

# **ALMER TOWNSHIP ZONING ORDINANCE**

**ADOPTED: JULY 8, 1997**

**ALMER TOWNSHIP ZONING ORDINANCE  
TABLE OF CONTENTS**

ARTICLE 1  
SHORT TITLE

SEC. 100 SHORT TITLE..... 1-1

ARTICLE 2  
DEFINITIONS

SEC. 200 INTERPRETATION..... 2-1  
SEC. 201 DEFINITIONS ..... 2-1

ARTICLE 3  
ZONING DISTRICTS AND MAP

SEC. 300 DISTRICTS..... 3-1  
SEC. 301 BOUNDARIES ..... 3-1  
SEC. 302 ZONING OF VACATED AREAS ..... 3-1  
SEC. 303 DISTRICT REQUIREMENTS ..... 3-1

ARTICLE 4  
R-1 ONE FAMILY RESIDENTIAL DISTRICT

SEC. 400 PRINCIPAL USES PERMITTED ..... 4-1  
SEC. 401 SPECIAL USES ..... 4-1  
SEC. 402 AREA AND BULK REQUIREMENTS..... 4-2

ARTICLE 5  
R-2 RURAL RESIDENTIAL DISTRICT

SEC. 500 PRINCIPAL USES PERMITTED ..... 5-1  
SEC. 501 SPECIAL USES ..... 5-1  
SEC. 502 AREA AND BULK REQUIREMENTS..... 5-3

ARTICLE 6  
R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SEC. 600 PRINCIPAL USES PERMITTED ..... 6-1  
SEC. 601 SPECIAL USES ..... 6-1  
SEC. 602 AREA AND BULK REQUIREMENTS..... 6-1

ARTICLE 7  
R-4 MOBILE HOME PARK RESIDENTIAL DISTRICT

SEC. 700 PRINCIPAL USES PERMITTED ..... 7-1  
SEC. 701 SPECIAL USES ..... 7-1

SEC. 702 AREA AND BULK REQUIREMENTS.....	7-1
ARTICLE 8	
AG AGRICULTURAL DISTRICTS	
SEC. 800 PRINCIPAL USES PERMITTED .....	8-1
SEC. 801 SPECIAL USES.....	8-1
SEC. 802 AREA AND BULK REQUIREMENTS.....	8-2
ARTICLE 9	
B BUSINESS DISTRICTS	
SEC. 900 PRINCIPAL USES PERMITTED .....	9-1
SEC. 901 REQUIRED CONDITIONS .....	9-2
SEC. 902 SPECIAL USES.....	9-2
SEC. 903 AREA AND BULK REQUIREMENTS.....	9-3
ARTICLE 10	
I INDUSTRIAL DISTRICT	
SEC. 1000 PRINCIPAL USES PERMITTED .....	10-1
SEC. 1001 SPECIAL USES.....	10-2
SEC. 1002 AREA AND BULK REQUIREMENTS.....	10-3
ARTICLE 11	
F FORESTRY DISTRICT	
SEC. 1100 PRINCIPAL USES PERMITTED .....	11-1
SEC. 1101 SPECIAL USES.....	11-1
SEC. 1102 AREA AND BULK REQUIREMENTS.....	11-2
ARTICLE 12	
RESERVED	
ARTICLE 13	
SCHEDULE OF REGULATIONS	
SEC. 1300 SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT .....	13-1
ARTICLE 14	
RESERVED	
ARTICLE 15	
GENERAL PROVISIONS	
SEC. 1500 CONFLICTING REGULATIONS.....	15-1
SEC. 1501 SCOPE .....	15-1
SEC. 1502 ACCESSORY BUILDINGS.....	15-1
SEC. 1503 PERFORMANCE STANDARDS .....	15-2

SEC. 1504	GREEN BELT .....	15-3
SEC. 1505	EXTERIOR LIGHTING .....	15-7
SEC. 1506	CORNER CLEARANCE.....	15-7
SEC. 1507	SCREENING WALLS OR FENCES .....	15-7
SEC. 1508	USE RESTRICTION .....	15-9
SEC. 1509	RESIDENTIAL ENTRANCEWAY .....	15-9
SEC. 1510	ACCESS TO MAJOR THOROUGHFARE OR COLLECTOR STREET .....	15-9
SEC. 1511	ONE PRINCIPAL BUILDING PER LOT .....	15-9
SEC. 1512	FRONTAGE .....	15-9
SEC. 1513	COMMON DRIVEWAYS .....	15-10
SEC. 1514	FLAG LOTS .....	15-10
SEC. 1515	SPECIFICATIONS FOR SINGLE FAMILY RESIDENCES .....	15-11
SEC. 1516	RESIDENTIAL YARD FENCES.....	15-12
SEC. 1517	HEIGHT RESTRICTIONS.....	15-12
SEC. 1518	LOT SPLIT AND SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL DISTRICT.....	15-13

## ARTICLE 16

### GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE

SEC. 1600	ESSENTIAL SERVICES.....	16-1
SEC. 1601	VOTING PLACE.....	16-1
SEC. 1602	HEIGHT LIMIT .....	16-1
SEC. 1603	LOT AREA .....	16-1
SEC. 1604	LOTS ADJOINING ALLEYS .....	16-1
SEC. 1605	YARD REGULATIONS.....	16-1
SEC. 1606	MULTIPLE DWELLING SIDE YARD .....	16-2
SEC. 1607	PORCHES.....	16-2
SEC. 1608	PROJECTIONS INTO YARDS .....	16-2
SEC. 1609	ACCESS THROUGH YARDS .....	16-2

## ARTICLE 17

### NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

SEC. 1700	INTENT .....	17-1
SEC. 1702	NONCONFORMING LOTS .....	17-1
SEC. 1703	NONCONFORMING USES OF LAND .....	17-1
SEC. 1704	NONCONFORMING STRUCTURES.....	17-1
SEC. 1505	NONCONFORMING USES OF STRUCTURES AND LAND .....	17-3
SEC. 1706	REPAIRS AND MAINTENANCE .....	17-4
SEC. 1707	USES ALLOWED AS SPECIAL USES NOT NONCONFORMING USES...	17-4
SEC. 1708	CHANGE OF TENANCY OR OWNERSHIP.....	17-4

