval.
- 2. The Development Impact Statement shall be considered, along with other applicable information required for the specific request, and shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance.

Section 4.5 TRAFFIC IMPACT STATEMENT.

A. Statement of Intent.

The purpose of the Traffic Impact Statement is to provide the Township with relevant information on the anticipated impact of a proposed development on traffic in the community. This process recognizes that the traffic pattern of many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.

B. Submission Requirements.

- 1. Qualifications of Preparer: Name(s) and address(es) of person(s) or firm(s) responsible for the preparation of the traffic impact statement and a brief description of their qualifications.
- 2. A Traffic Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:

- a. The development will generate more than one hundred (100) peak hour directional trips (as defined in Table 1 of Evaluating Traffic Impact Studies prepared by the Michigan Department of Transportation);
 - (1) For rezoning requests, in determining the traffic generation rate, the number shall be based on the most intense permitted use for the district being requested);
- b. MDOT or the Lapeer County Road Commission has reviewed the proposal and has determined that a traffic study is necessary.

C. Information and Data Required.

1. The Traffic Impact Statement shall include all information specified herein:

- a. **Description of Existing Traffic Conditions:**

- (1) Traffic Counts. Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site. Traffic count data shall not be over two (2) years old, except the community or road agency may permit 24 hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2%) percent annually in the past three to five years.
- (2) Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
- (3) Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
- (4) The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
- (5) Approved developments within the study area shall be part of all calculations for anticipated traffic.

- b. **Trip Generation.**

- (1) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may, at the discretion of the Planning Commission, use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan. All approved but not yet constructed developments shall be included in the forecasted trip generation for the area.
- (2) Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
- (3) For projects intended to be developed in phases, the trip generation by phase shall be described.
- (4) **Trip Distribution.** The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project

turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report.

c. Impact Analysis.

Level of service or “capacity” analysis at all intersections significantly impacted by the proposed development shall be provided using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

d. Access Design/Access Management Standards.

The report shall include a map and description of the location and design of proposed access (driveways or new street intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of the Lapeer County Road Commission and Michigan Department of Transportation access management standards (not required for rezoning application).

(Amended 3/14/16)

e. Other Study Items.

The traffic impact statement shall include:

- (1) Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
- (2) Changes which should be considered to the plat or site plan layout.
- (3) Description of any needed non-motorized facilities.
- (4) If the use involves a drive-thru facility, the adequacy of the (queuing and/ or stacking) area should be evaluated.
- (5) If a median crossover is desired, separate analysis should be provided.
- (6) If a traffic signal is being requested, the relationship of anticipated traffic-to-traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
- (7) Description of site circulation and available sight distances at site driveways.
- (8) Conflicts with pedestrian traffic within the development and along all site boundaries that require sidewalk access.

f. Mitigation/Alternatives.

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

- g. All traffic impact studies shall be prepared by a registered Professional Engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

D. Evaluation Standards.

1. Traffic Impacts.

- a. The proposed development has access to a public road capable of supporting the development.
- b. The use will not increase traffic that will effectively result in a level of service of "D" or lower on the abutting road or at intersections proximate to the proposed development.
- c. The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
- d. The placement and design of driveways will accommodate safe movement of traffic into and out of the site.
- e. Adequate provisions have been made to accommodate pedestrians.
- f. Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.

E. Processing Requirements.

- 1. A Traffic Impact Statement, when required under Section 4.3.0, shall accompany applications for rezoning, special land use, site plan review, tentative preliminary plat approval and preliminary condominium approval.
- 2. The Traffic Impact Statement shall be considered, along with other applicable information required for the specific request, and shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance.

ARTICLE 5

SPECIAL LAND USE REVIEW PROCEDURES

Section 5.1 APPLICATION.

An application for special land use approval shall be filed with the Township Clerk by the owner of the property on which the use is to be located, by the written permission of the owner, or by a legally appointed representative of such owner, accompanied by the necessary fees and documents, as required by this Ordinance. All applications for special land use shall contain the signature of the property owner and include a site plan and supporting documents as prescribed under Article 4 and any other documents required under the provisions of this Ordinance.

(Amended 3/14/16)

Section 5.2 HEARING.

Requests for special land use approval may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearings on special land use requests comply with the requirements of Section 13.9 of this ordinance.

(Amended 3/14/16)

Section 5.3 REVIEW STANDARDS.

In considering all applications for special land use, the Planning Commission shall review each case individually as to its appropriateness, and must find affirmatively to each of the following standards of the proposed land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary to the interest of public health, safety and welfare.

- A. The characteristics of the proposed special land use such as location, size, layout, periods of operation and character will not be unreasonably detrimental to the surrounding neighborhood or create unacceptable off-site impacts due to traffic, dust, noise, fumes, vibration, smoke or lights.
- B. The characteristics of the proposed special land use such as location, size, layout, periods of operation and character will not unreasonably interfere with, or discourage, the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

(Amended 3/14/16)

- C. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
- D. The proposed use shall be in harmony with the general purpose and intent of the Zoning Ordinance and the Township Master Plan.

Section 5.4 DECISION.

- A. **Approval.** If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly

set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than twelve (12) months thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

(Amended 3/14/16)

- B. **Denial.** If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application.

(Amended 3/14/16)

- C. **Record.** The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The statement shall specify the basis for the decision, and any conditions imposed.

Section 5.5 CONDITIONS.

The Planning Commission may impose such conditions or limitations in granting approval, as may be permitted by State Law and this Ordinance, which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to 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, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as 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 regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
- D. Be reasonably connected to the impact it is proposing to mitigate.
- E. Be roughly proportional between the scope of the proposed condition in relationship to the impact to be mitigated.

(Amended 3/14/16)

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged, except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

Section 5.6 REVOCATION.

- A. The Planning Commission may revoke a special land use approval based on a finding that the property has not complied with the conditions of approval or have changed the use to be inconsistent with the use as originally approved. Prior to revocation, the Planning Commission must hold a public hearing meeting the notice requirements of Section 13.9.
- B. An approved special land use that does not require construction approved by a site plan must be commenced within two (2) years from the date of approval of the special land use or the approval shall expire. A use that also involves construction must comply with the deadline for a site plan outlined in Article 4 of this ordinance.

For a special land use that does not require construction approved by a site plan, the Planning Commission may grant one (1) extension for an additional one year. For a use that also involves construction approved as part of a site plan, extensions shall comply with the provisions for a site plan outlined in Article 4 of this ordinance.

(Amended 3/14/16)

Section 5.7 AMENDMENTS.

Amendments to the uses allowed or the conditions imposed on a special land use approval shall require the same public review and approval process as the original approval. Amendments to the site plan approved as part of the special land use approval may be amended through the procedures in Article 4, unless the amendment, in the opinion of the Planning Commission increases the scope or potential for off-site impacts, in which case the proposed change will be treated as a special land use amendment.

(Amended 3/14/16)

Section 5.8 CHANGE IN OWNERSHIP.

Upon change in ownership of a use allowed as a special land use, the new owner or their representative shall meet with the Planning Commission. The purpose of the meeting will be to review the scope of the special land use approval granted along with any conditions in order to ensure continued compliance with the SLU approval.

(Amended 3/14/16)

ARTICLE 6

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 6.1 INTENT.

The off-street parking and loading requirements of this Ordinance are established to prevent congestion on public streets by providing clearly defined parking areas that are separated from roadways; to remove the hazard to pedestrians of emerging between parked vehicles onto a public street; to facilitate proper storm-water runoff; to prevent the generation of dust into the area; and to make clear the availability and arrangement of spaces to all users.

Section 6.2 GENERAL PARKING REQUIREMENTS.

It shall be the duty of both the owner and occupant of any premises to provide off-street parking spaces as required in this Article. Such off-street parking areas shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. Whenever a use or an activity requiring off-street parking is created, enlarged, or increased in activity or intensity, off-street parking spaces shall be provided on-site and maintained as required by this Ordinance.
- B. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one (1) parking space.
- C. All parking spaces shall be ten by twenty feet (10' x 20'), and parallel parking spaces shall be a minimum of ten by twenty-three feet (10' x 23'). Handicapped spaces (12' x 20') to be furnished as required by ADA Accessibility Guidelines (ADAAG). All stacking spaces are required to be a minimum of ten (10) feet by twenty-three (23) feet. Drive-through or vehicle stacking lanes shall be so located so as not to impede pedestrian or vehicular circulation on the site or abutting sites, nor shall any drive-through lane cross a vehicle maneuvering lane or aisle.
 1. The parking space length may be reduced from 20 feet to 18 feet when the space is adjacent to a sidewalk at least seven (7) feet wide or a curbed landscape area.
(Amended 1/14/2019)
- D. Parking plans shall be submitted for review and approval of layout and point of access by the Planning Commission.
- E. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a use which is so mentioned and which said use is similar as determined by the Planning Commission shall apply.
- F. For the purpose of meeting off-street parking requirements gross floor area shall mean the total floor area of a building measured to the outside walls and including all levels.
(Amended 7/10/2017)
- G. The amount of required off-street parking space for new uses and changes of uses of buildings and additions to existing buildings as specified above shall be determined in accordance with

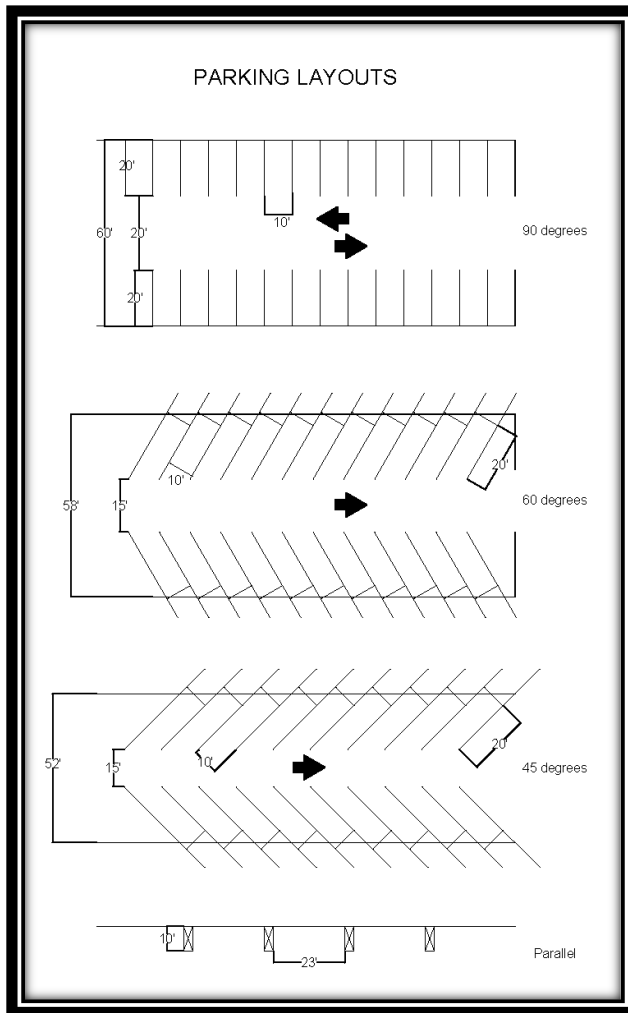
this Ordinance, and the space so required shall be stated in the application for a building permit and shown on the plot or site plan and shall be irrevocably reserved for such use.

(Amended 7/10/2017)

- H. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately. Any such provisions or agreements for collective parking for two (2) or more buildings shall be set forth in a recordable instrument and recorded at the Office of the Register of Deeds, describing the lands affected by this agreement or easement.
- I. Where the owners of two (2) or more buildings, whose operating hours do not overlap, desire to utilize common off-street parking facilities, the Planning Commission may permit such dual function provided that the following conditions have been met:
- (Amended 7/10/2017)
1. The normal business hours of the two (2) buildings or uses in no way overlap, except for custodial personnel. In the event that there is a change of uses that no longer meets the criteria established for shared parking, the required number of spaces as provided below shall be installed.
 2. The common parking lot meets the off-street parking requirements of the larger building or more intensive use, plus fifteen (15) percent.
 3. The common parking lot meets all of the locational requirements of this Ordinance with respect to each building or use.
 4. The site plan shall indicate a reserve area that is capable of accommodating the required number of parking spaces, if necessary. The developer shall execute an agreement, in a form satisfactory to the Township, that will obligate the property owners to install additional parking at the Township's request, if the need arises.
- J. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives paved shall be provided for all vehicles. All parking areas shall be provided with a safe entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall in no event be less than twenty-eight (28) feet in width; provided, however, in no case shall there be more than one (1) separate exit and one (1) separate entrance to and from a single street. The location of each such entrance and exit shall be submitted for approval of the Lapeer County Road Commission or the Michigan Department of Transportation, as the case may be, and the Township Planning Commission. Tapers and bypass lanes shall be required as determined by the Planning Commission.
- K. The off-street parking facilities required for all other uses shall be located on the lot or on property within three hundred (300) feet of the permitted use requiring such off-street parking within the Township, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the said off-street parking facility shall not be separated from the building to be served by a major thoroughfare as designated in the Township Master Plan.

- L. All parking areas required shall be paved with concrete or plant mixed bituminous material in accordance with plans approved by Almont Township. Such concrete pavement shall be designed in compliance with the Township Engineering Standards Ordinance.
- M. All spaces shall be provided adequate access by means of maneuvering lanes. Spaces shall not be designed to permit backing directly into a street.
- N. Plans for the layout of the parking lot shall show a total dimension across two (2) tiers of spaces and one (1) aisle (maneuvering lane) of at least the following in the various patterns:
(See Figure 6-1)

Figure 6-1: Parking Layout Dimensions Illustration



1. Ninety Degree Pattern - Sixty (60) feet for two (2) tiers of space and one (1) aisle (maneuvering lane), with the minimum aisle being twenty (20) feet in width.

2. Sixty Degree Pattern - Fifty-eight (58) feet for two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being fifteen (15) feet in width.

3. Forty-Five Degree Pattern - Fifty-two (52) feet for two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twelve (12) feet in width.

4. The Planning Commission may require an access easement to provide for vehicle access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic.

5. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent drainage of water onto adjacent property or toward buildings, and drainage plans shall meet the specifications of the Township Engineering Standards Ordinance.

O. Curbs, meeting construction standards established by the Township Engineering Standards Ordinance, shall be required whenever the Planning Commission deems them necessary to control drainage or

vehicle circulation.

- P. In calculating parking space requirements two (2) feet of bench or pew length shall equal one seat.

(Amended 7/10/2017)

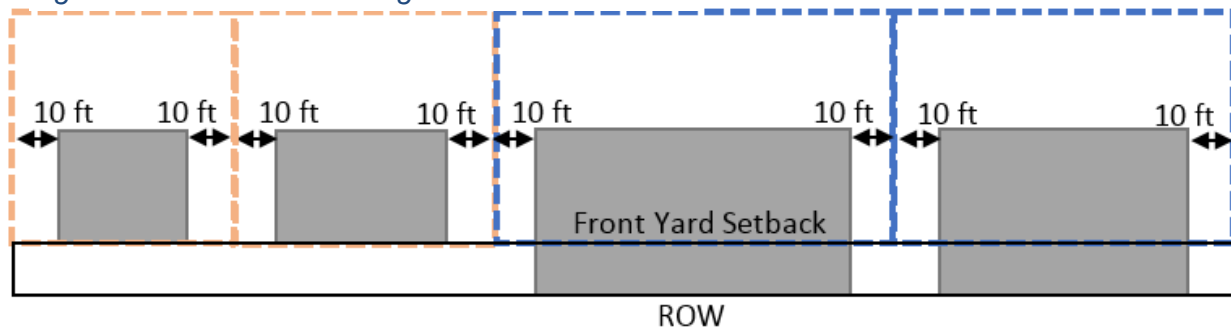
Section 6.3 OFF-STREET PARKING DEVELOPMENT REGULATIONS.

An approved off-street parking area as permitted under this Section shall be subject to the following regulations:

- A. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon such premises.
- B. All signs shall conform to the requirements set forth in the Almont Township Sign Ordinance.
- C. All land between the lot boundaries of the lot on which is located a parking area and the barriers hereinafter referred to, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the general character of the district.
- D. Parking lot lighting shall meet requirements of Section 7.5 of this ordinance.
- E. Side yards shall be maintained for a space of not less than ten (10) feet between the side lot lines adjoining residential lots and the nonresidential parking area. The depth of the front yard or setback line from the street as established for houses on any block in any given residential area shall be continued and made applicable to parking area if located adjacent to such residential area, and it shall be unlawful to use the space between such setback line and the right-of-way for the parking of motor vehicles; provided, further, that the barrier specified in the next succeeding section shall be located at the setback line as herein required. In the case of a nonresidential use adjacent to another nonresidential use, a twenty (20) foot front yard setback shall be required. The twenty (20) foot setback area shall be maintained in grass or other landscaping. (See Figure 6-2)

Key	
Residential Use=	--- · ·
Non-Residential Use =	- - - · ·
Allowed Parking Area =	■
Right of Way (ROW) =	—

Figure 6-2: Allowable Parking Lot Areas Illustration.



(Amended 7/10/2017)

- F. Entrance to such area shall be only from adjoining principal use or adjoining alley or street.
- G. Construction plans for the development of any parking lot must be submitted in triplicate to the Township and must be approved by the Township Engineer prior to the start of construction. The construction is to be in accordance with the requirements of the Township Engineering Standards Ordinance and the Zoning Ordinance of the Township, and such construction shall be completed and approved by the Township Engineer.

- H. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked, or stored in a parking lot as permitted in this subsection for a period of longer than 18 hours, it being the purpose and intent of this provision that the requirement is to provide for keeping parked motor vehicles off the streets, but such requirement is not designed to permit the storage of wrecks or junked cars or vehicles.
- I. No charge for parking shall be made in an off-street accessory parking area permitted under this subsection.
- J. The use of any loud noise-producing device or public address system shall be prohibited.
- K. All parking serving other than one-family dwelling shall be side-by-side, and tandem parking shall be prohibited.
- L. The Planning Commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic.

Section 6.4 MINIMUM NUMBER OF OFF-STREET PARKING SPACES.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the requirements Table of Use Requirements in Section 8.7.

Section 6.5 OFF-STREET LOADING AND UNLOADING.

The number, size and location of off-street loading and unloading area shall be provided whenever it is determined by the Planning Commission that the nature of the building or use is such that loading areas would be necessary.

- A. All loading or unloading areas shall provide a minimum height clearance of fourteen (14) feet.
- B. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. When required, loading and unloading areas shall be designated and defined.
- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities, except as specifically authorized by this Ordinance.
- D. Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the Planning Commission when it is determined that such space and loading facilities would not interfere with parking and circulation, either vehicular or pedestrian, or with abutting uses.
- E. All loading and unloading areas shall be surfaced, drained and otherwise developed in accordance with the provisions applicable to off-street parking areas (Section 6.2 (L)).

Section 6.6 PARKING LOT LANDSCAPING REQUIREMENTS.

- A. The intent of these requirements is to enhance the visual environment of the Township; to promote public safety; to moderate heat, wind and other local climatic effects produced by parking lots; and to minimize nuisances, particularly noise and glare. Sufficient interior and perimeter parking lot landscaping shall be provided to accomplish the following objectives:
1. Break-up large areas of hard-surface paving.
 2. Screen stored vehicles from off-site view along the frontage and perimeter of the parking lot.
 3. Provide or perpetuate a tree-lined streetscape along any adjoining public right-of-way.
 4. Create attractive site and building entrances.
- B. All unpaved areas between commercial or office building and a Right of Way (ROW) shall be landscaped and maintained to include grass and/or placement of shrubbery. All off-street parking areas shall incorporate and provide curbed tree planting spaces to be laid out square and constructed to provide not less than fifty (50) square feet of land area for each tree planting.

(Amended 7/10/2017)

- C. Trees shall be placed somewhat evenly either symmetrically or asymmetrically throughout the parking area. There shall be planted and maintained trees of a selected variety and varying in size as may be practical for planting and the developer's architectural effect, but which shall be of a minimum of two (2) inches caliper at the time of planting and shall be so provided and arranged so as to establish a ratio of one (1) tree for each six (6) parking spaces or fraction thereof. Small parking areas of less than eighteen (18) spaces may place the required trees next to the parking area rather than within the lot proper. The following trees, or similar types, are suitable for parking lot and urban conditions:
1. Deciduous
 - a. Thornless Honeylocust
 - b. Plane Tree
 - c. Magnolia
 - d. Moraine and Skyline Locust
 - e. Black Maple
 - f. Sugar Maple
 - g. Cherry
 - h. Redbed
 - i. Ginko

2. Evergreen
 - a. Emerald Arborvitae
 - b. Green Giant Arborvitae
 - c. Fir
 - d. Spruce
 - e. Hemlock
 - f. Douglas Fir

(Amended 7/10/2017)

ARTICLE 7

ENVIRONMENTAL PROVISIONS

Section 7.1 STATEMENT OF PURPOSE.

The requirements included within this article are intended to improve the overall compatibility between the Township's man-made and natural environments. Specific objectives to be addressed as part of these requirements include the following:

- Maintain and enhance the visual character of the Township.
- Screen and buffer objectional views and uses within and between uses.
- Define exterior site functions and areas.
- Reduce glare into and from the site.
- Reduce dust and other pollutants suspended in the air.
- Control noise and provide acoustical modification into and from the site.
- Contain odors and minimize their passage into and from the site.
- Control the direction and velocity of surface water runoff and minimize soil erosion.
- Moderate interior and exterior temperatures by controlling solar radiation on buildings and paved surfaces.
- Maintain aesthetic quality of property and enhance its value.

Section 7.2 SCREENING REQUIREMENTS.

Whenever the construction in any district abuts the boundary of a less intense district (with A-R the least intensive district and I the most intensive district as listed in Section 8.6) or an existing residentially used parcel, except for adjoining single-family dwellings, it shall not be approved unless a greenbelt, decorative masonry wall or landscaped earthen berm is provided between the two uses and meets the requirements specified as follows:

(Amended 7/10/2017)

A. Walls.

1. Walls shall be constructed of protective face brick, decorative poured concrete, precast panels, fluted block (both sides), or similar decorative building material determined to be acceptable by the Planning Commission. The color of brick or facing shall be compatible with brick used on the site and shall be durable, weather resistant, rustproof, and easy to maintain.
2. The foundation of any wall shall be constructed as per the requirements of the Building Inspector.
3. No such wall shall be constructed of exposed concrete block, cinder block, or wood products, nor shall it be painted.
4. All protective walls shall be provided along and immediately adjoining the zoning district boundary line and shall be installed so as to lie wholly on the land of the applicant seeking site plan approval.

B. Berms.

1. Berms shall be designed to be consistent with architectural character of the building(s) to be located on the site and shall consist of landscaped earth mounds possessing a maximum slope ratio of three (3') feet horizontal to one (1') foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro seeded to prevent erosion.
2. In those instances where a berm is included as part of a greenbelt, a detailed drawing and cross-section of the proposed berm shall be provided as part of the landscape plan.

C. Greenbelts.

1. The selection, spacing, and size of plant material shall be such as to create, within a five-year period from date of planting, a horizontal obscuring effect for the entire length of the required greenbelt area, and a vertical obscuring effect of such height as to properly screen between land uses.
2. The minimum horizontal dimensions of required greenbelt shall be as set forth under the provisions of this ordinance for the respective land uses and districts indicated. Greenbelts in the OS, C-1 and C-2 districts shall be a minimum of fifteen (15) feet.
(Amended 7/10/2017)
3. Plant materials selected for use under this section shall be planted according to the following space requirements:
 - (1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - (2) Where plant materials are planted in two (2) or more rows, planting shall be staggered in rows.
 - (3) Evergreen trees shall be planted not more than twenty (20) feet on center when planted in informal groupings or twelve (12) feet on center when planted in a single row.
 - (4) Narrow evergreens shall be planted not more than ten (10) feet on center when planted in informal groupings or five (5) feet on center when planted in rows.
 - (5) Deciduous trees shall be planted not more than thirty (30) feet on center.
 - (6) Tree-like shrubs shall be planted not more than fifteen (15) feet on center.
 - (7) Large and small shrubs shall be planted not more than four (4) feet on center. If they have a spreading habit, they shall be planted no more than four (4) feet on center.

Section 7.3 GENERAL SITE LANDSCAPING REQUIREMENTS.

1. Whenever any yard (front, side or rear) is not designated for building, off-street parking, loading and unloading, storage, or other purpose within the terms and requirements of a given zoning district, it shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition.
2. Whenever, in this Ordinance, a landscape treatment is required, it shall be in accordance with the specific use as mentioned in this Section. All landscaping shall consist either of approved natural materials or living plant materials. Such landscaping shall hereafter be maintained in a presentable condition, and shall be kept free from refuse and debris; provided, further, that all plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition and shall be kept free of plant diseases

and insect pests. All landscaped areas shall be protected from the encroachment of vehicles by curbing or other suitable device.