## ARTICLE 18

### OFF-STREET PARKING

SEC. 1800	OFF-STREET PARKING REQUIREMENTS .....	18-1
SEC. 1801	OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION	

AND MAINTENANCE..... 18-5

SEC. 1802	OFF-STREET LOADING AND UNLOADING .....	18-7
-----------	--	------

ARTICLE 19  
SIGNS

SEC. 1900	CONDITIONS .....	19-1
SEC. 1901	OFF-PREMISE SIGNS .....	19-2

ARTICLE 10  
ADMINISTRATION AND ENFORCEMENT

SEC. 2000	ENFORCEMENT .....	20-1
SEC. 2001	DUTIES OF ZONING ADMINISTRATOR .....	20-1
SEC. 2002	PLOT PLAN .....	20-1
SEC. 2003	PERMITS .....	20-2
SEC. 2004	ZONING PERMIT REQUIREMENTS .....	20-2
SEC. 2005	FINAL INSPECTION .....	20-3
SEC. 2006	FEES .....	20-3
SEC. 2007	INTERPRETATION .....	20-3
SEC. 2008	VIOLATIONS .....	20-3
SEC. 2009	PUBLIC NUISANCE PER SE .....	20-4
SEC. 2010	FINES, IMPRISONMENT .....	20-4
SEC. 2011	EACH DAY A SEPARATE OFFENSE .....	20-4
SEC. 2012	RIGHTS AND REMEDIES ARE CUMULATIVE	

ARTICLE 21  
SITE PLAN REVIEW

SEC. 2100	USES REQUIRING SITE PLAN REVIEW .....	21-1
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ARTICLE 22  
AMENDMENTS AND DISTRICT CHANGES

SEC. 2200	PLANNING COMMISSION .....	22-1
SEC. 2201	INITIATION OF ZONING ORDINANCE AMENDMENTS .....	22-1
SEC. 2202	FEES - PETITION FOR AMENDMENT .....	22-2

ARTICLE 23  
BOARD OF ZONING APPEALS

SEC. 2300	CREATION AND MEMBERSHIP .....	23-1
SEC. 2301	MEETINGS .....	23-1
SEC. 2302	JURISDICTION .....	23-1
SEC. 2303	VARIANCES .....	23-2
SEC. 2304	APPEALS .....	23-2
SEC. 2305	INTERPRETATION OF ZONING ORDINANCE AND MAP .....	23-3

SEC. 2306	NOTICE .....	23-3
SEC. 2307	TIME LIMIT .....	23-3
ARTICLE 24		
SPECIAL USES		
SEC. 2400	PURPOSE .....	24-1
SEC. 2401	SPECIAL USE PROCEDURE .....	24-1
SEC. 2402	SPECIAL USES PERMITTED .....	24-2
ARTICLE 25		
CONDOMINIUMS		
SEC. 2500	INTENT .....	25-1
SEC. 2501	REVIEW REQUIREMENTS .....	25-1
SEC. 2502	ZONING ORDINANCE STANDARDS .....	25-1
SEC. 2503	CONDOMINIUM DESIGN STANDARDS.....	25-1
SEC. 2504	SURVEY REQUIREMENTS.....	25-2
ARTICLE 26		
VESTED RIGHT .....		26-1
ARTICLE 27		
SEVERANCE CLAUSE .....		27-1
ARTICLE 28		
REPEAL .....		28-1
ARTICLE 29		
EFFECTIVE DATE.....		29-1

# ALMER CHARTER TOWNSHIP ZONING ORDINANCE

## ARTICLE 1 SHORT TITLE

### SEC. 100 SHORT TITLE:

This Ordinance shall be known and may be cited as the Charter Township of Almer Zoning Ordinance.



# ALMER CHARTER TOWNSHIP ZONING ORDINANCE

## ARTICLE 2 DEFINITIONS

### SEC. 200 INTERPRETATION:

For the purposes of this Ordinance certain terms used shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure", and the word "dwelling" includes "residence", the word "person" includes "corporation", "copartnership", "association", as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel" the words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied.

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

### SEC. 201 DEFINITIONS:

Accessory Building: Is a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

Accessory Structure: A supplemental structure, or a part of the main building or structure, on the same lot, designed for, occupied for, or devoted to, an accessory use. A satellite dish will be considered an accessory building for the purpose of the setback provisions of this ordinance.

Adult Foster Care Family Home: A private residence licensed under PA 218 of 1979 for six or fewer adults to be provided with foster care for five or more days a week for two or more consecutive weeks. The adult foster care family home licensee is a member of the household and an occupant of the residence.

Adult Foster Care Large Group Home: A facility licensed under PA 218 of 1979 to provide foster care for at least thirteen (13) but not more than twenty (20) adults.

Adult Foster Care Medium Group Home: A facility licensed under PA 218 of 1979 to provide foster care for at least seven (7) but no more than twelve (12) adults.

Adult Foster Care Small Group Home: A facility licensed under PA 218 of 1979 to provide foster care for six (6) or fewer adults.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Apartment: A residential structure containing three (3) or more attached one (1) family dwellings.

Auto Laundry: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles, also known as a car wash.

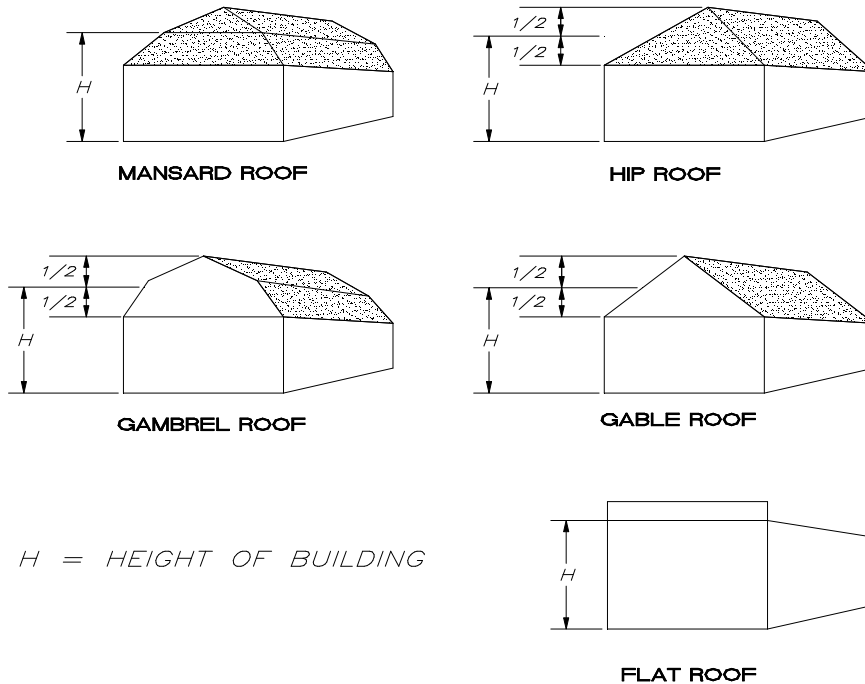
Basement: Is that portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

Bed and Breakfast: Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Billboard: A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

Building: Is any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awning, or vehicles situated on private property and used for such purposes).

Building Height: Is the vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



## BUILDING HEIGHT

**Building Inspector:** The building Inspector or Official recognized by the Township Board.

**Cabin:** A single dwelling unit used for seasonal temporary lodging which provides independent living, eating, sleeping, and sanitation facilities for compensation. The provisions are permanent but the occupancy is not permanent.

**Cabin Court:** Any tract or parcel of land on which two (2) or more cabins are maintained, offered or used.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

**Communication Tower:** A wireless telecommunication antenna tower, providing cellular, broadband PCS, wide-area SMR, satellite system or other similar wireless services.

**Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

**Court:** An uncovered space enclosed wholly or on three sides by buildings or walls.

**District:** A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Drive-In Restaurant:** A business establishment, for the serving of food and/or beverages, with parking spaces so developed and designed so as to serve patrons while in the motor vehicle, or

permit patron self-service so that consumption within motor vehicles may be facilitated.

Drive-Thru: A business establishment so developed that its retail or service character is partially or totally dependent on providing a driveway approach so as to serve patrons while in their motor vehicles.

Dwelling Unit: A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple-Family: Is a building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. (Refer to "Apartments" definition for dwelling unit types.)

Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

Essential Services: Means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrant, tower, poles, and other similar equipment and accessories in connection therewith (reasonably necessary for the furnishings of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare,) but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Family: A family shall be deemed to be one of the following when living in a single dwelling unit:

- a. A single individual.
- b. A group of two or more persons related by blood, marriage or adoption.
- c. A group of up to six unrelated individuals operating as a single housekeeping unit.

Family Day Care Home: A private home in which not more than six children are received for care and supervision for a period of less than 24 hours per day. The six child limitation includes children under seven years old in the resident family and shall not include more than two children under one year old.

Fence: A structure of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance.

Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Floor Area: The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area, Usable (For the purposes of computing parking): Is all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Gasoline Service Station: Is a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles such as engine tune-ups, lubrication, and carburetor cleaning. Service stations shall not include premises where heavy automobile maintenance activity such as engine overhaul, painting and bumping are undertaken.

Garage, Auto Repair: Is a place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

General Common Area: The common elements of a condominium development other than the limited common elements.

Grade: The highest of ground contacting any portion of the basement or foundation of a dwelling.

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.

Group Day Care Home: A private home in which not less than seven or more than twelve children are received for care and supervision for a period of less than twenty four (24) hours per day. Not more than two children will be under two years old.

Home Occupation: Is an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel, Commercial: Any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily kept for sale, boarding, breeding, or training for a fee. The keeping of nine (9) or more dogs, cats, or other household pets, whether for a fee or not shall constitute a commercial kennel.

Limited Common Area: The portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: Is a parcel of land occupied, or which could be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot Corner: A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

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

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage (Through Lot): Is 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 sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein:

1. Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot both lot lines abutting on

streets shall be treated as front lot lines.

2. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: Is a parcel of land, the dimensions of which are shown on a document or map on file with the county Register of Deeds or in common use by Township or County Officials, 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 horizontal distance between the side lot lines measured at the two points where the building line or setback intersects the side lot lines.

Lot, Zoning: A single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one (1) or more lots of record.

Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plans for the project.

Master Plan: Is a comprehensive plan adopted by the Township Planning Commission including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mobile Home: A structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Motel: A series of attached, semi-detached or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for

compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Nonconforming Building: A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the dimensional requirements of the Ordinance dealing with setbacks or size in the district in which it is located.

Nonconforming Use: A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.

Occupied: Includes the meaning of intent, design or arranged for occupancy.

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 automobiles.

Open Front Store: a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term open front store shall not include automobile repair or gasoline service stations.

Parking Space: Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Public Service Facility: Public Service Facilities within the context of this Ordinance shall include such uses and services as pumping stations, fire halls, police stations, and temporary quarters for welfare agencies, public health activities and similar uses.