3. A detailed landscape plan for all yard areas shall be submitted to the Planning Commission during site plan review showing the names (common and botanical), location, spacing, starting size and planting and staking details of all plantings to be installed, and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscape yards including those expanded beyond the minimum setback requirements of this Ordinance.
4. Existing significant trees, tree stands, natural vegetation and wildlife habitat shall be integrated into the site landscape plan to the maximum extent possible.
5. Undeveloped portions and subsequent phases of the site shall be seeded, mowed and maintained.
6. All plant materials used shall be placed in fertile soil with good surface drainage and shall be given reasonable maintenance necessary to ensure their healthy existence and survival. All natural materials shall be maintained, refurbished, or replaced as necessary to ensure a positive aesthetic quality.
7. During development, building, renovating, or razing operations, the developer shall erect and maintain suitable protective barriers around all trees specified to be maintained so as to prevent damage to said trees and shall not allow storage of equipment, materials, debris or fill to be placed in this area except as may be necessary for no more than thirty (30) days, if no other storage space is elsewhere available.
8. All proposed landscaped plantings shall meet the minimum size requirements specified in the following table:

(Amended 3/14/16)

Minimum Size Allowable

	Height				Caliper			
	8'	3'-4'	2'-3'	18"-2'	2"	3"	18"-2' Spread	2" Peat Pot
Evergreens:								
Fir	x							
Spruce	x							
Pine	x							
Douglas Fir	x							
Narrow Evergreen Trees:								
Red Cedar	x							
Arborvitae	x							
Juniper (selected varieties)	x							
Large Deciduous Trees								
Oak								x
Maple								x
Beech								x
Linden								x
Ginko (male only)								x
Honeylocust (seedless, thornless)								x
Birch								x
Sycamore								x
Small Deciduous Trees (Ornamental):								
Flowering Dogwood (disease resistant)								x
Flowering Cherry, Plum, Pear								x
Hawthorn (thornless)								x
Redbud								x
Magnolia								x
Mountain Ash								x
Hornbeam								x
Russian Olive								x
Large Evergreen Shrubs								
Hicks Yew								x

Upright Yew	x	
Spreading Yew		x
Pfitzer Juniper		x
Savin Juniper		x
Mugho Pine		x

Minimum Size Allowable						
Height			Caliper			
8'	3'-4'	2'-3'	18"-2'	2"	3"	18"-2' Spread

Small Evergreen Shrubs:

Brown's, War's Sebion Yews						x
Dwarf Spreading Juniper						x
Dwarf Mugho Pine						x
Euonymous Varieties						x

Large Deciduous Shrubs:

Honeysuckle		x				
Lilac		x				
Border Privet (hedge plantings)			x			
Sumac	x					
Buckthorn	x					
Pyranantha		x				
Weigela	x					
Flowering Quince	x					
Barberry	x					
Cotoneaster (Peking & spreading)	x					
Sargent Crabapple	x					
Dogwood (Red Osier & Grey)	x					
Euonymous Varieties	x					
Viburnum Varieties	x					
Tail Hedge (hedge planting)		x				

Small Deciduous Shrubs:

Dwarf Winged			x			
Regal Privet			x			
Fragrant Sumac			x			
Lavender			x			
Cotoneaster (Rockspray, Cranberry)			x			

Ground Cover:

Periwinkle	x	
Euonymous Varieties	x	
Hall Honeysuckle	x	
Pachysandra	x	
Decorative Grasses	x	
Vines:		
Euonymous Varieties		x
Virginia Creeper		x
Baltic Ivy	x	
Wisteria		x

9. The following trees are not permitted for use as required landscaping as they split easily, their wood is brittle and breaks easily, they bear fruit or seed pods that can stain vehicles, drives and sidewalks and they are unusually susceptible to disease or insect pests.
 - a. Boxelder
 - b. Red Maple
 - c. Silver Maple
 - d. Horse Chestnut
 - e. Hickories
 - f. Catalpa
 - g. Hawthorns
 - h. Black Walnut
 - i. Mulberry
 - j. Poplars
 - k. Willows
 - l. American Elm
 - m. Siberian Elm
 - n. Slippery Elm, Red Elm
 - o. Ash

(Amended 7/10/2017)

Section 7.4 LOCATION AND SCREENING OF TRASH RECEPTACLES.

- A. The location of trash receptacles shall be indicated on a site plan as required in Section 4.2.B.9.f. All such trash receptacles shall be located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, site traffic circulation patterns, or any public right-of-way.
- B. Unless otherwise noted in this section, all trash receptacles shall be screened on three (3) sides by decorative masonry walls which are similar to, or compatible with, the exterior construction materials used elsewhere on site. Chain link fencing with view obscuring slats or wooden fencing shall not be considered to be suitable screening materials. All trash receptacles shall be placed on a concrete pad having a minimum dimension of six (6) inches by ten (10) feet by ten (10) feet.
1. In instances where the trash receptacle is located in an area that is not visible from the road frontage or from the surrounding properties, the Planning Commission may consider alternative materials/screening, or waiving the requirement altogether, for a proposed trash enclosure.

- C. The height of the masonry screening shall be six (6) feet in height. The walls shall be maintained so as to remain structurally sound and neat and clean in appearance. Trash shall not be allowed to overflow from the receptacle. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. No trash receptacle shall be placed any closer than forty (40) feet to any residential zoning district. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns. Trash receptacles shall be located to minimize their impact on any adjoining residential zoning districts.
- D. If usage patterns determine that the number of trash receptacles provided on-site are insufficient, additional receptacles may be required by the Township. Any additional trash receptacles so provided shall be located and constructed according to the standards contained herein.

Section 7.5 EXTERIOR LIGHTING REQUIREMENTS.

Lighting in all use districts shall conform to the following requirements as to type, location and intensity.

- A. All exterior lighting shall be clearly shown on a site plan as required in Section 4.2.B.9.e with appropriate symbols and labeling. Lighting intensity and shielding details shall be noted for all exterior lighting.
- B. All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential property. The maximum light intensity along property lines adjacent to residential land uses shall be 0.1 foot candles.

(Amended 7/10/2017)

- C. All outdoor lighting shall be directed toward and confined to the ground areas of lawns or parking lots, except as noted in 4. below.
- D. Lighting used for the external illumination of buildings, so as to feature the building, shall be placed and shielded so as not to interfere with the vision of persons travelling along the adjacent highway or the adjacent property.
- E. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving, or intermittent type of lighting or illumination. In addition, there shall be no exposed bare bulb illumination of any kind exposed to public view.
- F. No lighting higher than fifteen (15) feet in height shall be located closer than seventy-five (75) feet to an adjoining residential zoning district.
- G. All lighting should be appropriate to the site and its surrounding in terms of style, scale and intensity of illumination. The use of site floodlighting, building-mounted or otherwise, or tall "freeway type" fixtures is prohibited. Low wattage systems are recommended, and all site lighting shall be shielded.

H. The lighting of pedestrian walkways and plazas may include either shielded or exposed sources, but the height and intensity of the light shall be subdued.

I. All modifications and lighting components shall be used as designed by the manufacturer.

(Amended 1/14/2019)

Section 7.6 PERFORMANCE STANDARDS

No use shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within Almont Township.

A. **Smoke.** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart, provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to, but not darker than, No. 2 of the Ringlemann Chart; air contaminants of such opacity as to obscure observers' view to a degree equal to, or greater than, described above shall not be permitted, except that essentially water vapor effluents in the range of white or cream may be excepted by the rule for a period or periods aggregating four (4) minutes in any thirty (30) minutes. For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard.

B. **Dust, Dirt and Fly Ash.** No person, firm or corporation shall operate, or cause to be operated, maintain, or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device, recognized and approved equipment, means, methods, device or contrivance to reduce the quantity of gas-borne or air-borne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of five hundred (500) degrees Fahrenheit. For the purpose of determining the adequacy of such device, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

C. **Odor.** The emission of obnoxious odors shall be prohibited.

D. **Gases.** SO₂ gas, as measured at the property line, shall not exceed an average of .3 p.p.m. over a twenty-four (24) hour period; provided, however, that a maximum concentration of .5 p.p.m. will be allowed for a one (1) hour period out of twenty-four (24) hour period; H₂S shall not exceed .1 p.p.m.; nitrous fumes shall not exceed .1 p.p.m.; CO shall not exceed fifteen (15) p.p.m.

E. **Glare and Radioactive Materials.** Glare from any process (such as or similar to arc welding, or acetylene torch cutting), which emits harmful ultraviolet rays, shall be performed in such a manner as not to be seen from beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste, including electromagnetic radiation such as x-ray machine operation, shall not be permitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

F. **Fire and Explosive Hazards.**

1. In the Industrial District and all commercial districts, the storage, utilization or manufacture of materials or products ranging from noncombustible to moderate burning, as determined by the Fire Chief, is permitted, subject to compliance with all other performance standards.
2. The storage, utilization, or manufacture of materials, goods, or products, ranging from free or active burning to intense burning, and determined by the Fire Chief, is permitted, subject to compliance with all other yard requirements and performance standards and providing that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having noncombustible exterior walls which meet the requirements of the building code.
 - b. All such buildings or structures shall be set back according to the adopted Township Fire Code.
 - c. The storage and handling of flammable liquids, liquified petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended, or by the Fire Prevention Ordinance of Almont Township and according to adopted NFPA Fire Ordinance, whichever is more stringent.

G. **Air-Borne Matter General.** In addition to subsections 1. through 4. above, there shall not be discharged from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment or nuisance to the public, or which endanger the comfort, repose, health or safety of persons, or which cause injury or damage to business or property.

H. **Open Storage.** The open storage of any industrial equipment, vehicles, and all materials, including wastes, shall be screened from public view, from public streets, and from adjoining residential districts by an enclosure consisting of an approved wall not less than the height of the equipment, vehicles and all materials to be stored.

I. **Noise.** The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels, as measured at the boundary property lines, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. In the Industrial District, the following maximum noise levels may be permitted:

6:00 A.M. to 11:00 P.M.
75

11:00 P.M. to 6:00 A.M.
70

In addition, objectionable sounds of an intermittent nature or characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance to adjacent uses.

J. Manufacturing equipment and machine limitations.

1. Automatic screw machines. Such machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than five hundred (500) feet to any residential zoned district.
2. Stamping machines, punch presses, press breaks and hydraulic presses shall not be located closer than 500 feet to any district zoned for residential use, nor closer than 500 feet to any one-family, two-family, or multiple-family dwelling, or mobile home park or other structure for permanent residential use which structure is primarily and customarily used for such residential purposes.
3. ("Primarily" used herein means the use of more than one-half (1/2) of the floor area of the structure for residential purposes. "Customarily" as used herein means the use of such structure for residential purposes for not less than six (6) months during a calendar year in consecutive years.) All such machines shall be placed on shock absorbing mountings located on suitable reinforced concrete footings. No such machine shall be loaded beyond such capacity as may be prescribed by the manufacturer of the machine.

K. Storage of Hazardous Substances.

1. Definition of Hazardous Substances. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials are defined by the U.S. Department of Transportation; critical materials and polluting materials as defined by the Michigan Department of Natural Resources; and hazardous waste as defined by the Michigan Department of Natural Resources.
2. **Applicability.** These provisions apply to all businesses and facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons, or 220 pounds).
3. Above-ground Storage.
 - a. Primary containment of hazardous substances shall be product tight.
 - b. Secondary containment of hazardous substances shall be provided for all facilities subject to site plan review. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - c. Outdoor storage of hazardous substances is prohibited, except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
 - d. At a minimum, State and Federal agency requirements for storage, leak detection, record-keeping, spill prevention, emergency response, transport and disposal shall be met.
4. Below-ground Storage.

- a. At a minimum, regulations of the Michigan Department of Natural Resources, Michigan Fire Marshall Division, and Almont Township for the installation, inspection, maintenance of a leak detection system, inventory and record-keeping, emergency response and closure must be met.
 - b. All underground storage tanks which have been out-of-service for nine (9) months or longer shall be removed from the site before a building permit is issued. This requirement may be adjusted by the Fire Chief in situations where a clear timetable for the safe use of the underground tank is established.
5. Plan Review and Approval.
- a. Site plans for facilities with hazardous substances shall be reviewed by the Fire Chief, or his/her designee, prior to the approval by the Planning Commission. Such plans shall include the information on hazardous materials required in Section 4.2.B.9.r and s.

ARTICLE 8

ZONING MAP AND ZONING DISTRICTS

Section 8.1 ZONING MAP.

The Official Zoning Map of Almont Township which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Supervisor, attested by the Township Clerk, and under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 8.00 of Ordinance Number 39 of Almont Township, Lapeer County, Michigan" together with date of the adoption of this Ordinance.

If in accordance with the provisions of this Ordinance and Act 110, of the Public Acts of the State of Michigan, 2006, as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Board and has been published in a newspaper of general circulation in the Township. The changes in the district boundaries or other matters affecting the Official Zoning Map shall be clearly portrayed on the Map and reference made to the ordinance number and date of publication effecting the change shall be written on such portrayal, signed by the Supervisor and attested by the Township Clerk.

No change(s) of any nature shall be made in the Official Zoning Map on matter(s) shown thereon except in conformity with procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 23.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Township Office shall be the final authority as to the current status of land areas, buildings and other structures in the Township.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board, may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Supervisor, attested by the Township Clerk and under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Almont Township Zoning Ordinance dated _____, of Almont Township, Lapeer County, Michigan."

Unless the prior Official Zoning Map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption and amendment.

(Amended 7/10/2017)

Section 8.2 ZONING DISTRICTS.

For the purpose of this Ordinance, Almont Township is hereby divided into the following districts:

A-R - Agricultural-Residential District
R-1A - Single Family Residential District
R-1B - Single Family Residential District
MHP - Mobile Home Park District
RM - Multiple Family Residential District
O-1 - Professional Office District
C-1 - Local Commercial District
C-2 - Planned Shopping Center District
C-3 - General Commercial District
I - Industrial District

Section 8.3 BOUNDARIES.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, drains, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1. through 5. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of this Ordinance and the use of same is authorized thereon, and the other districts requirements applying to the least restricted portion of such lot under this Ordinance, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 7 above, the Board of Zoning Appeals shall interpret the district boundaries, after recommendation from the Planning Commission, according to the rules and regulations which the Planning Commission may adopt.

Section 8.4 DISTRICT REGULATIONS.

All structures and land in any district set by this Ordinance shall be subject to the provisions of this Ordinance. The regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind or structure or land, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. to exceed the height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any manner contrary to the provision of this Ordinance.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. All territory which may hereafter be annexed to the Township shall be considered to be in the A-R Agricultural-Residential District until otherwise classified.
6. Whenever any street, alley or other public way within the Township shall be vacated. Such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it is attached.

Section 8.5 DISTRICT PURPOSE STATEMENTS.

District	Purpose Statement
A-R	The Agricultural Residential District is intended to preserve the Township's rural agricultural environment by encouraging the continued use of land for farming purposes. The district also encourages the establishment of orderly residential development and related activities at a density that is compatible with the preservation of the Township's agricultural uses. Areas designated for Agricultural Residential purposes are not expected to be served by public water or sewer facilities in the foreseeable future.
R-1A	Both the R-1A and the R-1B Single-Family Residential Districts are established to provide principally for one-family dwellings. The specific intent of both districts is to encourage the construction and continued use of single-family dwellings and to prohibit the use of land which would substantially interfere with this objective, and to discourage any land use which, because of its size or character, would create requirements and costs for public services substantially in excess of those at the specified densities, and to discourage any land use which would generate excess traffic on local streets.
R-1B	
MHP	<p>This district is designed to permit the development of residential neighborhoods in planned mobile home park settings. The regulations contained herein recognize the unique physical characteristics of mobile home park communities and the regulation of these developments by the State of Michigan.</p> <p>Unlike the typical single-family subdivision in which the individual lot provides the open space and amenities necessary for family living, mobile home parks more closely resemble multiple-family development. Mobile home parks are constructed, managed, and regulated by the developer. Streets, utilities, recreation areas, and amenities are also similarly under the control of the developer. As a result of these similarities, mobile home parks should be designed to provide adequate space and land use separation consistent with their land use intensity relative to the Township's other residential zoning districts. The rules and regulations, as promulgated by the State of Michigan Mobile Home Commission, shall be applicable to the development of mobile home parks in Almont Township.</p>
RM	The RM Multiple-Family Residential District is intended to permit a more intensive residential use of land permitting various types of attached residential units, including garden apartments, townhouses and multiplexes. This district should be located near major thoroughfares for good accessibility and may serve as a transition between nonresidential uses and single-family districts. Various sizes of residential accommodations for ownership or rental would be provided to meet the needs of different age and family groups residing or expected to reside in the community.
O-1	The O-1 Professional Office District is intended to provide a suitable environment for various types of office uses performing administrative, professional and related service occupations. This district may also serve as a buffer or transitional zone between nonresidential districts and residential districts.
C-1	The C-1 District is designed to meet the daily convenience retail and service needs of persons residing in nearby residential areas. In order to protect the residential character of adjacent residential neighborhoods, uses which may tend to be a nuisance to these neighborhoods due to excessive truck traffic, loud noises, smoke, glare, vibration or other similar characteristics are prohibited. It is further the intent of this district to provide these uses in a physical setting that is compatible with nearby residential areas and which are of a neighborhood scale and character.

District	Purpose Statement
	The C-1 District should be located with access to paved major thoroughfares and in relation to emerging residential neighborhoods
C-2	This district is intended to provide a combination of convenience and comparison retail goods and services serving the needs of a broader market area than several neighborhood areas, as is the case with the C-1 District. These commercial centers include an anchor tenant, such as a supermarket or an intermediate department store. Uses within this district are intended to be developed as a planned or integrated cluster of common wall establishments served by consolidated driveways and parking areas, as well as unified architecture and landscaping features.
C-3	The General Commercial District is intended to permit a wider range of businesses than are allowed in either the Local Convenience or Planned Shopping Center Districts. This district is designed to provide sites for more diversified business types and are often located so as to serve passerby, highway-oriented traffic. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading; and would require more planning to integrate such districts with adjacent residential areas. This district would also provide suitable locations for those commercial activities which function relatively independent of pedestrian traffic and proximity of other firms. These activities typically direct auto traffic access and visibility from the road.
I	The Industrial District is designed to primarily accommodate wholesale activities, warehouses, and industrial operations, all conducted wholly within a building and whose external, physical effects are restricted to the area of the District, and in no manner effect, in a detrimental way, any of the surrounding districts.

(Amended 7/10/2017)

Section 8.6 TABLE OF USES.

Type of Use Key: P = Permitted SLU= Special Land Use A= Only as an Accessory	A-R	R-1A	R-1B	MHP	RM	O-1	C-1	C-2	C-3	I
Agricultural										
General and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry and other farm animals, products, and foodstuffs	P									
Nurseries involving the growing of trees, shrubs, flowers and other plants for ornamental purposes, and for the sale of such plants and related material	P									
The keeping of farm animals	P									
The raising of furbearing animals and small farm animals	P	SLU	SLU	SLU	SLU					
Residential										
Housing for Farm Labor	SLU									
Existing single-family residences										P
Family Day-Care (1-6 children)	SLU	SLU	SLU	SLU	SLU					
Adult Foster Care Family Homes (1-6)	P	P	P	P	P					
Adult Foster Care Large Group Homes (13-20)				P	P					
Adult Foster Care Small Group Homes (7-12)	P	P	P	P	P					
Adult Foster Care Small Group Homes (1-6)	P	P	P	P	P					
Foster Family Group Homes (5-6)	P	P	P	P	P					
Foster Family Homes (1-4)	P	P	P	P	P					
Group Day Group Home (7-12 children)	SLU	SLU	SLU	SLU	SLU					
Housing for the elderly or senior citizens				SLU	SLU					
Mobile home parks				P						
Multiple family dwellings				P	P					
Duplex Dwelling				P	P					
Single-family detached dwelling units	P	P	P	P	P					
Type 1 Home Occupations	P	P	P	P	P					
Type 2 Home Occupations	SLU									
Institutional										
Airports	SLU									
Ambulance service, private	SLU	SLU	SLU	SLU	SLU	SLU	SLU	P	P	P
Cemeteries	SLU	SLU	SLU	SLU	SLU					
Churches, Synagogues and Temples	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	
Community service clubs, lodges, halls, catering establishments and banquet halls								SLU	SLU	
Hospitals, Nursing Homes and similar continuous care residential facilities				SLU	SLU			SLU	SLU	
Public and private schools	P	P	P	P	P					
Public facilities owned and operated by the Township and other governmental units	SLU	SLU	SLU	SLU	SLU	P	P	P	P	P

Type of Use Key: P = Permitted SLU= Special Land Use A= Only as an Accessory	A-R	R-1A	R-1B	MHP	RM	O-1	C-1	C-2	C-3	I
Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer substations and stations and gas regulator stations (all without storage yards), when operation requirements necessitate their location within the district in order to serve the immediate area	SLU	SLU	SLU	SLU	SLU	P	P	P	P	
Parks (Private & Public)	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	
Commercial										
Accessory commercial uses				P		P	P	P	P	
Any retail business whose principal activity is the sale of merchandise							P	P	P	
Automobile, motorcycle, mobile home or boat showrooms								P	P	
Automobile repair								SLU	SLU	P
Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, printer, upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.							P	P	P	
Automobile service stations							SLU	SLU	P	
Automobile washing establishment							SLU	SLU	P	P
Beverage shops including liquor stores							P	P	P	
Business, professional, and similar offices, excluding medical office.						P	P	P	P	
Business schools, colleges or private schools								P	P	
Businesses with outdoor sales such as, but not limited to: vehicles, boats, and similar products							SLU	SLU	SLU	SLU
Businesses with outdoor storage, including machinery, vehicles, boats, building supplies and similar equipment									SLU	P
C-3, General Commercial District uses developed in harmony with a plan for the overall center									SLU	
Clothing store							P	P	P	
Club or entertainment venue								SLU	SLU	
Department store or variety store								P	P	
Dog kennels, animal hospitals, and veterinary clinics	SLU								P	

Type of Use Key: P = Permitted SLU= Special Land Use A= Only as an Accessory	A-R	R-1A	R-1B	MHP	RM	O-1	C-1	C-2	C-3	I
Drive-thru facilities that are accessory to the permitted use, not including restaurant or fast-food						P	P	P	P	
Drive-thru businesses that are an accessory to a restaurant or fast-food business							SLU	SLU	SLU	
Dry cleaning establishments (pick-up stations only) dealing directly with the consumer							P	P	P	
Eating or drinking establishments							P	P	P	
Financial institutions including banks, savings, and loan associations and credit unions.						P	P	P	P	
Floor covering and wallpaper store							P	P	P	
Funeral homes and mortuary establishments									P	
Furniture store and/or appliance store							P	P	P	
Generally recognized neighborhood retail businesses which supply commodities on the premises, such as, but not limited to: groceries, take-out stores, dairy products, notions, hardware, drugs, stationary and videos, among others.							P	P	P	
Golf-driving ranges and related commercial activities									SLU	
Hotels and motels							P	P	P	
Indoor recreation establishments, such as a bowling alley, billiard hall, gymnasium, indoor archery range, indoor tennis court, indoor skating rink, or similar establishments								P	P	
Interior decorating							P	P	P	
Laundry agency or dry cleaning agency, hand laundry and laundry operated by customers as laundrette, laundromat and the likely to include dry cleaning plants.							SLU	SLU	SLU	
Medical and dental offices and clinics, but excluding veterinary offices, clinics, and kennels.						P	P	P	P	
Nursery Schools, Day Nurseries, and Child Care Centers	SLU	SLU	SLU	SLU	SLU	SLU				
Open air businesses							SLU	SLU	SLU	SLU
Other convenience commercial uses of a similar character as determined by the Zoning Administrator.							P	P	P	
Outdoor vehicle sales								SLU	SLU	SLU
Permanent road-side stands	P									

Type of Use Key: P = Permitted SLU= Special Land Use A= Only as an Accessory	A-R	R-1A	R-1B	MHP	RM	O-1	C-1	C-2	C-3	I
Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty shops or barber shops, and self-service laundries							P	P	P	
Pet shop							P	P	P	
Photographer's studios						P	P	P	P	
Professional and business offices, such as: architect, engineer, lawyer, real estate and insurance offices						P	P	P	P	
Race Tracks, Motocross Tracks, Tractor Pulls, Mud Bogs for motorized vehicles and the Like										SLU
Restaurant, bar, or club							P	P	P	
Sale of Natural Seasonal Items	P									
Self-storage facilities used to provide temporary storage needs for businesses, apartment dwellers, and other individuals on a self-service basis									SLU	SLU
Supermarket or food store								P	P	
Theaters, assembly halls, or similar places of assembly, when conducted completely within enclosed buildings							P	P	P	
Theater (indoor).							P	P	P	
Wineries, cideries, micro breweries and distilleries	SLU						SLU	SLU	SLU	SLU
Industrial										
Laboratories-experimental, film, or testing										P
Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like										P
Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs (excluding large stampings)										P
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products										P

Type of Use Key: P = Permitted SLU= Special Land Use A= Only as an Accessory	A-R	R-1A	R-1B	MHP	RM	O-1	C-1	C-2	C-3	I
Retail uses which have a warehouse or which have an industrial character by reason of enclosed outdoor storage requirements or activities such as, but not limited to, lumber yards, new building materials, upholsterer, cabinet-maker, outdoor boat, house trailer, automobile or agricultural implement sales; or uses serving the convenience needs of the manufacturing districts such as, but not limited to, eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, medical; or other offices serving such district, including an industrial medical clinic and similar uses as determined by the Planning Commission										SLU
Sand and gravel mining or extraction, similar removal operations, quarry excavating, and land stripping	SLU									
The compounding, processing, packaging, or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops										P
The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood, and yarn										P
The manufacture of pottery and figurines, or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas										P
The storage of flammable liquids, liquefied petroleum gases, and the storage of industrial waste in bulk										SLU
Truck terminals and transfer facilities, railroad marshaling yards, public utility buildings and uses										SLU
Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use), and mini-warehouses										P

Type of Use Key: P = Permitted SLU= Special Land Use A= Only as an Accessory	A-R	R-1A	R-1B	MHP	RM	O-1	C-1	C-2	C-3	I
Miscellaneous										
Uses and Structures customarily incidental to the principal use of the property	P	P	P	P	P	SLU	P	P	P	P
All industrial uses not heretofore permitted										SLU
Commercial Solar Energy Collector System	SLU						SLU	SLU	SLU	SLU
Communication towers subject to the requirements	SLU							SLU	SLU	SLU
Colocation of Communication Antenna	P	P	P	P	P	P	P	P	P	P
Junk yards										SLU
Large scale recreation uses, operated either privately or for profit, include golf courses, driving ranges, riding stables, gun clubs, parks, camper and/or tent parks (subject to the State law governing travel trailer parks), hay rides, snowmobile and mini-bike trails, picnic grounds, swimming facilities, kiddie-type rides and the like, (but not including circuses, outdoor drive-in theaters, motorcycle, auto or snowmobile race tracks, and horse or dog tracks)	SLU									
On-Site Ground-Mounted Solar Energy Collector Covering 96 sq. ft. of Area or Less	P	P	P	P	P	P	P	P	P	P
On-site Ground-mounted Solar Energy Collector Covering More than 96 sq. Ft. of Area	A	A	A	A	A	A	A	A	A	A
On-site Roof-mounted Solar Energy Collector	A	A	A	A	A	A	A	A	A	A
On-site Sign-Mounted Solar Energy Collector	P	P	P	P	P	P	P	P	P	P
Other similar uses as determined by the Zoning Administrator	P					P	P	P	P	P
Planned Unit Development (PUD)	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Temporary uses and structures	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Registered primary caregivers										P
Residential Backyard Composting	A									
Signs				P						
Uses with Locational Restrictions to Avoid Secondary Effects (e.g. Sexually Oriented Businesses and Pawnbrokers)										P
Windmills under a height of fifty (50) feet	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Windmills over a height of fifty (50) feet	SLU								SLU	SLU
Yard Waste Commercial Composting Facilities										SLU

(Amended 7/10/2017)
(Amended 1/14/2019)
(Amended 9/23/2020)
(Amended 8/18/2021)

Section 8.7 TABLE OF USE REQUIREMENTS.