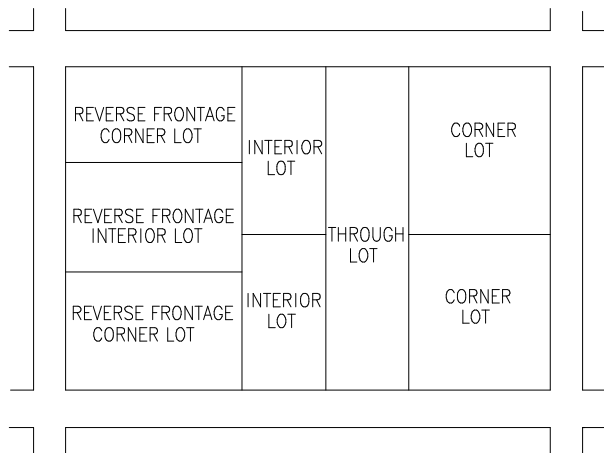
Public Utility: Is any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

Recreational Vehicle Park: A tract of land upon which two (2) or more recreational vehicle sites or campgrounds are located, established or maintained for occupancy by recreational vehicles or vacation campers of the general public as temporary living quarters for recreation or vacation purposes.

Reverse Frontage Lot: A corner lot, the rear of which abuts the side of another lot.



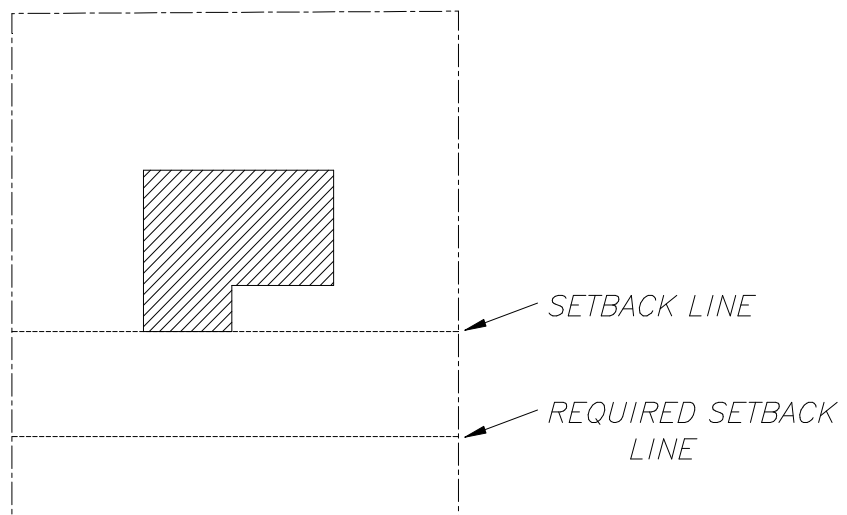


LOT TYPES

**Setback:** The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

**Setback Line, Required:** A required setback line is established by the minimum requirements of this ordinance.

*SETBACK LINE VS. REQUIRED SETBACK LINE*



**Sexually Oriented Business:** Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or

presenting Specified Sexual Activities or Specified Anatomical Areas.

1. Sexually oriented business use shall include, but not be limited to, the following:
  - a. An adult motion picture theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.
  - b. An adult mini motion picture theater is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting Specified Anatomical Areas for observation by patrons therein.
  - c. An adult motion picture arcade is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to Specified Sexual Activities or Specified Anatomical Areas.
  - d. An adult book store is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
  - e. An adult cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe Specified Sexual Activities or Specified Anatomical Areas.
  - f. An adult motel is motels wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
  - g. An adult massage parlor is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with Specified Sexual Activities or where any person providing such treatment, manipulation or service related thereto

exposes Specified Anatomical Areas.

- h. An adult model studio is any place where, for any form of consideration or gratuity, figure models who display Specified Anatomical Areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
  - i. An adult sexual encounter center is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in Specified Sexual Activities or exposing Specified Anatomical Areas.
2. Significant Portion as used in the above definitions, the phrase significant portion shall mean and include:
    - a. Any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
    - b. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
    - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.
  3. Display As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
  4. Specified Sexual Activities
    - a. Human genitals in a state of sexual stimulation or arousal;
    - b. Acts of human masturbation, sexual intercourse or sodomy;
    - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  5. Specified Anatomical Areas
    - a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of
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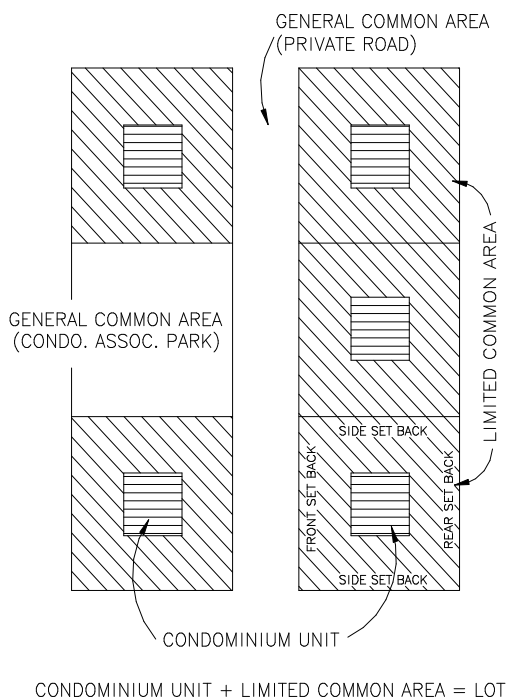
the areola; and,

- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Sign:** Is the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) 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 where located.

**Site Condominium Project:** A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.

SITE CONDOMINIUM DEFINITIONS



**Story:** Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

**Street:** Is a public thoroughfare which affords the principal means of access to abutting property.

**Structure:** Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground except driveways and pavement.

**Temporary Building or Use:** Is a structure or use permitted by the Township Board to exist during periods of construction of the main building or use, or for special events.

Thoroughfares:

1. Major: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond, and may be designated as a State highway or county road.
2. Secondary: Is an arterial street which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares, including county local roads.

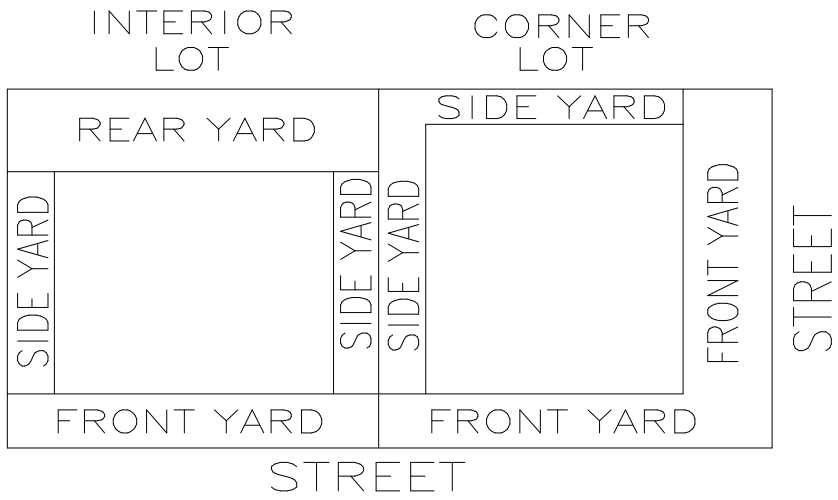
Use: Is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

Use, Accessory: Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. Rear Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
3. Side Yard: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

# YARD DEFINITIONS



**Zoning Administrator:** The person designated by the Township Board to administrate the Zoning Ordinance.

Zoning Variance: a departure from the literal provisions of the zoning ordinance authorized by the ZBA. Use variances allow uses not specifically listed as permitted in a given district. Non use variances allow for departures from other requirements of the ordinance including lot size, depth or width, building setbacks, etc.

Use variances are not permitted under the provisions of this ordinance. Non-use variance may be permitted only in instances where practical difficulty can be demonstrated.

**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**  
**ARTICLE 3 ZONING DISTRICTS AND MAP**

**SEC. 300 DISTRICTS:**

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

- R-1 One-Family Residential
- R-2 Rural Residential
- R-3 Multi-Family Residential
- R-4 Mobile Home Park Residential
- AG Agricultural
- B-1 Business
- B-2 Business
- I Industrial
- F Forestry

**SEC. 301 BOUNDARIES:**

The boundaries of these districts are hereby established as shown on the Zoning Map, Almer Charter Township Zoning Ordinance as is fully described herein.

- a. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerline of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- b. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

**SEC. 302 ZONING OF VACATED AREAS:**

Whenever any street, alley or other public way, within the Charter Township of Almer shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and come a part of the land formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which the same use as is permitted under this Ordinance for such adjoining lands.

**SEC. 303 DISTRICT REQUIREMENTS:**

All buildings and uses in any district shall be subject to the provisions of Article 15 GENERAL PROVISIONS and Article 16 GENERAL EXCEPTIONS.



**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**  
**ARTICLE 4 - R-1 ONE FAMILY**  
**RESIDENTIAL DISTRICT:**

Preamble: This Residential District is designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Master Plan of residential development in the Township. The uses permitted by right and as a special use are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

**SEC. 400 PRINCIPAL USES PERMITTED:**

In the R-1 One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. One-Family detached dwellings.
2. Publicly owned and operated parks, parkways and recreational facilities.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.
4. Churches, public libraries, public buildings, (excluding public works garages and storage yards) and any uses normally incidental thereto, provided that ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
5. Adult Foster Care Family Home and Small Group Home
6. Family Day Care Home

**SEC 401 SPECIAL USES:**

The following uses may be permitted upon the granting of a permit for such use by the Township Board, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

1. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the conditions of Section 2405.
2. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education and not operated for profit.
3. Cemeteries, subject to the conditions of Section 2403.

4. Non-public recreational areas and recreation facilities when not operated for profit and primarily intended to serve Township residents.
5. Private, non-profit swimming pools, subject to the conditions of Section 2425.
6. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit, subject to the conditions of Section 2412.
7. Nursery schools, day nurseries and child care centers, subject to the conditions of Section 2420.
8. Home Occupations subject to the conditions of Section 2415.
9. Group Day Care Homes, subject to the conditions of Section 2414.
10. Temporary Residences, subject to the conditions of Section 2432.
11. Two family dwellings, subject to the conditions of Section 2433.
12. Utility and public service facilities and uses when operating requirements necessitate the use of said facilities within the district in order to serve the immediate vicinity (storage yards excluded).
13. Planned Unit Developments, subject to the conditions of Section 2424.
14. Accessory buildings and uses customarily incident to any of the above permitted areas.

SEC. 402 AREA AND BULK REQUIREMENTS:

See Article 13 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

## ALMER CHARTER TOWNSHIP ZONING ORDINANCE

### **ARTICLE 5 - R-2 RURAL RESIDENTIAL DISTRICT**

Preamble: The Rural Residential Districts are designed to provide single-family home sites in areas more rural in character.

#### **SEC. 500 PRINCIPAL USES PERMITTED:**

In the R-2 Rural Resident District no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. One-Family detached dwellings.
2. Publicly owned and operated parks, parkways and recreational facilities.
3. Churches, public libraries, public buildings, (excluding public works garages and storage yards) and any uses normally incidental thereto, provided that ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
4. Adult Foster Care Family Home and Small Group Home
5. Family Day Care Home
6. The raising and keeping of livestock.
7. The raising of crops.
8. Roadside stands for the sale of farm products produced on the premises, or other premises owned and operated by the owner or operator of the farm, provided that off highway parking facilities be provided, and that entrance and exit facilities be approved in writing by the County or State Road Commission in the interest of public safety.
9. Permanent summer homes and vacation cottages on individual sites.
10. Accessory buildings and uses customarily incident to any of the above permitted uses.