Type of Use	Definitions	Parking Requirements	Design Requirements
<p>Agricultural General and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry and other farm animals, products, and foodstuffs</p>	<p>AGRICULTURAL ACTIVITIES: Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, sod farming, greenhouses and tree and shrub nurseries where only stock raised on the premises may be sold at retail; and other similar enterprises, or uses, and no agricultural use shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises</p> <p>FARM: Any tract of land used for agriculture, horticulture, truck gardening, nursery, or other similar purposes for growing crops or plants and/or for the raising of cattle, horses or other livestock, consisting of four (4) or more animals and uses incidental thereto. The term "farm" shall not include kennels.</p>		
<p>Nurseries involving the growing of trees, shrubs, flowers, and other plants for ornamental purposes, and for the sale of such plants and related material.</p>		<p>One (1) space for each employee, plus one (1) space for each two hundred (200) square feet stands of actual permanent or temporary area devoted primarily to sales area.</p>	

Type of Use	Definitions	Parking Requirements	Design Requirements															
The keeping of farm animals	The keeping of farm animals solely for the private or domestic use of persons residing on the property and not for commercial purposes		<p>1. The keeping of farm animals solely for the private or domestic use of persons residing on the property and not for commercial purposes, subject to the following conditions:</p> <p>a. The minimum area requirements for large, medium, and small farm animals are as follows:</p> <table border="1" data-bbox="2063 364 2588 747"> <thead> <tr> <th colspan="3" data-bbox="2374 364 2707 389">Number of Animals Permitted</th> </tr> <tr> <th data-bbox="2063 395 2234 419">Animal Size</th> <th data-bbox="2243 395 2414 419">2 Acres</th> <th data-bbox="2424 395 2588 419">Over 2 Acres</th> </tr> </thead> <tbody> <tr> <td data-bbox="2063 425 2234 510">Large (horses, cows)</td> <td data-bbox="2243 425 2414 510">1</td> <td data-bbox="2424 425 2588 510">1 animal per acre</td> </tr> <tr> <td data-bbox="2063 516 2234 600">Medium (sheep, goats, pigs)</td> <td data-bbox="2243 516 2414 600">2</td> <td data-bbox="2424 516 2588 600">2 animals per acre</td> </tr> <tr> <td data-bbox="2063 606 2234 747">Small (Chicken, ducks, geese, rabbits)</td> <td data-bbox="2243 606 2414 747">30</td> <td data-bbox="2424 606 2588 747">15 animals per acre</td> </tr> </tbody> </table> <p>b. Stables and other buildings used for instruction, exercise or confinement of animals shall be located at least one hundred fifty (150) feet from any existing residential structure on abutting parcels. Fenced paddock areas or other fenced areas used for instruction, exercise or confinement of animals shall not be located closer than fifty (50) feet from any existing residential structure on abutting parcels.</p> <p>c. All animals shall be confined in either a building, fenced paddock area, or similar appropriate structure.</p> <p>d. The area used for keeping animals shall be maintained in a clean and sanitary condition so as to be free from unreasonable or excessive offensive odors and other features that could be considered a nuisance.</p>	Number of Animals Permitted			Animal Size	2 Acres	Over 2 Acres	Large (horses, cows)	1	1 animal per acre	Medium (sheep, goats, pigs)	2	2 animals per acre	Small (Chicken, ducks, geese, rabbits)	30	15 animals per acre
Number of Animals Permitted																		
Animal Size	2 Acres	Over 2 Acres																
Large (horses, cows)	1	1 animal per acre																
Medium (sheep, goats, pigs)	2	2 animals per acre																
Small (Chicken, ducks, geese, rabbits)	30	15 animals per acre																

Type of Use	Definitions	Parking Requirements	Design Requirements
The raising of fur bearing animals and small farm animals	The raising of fur bearing animals and small farm animals (excluding hoofed animals and swine) and excluding dog kennels, animal hospitals, and veterinary clinics	N/A	<ol style="list-style-type: none"> 1. The minimum site size shall be ten (10) acres. 2. The site shall abut a road having an existing right-of-way width of at least eighty-six (86) feet, or a planned right-of-way of a major thoroughfare as designated on the Almont Master Plan. 3. There shall be provided an area of at least one hundred (100) square feet for each animal, including the area devoted to interior kennel space and runs. 4. All interior building areas used for the keeping of animals shall be soundproofed. 5. All animals shall be kept in soundproofed buildings between 8 p.m. and 8 a.m. 6. Exterior dog runs and non-soundproofed interior buildings shall not be located closer than two hundred (200) feet to any lot line. 7. Soundproofed interior buildings shall be located at least one hundred (100) feet from any property line. 8. Exterior areas for the keeping of dogs shall be provided with fencing capable of confining the animals. 9. All exterior dog runs shall be screened from view by adjoining parcels and the public road. 10. The design and appearance of buildings used as animal boarding places shall be consistent with surrounding uses. 11. One (1) parking space shall be provided for every five (5) kennel runs. 12. All kennel runs and interior building areas shall have concrete floors or a suitable equivalent that can be easily cleaned.
Residential			
Existing single-family residences	A detached building designed or occupied exclusively by one (1) family that existed prior to the parcel's zoning to "I".	Two (2) spaces for each dwelling unit.	

Type of Use	Definitions	Parking Requirements	Design Requirements
Family Day-Care (1-6 children)	A private home in which one (1) or less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care homes include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year	One (1) space for each employee; plus one (1) space for each ten (10) students on the premises at one time. Adequate, but not fewer than five (5), stacking spaces shall be provided for pick-up and drop-off.	<p>1. Family Day-Care (7-12 children), subject to the following:</p> <ul style="list-style-type: none"> a. The proposed use shall not be located closer than one thousand, five hundred (1,500) feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley: <ul style="list-style-type: none"> (1) Another licensed group day-care home. (2) Another adult foster care small group home or large group home, licensed by the State of Michigan. (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not it is licensed by the State of Michigan. (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority. b. Front, rear and side yard minimums shall be the same as the residential district in which it is requested. c. On-site parking shall be provided for all employees in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space. d. Fencing shall be required next to residential uses or districts in accordance with Section 2.11 and enclose all outdoor play areas. e. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling, nor the location of any equipment in the front yard. f. All signs for Family Day Care (7-12 children), shall conform to the requirements set forth in the Almont Township Sign Ordinance. g. The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within ten (10) days of the issuance of the Certificate of Occupancy. h. Not allowed to put more regulation beyond State of Michigan Law
Adult Foster Care Family Homes (1-6)	A private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than six (6) to be provided 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. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	Same as for single-family dwellings	Proof of State license required.
Adult Foster Care Large Group Homes (13-20)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided 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.	Five (5) spaces	Proof of State license required.
Adult Foster Care Small Group Homes (7-12)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least seven (7) but not more than twelve (12) adults to be provided 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.	Three (3) spaces	Proof of State license required.

Type of Use	Definitions	Parking Requirements	Design Requirements
Adult Foster Care Small Group Homes (1-6)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than six (6) adults to be provided 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.	Same as for single-family dwellings	Proof of State license required.
Foster Family Group Homes (5-6)	A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, Chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.	Same as for single-family dwellings	Proof of State license required.
Foster Family Homes (1-4)	A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, Chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian	Same as for single-family dwellings	Proof of State license required.
Group Day Care Home (7-12 children)	A private home in which more than six (6), but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.	Two (2) spaces plus one (1) space per four (4) children of licensed capacity	<ol style="list-style-type: none"> 1. Proof of State license required. 2. Is located not closer than five hundred (500) feet to any of the following: <ol style="list-style-type: none"> a. Another licensed group child care home. b. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737. c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523. d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections. 3. Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government. 4. Maintains the property consistent with the visible characteristics of the neighborhood. 5. Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.

Type of Use	Definitions	Parking Requirements	Design Requirements
Housing for seasonal farm labor	Any housing units for seasonal farm labor approved under this Section shall be occupied only by seasonal farm laborers and shall not be used for any residential purposes. In no event shall any such housing be occupied for more than nine (9) months in any calendar year.		<p>1. Housing for seasonal farm labor housing, subject to the following conditions:</p> <ul style="list-style-type: none"> a. All housing units shall be placed on the farm at such location and manner as to be visually screened by a greenbelt, berm or wall from any adjoining public roads and neighboring parcels as provided by Section 2.11. b. All seasonal farm housing units shall provide a minimum floor area of not less than seven hundred twenty (720) square feet. c. The number of seasonal housing units provided shall not exceed more than one (1) unit for each five (5) acres of land area on the farm. d. Any housing units for seasonal farm labor approved under this Section shall be occupied only by seasonal farm laborers and shall not be used for any residential purposes. In no event shall any such housing be occupied for more than nine (9) months in any calendar year. e. Any structure utilized for seasonal farm housing shall be subject to all applicable Township construction code and inspection requirements. f. All units shall comply with the Agricultural Labor Camp Rules of the Michigan Department of Public Health, if applicable. Evidence of such approval shall be provided to the Township on an annual basis. g. Approval of any seasonal housing units shall be subject to yearly renewal by the Planning Commission. The following factors shall be considered by the Planning Commission in making this evaluation: <ul style="list-style-type: none"> (1) Compliance with all applicable standards of the Almont Township Zoning Ordinance. (2) A demonstrated need for the housing units still exists. h. If mobile homes are utilized for seasonal farm labor housing, the following conditions shall apply: <ul style="list-style-type: none"> (1) All units shall be placed on pillars meeting the installation requirement of Rule 602 of the Michigan Mobile Home Commission Rules. (2) Wheels and towing apparatus shall not be removed. (3) Mobile homes used for this purpose shall not be required to comply with the requirements of Section 8.7. (4) If not used for a two (2) year period, the mobile home shall be removed from the site. This may be modified by the Zoning Board of Appeals if circumstances beyond the control of the applicant result in a two (2) year vacancy. i. A site plan shall be provided illustrating the location of the proposed housing units relative to existing building, property lines and any abutting roads. When it is determined by the Planning Commission that certain site plan review requirements specified in ARTICLE 4 are not necessary to the review and understanding of a site, the Planning Commission may waive the requirement. Any and all waivers shall be recorded in the unique circumstances and reasons for such waiver.

Type of Use	Definitions	Parking Requirements	Design Requirements
Housing for the elderly or senior citizens	A facility consisting of three (3) or more dwelling units, the occupancy of which is generally limited to persons sixty (60) years of age or older.	Housing for the elderly: Two (2) spaces for each three (3) units and one (1) space for each employee; should the units revert to general occupancy, then two (2) spaces per unit shall be provided and spaces shown on the site plan to accommodate such a requirement.	1. Housing for the Elderly or Senior Citizens, subject to the following requirements: a. Ingress and egress shall be provided to a public road having a right-of-way of not less than that of a proposed major or secondary thoroughfare as designated on the Township's Master Plan. b. All such housing shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) occupants or less, plus one (1) acre for each additional fifty (50) occupants and may have common service facilities including, but not limited to, central dining rooms, recreation rooms, central lounge and workshops. c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities). d. Maximum building height shall be the same as the district in which it is located. e. Total coverage of all buildings, including dwelling units and related service buildings, shall not exceed twenty-five (25) percent of the total site, exclusive of any public right-of-way.
Mobile home parks	A parcel or tract of land under the control of a person upon which two (2) or more mobile homes are located on a continual on recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park, and licensed pursuant to the provisions of Public Act 96 of 1987.	Mobile Homes requirements are preempted by the Mobile Home Commission Act.	Refer to State Regulations
Multiple family dwellings.	A building containing three (3) or more dwelling units. The term includes apartments, multiplexes, townhouses, and the like. For purposes of these regulations, regardless of how units are equipped, any structure in which dwelling units are available for rental periods of less than one (1) week shall be considered a hotel or motel not a multi-family dwelling. This definition includes three-family houses, four-family houses, and apartment houses, but does not include trailer camps or mobile home parks.	Minimum-Two (2) spaces for each one (1) bedroom dwelling unit. For each additional bedroom, one-half (1/2) additional parking space shall be required.	See Section 2.27.

Type of Use	Definitions	Parking Requirements	Design Requirements
Single-family detached dwelling units	A detached building designed or occupied exclusively by one (1) family.	Two (2) spaces for each dwelling unit.	<ol style="list-style-type: none"> 1. All such housing units shall have a minimum width on the narrowest side of twenty-three (23) feet. Where the architectural style proposed includes something less than twenty-three (23) feet, a variance must be obtained from the Zoning Board of Appeals. 2. All housing units shall have a roof with a minimum of 3:12 pitch and a twelve (12) inch overhang on all sides of the roof. Where the architectural style of the unit incorporates a flat roof, a pitch of less than 4:12, or no overhang, a variance must be obtained from the Zoning Board of Appeals. 3. All single-family dwellings shall have a minimum storage area of one hundred (100) square feet, exclusive of the required minimum square footage of the zoning district. The storage area may be located as part of the dwelling, in a basement area, as part of a garage, or in a separate storage building constructed at the same time as the dwelling unit. 4. All single-family dwellings shall meet the minimum lot area, minimum setbacks, maximum height limitations, and minimum floor area requirements for the particular district in question. Off-street parking shall be provided according to Figure 8-2. 5. Any single-family dwelling that was not specifically designed for placement on an approved foundation shall have cable tie-downs installed at least every six (6) feet, prior to occupancy, to protect the unit from windstorm damage. All units shall be provided with a perimeter wall of the same perimeter dimensions of the dwelling unit, whether bearing or otherwise, and constructed of such material and type as required in the applicable Building Code for single-family dwellings. Wood basements may be permitted, provided that they comply with the requirements of the current Township Building Code. 6. The building shall have all towing apparatus, wheels and exposed chassis removed before occupancy of any kind is permitted.
Type 1 Home Occupation	Home Occupancy: Any use customarily conducted entirely within the dwelling, (not including breezeway or garage, attached or detached), and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, is not offensive and does not change the character thereof.	One (1) space plus those required for single-family residence	See Section 2.21
Type 2 Home Occupation	<p>Home Occupancy: Any use customarily conducted entirely within the dwelling, (not including breezeway or garage, attached or detached), and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, is not offensive and does not change the character thereof.</p> <p>A Type 2 home occupation involves a somewhat more intense use characteristic than the Type 1 Home Occupation</p>	Determined by Planning Commission at time of Special Land Use (SLU) approval	See Section 2.21

Type of Use	Definitions	Parking Requirements	Design Requirements
Institutional			
Airports 1	A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, and various accommodations for passengers.	As required by Federal Aeronautics Administration (FAA) and Management Advisory Council (MAC) regulations	<p>1. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the FAA, which agency shall approve the preliminary plan submitted to the Township. All aircraft approach lanes, as established by appropriate aeronautical authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies in considering an airport use.</p> <p>a. Yard and Placement Requirements.</p> <p>(1) All structures, runways, taxiways, tie-down areas, and other areas used by aircraft or other motorized vehicles shall be located not less than one hundred (100) feet from all property lines.</p> <p>(2) Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.</p> <p>b. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.</p> <p>c. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.</p> <p>d. Off-street parking and environmental requirements shall be provided in accordance with Figure 8-1.</p>
Ambulance service, private	A privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.	One (1) space per employee in the two (2) largest shifts	
Cemeteries	Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.	One (1) space per employee	<p>1. All ingress and egress shall be directly to a public road having an existing right-of-way of at least eighty-six (86) feet, or a planned right-of-way of a major thoroughfare as designated by the Almont Master Plan.</p> <p>2. The entire perimeter of the cemetery shall be fenced to provide a reasonable degree of security to the cemetery.</p> <p>3. No building shall be located less than one hundred (100) feet from any property line.</p> <p>4. Approval of a drainage plan for the site by the Township Engineer.</p> <p>5. Adequate off-street stacking spaces shall be provided for funeral processions so that no vehicle is required to stand or wait within a dedicated road right-of-way.</p>
Churches, Synagogues and Temples	A building used principally for religious worship, but shall not include or mean an undertaker's chapel or funeral building.	One (1) space for every three (3) seats or six (6) feet of pew in the main worship area plus one (1) space for each three seats of any incidental auditorium	<p>1. The minimum site area shall be two (2) acres.</p> <p>2. The site shall abut a road having an existing right-of-way of not less than eighty-six (86) feet, or a planned right-of-way of a major thoroughfare as designated by the Almont Master Plan.</p> <p>3. Yard setback requirements shall be the same as those for the district in which the special land use is requested.</p> <p>4. Off-street parking and environmental improvements shall be provided in accordance with the zoning district in which they are located per this Ordinance. No off-street parking shall be permitted in the required front yard space.</p>
Community service clubs, lodges, halls, catering establishments and banquet halls	<p>CLUB, LODGE OR FRATERNITY: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.</p> <p>Catering establishments and banquet halls: A meeting facility which may also include on-site kitchen/catering facilities. The banquet/reception hall's primary purpose is a location for activities such as weddings and other such gatherings by appointment.</p>	One (1) space for each three (3) persons allowed within the maximum occupancy load as established by Township, County, State, fire, building, or health codes.	

Type of Use	Definitions	Parking Requirements	Design Requirements
Hospitals, Nursing Homes, and similar continuous care residential facilities	<p>HOSPITAL: A building, structure, or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.</p> <p>NURSING HOME, ALSO CONVALESCENT OR REST HOME: A home, whether operated for profit or not, for the care of the aged, infirmed, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged, and furnished with nursing care.</p>	<p>Hospital- Minimal- One (1) space per bed; plus one (1) space per employee and doctor on peak employment shift. Additional spaces shall be required for ancillary medical office buildings based on their individual requirements. Parking for emergency facilities shall be provided on the basis of one (1) space per one hundred (100) square feet of floor area of the emergency room, patient treatment areas.</p> <p>Nursery & convalescent or rest home- minimal- Two (2) spaces for each three (3) beds or occupants and one (1) per employee.</p>	<ol style="list-style-type: none"> 1. All facilities shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less, plus one (1) acre for each additional twenty-five (25) beds. 2. All ingress and egress shall be directly to a public road having a right-of-way of not less than that of a proposed major or secondary thoroughfare as designated on the Township Master Plan. 3. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular safety. 4. All structures shall be located not less than one hundred (100) feet from all property lines. 5. All development features, including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas, are so located and regulated to minimize the possibility of any adverse effects upon adjacent property. 6. The entire site shall be landscaped to harmonize with the residential characteristics of the district in which the activity is to be located.
Public and private schools		<p>Elementary/junior high- One (1) space for each teacher, employee, or administrator, in addition to the requirements of the auditorium.</p> <p>Senior High- One (1) space for each teacher; employee, or administrator, plus one (1) space for each three students, plus the requirements of the auditorium.</p> <p>Auditoriums One (1) space for each three (3) seats</p>	Public and charter schools are exempt from local zoning regulation.
Public facilities owned and operated by the Township and other governmental units.		As determined by the Planning Commission at the time of site plan review	
Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer substations and stations and gas regulator stations (all without storage yards), when operation requirements necessitate their location within the district in order to serve the immediate area	<p>PUBLIC UTILITY: Any persons, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing, under Federal, State, or municipal regulations, to the public, electricity, gas, sanitary sewers, steam, communications, telegraph, transportation, or water services.</p>	As determined by the Planning Commission at the time of site plan review	<ol style="list-style-type: none"> 1. Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer substations and stations and gas regulator stations (all without storage yards), when operation requirements necessitate their location within the district in order to serve the immediate area, may be permitted in Agriculture and all Residential Districts. <ol style="list-style-type: none"> a. Minimum Site Size: Two (2) acres. This requirement may be reduced to a lesser area by the Zoning Board of Appeals upon a finding that the intent of this Ordinance is met through isolation or the scale of the site in relation to the proposed improvement. b. The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or a proposed right-of-way of a major thoroughfare. c. All development features shall be enclosed within a building. The Planning Commission may permit substitutions of dense or opaque screening for the building requirement in cases of large site size and/or isolated locations. d. The maximum height of any building or structure shall not exceed twenty-five (25) feet. e. Minimum yard requirements: <ol style="list-style-type: none"> (1) Front: Fifty (50) feet. (2) Side: Thirty (30) feet each side, with one (1) additional foot for each five (5) feet the nonresidential structure exceeds forty (40) feet in length along the adjoining property line. (3) Rear: Fifty (50) feet. f. Maximum lot coverage of all buildings: ten (10) percent. g. Off-street parking and environmental requirements shall be provided in accordance with the zoning district regulation in which the use is located per this Ordinance.

Type of Use	Definitions	Parking Requirements	Design Requirements
Parks (Private & Public)	<p>PRIVATE PARK: An area of privately owned land, designed to offer recreation or amusement to users in a natural or semi-natural state. To be considered a private park, the land must be designated as a park, open space or recreation area on a Township approved site plan, or must be identified as such on an approved plat, or must be a privately owned piece of land that has a conservation easement, held by the Township or a recognized nature conservancy group, prohibiting the use of the land for non-recreational purposes.</p> <p>PUBLIC PARK: A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.</p>	As determined by the Planning Commission at the time of site plan review	
Commercial			
Accessory commercial uses	A use subordinate to the main commercial use on a lot and used for purposes clearly incidental to those of the main use.	If the accessory use is expected to generate traffic independent of the principal use, then additional parking is required per the use requirements for that use in this table.	
Any retail business whose principal activity is the sale of merchandise		One (1) space per each two hundred fifty (250) square feet of gross floor area	
Automobile, motorcycle, mobile home, or boat showrooms	An interior space design for the display of large products for retail sale.	One (1) space for each three hundred (300) square feet of sales area, one (1) space for each two hundred (200) square feet of office area, and three (3) spaces for each service bay.	
Automobile repair garage	An establishment providing collision service, such as body frame, or fender straightening and repair; overall painting and vehicle rustproofing.	Three (3) spaces for each service bay, plus one (1) space per employee on the peak shift	<p>1 Automobile repair and service centers subject to the following conditions:</p> <p>a. All repair activities shall be confined to the interior of the building.</p> <p>b. Limited outdoor storage may be permitted, provided that the area is screened from view by an approved decorative masonry wall.</p> <p>c. An adequate means of waste disposal shall be provided.</p> <p>d. Adequate measures shall be taken to ensure that any noise, dust, smoke, odor, fumes, or other negative environmental impacts are confined to the site.</p>
Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, printer, upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.		One (1) space for each five hundred (500) square feet of floor area. For that floor area used in processing or storage, one (1) additional space shall be provided for each two (2) persons employed therein or each one thousand (1,000) square feet, whichever is greater.	