#### **SEC. 501 SPECIAL USES:**

The following uses may be permitted upon the granting of a permit for such use by the Township Board, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

1. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all

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- subject to the conditions of Section 2405.
2. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education and not operated for profit.
  3. Cemeteries, subject to the conditions of Section 2403.
  4. Non-public recreational areas and recreation facilities when not operated for profit and primarily intended to serve Township residents.
  5. Private, non-profit swimming pools, subject to the conditions of Section 2425.
  6. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit, subject to the conditions of Section 2412.
  7. Nursery schools, day nurseries and child care centers, subject to the conditions of Section 2420.
  8. Home Occupations subject to the conditions of Section 2415.
  9. Group day care homes, subject to the conditions of Section 2414.
  10. Temporary Residences, subject to the conditions of Section 2432.
  11. Two family dwellings, subject to the conditions of Section 2433.
  12. Utility and public service facilities and uses when operating requirements necessitate the use of said facilities within the district in order to serve the immediate vicinity (storage yards excluded).
  13. Planned Unit Developments, subject to the conditions of Section 2424.
  14. Gravel Pits, subject to the conditions of Section 2413.
  15. Communication Towers, subject to the conditions of Section 2407.
  16. Kennels, Commercial, subject to the provisions of Section 2418.
  17. Airports including hangers, terminals control towers and air navigation aids, subject to the provisions of Section 2423.
  18. Recreational areas of a non-commercial nature for private clubs, non-profit organizations, religious groups and charitable institutions, subject to the conditions of Section 2426.

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19. Accessory buildings and uses customarily incident to any of the above permitted areas.

SEC.502 AREA AND BULK REQUIREMENTS:

See Article 13 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

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**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**  
**ARTICLE 6**  
**R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

Preamble: The R-3 Multiple Family Residential District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts. The multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise single-family community.

**SEC. 600 PRINCIPAL USES PERMITTED:**

In a R-3 multiple-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. All uses permitted and as regulated in the R-1 and R-2 one family residential districts.
2. Multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

**SEC. 601 SPECIAL USES:**

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Township Board.

1. General hospitals, subject to the conditions of Section 2411.
2. Private offices for doctors or dentists, or similar professions.
3. Housing for the elderly, subject to the conditions of Section 2417.
4. Convalescent homes and orphanages, subject to the conditions of Section 2408.
5. Planned Unit Developments, subject to the conditions of Section 2424.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.

**SEC. 602 AREA AND BULK REQUIREMENTS:**

See Article 13 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

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**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

**ARTICLE 7 - R-4 MOBILE HOME PARK**  
**RESIDENTIAL DISTRICT**

Preamble: The R-4 Mobile Home Park Residential District is designed to provide sites for mobile home parks and related uses.

**SEC. 700 PRINCIPAL USES PERMITTED:**

In an R-4 Mobile Home Park Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. Mobile Home Parks.
2. Accessory buildings and uses customarily incident to any of the above permitted uses.

**SEC. 701 SPECIAL USES:**

There are no Special Uses permitted in the R-4 District.

**SEC. 702 AREA AND BULK REQUIREMENTS:**

Standards for mobile home development shall be consistent with those adopted by the Mobile Home Commission.

The minimum area of a mobile home park shall be 15 acres.

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## **ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

### **ARTICLE 8 - AG AGRICULTURAL DISTRICTS:**

Preamble: The AG Agricultural District is designed to establish and preserve areas for agriculture, conservation, and such low density outdoor recreation uses as do not significantly change the natural character of the land or attract large numbers of people.

#### **SEC. 800 PRINCIPAL USES PERMITTED:**

In the AG Agricultural District lands shall not be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. The raising and keeping of livestock.
2. The raising of crops.
3. Roadside stands for the sale of farm products produced on the premises, or other premises owned and operated by the owner or operator of the farm, provided that off highway parking facilities be provided, and that entrance and exit facilities be approved in writing by the County or State Road Commission in the interest of public safety.
4. Adult Foster Care Small Group and Family Homes.
5. Family Day Care Homes.
6. Accessory buildings and uses customarily incident to any of the above permitted uses. Unused agricultural buildings may be used for storage, or for hire provided no outside storage is allowed and no signs are posted on or off the property.

#### **SEC. 801 SPECIAL USES:**

1. Churches, public libraries, public buildings, (excluding public works garages and storage yards) and any uses normally incidental thereto, subject to the conditions of Section 2404.
2. Cemeteries, subject to the conditions of Section 2403.
3. Home Occupations, subject to the conditions of Section 2415.
4. Group day care homes, subject to the conditions of Section 2414.
5. Gravel Pits, subject to the conditions of Section 2413.
6. Communication Towers, subject to the conditions of Section 2407.



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7. Kennels, Commercial, subject to the provisions of Section 2418.
  8. Airports including hangers, terminals control towers and air navigation aids, subject to the provisions of Section 2423.

SEC.802 AREA AND BULK REQUIREMENTS:

See Article 13 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

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**CHARTER TOWNSHIP OF ALMER**  
**BUSINESS DISTRICT ZONING AMENDMENT**  
**ORDINANCE AMENDMENT No. 2011-1**

An ordinance to amend the Almer Charter Township Zoning Ordinance, originally adopted on July 8, 1997, to provide for a B-1 Local Business District and a B-2 General Business District.

THE CHARTER TOWNSHIP OF ALMER ORDAINS:

The following Article of the Almer Charter Township Zoning Ordinance is hereby amended and revised to provide as follows:

**ARTICLE 9 – BUSINESS DISTRICTS:**

Preamble: The B-1 and B-2 Business Districts are designed to provide for shopping, personal services, professional offices and diversified business types that are primarily compatible with and of service to Township residential and agricultural uses.

**SEC. 900 PRINCIPAL USES PERMITTED: B-1 LOCAL BUSINESS DISTRICT:**

In a B-1 Local Business District, the building shall be no larger than 5,000 Square feet. No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Office buildings for any of the following purposes: executive, administrative, professional, governmental and sales office.
2. Medical and dental offices, including clinics.
3. Banks and financial institutions.
4. Churches.
5. Schools, whether public or private.
6. Utility and public service facilities and uses when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity.
7. Uses similar in character to the above listed uses.
8. Accessory buildings and uses customarily incidental to the above permitted uses.

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9. All uses permitted by right in the R-1 District are allowed in the B-1 Business District.