Type of Use	Definitions	Parking Requirements	Design Requirements
Automobile service stations	AUTOMOBILE GAS AND SERVICE STATION: A building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space or facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, large parts installation where the primary use of the premises is such, or high speed washing thereof. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.	Two (2) spaces per bay, plus one (1) space per employee at the peak shift; one (1) space per two hundred and fifty (250) square feet of floor area used for retail sales.	
Automobile wash establishments	A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.	Auto-Wash, self-service- minimal -Four (4) exterior stacking spaces at the entry, plus two (2) exterior drying spaces at the exit shall be provided for each bay, plus one (1) space for each employee. Auto Wash, other than Self Service- minimal- One (1) space for each employee, plus twenty (20) exterior stacking spaces for each washing stall or lane. A properly drained drying lane fifty (50) feet long shall also be provided at the exit of each washing stall or line in order to prevent excess amounts of water from collecting on the public street and thereby creating a traffic hazard.	
Beverage shops including liquor stores	A retail business whose primary purpose is the sale of alcoholic or non-alcoholic beverages, for off-premises consumption.	One (1) space per each two hundred fifty (250) square feet of gross floor area	
Business, professional and similar offices excluding medical offices	The office of a member of a recognized profession or similar occupation maintained for the conduct of business. Examples include: architecture, engineering, planning, law, interior design, accounting, insurance, or real estate.	One (1) space for each three hundred (300) square feet of gross floor area.	
Business schools, colleges, or private schools		One (1) space per staff member, plus three-quarter (0.75) spaces per student	
Businesses with outdoor sales such as, but not limited to: vehicles, boats, and similar products		One (1) space for each three hundred (300) square feet of sales area, one (1) space for each two hundred (200) square feet of office area, and three (3) spaces for each service bay.	Outdoor sales space shall be exclusively for sales and not for storage, and shall be paved, properly drained, and items placed in such space shall be subject to the same setback as required for any structure within the district.
Businesses with outdoor storage, including machinery, vehicles, boats, building supplies and similar equipment		As determined by the Planning Commission at the time of site plan review.	1. Businesses with outdoor storage, including machinery, vehicles, boats, building supplies and similar equipment, subject to the following conditions: a. The storage portion of the site, except that used for display purposes, for such use shall be in an area enclosed by an approved masonry wall or an obscuring fence; b. All storage areas shall be treated or surfaced so as to facilitate proper drainage and to prevent dust or dirt from blowing; and c. Storage areas shall be protected by posts, curbs or similar construction to prevent damage to the enclosure and encroachment upon adjacent property.
C-3, General Commercial District uses developed in harmony with a plan for the overall center		One (1) space per each two hundred fifty (250) square feet of gross floor area.	See Figure 8-6
Clothing store		One (1) space per each two hundred fifty (250) square feet of gross floor area.	

Type of Use	Definitions	Parking Requirements	Design Requirements
Club or entertainment venue	Eating, drinking, or smoking (ingestibles) establishments in which there is dancing, floor show or other live entertainment and/or social gathering to partake in an activity expressly dedicated to the use of the ingestible. This specifically excluding fast food restaurants.	One (1) space for each one hundred (100) square feet of floor area or one (1) space for each two (2) persons allowed within maximum occupancy, whichever is greater.	
Department store or variety store	A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.	One (1) space per each two hundred fifty (250) square feet of gross floor area.	
Dog kennels, animal hospitals, and veterinary clinics	<p>KENNEL: Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept either permanently or temporarily.</p> <p>ANIMAL HOSPITAL AND VETERINARIAN CLINIC: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.</p>	<i>Two (2) parking spaces per examination room and one (1) parking space shall be provided for every five (5) kennel runs.</i>	<ol style="list-style-type: none"> 1. Dog kennels, animal hospitals and veterinary clinics, subject to the following conditions: <ol style="list-style-type: none"> a. The minimum site size shall be ten (10) acres. b. The site shall abut a road having an existing right-of-way width of at least eighty-six (86) feet, or a planned right-of-way of a major thoroughfare as designated on the Almont Master Plan. c. There shall be provided an area of at least one hundred (100) square feet for each animal, including the area devoted to interior kennel space and runs. d. All interior building areas used for the keeping of animals shall be soundproofed. e. All animals shall be kept in soundproofed buildings between 8 p.m. and 8 a.m. f. Exterior dog runs and non-soundproofed interior buildings shall not be located closer than two hundred (200) feet to any lot line. g. Soundproofed interior buildings shall be located at least one hundred (100) feet from any property line. h. Exterior areas for the keeping of dogs shall be provided with fencing capable of confining the animals. i. All exterior dog runs shall be screened from view by adjoining parcels and the public road. j. The design and appearance of buildings used as animal boarding places shall be consistent with surrounding uses. k. One (1) parking space shall be provided for every five (5) kennel runs. l. All kennel runs and interior building areas shall have concrete floors or a suitable equivalent that can be easily cleaned.
Drive-thru facilities that are accessory to the permitted use, not including restaurant or fast-food	A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).	Parking spaces will be required based on the principal use of the building. On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window, washing bay, or similar arrangement, there shall be provided six (6) off-street stacking spaces for each service window or service bay unless regulated elsewhere in this Ordinance. Drive-through lanes solely dedicated to providing ATM services shall be required to provide a minimum of four (4) stacking spaces within each vehicle stacking lane provided.	<ol style="list-style-type: none"> 1. Drive-thru facilities compatible with any of the permitted uses listed above, subject to the following conditions: <ol style="list-style-type: none"> a. No drive-thru lanes shall be located closer than twenty (20) feet to any residential lot line. b. Adequate stacking shall be provided for each drive-thru lane, as required in Section 6.2(C). No stacking lane shall be allowed to obstruct parking or vehicular circulation areas.
Drive-thru businesses that are an accessory to a restaurant or fast-food business	A business establishment whose principal business is the sale of food and/ or beverages to customers in a ready-to-consume state and so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).	Parking spaces will be required based on the principal use of the building. Drive-through lanes dedicated to fast-food service shall be required to provide a minimum of ten (10) stacking spaces within each vehicle stacking lane provided.	<ol style="list-style-type: none"> 1. Drive-thru facilities compatible with any of the permitted uses listed above, subject to the following conditions: <ol style="list-style-type: none"> a. No drive-thru lanes shall be located closer than twenty (20) feet to any residential lot line. b. Adequate stacking shall be provided for each drive-thru lane, as required by the Planning Commission. No stacking lane shall be allowed to obstruct parking or vehicular circulation areas.
Dry cleaning establishments (pick-up stations only) dealing directly with the consumer		One (1) space for each two (2) employees, with a minimum of three (3) spaces. <i>Laundromats-</i> minimal-One (1) space for each two (2) machines.	

Type of Use	Definitions	Parking Requirements	Design Requirements
Eating or drinking establishments in which there is no dancing, floor show or other live entertainment and specifically excluding fast food restaurants		One (1) space for each one hundred (100) square feet of floor area or one (1) space for each two (2) persons allowed within maximum occupancy, whichever is greater.	
Financial institutions including banks, savings and loan associations and credit unions.	Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines (ATMs).	One (1) space for each three hundred (300) square feet of except as otherwise indicated gross floor area. Drive-through lanes solely dedicated to providing ATM services shall be required to provide a minimum of four (4) stacking spaces within each vehicle stacking lane provided.	
Floor covering and wallpaper store		One (1) space per each two hundred fifty (250) square feet of gross floor area.	
Funeral homes and mortuary establishments	A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.	One (1) space for each twenty-five (25) square feet of assembly room floor area, parlors or slumber rooms.	
Furniture store and/or appliance store		One (1) space for each five hundred (500) square feet of floor area. For that floor area used in processing or storage, one cabinet makers, decorators, electricians and (1) additional space shall be provided for each two (2) persons employed therein or each one thousand (1,000) square feet, whichever is greater.	
Neighborhood retail businesses	Generally recognized retail establishments which supply commodities on the premises, such as, but not limited to: groceries, take-out stores, dairy products, notions, hardware, drugs, stationary and videos, among others	One (1) space per each two hundred fifty (250) square feet of gross floor area.	
Golf-driving ranges and related commercial activities	An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf courses and "putt-putt" courses.	Six (6) spaces for each golf hole, plus one (1) space per golf driving ranges or par 3 courses; per one (1) employee, plus space required for any ancillary use, such as a restaurant or bar, as determined in accordance with the requirements of this Section.	
Hotels and motels	<p>HOTEL: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation.</p> <p>MOTEL: A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities are to be provided without the approval of the Township Planning Commission, with the exception of units for use of the manager and/or caretaker.</p>	One (1) space for each unit, plus one (1) space for each employee. Spaces required for ancillary uses such as lounges, restaurants or conference areas, shall be determined on the basis of the individual requirements of each use, as determined by the requirements of this Section.	
Indoor recreation establishments	A commercial recreational land use conducted entirely within a building, such as a bowling alley, billiard hall, gymnasium, indoor archery range, indoor tennis court, indoor skating rink, or similar establishments.	One (1) space per three persons allowed at maximum occupancy load, as established by Township, County or State fire, building or safety codes.	
Interior decorating			
Laundry laundromat	A commercial establishment for the cleaning of garments, by dry cleaning or by other cleaning methods	Dry Cleaners -minimal- One (1) space for each two (2) employees, with a minimum of three (3) spaces.	
Laundromat	A facility containing washer and dryers for the cleaning of garments by the customer	Laundromats - minimal- One (1) space for each two (2) machines	

Type of Use	Definitions	Parking Requirements	Design Requirements
Medical and dental offices and clinics, but excluding veterinary offices, clinics and kennels.	CLINIC: A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.	One (1) space for each one hundred (100) square feet of floor area, or one (1) space for each twenty-five (25) square feet in the waiting rooms, and one (1) for each examining room, dental chair, or similar use area, whichever is greater.	
Nursery Schools, Day Nurseries, and Child Care Centers	NURSERY SCHOOL, DAY SCHOOL, CHILD CENTER: An establishment wherein three (3) or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.	One (1) space for each employee; plus one (1) space for each ten (10) students on the premises at one time. Adequate, but not fewer than five (5), stacking spaces shall be provided for pick-up and drop-off.	1 Nursery Schools, Pre-Schools, and Child Day Care Centers, subject to the following requirements: a. The site shall contain a minimum of one hundred-fifty (150) square feet of outdoor play area for each child and shall not be less than five-thousand (5,000) square feet in total. Nursery schools and pre-schools, which offer a maximum of four (4) hours of service for each child each day, shall be exempt from the outdoor play area requirement unless such play area is required by State law or licensing requirements. All play areas shall be fenced and screened from surrounding properties. b. Front, side, and rear yard setbacks shall comply with the restrictions for this district. c. Off-street parking and environmental improvements shall be provided in accordance with the zoning district in which the use is located per this Ordinance.
Open air businesses	OPEN AIR BUSINESS USES: Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses: 1. Bicycle, trailer, mobile home, motor vehicle, farm implements, boats or home equipment sale or rental services. 2. Outdoor display and sale of garages, swimming pools, and similar uses. 3. Retail sales of fruit, vegetables, and perishable foods. 4. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment. 5. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.	One (1) space for each employee, plus one (1) space for each two hundred (200) square feet stands of actual permanent or temporary area devoted primarily to sales area.	1. Open air businesses subject to the following conditions: a. There shall be provided around all sides of the site, except in the required front yard, exits and along sides of the premises, enclosed by buildings, a fence or wall at least five (5) feet in height as approved by the Planning Commission in order to intercept windblown trash and other debris. b. Outdoor sales space shall be exclusively for sales and not for storage, and shall be paved, properly drained, and items placed in such space shall be subject to the same setback as required for any structure within the district.
Other convenience commercial uses of a similar character as determined by the Zoning Administrator.		One (1) space per each two hundred fifty (250) square feet of gross floor area.	
Outdoor vehicle sales and similar uses	A retail business involving the outdoor display of vehicles for sale, rent or lease. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas. Similar uses include the display and sale of motorcycles, mobile homes, recreational vehicles, trailers and boats.	One (1) for each two hundred (200) square feet of usable gross floor area of sales building. For sales lot without a sales building, one (1) for each fifteen (15) display spaces.	
Permanent road-side stands	ROADSIDE STANDS: Retail outlets with all related structures primarily for the sale of farm produce grown on the farm upon which such stand is located by the proprietor of the stand or his/her family on the premises, and its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed an approved commercial activity.	One (1) space for each employee, plus one (1) space for each two hundred (200) square feet stands of actual permanent or temporary area devoted primarily to sales area.	1. Permanent road-side stands, subject to the following conditions: a. There must be safe and adequate access to, and provision for, off-street parking adjacent to the facility for not less than four (4) vehicles. b. The stand shall be located outside of the proposed road right-of-way, as specified by the Almont Township Master Plan. c. Stands may be lighted, provided that all site lighting is directed downward and shielded from the view of any neighboring residential uses. d. Merchandise sold on the stand shall be limited to farm produce.

Type of Use	Definitions	Parking Requirements	Design Requirements
Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty shops or barber shops, and self-service laundries.		One (1) space per each two hundred fifty (250) square feet of gross floor area. Beauty and Barber Shops-minimal- Three (3) spaces for each chair. Laundromats-minimal- One (1) space for each two (2) machines.	
Pet shop		One (1) space per each two hundred fifty (250) square feet of gross floor area.	
Photographer's studios		One (1) space for each three hundred (300) square feet of gross floor area.	
Professional and business offices, such as: doctor clinics, architect, engineer, lawyer, real estate and insurance offices	CLINIC: A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.	One (1) space for each one hundred (100) square feet of floor area, or one (1) space for each twenty-five (25) square feet in the waiting rooms, and one (1) for each examining room, dental chair, or similar use area, whichever is greater.	
Race Tracks, Motocross Tracks, Tractor Pulls, Mud Bogs for motorized vehicles and the Like		One (1) per every five (5) seats under maximum occupancy	Refer to Section 2.25.
Restaurant, bar, or club	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building but not having dancing, floor shows, or smoking activities.	One (1) space for each one hundred (100) square feet of floor area or one (1) space for each two (2) persons allowed within maximum occupancy, whichever is greater.	
Sale of Natural Seasonal Items	The sale of natural (unmanufactured) seasonal items such as Christmas trees, pumpkins, and certain fruits and vegetables	One (1) space for each two hundred (200) square feet of display area in addition to the parking requirements for the principal use	1. The sale of natural (unmanufactured) seasonal items shall be permitted by established businesses as outdoor display items. 2. Such display and sale shall observe the setbacks of the respective district in which they are located. In the case of nonconforming uses, the Zoning Administrator shall establish the setback beyond which merchandise shall not be displayed. 3. Special exception may be granted to philanthropic organizations to establish such uses within defined time limits by the Zoning Administrator.
Self-storage facilities used to provide temporary storage needs for businesses, apartment dwellers, and other individuals on a self-service basis		Two (2) spaces for the residential caretaker's unit, plus one (1) per two hundred (200) square feet of floor area used for office purposes	1. No storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises. 2. No storage outside of the self-storage buildings shall be permitted. 3. Except as provided herein, the use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of any vehicles, recreational equipment or other items, or for any recreational activity, hobby or purpose other than the storage of personal items and business items as hereinbefore set forth.
Supermarket or food store		One (1) space per each two hundred fifty (250) square feet of gross floor area.	
Theaters, assembly halls, or similar places of assembly, when conducted completely within enclosed buildings		One (1) space per three persons allowed at maximum occupancy load, as established by Township, County or State fire, building or safety codes.	
Theater (indoor).		One (1) space for each three (3) seats	
Wineries, cideries, micro breweries, and distilleries		One (1) space for each three (3) persons permitted within the maximum occupancy of the facility (including any outdoor seating area).	Refer to Section 2.28.

Type of Use	Definitions	Parking Requirements	Design Requirements
Industrial			
Laboratories-experimental, film or testing	LABORATORY: A place devoted to experimental or routine study, such as testing and analytical operations and in which manufacturing of product or products is not permitted.	One (1) space for each three hundred (300) square feet of gross floor area.	
Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like		One (1) space per each five hundred (500) square feet of manufacturing floor area. Those portions of the buildings used for administrative offices shall have their parking requirement based on the standard specified for offices.	
Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stampings)		One (1) space per each five hundred (500) square feet of manufacturing floor area. Those portions of the buildings used for administrative offices shall have their parking requirement based on the standard specified for offices.	
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products		One (1) space per each five hundred (500) square feet of manufacturing floor area. Those portions of the buildings used for administrative offices shall have their parking requirement based on the standard specified for offices.	
Retail uses which have a warehouse or which have an industrial character by reason of enclosed outdoor storage requirements or activities such as, but not limited to, lumber yards, new building materials, upholsterer, cabinet-maker, outdoor boat, house trailer, automobile or agricultural implement sales; or uses serving the convenience needs of the manufacturing districts such as, but not limited to, eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, medical; or other offices serving such district, including an industrial medical clinic and similar uses as determined by the Planning Commission.		Two (2) spaces for the residential caretaker's unit, plus one (1) per two hundred (200) square feet of floor area used for office purposes.	
Sand and gravel mining or extraction, similar removal operations, quarry excavating and land stripping	QUARRY EXCAVATION: Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter, except common household gardening and general farm care. (See also Excavating.)	One (1) space per employee on the largest shift	

Type of Use	Definitions	Parking Requirements	Design Requirements
The compounding, processing, packaging, or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops		One (1) space per each five hundred (500) square feet of manufacturing floor area. Those portions of the buildings used for administrative offices shall have their parking requirement based on the standard specified for offices.	
The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarn		One (1) space per each five hundred (500) square feet of manufacturing floor area. Those portions of the buildings used for administrative offices shall have their parking requirement based on the standard specified for offices.	
The manufacture of pottery and figurines, or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas		One (1) space per each five hundred (500) square feet of manufacturing floor area. Those portions of the buildings used for administrative offices shall have their parking requirement based on the standard specified for offices.	
The storage of flammable liquids, liquefied petroleum gases, and the storage of industrial waste in bulk		One (1) space per employee on the largest shift.	
Truck terminals and transfer facilities, public utility buildings and uses	<p>Truck terminals A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.</p>	One (1) space for each two hundred and fifty (250) square feet of floor area devoted to office use, plus two (2) spaces for each company vehicle operating from the premises.	<ol style="list-style-type: none"> 1. All access to such use shall be directly from a regional arterial or a secondary thoroughfare. 2. Parking areas and driveways shall be designed and constructed to clearly identify vehicular access areas and deny vehicular access to all other areas. 3. All structures, drives, parking areas, outdoor storage areas, and other activity areas shall be separated from all residential districts by a setback of not less than two hundred (200) feet. 4. All areas adjacent to a residential district shall be designed, constructed and landscaped to prevent any adverse effects such as to deny the peaceful enjoyment of such residential district area.
Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use), and mini-warehouses	<p>Warehousing and wholesale establishments: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive.</p> <p>Mini-warehouses: An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for long term storage of their household goods or personal property.</p>	One (1) space per one thousand five hundred (1,500) square feet of floor area. Those portions of the building used for administrative offices shall have their parking requirement based on the standard specified for offices.	

Type of Use	Definitions	Parking Requirements	Design Requirements
<p>Misc</p> <p>Uses and Structures customarily incidental to the principal use of the property</p>	<p>ACCESSORY STRUCTURE: A structure, including a building, the use of which is clearly incidental to that of the main building or to the use of the land.</p> <p>Accessory structures may include garages, carports, utility sheds, and swimming pools</p> <p>ACCESSORY USE: A use subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.</p>	<p>As determined by the Planning Commission or Zoning Administrator at the time of review.</p>	
<p>All industrial uses not heretofore permitted</p>		<p>As determined by the Planning Commission at the time of site plan review</p>	<ol style="list-style-type: none"> 1. All access to such use shall be directly from a regional arterial or a secondary thoroughfare. 2. All driveway and parking areas shall be designed and constructed to identify clearly all vehicular access areas, and to deny vehicular access to all other areas. 3. All yards adjacent to a residential district shall be designed, constructed and landscaped to prevent any adverse effects such as to deny peaceful enjoyment of such residential district area. 4. All structures, parking areas, driveways, storage areas and other activity areas shall be located not less than two hundred (200) feet from any residential district property line. 5. The site plan shall be submitted with a list of all raw materials, semi-processed material, and/or processed material that will be received, stored, handled, processed, and/or treated within the land use activity being proposed. 6. The site plan shall identify the receiving station, processing line, storage locations, waste discharge location, waste storage location, shipping and final disposition location, and the types of equipment used in the processing line. 7. The raw material, products, and waste shall be identified as to volume and quantity, and where applicable, the degree of land type of toxicity (by technical title and common title), radioactivity, or hazard potential represented by the material and products of the land use. 8. The type of and quantity of energy required for the land use activity shall be identified. 9. The types and maximum number of employees per shift shall be identified.
<p>Commercial Solar Energy Collector System</p>	<p>A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.</p>	<p>N/A</p>	<p>See Section 2.31. (Amended 1/14/2019)</p>
<p>Communication towers</p>	<p>A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building</p>	<p>One (1) space per tower</p>	<p>Refer to Section 2.22.</p>
<p>Colocation of Communication Antenna</p>	<p>To place or install wireless communications equipment on an existing wireless communications support structure including a tower or other structures such a grain silo or church steeple or in an existing equipment compound</p>	<p>One (1) space per tower</p>	<ol style="list-style-type: none"> 1. Collocation on a previously approved tower shall comply with the SLU approval for that tower. 2. Collocation on another structure shall comply with the following: <ol style="list-style-type: none"> a. The antenna shall be designed to blend in with the appearance of the structure it is mounted to or is of a shape and size as to make it inconspicuous in its proposed location. b. All equipment shall be located in the structure the antenna is mounted to or in a screened outdoor enclosure.

Type of Use	Definitions	Parking Requirements	Design Requirements
Garage sale, rummage sale or the like	GARAGE SALE, RUMMAGE SALE, OR THE LIKE: Shall mean any sale of tangible personal property not otherwise regulated in Almont Township.	N/A	<ol style="list-style-type: none"> 1. Garage sales, rummage sales or similar activities shall not be conducted for a period of more than nine (9) consecutive days. 2. No person shall be allowed more than two (2) such sales within any twelve (12) month period. 3. In no instance shall more than two (2) garage sales or similar activity be held in any one location within any twelve (12) month period. 4. All such sales or similar activity shall not be conducted within twenty-five (25) feet from the front lot line of the premises described in the zoning permit. 5. Overnight outside storage of goods or merchandise offered at said garage sale or similar activity is hereby prohibited.
Junk yards	The term "Junk Yard" includes automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof except for the normal household refuse which is stored only between regular pick-up and disposal of household refuse, provided the same is not left for a period of over thirty (30) days in which case it shall be considered as junk. This paragraph does not include uses established entirely within an enclosed building.	One (1) parking space for each employee, plus one parking space for each ten thousand (10,000) square feet of storage area	<ol style="list-style-type: none"> 1. The entire site shall be enclosed on all sides by an obscuring masonry wall at least eight (8) feet in height and of sufficient strength to serve as a retaining wall. 2. Such use shall be located at least two hundred (200) feet from any residential use or residential zoning district and three hundred (300) feet from the front property line. 3. No stored material shall exceed eight (8) feet in height.
Large scale recreation uses, operated either privately or for profit, include golf courses, driving ranges, riding stables, gun clubs, parks, camper and/or tent parks (subject to the State law governing travel trailer parks), hay rides, snowmobile and mini-bike trails, picnic grounds-, swimming facilities, kiddie-type rides and the like, (but not including circuses, outdoor drive-in theaters, motorcycle, auto or snowmobile race tracks, and horse or dog tracks).	<p>SWIMMING POOL: The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of twenty-four (24) inches or greater.</p> <p>TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.</p> <p>STABLE, COMMERCIAL: A stable other than a private stable, where horses are boarded or are for hire or sale.</p>	<p>Riding Stables- minimal- One (1) space per horse that could be kept at the stable when occupied at maximum capacity.</p> <p>Public Golf Courses (not including miniature golf driving ranges or par 3 courses)- minimal- Six (6) spaces for each golf hole, plus one (1) space per employee, plus space required for any ancillary use, such as a restaurant or bar, as determined in accordance with the requirements of this Section.</p> <p>Miniature Golf, Par 3 Courses and Driving Ranges- minimal- Three (3) spaces for each miniature golf or par 3 golf hole; one (1) space for each driving range tee; plus one (1) space per employee; plus spaces required for any ancillary uses as determined in accordance with the requirements of this Section.</p>	<ol style="list-style-type: none"> 1. All approved uses shall be on a continuous parcel of twenty (20) acres or more in area. 2. All vehicular ingress and egress from the site shall be directly onto a major thoroughfare having a designated right-of-way of one hundred twenty (120) feet, or a secondary thoroughfare with an existing right-of-way of eighty-six (86) feet. 3. Review of the proposed site plan shows that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety. 4. All development features including the principal building related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200) feet to the property line of abutting residentially zoned lands and public right-of-way, provided where topography conditions are such that the building would be screened from view, this requirement may be modified. 5. No activity shall take place within thirty (30) feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting property by means of a protective wall or greenbelt. 6. Related accessory commercial uses may be permitted in conjunction with recreation use when it is clearly incidental to the main recreational character of the use, and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor. 7. Permitted accessory uses, which are generally of a commercial nature, shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in a separate building. 8. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate or turn-style. 9. Off-street parking and environmental requirements shall be provided in accordance with zoning district regulation in which the use is located per this Ordinance.