**SEC. 901 PRINCIPAL USES PERMITTED: B-2 GENERAL BUSINESS DISTRICT:**

In a B-2 General Business District, the building shall be no larger than 20,000 square feet. No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. All principal uses permitted in the B-1 Local Business District.
2. Any generally recognized retail business which supplies such commodities as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware and any personal service establishments which perform services such as shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners, printers and self-service laundries.

All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

3. Private clubs and lodge halls.
4. Tourist facilities including, but not limited to: rooming houses, motels, hotels, bed and Breakfasts, and gift shops.
5. Wholesale uses and storage uses when in a completely enclosed building; except that new vehicles and/or earth moving equipment and agricultural equipment for sale may occupy a rear yard area.
6. Theaters, assembly halls and similar places of assembly when conducted completely within enclosed buildings.
7. Bottling works and food packaging.
8. Car washes when completely enclosed in a building.
9. New automobiles, agricultural implement, recreational vehicle, and power sports sales or showroom.
10. Restaurants, supper clubs, and taverns.
11. Bowling alleys, pool or billiard parlor or club.
12. Offices and show rooms of plumbers, electricians, decorator or similar trades. The ground floor premises facing upon, and visible from any abutting street,

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shall be used only for entrances, offices or display. All storage of material or any incidental repair shall be within the confines of enclosed buildings.

13. Governmental facilities and public utility offices, such as utility exchanges, transformer stations, pump stations and service yards; and other public service facilities.

**SEC. 902 SPECIAL USES: B-2 GENERAL BUSINESS DISTRICT:**

The following uses may be permitted upon the granting of a permit for such use by the Township Board, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting properties:

1. Gasoline service station for sale of gasoline, oil and minor accessories, subject to the provisions of Section 2410.
2. Drive-in restaurants or open front stores, subject to the provisions of Section 2409.
3. Sales of automobiles, house trailers and travel trailer rentals, subject to the provisions of Section 2430.
4. Commercially used outdoor recreational space for children's amusement parks, carnivals, and rebound tumbling facilities, miniature golf courses, and golf driving ranges, subject to the provisions of Section 2406.
5. Sexually Oriented Businesses, subject to the provisions of Section 2431.
6. Communication Towers, subject to the provisions of Section 2407.
7. Off-premise signs subject to the provisions of Section 1901.

**SEC. 903 SIZE, HEIGHT AND SETBACK REQUIREMENTS:**

See Article 13 SCHEDULE OF REGULATIONS for the limitations on the size, height and setbacks as to buildings and lots in the B-1 Local Business District and the B-2 General Business District.

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## ALMER CHARTER TOWNSHIP ZONING ORDINANCE

### ARTICLE 10 - I INDUSTRIAL DISTRICT

Preamble: The I Industrial District is designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I District is so structured as to permit along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

#### SEC. 1000 PRINCIPAL USES PERMITTED:

In an Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
2. Warehousing and wholesale establishments.
3. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery; tool, die, gauge and machining shops.
4. The manufacture, compounding, assembling, treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell textiles, tobacco, wax, wire, wood and yarns.
5. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
6. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
7. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
8. Laboratories - experimental, film, or testing.
9. Manufacturing and repair of electric or neon signs, light sheet metal products,

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including heating and ventilating equipment, cornices, eaves and the like.

10. Storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and propane tank holders. Railroad transfer and storage tracks. Railroad rights-of-way. Freight terminals.
11. Storage facilities for building materials, sand, gravel stone, lumber, or storage of contractor's equipment and supplies.
12. Central dry cleaning plants or laundries.
13. Automotive repair garages, auto engine and body repair, and undercoating shops when completely enclosed.
14. Kennel, commercial.
15. Other uses which are similar to the above uses.
16. Accessory buildings and uses customarily incident to the above permitted uses.

SEC. 1001 SPECIAL USES:

The following uses may be permitted upon the granting of a permit for such use by the Township Board, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

1. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumber yards, building materials outlets, garage sales, upholsterer, cabinet maker, outdoor boat, or house trailer, automobile, or agricultural implement sales) or serve convenience needs of the industrial district (such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or bowling alley, trade or industrial schools, or medical or other offices serving the district, including an industrial clinic).
2. Lumber and planing mills, subject to the provisions of Section 2419.
3. Metal plating, buffing and polishing.
4. Tractor and trucking facilities, including storage and repair.

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5. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products.
  6. Heating and electric power generating plants and all necessary uses.
  7. Off-premise signs subject to the provisions of Section 1901.
  8. Accessory buildings and uses customarily incident to any of the above permitted areas.

SEC. 1002 AREA AND BULK REQUIREMENTS:

See Article 13 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings and minimum size of lot by permitted land use.

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## ALMER CHARTER TOWNSHIP ZONING ORDINANCE

### ARTICLE 11 - F FORESTRY DISTRICT

Preamble: The F Forestry District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of natural resources, and provide enjoyment for both visitors, and the community at large.

#### SEC. 1100 PRINCIPAL USES PERMITTED:

In a Forestry District, no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Hunting and fishing cabins, trapper's cabins, individual travel trailers and camping units, summer homes and/or vacation cottages, provided that occupancy is limited to six (6) months in any calendar year.
2. Forest industries (including handicrafts, temporary milling activities and tree harvesting but excluding other manufacturing industries).
3. Farms and agriculture operations of all kinds.
4. Public and private camping areas for recreational or educational purposes.
5. Public and private parks, playgrounds, recreational areas, camping grounds, hunting grounds, fishing sites and wildlife reserves; sportsmen's clubs and associations included.
6. Utility and public service facilities and uses, including public buildings and institutional or educational uses.
7. Facilities necessary for the production and transmission of hydro-electricity (dams, transmission lines and substations).
8. Railroad uses not including switching yards, storage yards, storage buildings and freight yards.
9. Public airports including hangers, terminals control towers and air navigation aids.
10. Accessory buildings and uses customarily incident to any of the above permitted uses.