Type of Use	Definitions	Parking Requirements	Design Requirements
On-site Ground-Mounted Solar Energy Collector	A solar energy collector that is not attached to and is separate from any building and is mounted on racking into the ground on the parcel of land. The electricity generated from solar energy collectors can only supply power to uses or buildings located on site.	N/A	<ol style="list-style-type: none"> 1. See Section 2.30. 2. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt. 3. Ground-mounted solar energy collectors shall not exceed 9 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel. 4. The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage. <p>Ground-mounted solar energy collectors shall meet the requirements of an Accessory Building. (Amended 1/14/2019)</p>
On-site Sign-Mounted Solar Energy Collector	A solar energy collector that is attached to a sign that only provides energy to the sign located on that parcel of land.	N/A	<ol style="list-style-type: none"> 1. See Section 2.30. 2. Solar energy collectors shall be such a weight to be safely supported by the building. Building Inspector approval is required. 3. Solar energy collectors shall not project more than 2 feet above highest point of the sign or exceed height limitations allowed in Section 8.4 of this Ordinance. <p>No portion of the sign-mounted solar energy collector can project into the required setbacks or right-of-way. (Amended 1/14/2019)</p>
On-site Roof-Mounted Solar Energy Collector	A solar energy collector that is attached to a building on the parcel of land including solar shingles and solar panels that only provides electricity to the site.	N/A	<ol style="list-style-type: none"> 1. See Section 2.30. 2. Solar energy collectors shall be such a weight to be safely supported by the building. Building Inspector approval is required. 3. Solar energy collectors shall be installed on any roof surface of a building. 4. Solar energy collectors shall not project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district. <p>Solar energy collectors shall not be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility. (Amended 1/14/2019)</p>
Other similar uses as determined by the Zoning Administrator		As determined by the Zoning Administrator based on similar uses with parking requirements in this table	
Planned Unit Development (PUD)	An area of minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity.	Based on proposed uses	Refer to Section 2.23.
Temporary uses and structures	A temporary structure, sign or use intended to exist for not more than twelve (12) consecutive months	As determined by the Planning Commission at the time of SLU approval	<ol style="list-style-type: none"> 1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted. 2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit. 3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Almont Township shall be made at the discretion of the Planning Commission. 4. The use shall be in harmony with the general character of the district. 5. In the case of a recurring use, the Planning Commission may grant SLU approval with the provision that future approvals may be granted by motion of the Planning Commission without subsequent SLU hearings provided the use complies with the conditions of approval

Type of Use	Definitions	Parking Requirements	Design Requirements
Residential Backyard Composting		N/A	<ol style="list-style-type: none"> 1. A ten (10) foot setback from all structures. 2. That compost sites shall only be permitted in the rear yard and shall not be located in the required rear yard or required side yard. 3. Compost facilities shall be constructed of wood, fencing, wooden or steel barrels, or other containers/materials of a similar nature. The size shall not exceed four (4) feet by six (6) feet and the height shall not exceed four (4) feet. 4. The compost shall be turned with lime or other chemicals added as needed to be operated as a compost pile. 5. That the compost facility not be a source of odors; that there be no evidence of vermin; and no evidence of household refuse, construction materials, trash or food waste in the facility.
Temporary outdoor display and sales, not including automobiles		One (1) space for each two hundred (200) square feet of display area in addition to the parking requirements for the principal use	
Signs	<p>Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. Any use of words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripes, lines, reading matter, illuminating devices or paint visible to the general public and designed to inform or attract the attention of persons, including the structure upon which such words, numbers, figures, devices, designs, logos, trademarks, letters, characters, marks, points, planes, posters, pictorials, pictures, strokes, stripe, lines, reading matter, illuminating devices or paint are or may be printed or affixed.</p>	N/A	Refer to Section 2.17.
Uses with Locational Restrictions to Avoid Secondary Effects (e.g. Sexually Oriented Businesses Tattoo Parlors and Pawnbrokers)	<p>SEXUAL ENCOUNTER CENTER: Means of business or commercial enterprise that as one of its principal business purposes offers for any form of consideration:</p> <ol style="list-style-type: none"> (a) Contact in the form of wrestling or tumbling between semi-nude or nude persons of the opposite sex; or (b) Physical contact between male and female persons and/or persons of the same sex, where one or more of the persons is in a state of nudity and the contact includes actual or simulated specified sexual activity. <p>SEXUALLY-ORIENTED BUSINESS: Means any of the following:</p> <ol style="list-style-type: none"> (a) "Adult arcades"; (b) "Adult book stores and adult video stores"; (c) "Adult cabarets"; (d) "Adult motels"; (e) "Adult motion picture theaters"; (f) "Adult theaters"; (g) "Escort agencies"; (h) "Massage Parlor", excluding massage therapists licensed to practice by the State of Michigan; (i) "Nude model studios"; (j) "Sexual encounter centers"; (k) Other similar uses. 	One (1) space per each two hundred fifty (250) square feet of gross floor area.	Refer Section 2.24.
Windmills under a height of fifty (50) feet	A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.	N/A	

Type of Use	Definitions	Parking Requirements	Design Requirements
Windmills over a height of fifty (50) feet	A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.	N/A	1. Maximum decibel level - 65 db 2. Windmills shall be regulated using the same submission, location and review standards as Communication Towers Section 2.22.
Yard Waste Commercial Composting Facilities	Any composting operation registered with the State of Michigan under MCL 324.11521(4) and/or which charges a tipping fee or other consideration for yard clippings or other compostable materials which is not involved in "on farm composting".	A minimum of five (5) parking spaces shall be provided on site.	See Section 2.26.

(Amended 7/10/2017)
(Amended 8/20/2021)

Section 8.8 TABLE OF DIMENSIONAL REQUIREMENTS.

Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setbacks In Feet			Spacing Between Buildings	Minimum Floor Area per Dwelling Unit in Sq. Ft. (2)	Maximum Building Coverage of Lot Percentage
	Area in Sq. Ft. or acres	Width in Ft. (1)	Stories	Feet	Front Ft.	Side Ft.	Rear Ft.			
AR - Agricultural Residential	2 Ac	165	2	(A)	(B)	15 (B)	35	-	960	30
R-1 A - Single Family	30,000 Sq. Ft.	120	2	25	(C)	15 (C)	35	-	960	30
R-1 B - Single Family	20,000 Sq. Ft.	100	2	25	(C)	15 (C)	35	-	960	30
MHP - Mobile Home Park	10 Ac	5,500	2	25	35	35	35	-	720	-
RM - Multiple Family	(D)	-	2	25	(E)	25	25	Table: 8-D1	(E)	-
O-1 - Professional Office	15,000 Sq. Ft.	100	1	20	(F)	20 (F)	20	-	800	(F(1))
C-1 - Local Commercial	12,000 Sq. Ft.	120	1	20	(F)	20 (F)	20	-	800	(F(1))
C-2 - Planned Shopping Center	5 Ac	300	2	40	(H)	40 each	60	30	-	(G)
C-3 - General Commercial	15,000	120	2	40	(I)	40 (H)	40 (I)	30	800	(G)
I-1 - Industrial	20,000	120	2	40	(J)	20(J)	40	30	-	(G)

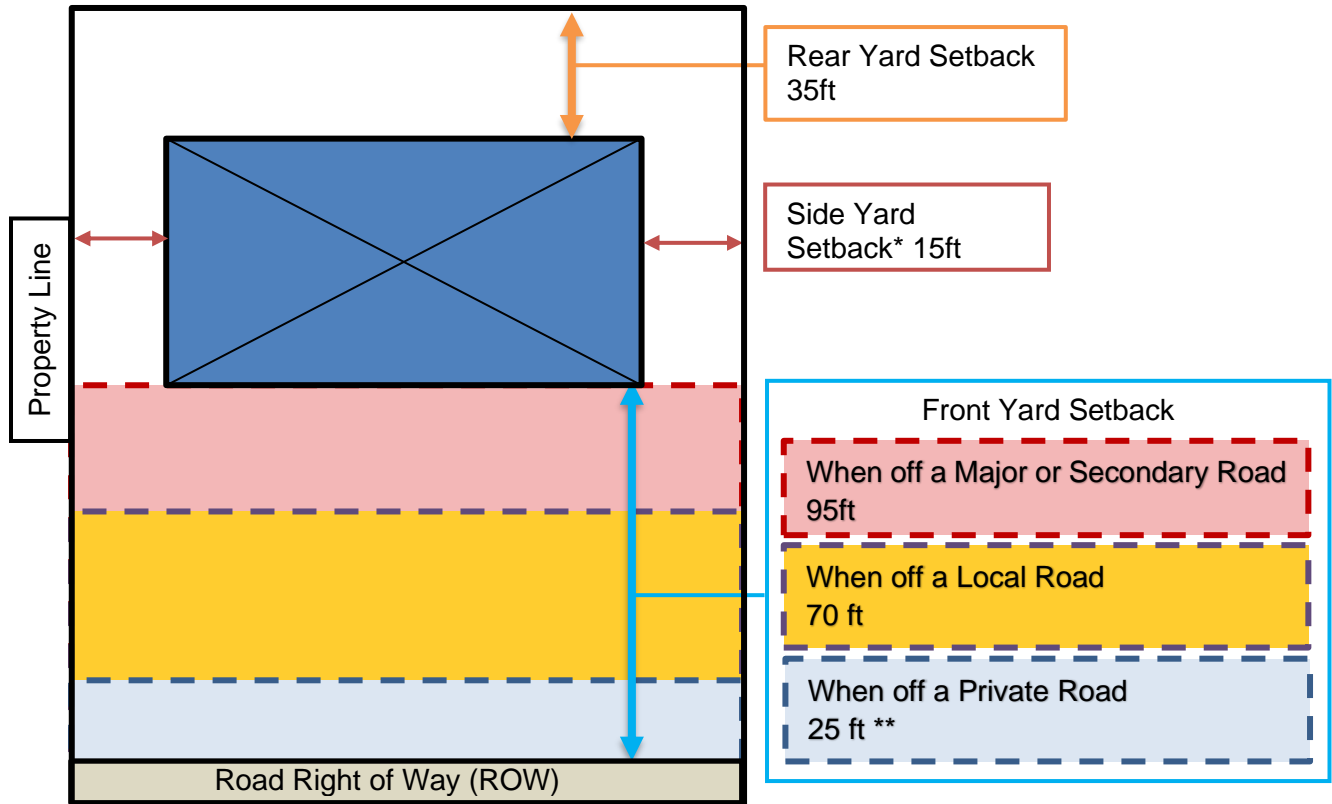
(Amended 7/10/2017)

(Amended 1/14/2019)

Section 8.9 SCHEDULE OF REGULATIONS

- A. Except silos and storage barns
- B. See Figure 8-1:

Figure 8-1: Setback Requirements for Agricultural Residential District



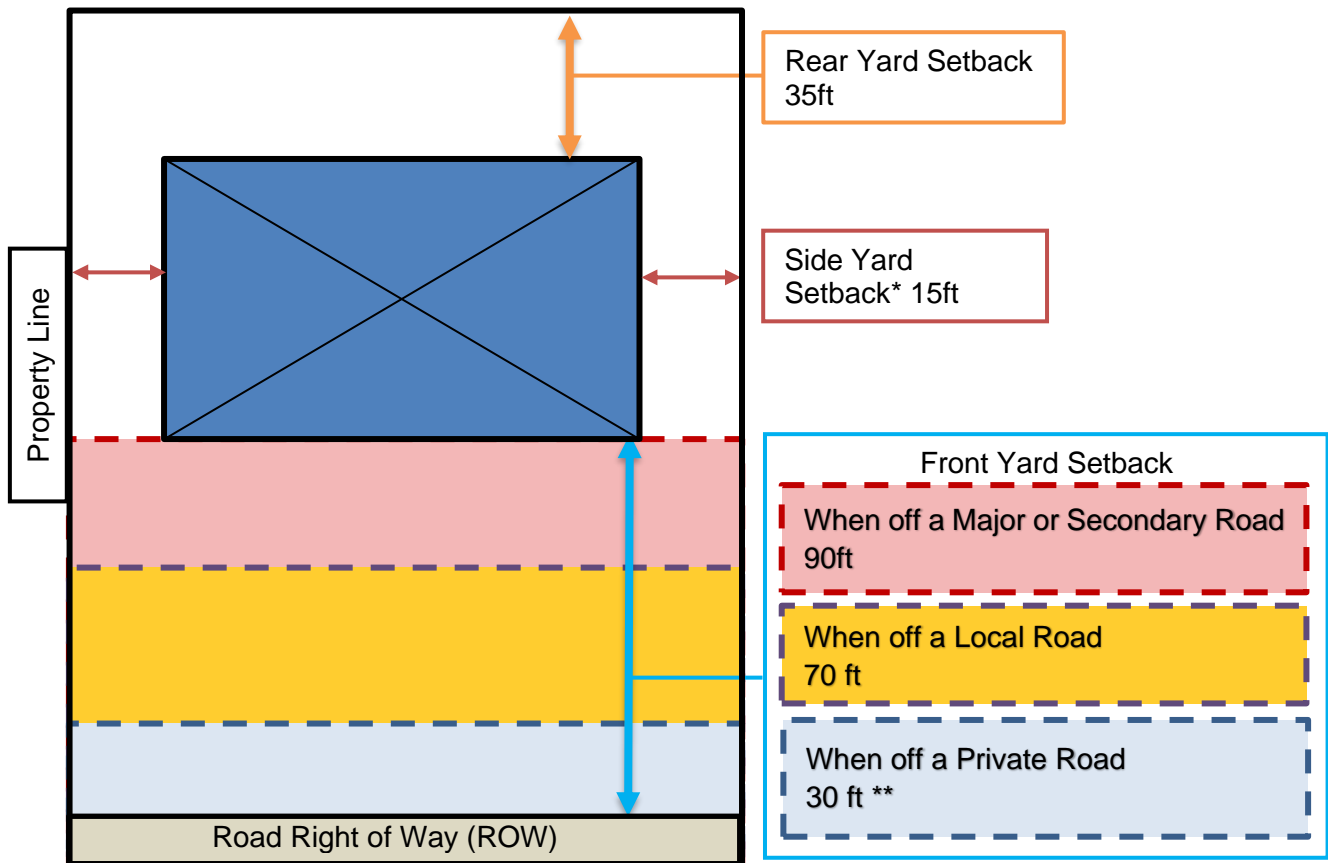
*Side (permitted non-residential use): Thirty (30) feet each side, with one (1) additional foot for each five (5) feet the non-residential structure exceeds forty (40) feet in length along the adjoining property line.

**If the exterior yard borders a residential district, there shall be provided a yard setback of not less than twice the required side or rear yards. Corner lot side yards must equal the setback required for the front yards on the street which they side.

***In the case of private roads, the front yard setback shall be measured from the road easement line abutting the subject lot.

C. See Figure 8-2:

Figure 8-2: Setback Requirements for R-1A and R-1B Single Family District



*Side yard setbacks 15 feet each side 15 feet each side

**In the case of private roads, the front yard setback shall be measured from the road easement line abutting the subject lot.

D. Minimum Site and Building Requirements

1. All lots used for two, three, or more multiplex or other multiple-family dwellings in this district must be provided with an approved water and sewage system, and every main building hereafter erected or structurally altered and so used shall provide a lot area of not less than five thousand five hundred (5,500) square feet for each dwelling unit with not more than two (2) bedrooms, and shall provide an additional five hundred (500) square feet for each additional bedroom over two (2), but in no case shall any lot be less than twelve thousand (12,000) square feet.
2. For the purpose of yard regulations, each multiple-family structure shall be considered as one (1) building occupying one (1) lot. Front, side, and rear yards relating to the spacing between buildings within multiple-family development shall have the following minimum overall dimensions:

Table 8-D1
Schedule of Regulations Between Buildings

	Front to Front Feet	Front to Rear Feet	Rear to Rear Feet	Rear to Side Feet	Side to Side Feet	Corner to Corner Feet
RM - Multiple Family	100* (a)	80* (a)	100*	45	20	15
C-2 - Planned Shopping Center	30	30	30	30	30	30
I-1 - Industrial	30	30	30	30	30	30

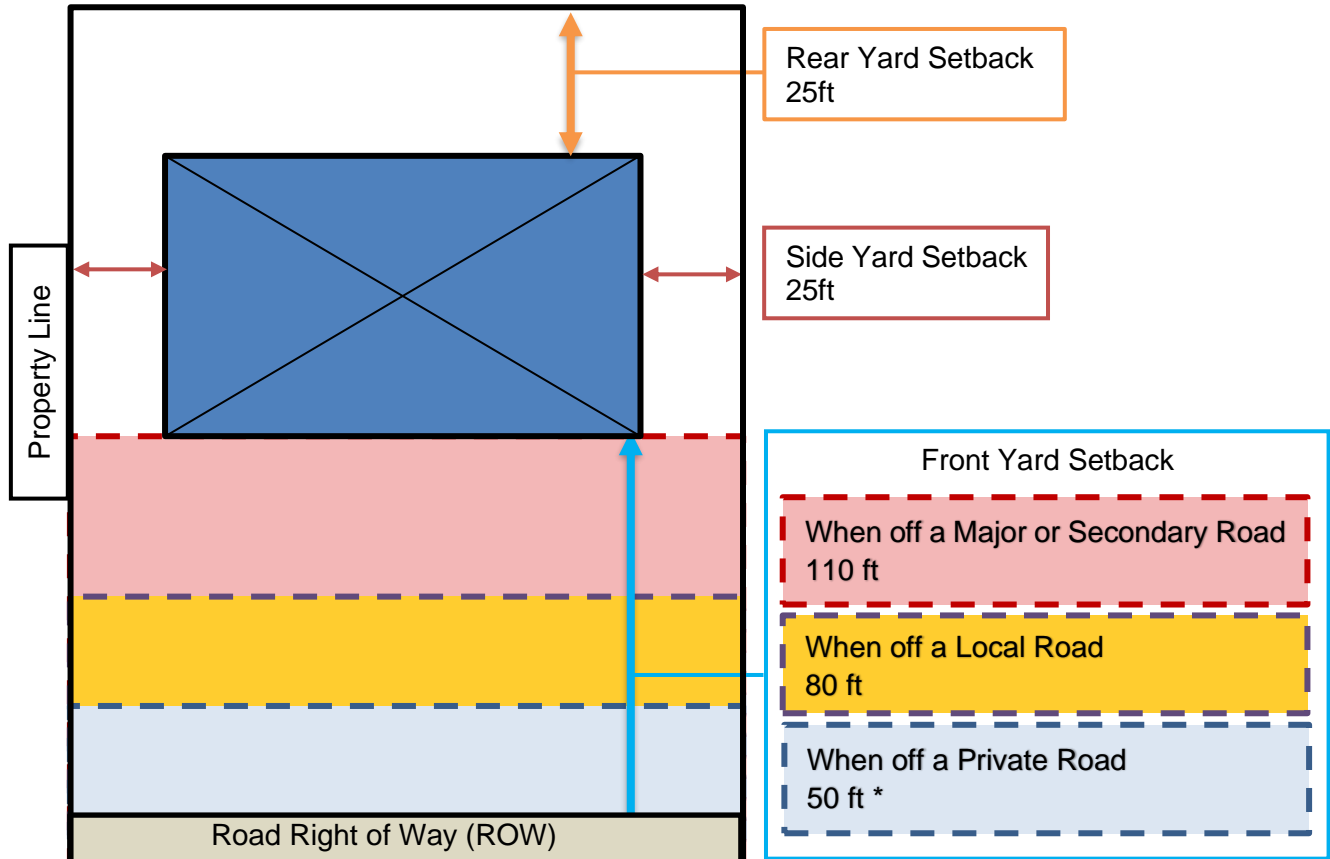
*Parking may be permitted in a portion of the required yard provided that there shall be at least twenty-five (25) feet of yard space between said parking area and the building.

3. Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet, or part thereof, by which length the structure exceeds forty (40) feet in overall dimension along the adjoining lot line, provided that no multiple-family building shall exceed one hundred eighty (180) feet in length along any one face of the building. Any court shall have a width equal to not less than fifty (50) feet for the front yard and sixty (60) feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.
4. The front and rear of each building shall be considered to be the faces along the longest dimensions of said building. The front of the building shall be considered to be the direction indicated on the drawings by the designer provided it is not inconsistent with floor plan of the individual unit; and the side of the building shall be considered to be the face along the narrowest dimension of said building.

E. See Figure 8-3:

1. Minimum floor areas for multiple-family shall be as follows:

Figure 8-3: Setback Requirements for RM Multiple Family District

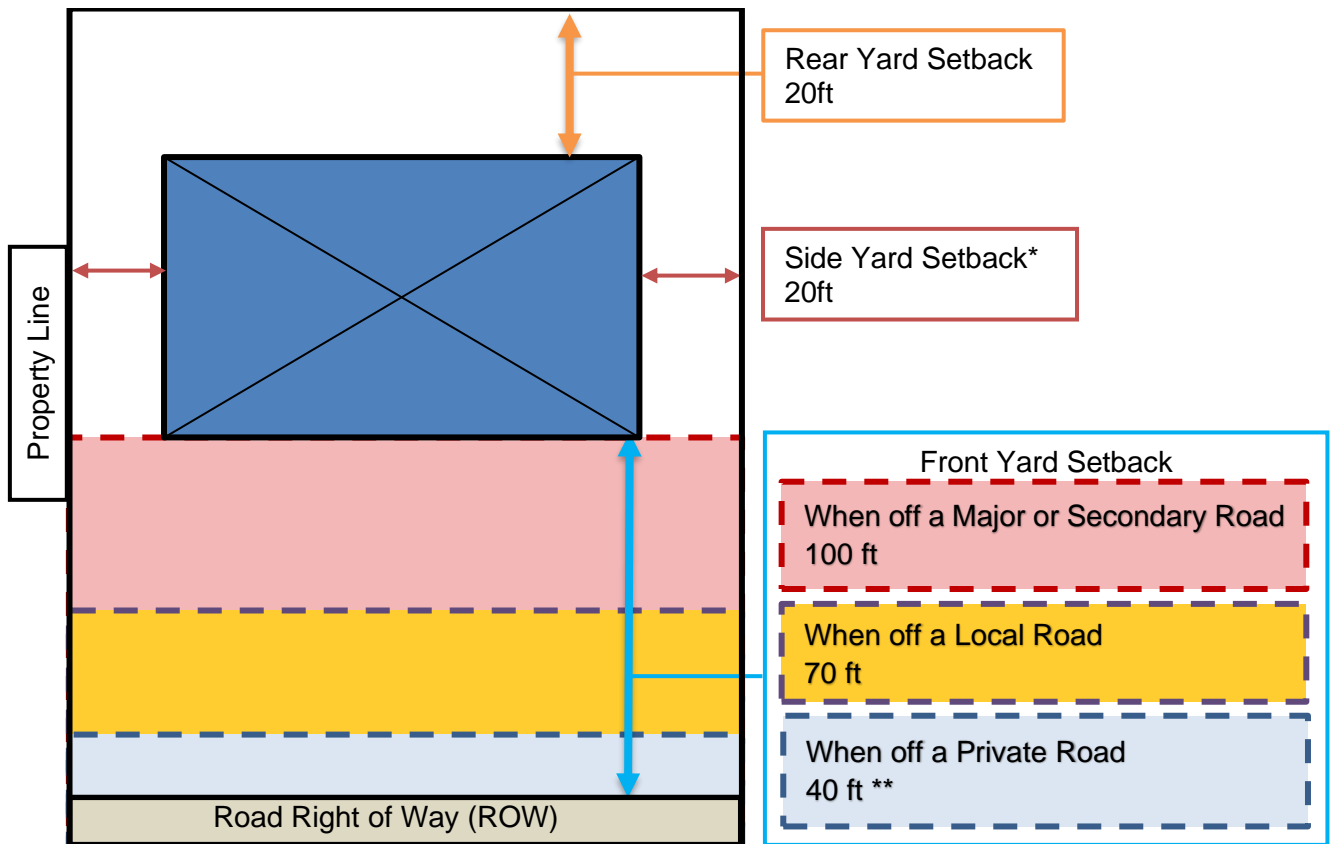


*In the case of private roads, the front yard setback shall be measured from the road easement line abutting the subject lot.

- a. **Efficiency Unit:** The term “Efficiency Unit” shall mean a dwelling unit containing a minimum of four hundred fifty (450) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities.
- b. **One Bedroom Unit:** The term “One Bedroom Unit” shall mean a dwelling unit containing a minimum floor area of at least six hundred forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
- c. **Two Bedroom Unit:** The term “Two Bedroom Unit” shall mean a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities.
- d. **Three or More Bedroom Unit:** The term “Three or More Bedroom Unit” shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet.

F. See Figure 8-4:

Figure 8-4: Setback Requirements for O-1 Professional Office District and C-1 Local Commercial District



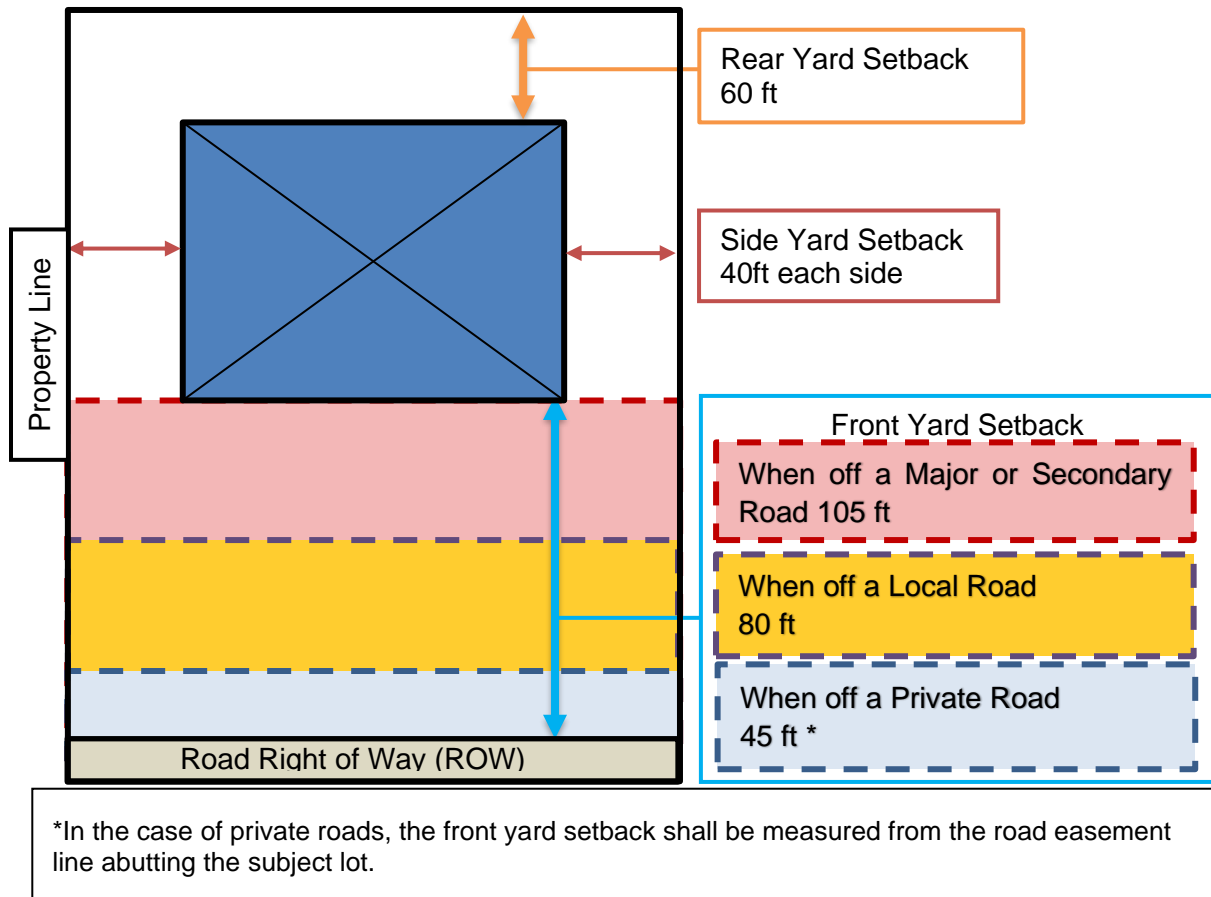
*Side: No side yard is required along an interior side lot line, except as otherwise specified in the Building Code. If the exterior side yard borders a residential district, there shall be provided a side yard setback of not less than twenty (20) feet. Where the wall of a structure faces interior side lot lines and contains windows or other openings, a side yard of not less than twenty (20) feet shall be provided. Corner lot side yards must equal the setback required for the front yards on the street which they side.

**In the case of private roads, the front yard setback shall be measured from the road easement line abutting the subject lot.

G. Maximum lot coverage shall be governed by meeting all requirements for yard space, landscaping, screening or off-street parking and loading.

H. See Figure 8-5:

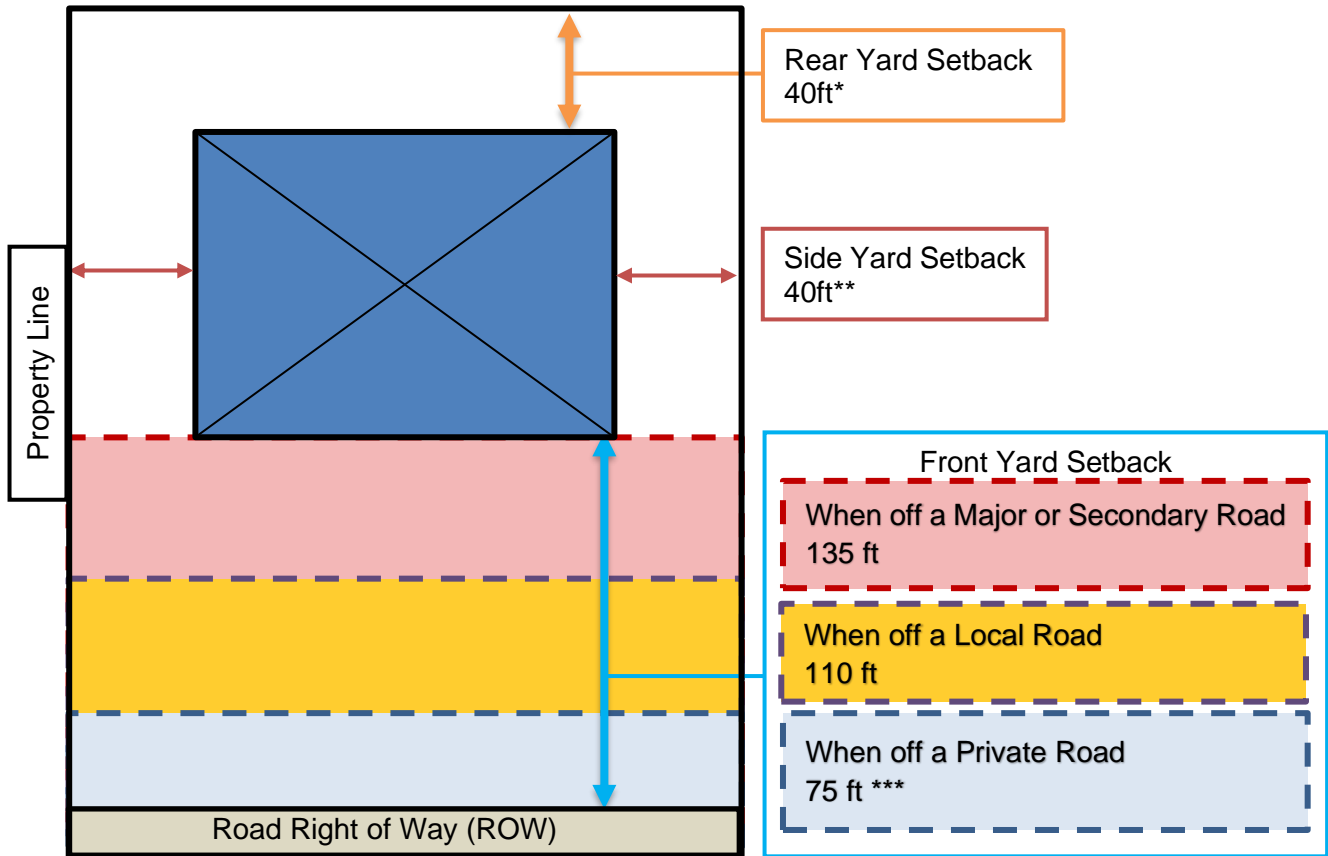
Figure 8-5: Setback Requirements for C-2 Planned Shopping Center District



(Amended 1/14/2019)

I. See Figure 8-6:

Figure 8-6: Setback Requirements for C-3 General Commercial District



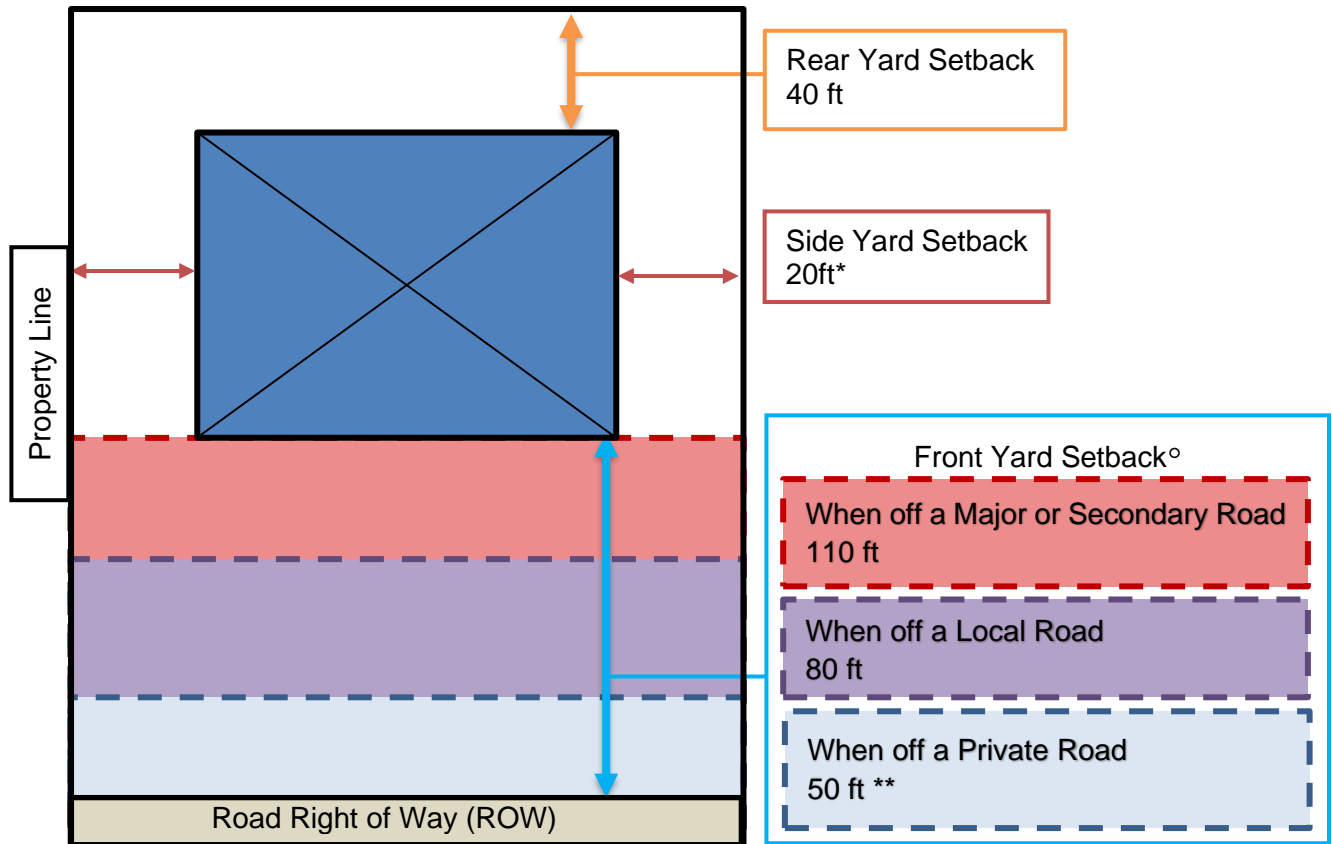
*Rear Yard (linear feet): 40. A suitable 20-foot-wide access drive shall be provided to the loading and unloading space to be provided only in the rear yard.

** Side Yard: No side yard is required along an interior side lot line, except as otherwise specified in the Building Code. If the exterior side yard borders a residential district, there shall be provided a side yard setback of not less than forty (40) feet. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than forty (40) feet. Corner lots' side yards must equal the setback required for the front yards on the street to which they side.

*** In the case of private roads, the front yard setback shall be measured from the road easement line abutting the subject lot. Parking may be permitted in a portion of the required yard provided that there shall be at least twenty-five (25) feet of yard space between said parking area and the building.

J. See Figure 8-7:

Figure 8-7: Setback Requirements for I-1 Industrial District



* Side: No side yard is required along an interior side lot line, except as otherwise specified in the Building Code.

** If the exterior yard borders a residential district, there shall be provided a yard setback of not less than twice the required side or rear yard. Corner lots side yards must equal the setback required for the front yards on the street which they side.

**In the case of private roads, the front yard setback shall be measured from the road easement line abutting the subject lot.

(Amended 7/10/2017)

(Amended 1/14/2019)

Section 8.10 RESIDENTIAL OPEN SPACE DEVELOPMENTS.

Residential Open Space Developments, as defined by the regulations of this Section, shall be considered a Permitted Use in the AR, R-1-A and R-1-B single-family zoning districts. In no circumstance shall multiple-family residential development (attached units) of any type be permitted in a Residential Open Space Development.

A. **Intent.** The intent of this Section of the Zoning Ordinance is to provide a preferable alternative to conventional single-family development regulations. All residential open space developments shall promote the following objectives:

- Maintain the Township's open space and rural setting.
- Preserve the Township's natural resources, including woodlands, wetlands, topography, floodplains and similar natural assets.
- Preserve open space and agriculture.
- Achieve a balance between agriculture, open space and growth.
- Encourage a creative approach to the development of parcels exhibiting unusual characteristics and/or land use relationships.
- Provide alternatives to conventional residential developments.
- Provide common areas with open space recreation opportunities and/or natural open space preservation.

B. Submission and Preservation Requirements.

1. All natural assets and cultural/historic features on the site must be identified on the plan. Such assets shall include natural stands of large trees, wetlands, floodplains, productive agricultural land, topography, bodies of water (i.e. streams, rivers), land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features such as, but not limited to, wetlands and floodplains must be identified through documentation from the appropriate Federal, State and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines and buildings or foundations of historic value. Residential open space developments shall preserve all of the above amenities to the extent feasible and desirable to the Township.
2. A detailed map of the parcel identifying soil conditions shall be provided. Soil borings may also be required by the Planning Commission.
3. All open space developments shall include an improved trail way system throughout the residential open space development and open space areas.
4. A preservation and maintenance agreement for all open space areas and common elements, reviewed and approved by the Township Attorney shall be submitted. Approval of the development shall be conditioned upon the recording of appropriate conservation easements and/or other irrevocable instruments for the purpose of providing for maintenance and preservation of common elements, open space areas, wooded areas and/or other areas with natural resources or features to be preserved. All such maintenance agreements, deed restrictions, and the approved plans from the Township shall clearly indicate that open space maintenance shall be the responsibility of the homeowners or condominium association.

C. Density.

1. The maximum number of units allowed shall be determined by the submission of a "Yield Plan". The Yield Plan shall be provided by the developer and shall be a feasible development under the requirement standards of the specified zoning district with regard to lot width, lot area, width-to-depth ratios, setbacks, frontage, and other applicable provisions of such district. The yield plan shall meet all applicable requirements of the State Land Division Act and all applicable Township Ordinances. The yield plan shall also meet all requirements of the Almont Township Subdivision Control Ordinance or requirements of the Almont Township Private Road Ordinance, as applicable to the type of development.
2. The Planning Commission may require soil and ground water perk tests for lots of a suspect nature. They may also require test wells if adequate well water is questionable. If it is determined through these tests that the number of housing lots proposed is unfeasible, the site plan will be revised and resubmitted, minus the number of house lots that failed the perk and/or water test. Detailed Engineering is not required at this stage.
3. The Planning Commission may award the applicant a development bonus with regard to the number of residential units permitted within an open space development. Such bonus shall not exceed a fifteen (15) percent increase in the number of residential units. Where a resultant fraction occurs when calculating such bonus, the number obtained shall be rounded to the nearest whole number. The Planning Commission may grant such a bonus upon a finding that the applicant is preserving the natural features of the site or creating natural features on site.

D. Open Space Requirements.

1. A minimum of fifty (50) percent of the development shall be set aside for common open space, as defined below. The open space shall be irrevocably reserved for open space as required in this Section.

Open Space shall be defined as follows: All areas within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve open land resources for the common use and enjoyment of the residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, prairies, meadows, community gardens, or agricultural uses. The open space requirements shall not be met by land uses such as rights-of-way or easements designated for road or utility purposes, areas within lots, detention/retention ponds (AND ASSOCIATED LAND SURROUNDING THE PONDS), golf courses or other commercial recreational uses, or land area dedicated as limited commons.

2. The developer may, at his election, choose to deed such land to Almont Township for public playgrounds, parks or recreation areas subject to Township acceptance of such property. For the purposes of this Ordinance, the Township shall only consider acceptance of a minimum of four (4) acres of contiguous active open space. The failure of the Township to accept such property shall not relieve the developer from the requirements of this open space Section.
3. A minimum of fifty (50) percent of all dwelling units within the development shall abut the dedicated open space.
4. Trail ways shall be located throughout the open space and shall link the internal sidewalk/walking path system of the housing development with the open space areas. Such trail ways shall be a minimum of five (5) feet in width and constructed of asphalt in upland areas and pressure treated wood plank decking in wetland areas.

5. Developments shall provide open space in a manner which encourages the future linkage of open space to adjacent parcels.
6. All dwelling units shall have side, rear, or alley entry garages, or other configurations not opening directly to the street; except that the Planning Commission may approve dwelling units with garages that face the road if such garage does not extend beyond the front plane of the living quarters of the dwelling.
7. The development shall include a minimum of a two hundred ten (210) foot roadway setback-buffer measured from the road centerline along any regional, major, or secondary road with a right-of-way of one hundred twenty (120) feet or less. For those roads with a right-of-way greater than one hundred twenty (120) feet, the roadway buffer shall be increased one-half (1/2) foot for each one (1) foot over one hundred twenty (120) feet.
8. A minimum buffer width of thirty (30) feet shall be provided between streams, lakes, ponds or wetlands and similar man-made features such as detention/retention basins. Residential lots shall not encroach within this thirty (30) foot wide waterbody/waterway buffer.
9. Non-agricultural open fields designated for passive recreation shall be planted with native prairie grass or similar types of ground cover. In addition, ten (10) trees shall be planted for each one (1) acre of open field. Deciduous trees shall be a minimum size of two and one-half (2½) inch caliper and evergreen trees shall be a minimum of six (6) feet in height. Such trees shall be planted and maintained within the open field area and be native to Michigan.

E. Utilities.

All utilities shall be placed underground when feasible. The applicant shall provide adequate sanitary sewage treatment, water supply and storm water drainage systems to serve the development. Evidence shall be submitted indicating that all such systems have received preliminary approval from appropriate County or State authorities. The Township shall have sole authority for final approval of any utility system. In the absence of a Township utility system, all utilities to serve the site shall be constructed and maintained by the applicant and any successors. A maintenance agreement, approved by the Township, shall be required. All such utility design and installation shall be in compliance with all applicable Almont Township Engineering Standards Ordinance requirements.

F. Roads.

Roadways shall conform to the Road Commission of Lapeer County standards, Almont Township Engineering Standards Ordinance and/or the Almont Township Private Road Standards, as applicable.

G. Street Trees.

The entrance and roadways shall be landscaped and planted with street trees, to create an attractive vista. Large deciduous trees shall be planted in a lineal pattern at no more than thirty (30) foot on center. The trees shall meet the size and species requirements of this Ordinance.

H. Pedestrian Circulation.

Sufficient right-of-way width shall be provided so that sidewalks may be installed on both sides of all streets. A five (5) foot wide concrete sidewalk shall be located one (1) foot from the property line (within the street right-of-way). This requirement may be waived by the Planning Commission when an acceptable and more imaginative solution to pedestrian circulation is proposed by the applicant.

I. Setbacks.

The following building setbacks shall be required:

1. Thirty (30) feet from the edge of any interior road right-of-way or easement.
2. Fifteen (15) feet side yard setbacks. No two (2) principal structures shall be located within thirty (30) feet of each other.
3. Rear yard setbacks shall be a minimum of twenty (20) feet for lots with rear yards which abut open space or alleys. All other lots shall meet the rear yard setback of the zoning district for the site.
4. No lot, property line or building site shall be located within an exterior roadway setback-buffer.

J. Fencing.

The use of perimeter fencing around building sites is prohibited except as permitted herein. Rear yards and side yards may be enclosed with split rail, picket-type, wrought iron, or other similar decorative fencing. Such fences shall not exceed forty-eight (48) inches in height. In no case shall view obscuring fences, privacy fences, chain-link fences or other similar wire fences be permitted on a site. Fences are prohibited in the front yard or street-side (front) yard.

K. Dedication of Open Space and/or Development Rights.

The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

1. A Conservation Easement as established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
Amended: 12-09-02 (39-13)
2. Master deed as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
3. Distribution, gift or sale of the development rights to all property owners within the Open Space Community.

The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurance for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payments and collection. The homeowner or condominium association shall be responsible for maintenance of all open space areas. At the time the property is turned over to the association, it shall be clean and free of debris.

Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply

ARTICLE 9

NONCONFORMING USES AND NONCONFORMING BUILDINGS

Section 9.1 PREAMBLE.

Any lawful use of land or buildings existing at the date of passage of this Ordinance or amendment thereto and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance is hereby declared to be a “nonconforming use,” and any building which does not meet the provisions of this Ordinance as to setbacks, height, or other requirement is hereby declared to be a “nonconforming building,” any lot which does not meet the provisions of this ordinance as to width or area is hereby declared to be a “nonconforming lots,” any other improvement such as parking, landscaping, lighting, etc. which does not meet the provisions of this ordinance is hereby declared to be a “nonconforming improvement” and such uses, buildings, lots, and improvements shall not be considered in violation of this Ordinance; provided, however, that all nonconforming uses and buildings shall not constitute a nuisance and shall be subject to and the owner shall comply with the following regulations:

(Amended 7/10/2017)

Section 9.2 NONCONFORMING USE OF LAND, CONTINUATION OF USE.

The nonconforming use of land where no building or structure is involved, which exists when this Ordinance becomes effective or amendments thereto, may be continued provided that:

- A. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- B. No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.
- C. A use that the ZBA has determined is abandoned following the standards in Section 9.15 of this ordinance shall not be re-established and any new use must comply with the zoning ordinance.

(Amended 7/10/2017)

Section 9.3 CHANGE OF NONCONFORMING USE.

A nonconforming use of land may be changed to another nonconforming use of land use that the ZBA has determined is not more nonconforming then the current use following the standards in Section 9.15 of this ordinance and does not require expansion of the area of land used for the use. A nonconforming use that changes to a conforming use may not revert back to a nonconforming use.

(Amended 7/10/2017)

Section 9.4 EXPANSION OR EXTENSION OF A NONCONFORMING USE IN A BUILDING.

A nonconforming use may not be expanded or extended throughout other portions of a building unless such building was actually existing at the time of enactment or subsequent amendment of this Ordinance. If such nonconforming use in all or part of the building is discontinued (See Section

9.2) or changed to a conforming use (See Section 9.3), any future use of such building or portion thereof shall be in conformity to the regulations of the district in which such building is located.

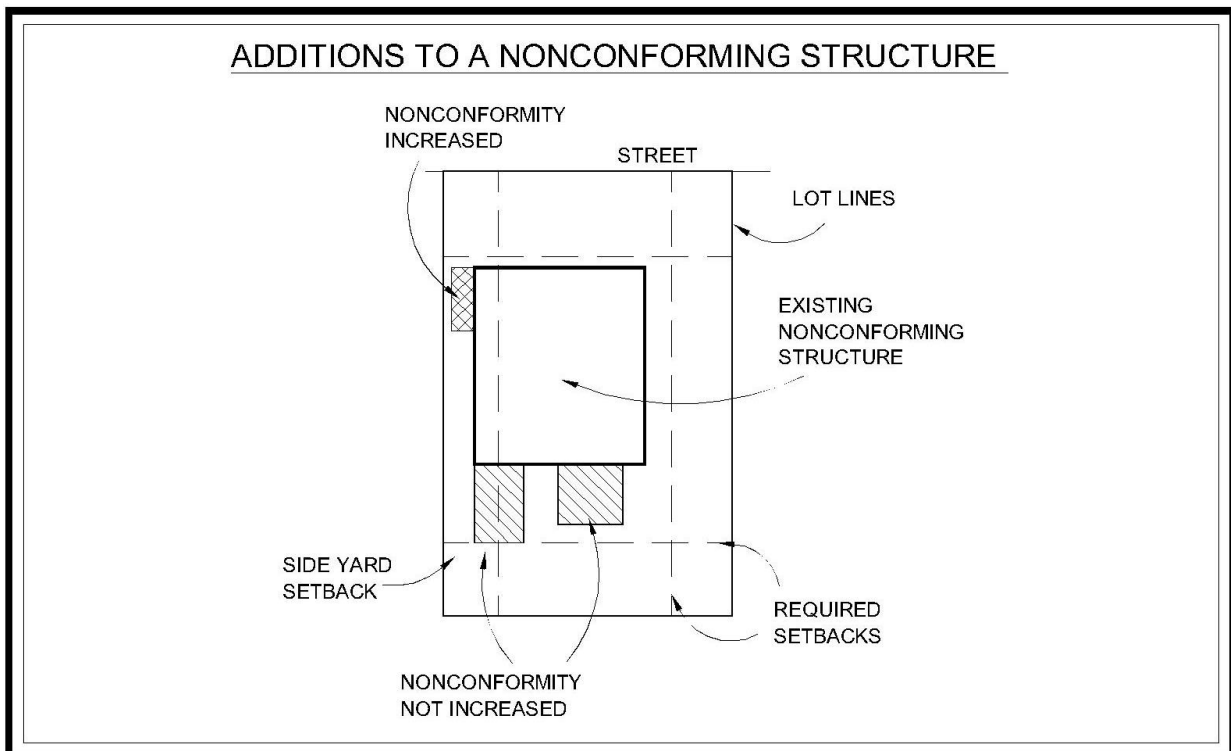
Section 9.5 MOVING.

No building in which a nonconforming use exists may be moved to any other part of a parcel of land upon which same was located at the time of the adoption of this Ordinance. No nonconforming building shall be moved for any reason unless it shall then conform to the regulations for the zoning district in which it is located after said move.

Section 9.6 MODIFICATIONS.

- A. **Structure: Alterations, Improvements, and Rehabilitation.** Nothing in this Ordinance shall prohibit the alteration, improvement, or rehabilitation of a nonconforming building or structure existing at the effective date of this Ordinance, provided (a) such alteration, improvement or rehabilitation does not involve an increase in height, area or bulk, and (b) that such alteration, improvement, or rehabilitation conforms with applicable codes and/or ordinances of the Township in such case made and provided.
- B. **Structure: Enlargement.** A nonconforming building or structure may be enlarged or structurally altered so as to result in an increase in height, area or bulk, provided such change does not increase its nonconformity. (See Figure 18-1). Notwithstanding such prohibition, a single family building or structure deemed nonconforming because of insufficient area may be enlarged or structurally altered so as to result in an increase in area less than the applicable

Figure 9-1: Nonconforming Enlargement Illustration



minimum requirements for single-family dwellings in the zoning district in which said nonconforming single-family building or structure is situated.

(Amended 7/10/2017)

- C. **Nonconforming Uses:** Enlargement or Alteration. A nonconforming use of land or a nonconforming use situated within a building or structure shall not be enlarged or altered unless such enlargement or alteration shall result in compliance with applicable codes and/or ordinances of the Township and statutes of the State of Michigan pertaining to minimum requirements for health and safety.
- D. **Variances.** The Zoning Board of Appeals, upon application being made as provided in Article 19 of this Ordinance and after hearing, may permit a variance from a literal application of the prohibitions of this Section upon a proper showing of undue hardship and/or practical difficulties.

Section 9.7 REPAIRS AND MAINTENANCE.

On any building devoted in whole or in part to any nonconforming use, work may be done in any twelve (12) consecutive months on repairs and maintenance, including replacements for fixtures, wiring or plumbing and the like, to an extent not exceeding twenty five (25) percent of the true cash value at the date of repair, providing that the cubic contents of the building as it existed at the time of passage of this Ordinance or its amendment, shall not be increased, except to accommodate the repairs and replacements.

Section 9.8 RESTORATION.

- A. Any building housing a nonconforming use or nonconforming building, which has been destroyed or damaged by fire, explosion, Act of God, by public enemy, or intentionally for the purpose of redevelopment of the building to the extent of sixty-five percent (65%) of value of the building or structure, which is defined as 200% of the building's State Equalized Value (SEV), exclusive of the foundation at the time such damage occurred, shall, if reconstructed, conform with the provisions of this Ordinance. Where such destruction or damage has occurred, removal of the nonconforming use of a building also shall eliminate the nonconforming use status of the land on which said building is located.
- B. If such damage is less than sixty-five (65) percent (65%) of the value of the building or structure before said damage occurred, exclusive of the foundation, then such structure may be restored to the same nonconforming use or nonconforming building as existed before such damage, provided such construction is within one (1) year of the event. If repair has not been completed within one (1) year the property owner may request an extension of up to one (1) year from the Planning Commission, upon showing reasonable expectation that repairs can be completed within that time. If repairs are not completed in the required timeframe, it may only be reconstructed in compliance with the ordinance requirements.
- C. If a nonconforming single family home is destroyed to any extent it may be rebuilt provided it is rebuilt in the same footprint as the original residence. Such construction, must be completed

within one (1) year or the applicant may receive an extension as provided in paragraph 2 above.

(Amended 7/10/2017)

Section 9.9 DISCONTINUANCE OR ABANDONMENT OF A NONCONFORMING USE OF A BUILDING.

A use that the ZBA has determined is abandoned following the standards in Section 9.15 of this ordinance shall not be re-established and any new use must comply with the zoning ordinance.

(Amended 7/10/2017)

Section 9.10 RECORDS OF NONCONFORMING USES.

Within one (1) year of the adoption of this Ordinance or any amendments thereto, the Zoning Administrator shall prepare a record of all known nonconforming uses of buildings and of land, including travel trailers and mobile homes, existing at the time of such Ordinance or amendment.

Such record shall contain the names and addresses of the owners of record of such nonconforming uses and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Each owner and occupant shall be notified by certified mail, return receipt requested, of the nonconforming character of the structures and uses thereof. Such list shall be available during regular business hours in the office of the Zoning Administrator for examination, and shall constitute permanent records of the Township of Almont.

(Amended 7/10/2017)

Section 9.11 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change in tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use, except to bring the use into greater conformity.

Section 9.12 USES SUBJECT TO SPECIAL LAND USE APPROVAL NOT NONCONFORMING USES.

Any use for which a special land use approval is required is permitted as provided in this Ordinance and shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district. Such use shall remain subject to all of the approval provisions of the Special Land Use section of this Ordinance for any enlargement, or change or addition of activities.

Section 9.13 SUBSTANDARD LOTS.

Any lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for lot width and depth and available space for yards may be utilized, provided the width and area and available open space for yards is not less than sixty-six and two-thirds (66 2/3) percent of that required by the terms of this Ordinance. If two or more contiguous nonconforming lots are under common ownership, the lots may still be treated as separate lots, even if doing so the nonconformity is increased.

(Amended 7/10/2017)

Section 9.14 LEGALITY OF NON-CONFORMITIES

Nonconformities will be classified as “legal” or “illegal” based on the following guidelines.

Regulation of nonconformities will vary based on their legality.

- A. Illegal nonconformities are those that have been developed in conflict with zoning regulations.
- B. Legal nonconformities are those that existed legally before the effective date of this ordinance, or before some amendment to this ordinance, which resulted in the nonconformity.

(Amended 7/10/2017)

Section 9.15 STANDARDS FOR DETERMINING NON-CONFORMITY

- A. Local, county, or state government files or records, including, but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives, or employees.
- B. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
- C. Utility records, including, but not limited to providers of water, sewer, electric, natural gas, or telecommunications service.
- D. Dated advertising or other information published in a newspaper or magazine including, but not limited to advertising, articles, features, or photographs that address the use of the land in question.
- E. Dated aerial photos from the State of Michigan, Lapeer County, or other sources accepted by the ZBA.
- F. Other relevant information, including, but not limited to date-stamped photographs, diary or log entries, affidavits, or notarized statements.

(Amended 7/10/2017)

Section 9.16 STANDARDS FOR DETERMINING ABANDONMENT

If the Planning Administrator identifies a legal nonconforming use that they believe has been abandoned, they shall submit the property to the ZBA for a determination of abandonment. The ZBA shall hold a public hearing following notice as outlined in Section__ of this notice. The ZBA shall determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors.

- A. Reports such as from the building inspection or health department indicating the property is or has been suitable for occupation.
- B. Disconnection of utilities.
- C. Evidence that the use was relocated to a new site.
- D. Evidence of a “going out of business” sale.
- E. Signs advertising the business has been removed.

- F. The use has been discontinued for 1 year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
- G. Removal of the equipment or fixtures necessary for the operation of the nonconforming use.
- H. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
- I. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use.

(Amended 7/10/2017)

Section 9.17 STANDARDS FOR ALLOWING THE CHANGE IN A NONCONFORMING USE

A property owner may request approval from the ZBA to change a nonconforming use to another nonconforming use. The ZBA shall hold a public hearing following notice as outlined in Section 13.9 of the zoning ordinance. The ZBA shall approve the request if it determines that the proposed use is not more nonconforming than the current use based on the following factors:

- A. The similarity of zoning districts each use is permitted in and whether they are permitted by right or Special Land Use (SLU).
- B. The anticipated off-site impact of each use due to traffic, hours of operation, and generation of noise, dust, or odors, or general intensity of the proposed use.

(Amended 7/10/2017)

Section 9.18 STANDARDS FOR THE ELIMINATION OF A NONCONFORMITY THROUGH PURCHASE OR CONDEMNATION

In order to accomplish the elimination of nonconforming uses and structures, which constitute a nuisance or are detrimental to the public health, safety and welfare, Almont Township, pursuant to Section 208, Public Act 110 of 2006, as amended, may, but is not required to, acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

(Amended 7/10/2017)

ARTICLE 10

ZONING BOARD OF APPEALS

Section 10.1 MEMBERSHIP.

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 110, Public Acts of 2006, as amended, in such a manner that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done. The Zoning Board of Appeals shall consist of five (5) members as follows:

- A. The first member shall be a member of the Township Planning Commission, appointed by the Township Board.
- B. The second member may be a member of the Township Board, appointed by the Township Board.

The remaining members shall be selected and appointed by the Township Board from the electors of the Township residing outside of the Village of Almont, which members shall be representative of the population distribution and of the various interests present in the Township. An elected officer of the Township shall not serve as Chairman of the Zoning Board of Appeals. Further, an employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.

(Amended 3/14/16)

The term of each member shall be for three (3) years, except that of the members first appointed, two (2) shall serve for two (2) years and the remaining members for three (3) years. A member service because of his or her membership on the Township Planning Commission or Township Board, whose term shall be limited to the time he or she is a member of that body. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

(Amended 3/14/16)

The Township Board may appoint not more than two (2) alternate members of the Board of Appeals to serve for a three (3) year term. An alternate member of the Zoning Board of Appeals shall serve as a regular member of the Zoning Board of Appeals in the absence of a regular member. An alternate may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of a conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall be called to serve on a rotating basis by the chairman of the Zoning Board of Appeals when the absence, unavailability or due to a conflict of interest of a regular member.

(Amended 3/14/16)

Members of the Zoning Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

(Amended 3/14/16)

Section 10.2 MEETING PROCEDURES

A. Upon receipt of an application for a hearing before the ZBA the Zoning Administrator shall fix a reasonable time for the hearing and give notice as required below to the parties, and decide the same within a reasonable time.

(Amended 3/14/16)

B. For requests involving a specific parcel of land such as a variance or appeal the Township shall mail due notice of the hearing to the applicant and to all residents or owners to whom real property within 300 feet of the premises in question is assessed, as shown on the last most recent tax assessment roll at least fifteen (15) days prior to the hearing. This includes property outside the Township limits. For all hearings, a notice shall be published in a newspaper of general circulation in the Township at least 15 days prior to the hearing. Both notices shall include the nature of the hearing, the date time and location of the hearing, in the case of hearings involving specific parcels of property the address of the property, or if there is no address a general description of its location and its legal description, the time and place where a copy of the request can be reviewed and how comments can be submitted to the ZBA

C. The decision of such Board shall be final. However, a person aggrieved by a decision made under the Zoning Ordinance may appeal to the circuit court which shall review the record prepared by the Zoning Board of Appeals consistent with the provisions of Section 606 of Act 110, Public Acts of 2006, as amended.

D. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.

(Amended 3/14/16)

E. Any action by the Board shall be recorded in the minutes of the meeting.

(Amended 3/14/16)

Section 10.3 APPEALS PROCEDURES.

These appeals procedures are instituted to hear and decide appeals from and review an order, requirement, decision, or determination made by an administrative official or commission charged with the enforcement of the Township Zoning Ordinance, except the issuance of a variance which

shall follow the procedures of Section 19.03 of this Ordinance. Legislative decisions by the Township Board such as zoning text amendments or rezonings are not appealable to the ZBA.

(Amended 3/14/16)

- A. An appeal shall be filed with the officer or commission from whom the appeal is taken and with the Zoning Board of Appeals specifying the ground for the appeal.
- 1. The officer or commission from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the appeal is taken.
- 2. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or commission from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reasons of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

Such appeal may be taken by any person aggrieved or by an officer, department, commission, board or bureau of the Township based on an administrative decision made by such officer, department, commission, board or bureau.

(Amended 3/14/16)

The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, as in its opinion ought to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

(Amended 3/14/16)

Section 10.4 VARIANCE REVIEW PROCEDURES.

These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance through a variance, where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant or his predecessors in title, a literal enforcement of the Ordinance would result in practical difficulties. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

(Amended 3/14/16)

- A. An application for the approval of a variance shall be made by an owner of an interest in the lot to the Township Clerk or the Zoning Administrator, accompanied by the necessary fees and documents as provided in this Ordinance.

(Amended 3/14/16)

B. The application shall be accompanied by a site plan drawn to the minimum scale of 1"=30' and placed on a standard sheet and containing the following information:

1. Dimensional elements for which a variance is requested.
2. Dimensional relationships of the subject lot to the structures on all adjacent lots.

The application shall be accompanied by an affidavit by the applicant explaining how the request complies with the standards for approval of the variance listed below:

(Amended 3/14/16)

C. The Board shall approve, with or without conditions, or disapprove the application and shall communicate its action, in writing, to the applicant, the Township Board, the Building Inspector, and the Township Planning Commission within one (1) week from the time of the meeting at which it considered the application.

1. The Board shall not approve an application for a variance unless it has found positively that:
(Amended 3/14/16)

a. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

(Amended 3/14/16)

b. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.

c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.

d. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.

e. The requested variance will not be contrary to the spirit and intent of the Township Zoning Ordinance.

The Building Inspector shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit, or such other approval, permitting the variance, subject to all conditions imposed by such approval.

Section 10.5 APPROVAL OF TEMPORARY DWELLINGS.

A. The Zoning Board of Appeals may grant approval of a temporary dwelling as a result of fire or other force of nature provided a surety bond or cash equal to 1% of the construction cost of the principal dwelling has been obtained to cover the cost of the removal of the temporary dwelling. The temporary dwelling shall be removed upon completion of the main dwelling and prior to the issuance of a certificate of occupancy. The length of the temporary occupancy

shall be valid for one year and may be extended by the Zoning board of Appeals for one (1), six (6) month period with written request by the homeowner.

Section 10.6 APPROVAL PERIOD.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than twelve (12) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Zoning Board of Appeals permitting a use of a building or land shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

(Amended 3/14/16)

ARTICLE 11

Reserved

ARTICLE 12

Reserved

ARTICLE 13

ADMINISTRATION AND ENFORCEMENT

Section 13.1 ENFORCEMENT.

The provisions of this Ordinance shall be administered and enforced by the Township Board through the Zoning Administrator, or any other employees, inspectors and officials as the Township Board may designate to enforce the provisions of the Ordinance as an Ordinance Enforcement Officer.

Section 13.2 DUTIES OF BUILDING INSPECTOR AND ZONING ADMINISTRATOR.

The Zoning Administrator shall have the power to grant zoning compliance permits, to make inspections of buildings or premises, and to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Zoning Administrator may require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail, to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this Ordinance:

(Amended 3/14/16)

- A. The actual shape, location and dimensions of the lot.
- B. The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. The signature of the fee holder owner of the premises concerned.
- E. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a zoning compliance permit. If any application for such permit is not approved, the Zoning Administrator shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

Whenever an application for a zoning compliance permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the Zoning Administrator shall not issue such permit unless the Lapeer County Health Department shall have approved the site for the construction of such facilities.

(Amended 3/14/16)

The Zoning Administrator under no circumstances are permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use either buildings, structures or land within the Township.

(Amended 3/14/16)

The Zoning Administrator under no circumstances is permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant, notwithstanding violations of deed restrictions, contracts, covenants or agreements which may result upon the granting of said permit.

Section 13.3 PERMITS.

The following shall apply in the issuance of any permit:

Permits Required. It shall be unlawful for any person to commence excavation for, or construction of any building or structure, (except concrete work not requiring a foundation or ratwall) structural changes, or repairs in any existing building or structure, or moving of an existing building, located either within or outside of this Township without first obtaining a Zoning Compliance Permit from the Zoning Administrator. No building permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance.

(Amended 7/10/2017)

Before a permit may be issued for moving a building or structure, the Building Administrator shall inspect same and shall determine if it is in a safe condition for moving and whether it may be reconditioned to comply with the Building Code and other Township requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of said building or structure.

(Amended 7/10/2017)

No plumbing, electrical, drainage or other permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance.

“Alteration” or “repair” of any existing building or structure shall include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

Section 13.4 CERTIFICATE OF OCCUPANCY.

Where certificates of occupancy are required under the State Building Code, no such certificate shall be issued by the Building Inspector before verification by the Zoning Administrator that the

work has been completed in compliance with the zoning ordinance. It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

(Amended 3/14/16)

- A. For residential, commercial and industrial construction or projects requiring engineered site plans or plot plans, the following will be required prior to the issuance of a certificate of occupancy:
1. Final approval from the County Health Department for a sewage disposal system permit.
 2. Final approval from the County Health Department for a well permit.
 3. Final approval from the County Road Commission for a driveway or road permit.
 4. Completion of the inspection process (final approval on electrical, plumbing, and mechanical permits).
 5. Final building approval for the building permit.
 6. Inspection cards/Inspection reports filed with permit clerk.
 7. Final engineering inspection/site plan approval from Township Engineer.
 8. Contractor/homeowner resolution of all open site/engineering concerns.
 9. Engineering inspection report filed with permit clerk.
 10. All outstanding issues resolved including but not limited to the following: Permit costs, inspection fees, etc.
 11. Upon receipt of a certificate of occupancy from the Township, all remaining cash bond fees will be returned to the contractor/homeowner. Banks will be notified in writing when an irrevocable letter of credit has been posted with the Township.

Section 13.5 FINAL INSPECTION.

The recipient of any building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

Section 13.6 PLANNING COMMISSION.

The Almont Township Planning Commission as established under Act 168 of the Michigan Public Acts of 1959, as amended, shall

- A. Review and approve or deny site plans submitted under the provisions of ARTICLE 4 of this ordinance
- B. Review and approve or deny Special Land Use requests under the provisions of ARTICLE 5 of this ordinance.
- C. Review and make recommendations on proposed zoning ordinance amendments to the ordinance text or map under the provision of Section 13.7 of this ordinance.

- D. Review and approve or deny new signs or changes to existing signs under the provisions of Section 2.17.
- E. Draft amendments to this zoning ordinance for consideration by the Township Board as they determine appropriate for the proper operation of the ordinance and the implementation of the Township Master Plan
- F. Review and approve or deny condominium subdivision plans submitted under the provisions of Section 2.7 of this ordinance.
- G. Review and approve or deny residential open space developments under Section 8.10 of this ordinance.
- H. Review and make recommendations on proposed planned unit developments under the provision of Section 2.23 of this ordinance.
- I. Review and approve or deny parking plans submitted under the provisions of Section 6.2 of this ordinance.

(Amended 3/14/16)

Section 13.7 AMENDMENTS AND CHANGES.

A. Amendments and Changes (Amended 3/14/16)

- 1. A proposal for an amendment to the Zoning Ordinance text may be initiated by the Township Board, Planning Commission or ZBA, upon filing with the Township Zoning Administrator a resolution duly adopted identifying the proposed amendment.
- 2. Any proposal for an amendment to the zoning map (i.e. to rezone a parcel) may be initiated by the Township Board or Planning Commission upon filing with the Township Zoning Administrator a resolution duly adopted identifying the proposed parcels and new zoning classification or by the owner of that parcel or a person with written permission of the owner by filing the following with the Zoning Administrator at least 28 days prior to the date of the public hearing on the request:

(Amended 3/14/16)

- a. An application for rezoning.
- b. A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
- c. The necessary fees for such zoning change.
- d. A copy of the deed to the property.
- e. If the applicant is submitting a conditional rezoning request as authorized under Section 405 of the Michigan Zoning Enabling Act, the application will include the conditions proposed.
- f. A Development Impact Statement per Section 4.4 and/or a Traffic Impact Statement per Section 4.5 if either are required under those sections

Where a development requires both a rezoning and special land use or site plan approval, the applicant may submit the rezoning and special land use/site plan request at the same time and both may be reviewed at the same hearing.

(Amended 3/14/16)

If the applicant wishes to request the rezoning of noncontiguous parcels at the same time, they may choose to submit one application for the total request or individual applications for each parcel.

(Amended 3/14/16)

B. Amendment Review Process

1. The Township Clerk shall give notice of the time and place of the Planning Commission public hearing at which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the Township.
 - a. The notice shall be published not less than fifteen (15) days prior to the date of the hearing.
 - b. The notice shall include the places and times at which the proposed amendment may be examined prior to the meeting.

Fifteen (15) days' notice shall also be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within zoning districts affected that registers its name and mailing address with the Township for the purpose of receiving the notice. An affidavit of mailing shall be maintained.

(Amended 3/14/16)

In the case of a proposed map amendment, the Clerk shall give similar notice by mail of the time and place of such hearing to the owner or owners of the property or properties in question, as well as all the owners and occupants of property within four hundred feet (400') of the parcel as identified in the most recent tax roll of the Township, not less than fifteen (15) days before the hearing. Owners of property within four hundred feet (400') of the parcel located outside the Township shall also receive notice.

(Amended 3/14/16)

The Township shall also give notice at least fifteen (15) days before the meeting to the planning commission of any municipality within one thousand feet (1,000') of the proposed rezoning.

(Amended 3/14/16)

Upon receipt of the proposed amendment, the Zoning Administrator shall forward copies of the request to Planning Commission members and may request review by the Township Planner and/or the Township Engineer as the Zoning Administrator determines necessary.

(Amended 3/14/16)

2. At the public hearing where the proposed zoning ordinance amendment is considered, the Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.

3. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the standards for zoning amendments included in Section 13.7.C of this Ordinance.
4. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the Township Board for their consideration.

Under Section 307 of the Michigan Zoning Enabling Act, the Lapeer County Planning Commission has the right to a thirty (30) day review period before the Township Board takes action on the amendment. If the Lapeer County Planning Commission is re-established by the Lapeer County Board of Commissioners, after the Township Planning Commission public hearing, notice of a zoning ordinance amendment request will be forwarded to the County Planning Commission for their review and comment

(Amended 3/14/16)

5. At the next regularly scheduled Township Board meeting following receipt of the Planning Commission's report, the Township Board shall consider the proposed amendment and may take the following actions on a zoning amendment.
 - a. Approve the proposed amendment.
 - b. Deny the request.
 - c. Hold a public hearing on the matter before making the decision, in which case the Township Board will provide the same notice provided for the Planning Commission public hearing.
 - d. Consider changes to the proposed amendment.
 - e. Table the request for further information.

(Amended 3/14/16)

6. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The notice shall include:
 - a. A summary of the regulatory effect of the amendment or the actual text of the amendment.
 - b. The effective date of the ordinance.
 - c. The place and time where a copy of the ordinance may be purchased or inspected.
7. If within 7 days after publication of a zoning ordinance under subsection "a" above, a registered elector residing in the township files with the Township Clerk a notice of intent to file a petition requesting a referendum on the zoning ordinance amendment, the petitioner shall then have 30 days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the township equal to not less than 15% of the total vote cast within the township for all candidates for governor at the last preceding general election at which a governor was elected, with the Township

Clerk requesting the submission such referendum. Upon the filing of a notice of intent the zoning ordinance amendment shall not take effect until 1 of the following occurs:

- a. The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.
- b. If a petition is filed within 30 days after publication of the ordinance, Township Clerk determines that the petition is inadequate.
- c. If a petition is filed within 30 days after publication of the ordinance, Township Clerk determines that the petition is adequate and the ordinance amendment is approved by a majority of the registered electors residing in the zoning jurisdiction voting on the petition at the next regular election or at any special election called for that purpose. The Township Board shall provide the manner of submitting the zoning ordinance amendments to the electors for their approval or rejection and determining the result of the election.

(Amended 3/14/16)

8. In the case of an approved conditional rezoning request the Township shall record an affidavit signed by the Planning Commission Chairperson and the zoning applicant outlining the approved conditions including the length of time the conditions apply. If the approved time frame expires with the property owner meeting the conditions, the Township may initiate rezoning of the property

C. Standards for Approval

1. In the case of a proposal to amend the Zoning Ordinance text, the Planning Commission must find:
 - a. The change is necessary to clarify a provision of the Ordinance, or
 - b. The change is necessary to correct a mistake in the Ordinance, or
 - c. The change is necessary to implement a goal or policy of the Township Master Plan, or
 - d. The change is necessary to improve administration of the Ordinance or to better serve the community.
 - e. In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the Township Master Plan or that a mistake in the Plan, or changes in conditions or Township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
2. In the case of a proposed zoning map amendment (rezoning) the Planning Commission must find one of the following:
 - a. The requested amendment is in compliance with the Township Master Plan or that a mistake in the plan, or changes in conditions or Township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a

request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

- b. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Master Plan.

(Amended 3/14/16)

D. Conditional Rezoning Agreements.

1. **Authority.** The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Michigan Compiled Law Section 125.3405, being part of the Michigan Zoning Enabling Act.
2. **Application.** Any offer to enter into a conditional rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner/applicant and not by the Township.
3. **Pre-Hearing Meeting.** Whenever an application for a conditional rezoning agreement is submitted, a pre-hearing meeting shall be scheduled between the applicant and the Planning Commission. At the pre-hearing meeting, the applicant shall fully explain the agreement being proposed. The Planning Commission and the applicant shall discuss the proposed agreement and then put it into appropriate form for a public hearing.
4. **Public Hearing and Recommendation.** After due notice, a public hearing in compliance with all regular procedural rezoning requirements shall be conducted by the Planning Commission as to the proposed rezoning agreement. The Commission shall subsequently adopt recommendations as to the approval, approval with revisions, or denial of the proposed rezoning agreement.
5. **Township Board.** Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the Township Board and the property owner. The proposed agreement shall be reviewed for legal sufficiency by the Township Attorney before to final approval. Any such agreement shall be recorded with the Register of Deeds and shall run with the land. The Township shall either record the agreement or shall receive verification that the applicant has recorded the agreement.
6. **Standards for Decision.** In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:
 - a. The terms of the offer must be reasonably related to the property covered in the agreement.
 - b. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.

c. The proposed land use must be consistent with the goals and policies of the Township, including the Township Master Plan.

7. **Limitations on Agreements.** A rezoning agreement shall not be used to allow any land uses which would not otherwise be permitted in the proposed new zoning district. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

Zoning Reversion. If the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Township Board shall initiate a proposed rezoning to revert the property back to the original classification.

(Amended 3/14/16)

Section 13.8 FEES.

The Township Board shall set fees for all applications including zoning permit inspections, variances, site plans, special land uses, rezonings and other zoning requests. These fees shall be paid prior to consideration of the application.

(Amended 3/14/16)

Section 13.9 NOTICES

When notices for public hearings are required under this ordinance, the notice shall comply with the following

- A. Notice shall be sent by regular mailed not less than fifteen (15), days prior to the public hearing to:
1. Owners and occupants of property within a minimum of three hundred (300) feet from the property which is the subject of the public hearing as shown on the latest tax assessment roll.

The owner of the property that is the subject of the public hearing and to the applicant if they are different from the owner

(Amended 3/14/16)

2. In the case of a rezoning public hearing, notice shall also go to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing
- B. A notice shall also be published once in a local newspaper not less than fifteen (15), days prior to the public hearing
- C. The notice shall include:
1. The identity of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, the parcel shall be described by tax roll number and a general description of its location.
 2. State when and where the request will be considered.

3. Indicate when and where written comments will be received concerning the request
4. The places and times at which the application or request may be examined.

ARTICLE 14

DEFINITIONS

Section 14.1 DEFINITIONS.

For the purpose of this Ordinance certain terms, words, and phrases shall, whenever used in this Ordinance, have the meaning herewith defined as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied"; the word "building" includes the word "structure," and the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel."

Terms not herein defined shall have the meaning customarily assigned to them.

ABUTTING: Having a common border with, or being separated from such common border by, an easement. Lots separated by a private or public road right-of-way are not abutting.
(Amended 7/10/2017)

ACCESS: A means of vehicular approach or entry to or exit from property.

ACCESSORY BUILDING: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.
(Amended 7/10/2017)

ADULT ARCADE: Means any place to which the public is permitted or invited, wherein coin-operated, slug-operated, or for compensation, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video screens, videotape decks, computer screens, or other image-producing devices are maintained to show images to five (5) or fewer persons at a time and where the images so displayed are distinguished or characterized by the depicting or describing of "specific sexual activities" or "specified anatomical areas".

ADULT BOOK STORE, ADULT VIDEO STORE OR ADULT NOVELTY STORE: Means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form or consideration, any one or more of the following:

- (a) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or;
- (b) Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities." Condoms and clothing articles are excepted.

A commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specific anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such commercial establishment from being so categorized as long as one of its principal business purposes is the offering for sale

or rental for consideration, materials depicting or describing “specified sexual activities” or “specified anatomical areas”. For purposes of videos or films which are X-rated or of substantially equivalent content of X-rated films, shall be considered to depict or describe “specified sexual activities” or “specified anatomical areas” notwithstanding any more restrictive definition set forth herein.

ADULT CABARET-NON-LIQUOR ESTABLISHMENT: Means a nightclub, bar, restaurant or similar commercial or non-commercial establishment which does not furnish or serve alcoholic beverages or permit the consumption of alcoholic beverages which permits any of the following:

- (a) Persons who appear in a state of nudity or semi-nudity, or
- (b) Live performances characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or
- (c) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

ADULT CABARET-LIQUOR ESTABLISHMENT: Means a nightclub, bar, restaurant or similar commercial or non-commercial establishment which serves, furnishes or permits the consumption of alcoholic beverages which permits any of the following:

- (a) Persons who appear in a state of nudity or semi-nudity, or
- (b) Live performances characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or
- (c) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

ADULT ESTABLISHMENT: Means and includes any of the following:

- (a) The opening or commencement of any sexually-oriented business as a new business;
- (b) The conversion of an existing business, whether or not sexually-oriented, to any sexually-oriented business;
- (c) The addition of any sexually-oriented business to any other existing sexually-oriented business; or
- (d) The relocation of any sexually-oriented business.

ADULT MOTEL: Means a hotel, motel, or similar commercial establishment which:

- (a) Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions of X-rated motion pictures or motion pictures equivalent to X-rated motion pictures and has a sign visible from the public right-of-way advertising the availability of this type of photographic reproductions; or
- (b) Offers a sleeping room for rent for a period that is less than eight (8) hours.

ADULT MOTION PICTURE THEATER: Means a commercial establishment where for any form of consideration films, motion pictures, video cassettes, or similar photographic reproductions are regularly shown which are X-rated or the equivalent of X-rated.

ADULT THEATER: Means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.

ALTERATIONS: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.” (Also see Structural Alteration).

ARCHITECTURAL FEATURES: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

BASEMENT (CELLAR): A basement is that portion of a building with not less than three (3) walls partly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5) feet or more, such area shall be considered as a story.

BERM: A mound of soil graded, shaped, and improved with landscaping in such a fashion as to be utilized for screening purposes.

BLOCK FACE: Those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or man-made features.

(Amended 2/10/14)

BUILDABLE AREA: The buildable area of a lot is the space remaining after the minimum space requirements of this Ordinance have been deducted.

BUILDING: A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels in a building. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING HEIGHT: The vertical distance from the average elevation of the street curb paralleling the front or, if on a street corner, the front and side of the building, to the highest point of the roof surface if the roof is flat; to the deck line if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. For buildings set back from the street line, this vertical distance shall be taken above the average elevation of the ground along the front of this building, provided its distance from the street line is more than the average height of such ground above the established curb elevation. Total height is measured from the ground to the highest point of the structure.

BUILDING INSPECTOR: The Building Inspector of the Township or his/her authorized representative.

BUILDING LINE: A line established, in general, parallel to the front street right-of-way line between which it and the front street line no part of a building shall project, except as otherwise provided by this Ordinance.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

BUILDING, TEMPORARY: A structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

CALIPER: A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4.5) feet above natural grade.

CARPORT: A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

COMMISSION: The word "Commission" shall mean the Almont Township Planning Commission.

CONDOMINIUM ACT: Act 59 of 1978, as amended.

CONDOMINIUM MASTER DEED: The document recording the condominium project as approved by the Township, to which is attached by exhibits and incorporated by reference the approved bylaws for the project and the approved subdivision plan for the site.

CONDOMINIUM SUBDIVISION PLAN: The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review.

CONDOMINIUM UNIT: That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

CORRAL OR BARNYARD: A pen or enclosure for confining animals or livestock, not an area for grazing of such.

COURT: An open unoccupied space other than a yard on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

CUL-DE-SAC: A street terminated at one end, with a turning radius.

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DISTRICT: A portion of the Township of Almont within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DWELLING UNIT: A dwelling unit is any house or building or portion thereof having cooking facilities which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanent or transiently, but in no case shall a travel/truck trailer, shipping container, automobile chassis, tent, portable building or unauthorized mobile home outside of a mobile home park be considered a dwelling unit.

(Amended 11/9/2020)

EASEMENT: Authorization by a property owner of the use by another and for a specified purpose of any designated part of his/her property.

EFFICIENCY UNIT: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than four hundred and fifty (450) square feet of floor area.

ENCLOSED LOCKED FACILITY. A closet, room or other comparable stationary and fully enclosed area equipped with secure locks or other functioning security devices that permit access only by a registered primary care giver, or registered qualifying patient.

(Amended 8/18/2021)

ERECTED: The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

ESCORT: Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: Means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESSENTIAL SERVICES: The term “essential services” means the erection, construction, alteration, maintenance addition, reconstruction, or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communications, steam or water transmission or distributing systems, collection, supply or disposal system including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith but not including buildings, reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory by such public utilities or municipal departments or commissions. Such facilities both above and below ground including storage fields and high-pressure mains designated to serve users principally outside of this municipality and immediate surrounding territory shall not be considered essential services under this definition.

(Amended 7/10/2017)

EXCAVATING: Excavating shall be the removal of sand, stone, gravel or fill dirt below the grade of the surrounding land and/or road grade, whichever shall be the highest.

FAMILY: One or one or more persons, not exceeding six in number, living together as a single housekeeping unit. Notwithstanding anything to the contrary contained herein, there shall be no numerical limitation as to the number of persons related by blood, including adopted children, who form a single housekeeping unit. Further, not more than one unrelated person may be included as part of such blood related household.

FARM POND OR FISH POND: A water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout to provide water for livestock, fish and wildlife, fish production, recreation, fire control, crop and orchard spraying and related uses. Such ponds shall meet the minimum standards set by the Soil Conservation Service (SCS) for design, engineering, construction and maintenance.

FEED LOT: A lot or area in which cattle, livestock or hogs or similar animals are confined in high densities or numbers which require feed areas, corrals or holding pens, feed storage and diversion channels or detention ponds to process, treat or store animal waste and water runoff. Any such feed lot shall meet the minimum standards set by the Extension Agricultural Engineer at Michigan State University or the Lapeer County Cooperative Extension Service.

FILLING: Shall mean the depositing or dumping of any matter onto or into the ground, except common household gardening.

FLOOR AREA, GROSS: Is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher. “Floor Area” shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof) attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in “floor area.”

(Amended 7/10/2017)

FLOOR AREA, USEABLE: Is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher. “Floor Area” shall **exclude** elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof) attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines. In the case of retail sale or service uses, area used solely for storage is excluded. Any space devoted to off-street parking or loading shall not be included in “floor area.”

(Amended 7/10/2017)

FLOOR AREA RATIO: An intensity measured as a ratio derived by dividing the total floor areas of a building by the base site area. Where the lot is part of a large development and has no buffer yard, that lot area may be used instead of the base site area.

FOOT CANDLE: The unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one (1) square foot in area on which there is a uniformly distributed flux of one (1) lumen, or the illumination produced on a surface all points of which are at a distance of one (1) foot from a directionally uniform point source of one (1) candela.

GARAGE, PRIVATE: A building or other structure designed for the housing of automobiles.

GARAGE, PUBLIC: Any building or premises other than a gasoline filling station used for housing or care of more than three (3) automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire or sale.

(Amended 7/10/2017)

GARBAGE: Garbage shall mean all wastes, animal, fish, fowl or vegetable matter incident to the preparation, use and storage of food for human consumption, spoiled food, dead animals, animal manure, and fowl manures.

GRADE: The established grade of the street or sidewalk shall be the elevation of the curb, or the centerline of the road if there is no curb, at the midpoint of the front of the lot.

GRADE, BUILDING: The finished grade at the building shall be the building grade.

GREENBELT: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

GROSS SITE AREA: The total site area under the ownership of the applicant before any deductions are made for roads, open space, parcels to be separated or planned for later development and the like.

HOUSE, BOARDING: A structure in which non-family members are sheltered and fed for profit.
(Amended 7/10/2017)

HOUSE, ROOMING: A structure in which non-family members are sheltered for profit.
(Amended 7/10/2017)

JUNK: For the purposes of this Ordinance, the term “junk” shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

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

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, and any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less. The point of intersection of the street lot lines is the “corner”. In the case of corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

LOT COVERAGE: The part of percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH: The mean horizontal distance measured from the street right-of-way line to the rear lot line.

LOT, DOUBLE FRONTAGE: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT, FRONT, REAR, AND DEPTH: The front of a lot is that boundary line which borders on a street other than an alley. In case of a corner lot, see Section 2.14. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. The rear of a lot is the side opposite to the front. In the case of a triangular or irregular lot, the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In the case of irregularly shaped lots, the mean depth shall be taken.
(Amended 8/28/2019)

LOT, SIDE: The side of a lot is that boundary line which is not a front or rear lot line.
(Amended 7/10/2017)

LOT FRONTAGE (minimum): The minimum lot width required by Ordinance along a public road or approved private road. The minimum required lot frontage shall be continuous and uninterrupted by outlots or other breaks in the legal description along the abutting roadway.
(Amended 2/10/2014)

LOT INTERIOR: A lot other than a corner lot. Any portion of a corner lot more than one hundred twenty (120) feet from the “corner” measured along a front street lot line shall be considered an interior lot.

LOT LINE: Lot line or adjacent property line shall be any boundary line separating one lot from another, whether the line be at the side, rear, or front of the properties.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the Township or County and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

LOT WIDTH: The distance from one side lot line to the other side lot line measured at the minimum building setback permitted in this Ordinance.

MASTER PLAN: A comprehensive plan prepared under the authority of PA 33 of 2008, the Michigan Planning Enabling Act including graphic and written proposals indicating as necessary the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

(Amended 7/10/2017)

MARIJUANA. Marijuana means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

(Amended 8/18/2021)

MEAN GRADE: The average elevation of the centerline of the nearest existing or proposed street or road established or approved by the Lapeer County Road Commission.

MEDICAL USE. The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, transportation of marijuana, marijuana infused products or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition, or symptoms associated with the debilitating medical condition, as further defined under the MMMA.

MMMA. The Michigan Medical Marijuana Act, MCL 333.26421 et seq., as amended.

(Amended 8/18/2021)

MOBILE HOME: A structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. A mobile home shall not lose its character as such when placed on a permanent foundation.

NONCONFORMING BUILDING: A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

NONCONFORMING LOT: A lot lawfully existing at the effective date of this Ordinance or amendments thereto with dimensions which conflict with the provisions of this Ordinance.

(Amended 7/10/2017)

NONCONFORMING USE: A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

NUDE MODEL STUDIO: Means any place where a person appears in the state of nudity or displayed specified anatomical areas to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form or consideration.

NUDITY OR STATE OF NUDITY: Means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, the showing of the female breasts with less than a fully-opaque covering of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

OCCUPANCY LOAD: The number of individuals normally occupying building or part thereof, or for which the existing facilities have been designed.

OCCUPIED: The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

ON FARM COMPOSTING: Composting which complies with MCLA 324.11521(3) and with the Generally Accepted Agricultural and Management Practices (GAAMPs) under the Michigan Right-to-Farm Act and if one or more of the following apply:

- Only yard clipping generated on the farm are composted;
- There are not more than 5,000 cubic yards of yard clippings on the farm;
- If there are more than 5,000 cubic yards of yard clippings on the farm at any time, all of the following requirements are met:
 - The farm operation accepts yard clippings generated at a location other than the farm only to assist in management of waste material generated by the farm operation;
 - The farm operation does not accept yard clippings generated at a location other than the farm for monetary or other valuable consideration;
 - The owner or operator of the farm registers with the Department of Agriculture on a form provided by the Department of Agriculture and certifies that the farm operation meets and will continue to meet the requirements of these provisions.

(Amended 2/10/14)

ON-SITE: A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

(Amended 1/14/2019)

OPEN SPACE: Land required by this ordinance to remain as open space to be used for the recreation, agriculture, resource protection, amenity and other specified purposes.

OUTLOT: A lot in a subdivision which is restricted from use for building purposes, whether or not deeded to the Township, but which is not dedicated as a street or public reservation or private park.

PARKING SPACE: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the storage or parking of permitted vehicles.

PAWNBROKER USE: Means pawnbroker businesses as defined in the State Public Acts or substantially similar business.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

PERSON: Means any individual, proprietorship, partnership, corporation, association or any other legal entity., but this definition does not include any governmental unit.

PLANNED SHOPPING CENTER: A business development of certain minimum size characterized by a unified grouping of retail outlets served by common circulation and parking system.

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.

(Amended 7/10/2017)

PRIVATE DRIVE: A means of vehicle access serving one property or one dwelling.

PUTRESCIBLE: Subject to decay and decomposition and to becoming putrid.

RACKING: Racking is any structure or building material used in the mounting of a solar panel (Figure 1).

(Amended 1/14/2019)

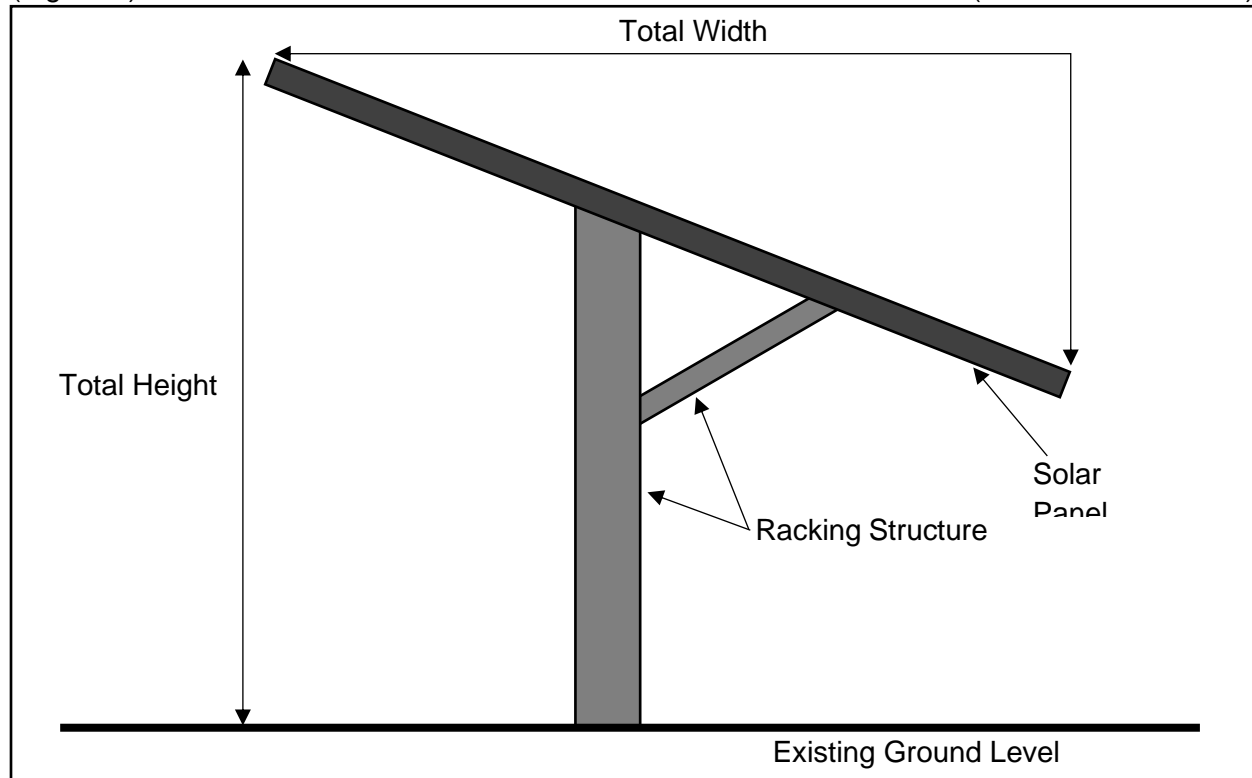


Figure 1

RECREATION VEHICLES:

- (a) A “travel trailer” is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.

- (b) A “pickup camper” is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
- (c) A “motorized home” is a portable dwelling designed and constructed as an integral part of self-propelled vehicle.
- (d) A “folding tent trailer” is a plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
- (e) “Boats” and “boat trailers” shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
- (f) Snowmobile and all-terrain vehicles, plus the normal equipment to transport the same on the highway.

REGISTERED PRIMARY CAREGIVER. A person meeting the definition of caregiver under the MMMA and who has been issued and possesses a registry identification card and possesses the documentation that constitutes a valid registry under the MMMA.

REGISTERED QUALIFYING PATIENT. A person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued and possesses a registry identification card which is valid under the MMMA, as amended.

(Amended 8/18/2021)

REPAIRS: The rebuilding or removal of a part of an existing building for the purpose of maintaining its original type and classification.

RIGHT-OF-WAY: The right-of-way line shall be the line established by the Lapeer County Road Commission in their right-of-way requirements established for Almont Township or the Township’s adopted Master Plan.

RUBBISH: Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

SCREENING: A wall, berm, fence or lane of growing trees and shrubs, or combinations of these, for the protection of adjoining premises.

SEMI-NUDE: Means a state of dress in which clothing covers no more than the genitals, anus, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.

SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining vacant property.

SETBACK: Distance from the centerline where noted or right-of-way lines shown on the adopted Inter-County Highway Commission or Master Plan of streets to the building line or from the side or rear lot lines for the purposes of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

(Amended 7/10/2017)

SEXUAL ENCOUNTER CENTER: Means of business or commercial enterprise that as one of its principal business purposes offers for any form of consideration:

- (a) Contact in the form of wrestling or tumbling between semi-nude or nude persons of the opposite sex; or

- (b) Physical contact between male and female persons and/or persons of the same sex, where one or more of the persons is in a state of nudity and the contact includes actual or simulated specified sexual activity.

SEXUALLY-ORIENTED BUSINESS: Means any of the following:

- (a) "Adult arcades";
- (b) "Adult book stores and adult video stores";
- (c) "Adult cabarets";
- (d) "Adult motels";
- (e) "Adult motion picture theaters";
- (f) "Adult theaters";
- (g) "Escort agencies";
- (h) "Massage Parlor", excluding massage therapists licensed to practice by the State of Michigan;
- (i) "Nude model studios";
- (j) "Sexual encounter centers";
- (k) Other similar uses.

SHIPPING CONTAINER: A primarily prefabricated metal structure that was previously used in shipping operations.

(Amended 11/9/2020)

SHOPPING CENTER: A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and design and built as an interrelated project.

SIGN: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises the signs are located. Non-accessory signs do not pertain to the use of the premises.

SIGN AREA: The sign area within a continuous perimeter enclosing the limits of writing representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed; provided, however, any open space contained within the outer limits of the display face of a sign or between any component, panel, strip, or figure or any kind composing the display face shall be included in the compensation of the area of the sign, whether such open space be enclosed or not by a frame or border. For double-faced signs, each display face shall be measured or counted in computing sign area. All lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation, and enclosed tightly with an imaginary line to define the area for computation.

SIGNABLE AREA: A continuous wall area on the front of the building which is free of windows and doors and major architectural design. So called mansard roofs may be used for signable area provided they are within twenty (20) degrees of a vertical plan and wall signs on them are vertical unless individual letters are used to make up the wall sign.

SITE: A parcel of land.

SOIL REMOVAL: Shall mean removal of any kind of soil or earth matter including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof.

SOLAR COLLECTOR: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

(Amended 1/14/2019)

SOLAR ENERGY: Radiant energy (direct, diffuse, and reflected) received from the sun.

(Amended 1/14/2019)

SOLAR ENERGY SYSTEM: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

(Amended 1/14/2019)

SOLAR PANEL: A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

(Amended 1/14/2019)

SOLAR SHINGLES: A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

(Amended 1/14/2019)

SPECIAL LAND USE: A use specified in this Ordinance as permissible in a specific use district only after special conditions are met. (Uses permitted after special approval).

STABLE, PRIVATE: A structure or shelter with capacity for not more than three (3) horses which are not boarded and are not for hire or sale and are owned by the immediate family.

(Amended 7/10/2017)

STABLE, COMMERCIAL: A stable other than a private stable, where horses are boarded or are for hire or sale.

(Amended 7/10/2017)

STANDARD SHEET: A sheet which measures eight and one-half (8 1/2) inches by eleven (11) inches, or consists of multiples of such dimensions such that a larger sheet can be folded into such dimensions.

STORY: That part of a building included between the surface of any floor and the surface of the floor or roof, next above. When the distance from the average established grade to the ceiling of a portion of a structure partly below such grade is greater than the distance from the average established grade to the floor, such portion shall constitute a story.

STORY, HALF: The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half the floor area of said full story.

STREET: A public thoroughfare which affords traffic circulation and principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, poster panels, and permanent athletic facilities. Sidewalks, parking lots, driveways and other similar at grade improvements are not structures.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

SWIMMING POOL: The term “swimming pool” shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of twenty-four (24) inches or greater.

TEMPORARY BUILDING AND USE: A structure or use permitted by the Zoning Board of Appeals.

TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children’s recreational purposes.

TOWNSHIP BOARD: The words “Township Board” shall mean the Almont Township Board.

TRAILER COACH: See Mobile Home.

TRAILER COACH PARK: See Mobile Home Park.

TRANSFER. To convey, sell, give, deliver or allow the possession by another person or entity.
(Amended 8/18/2021)

TRAVEL TRAILER PARK (OVERNIGHT CAMPING FACILITY): A park licensed under the provisions of the Act 171, Public Acts of 1970, as amended, and being designed specifically for the parking of travel trailers and/or the erection of tents.
(Amended 7/10/2017)

TRUCK TRAILER: A vehicle without motor power freight vehicle to be drawn by a motor truck.
(Amended 11/9/2020)

USE: It is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

UTILITY ROOM: A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

VARIANCE: An authorization permitting change in the requirements of this Ordinance by the Zoning Board of Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in practical difficulty upon the variance applicant.
(Amended 7/10/2017)

VERTICAL PROJECTION: Any architectural feature which projects into the yard space from the ground up through the first story.

WALLS, OBSCURING: An obscuring ring structure of definite height and location constructed of wood, masonry, concrete or similar material.

YARD: An open space, unoccupied and unobstructed from the ground upward except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

A “required yard” is that portion of any lot on which the erection of a main building is prohibited.

A “front yard” is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.

A “rear yard” is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.

A “side yard” is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

ZONING ADMINISTRATOR: The Zoning Administrator of the Township or his/her authorized representative.

ZONING BOARD OF APPEALS: The Zoning Board of Appeals consisting of no less than five (5) members as provided under provisions of the Township Rural Zoning Act, being Act 110, Public Acts of 2006, as amended, with powers and duties as defined in said statute.

ARTICLE 15

INTERPRETATION AND APPLICATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and, likewise, not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul an easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such Ordinances or agreements, the provision of this Ordinance shall control.

ARTICLE 16

VIOLATIONS AND PENALTIES

Any person, persons, firm or corporation, or anyone acting in behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals, the Township Board, or Planning Commission, adopted or promulgated pursuant hereto, shall, upon conviction thereof, be subject to a fine of not more than Five Hundred (\$500.00) Dollars and the costs of prosecution, or in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, dwellings, buildings or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The Court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land shall be adjudged guilty of maintaining a nuisance per se.

ARTICLE 17

CONFLICTING PROVISIONS

Other Almont Township ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance for the Township of Almont, Lapeer County, Michigan, Ordinance Number 20, adopted on December 8, 1975, and as amended, is specifically repealed in its entirety.

(Amended 7/10/2017)

ARTICLE 18

SEVERABILITY

If any Section, paragraph, clause or provision of this Ordinance. is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

ARTICLE 19

EFFECTIVE DATE

This Ordinance shall take immediate effect upon approval by the Township Board on August 10, 1992. A notice of adoption was published in the Tri-City Times on August 19, 1992, and the Lapeer County Press on August 19, 1992.

Carol Hoffner
Almont Township Clerk

The Zoning Ordinance herein contains all amendments adopted by the Township. The most recent amendments were approved by the Almont Township Board on July 10, 2017. A notice of adoption was published in the newspaper on July 19, 2017. All amendments were effective as of July 26, 2017.

Carol Hoffner
Almont Township Clerk

TOWNSHIP OF ALMONT

NOTICE OF ZONING ORDINANCE ADOPTION

A Zoning Ordinance regulating the development and use of land has been adopted by the Township Board of the Township of Almont, Lapeer County, Michigan, and is applicable throughout the unincorporated area of the Township. This Ordinance is effective upon adoption by the Township Board on August 10, 1992. A copy of the Ordinance may be purchased or inspected at the Township Offices during regular business hours, located at 819 North Main Street, Almont, Michigan 48003.

Gloria Howe
Almont Township Clerk