#### SEC. 1101 SPECIAL USES:

The following uses may be permitted upon the granting of a permit for such use by the Township Board, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

1. One family detached dwellings, subject to the provisions of Section 2421.



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2. Resorts, resort hotels, vacation lodges, motels, and other tourist lodging facilities, subject to the provisions of Section 2428.
  3. Recreational vehicle parks, tenting areas and general camping grounds subject to the provisions of Section 2427.
  4. Accessory buildings and uses customarily incident to any of the above uses.

SEC. 1102 AREA AND BULK REQUIREMENTS:

See Article 13 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

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**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

**ARTICLE 12 - RESERVED**

**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

**ARTICLE 13 SCHEDULES OF REGULATIONS**

**SEC. 1300 SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT:**

ZONING DISTRICT	MINIMUM ZONING LOT SIZE PER UNIT		MAXIMUM HEIGHT OF STRUCTURES		MINIMUM YARD SETBACK (PER LOT IN FEET)			MINIMUM FLOOR AREA PER DWELLING UNIT (SQ. FT.)	MAXIMUM % OF LOT AREA COVERED (BY ALL BUILDINGS)
	AREA IN SQUARE FEET	WIDTH IN FEET	IN STORIES	IN FEET	FRONT	SIDE	REAR		
R 1 One Family Residential	20,000	100	2	40	50 (d)	15 (a)	50	900 (h)	35%
R 2 Rural Residential	20,000	100	2	40	50(d)	15 (a)	50	900 (h)	35%
R 3 Multi Family Residential 1BR. 2BR. 3BR.(b) 4BR.	2,400(e) 3,600 4,800 6,000		2	40	50(c)	15 (c)	50 (c)	1 BR 500 2 BR 700 3 BR 900 4 BR 1,100	30%
R 4 Mobile Home Park	As required by the Mobile Home Park Commission.								
AG Agricultural	20,000 (i)	100	2	40	50	15	50	900 (h)	35%
B-1 Business	5,000	100	2	40	50(f)	15(f)	20	900 (h)	
B-2 Business	20,000	100	2	40	50(f)	15(f)	20	900(h)	C
I Industrial	20,000	100	2	40	50(f)	15 (g)	20	None	
F Forestry	20,000 (i)	100	2	40	50	15	50	900 (h)	35%

- a. The side yard abutting upon a street shall not be less than twenty (20) feet when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot the side yard abutting a street shall not be less than the required front yard of that district. Refer to "GENERAL PROVISIONS" accessory buildings for corner lot exception.
- b. In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and approval prior to the issuance of a building permit.
- c. Where more than one (1) principal building occupies a single lot or parcel, the following building relationship shall be maintained:

<u>Building Relationships</u>	<u>Overall distance between buildings</u>
Front to front	50 feet
Front to side	45 feet
Front to rear	60 feet
Rear to rear	60 feet
Rear to side	45 feet
Side to side	20 feet
Corner to corner	15 feet

The front and rear of the multiple family building shall be considered to be the distance along the longest dimension of said building. The builder may designate the front and rear of his structures.

Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of the lot. The width of each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof, by which the length of the multiple dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line. No multiple dwelling shall exceed one hundred and eighty (180) feet in length. The depth of any court shall not be greater than three (3) times the width.

- d. Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) or more structures.
- e. These standards assume central water or sewage facilities serve the development and would increase if such services were not available. The amount of increase would be that necessary to provide on-site water distribution and/or sewage disposal in accordance with County and State Health Department regulations.

- f. Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.
- g. No building shall be closer than forty (40) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- h. The minimum first floor area of any single family dwelling shall be not less than nine-hundred (900) square feet. Where a single-family dwelling is constructed without a basement, an additional one hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to: furnace, hot water, laundry tubs, incinerator and the like.

In all districts, the following minimum floor area shall apply:

Two story homes - 800 square feet first floor, 1200 square feet total.

Bi-level homes - 768 square feet upper level, 1200 square feet total finished living space. The lower level of a bi-level home must be at least 50% above grade.

Tri-level homes - 900 square feet on upper two levels.

Bermed homes - add 50 square feet to minimum for that district.

# ALMER CHARTER TOWNSHIP ZONING ORDINANCE

## ARTICLE 15 - GENERAL PROVISIONS

### SEC. 1500 CONFLICTING REGULATIONS:

Whenever 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. When ever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of the other law or Ordinance shall govern.

### SEC. 1501 SCOPE:

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

### SEC. 1502 ACCESSORY BUILDINGS:

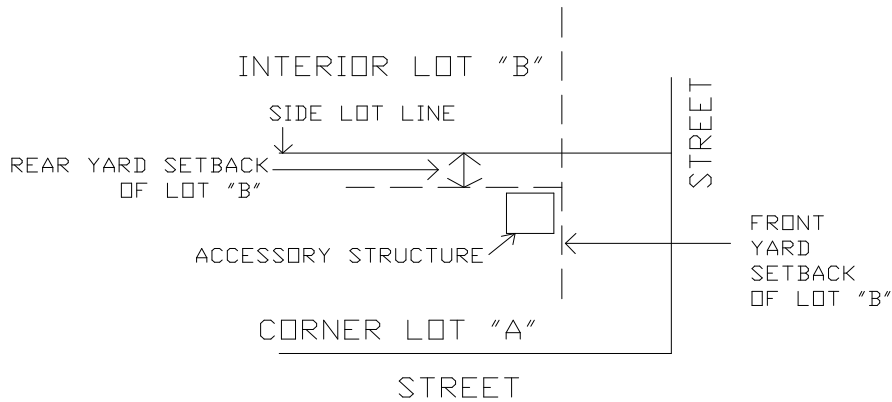
Accessory buildings, except as otherwise permitted in the Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. Buildings accessory to residential buildings shall not be erected in any required yard, except a rear yard.
3. Buildings accessory to residential buildings not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non required rear yard, provided that in no instance shall the accessory buildings combined ground floor area exceed the ground floor area of the main building.
4. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building nor shall it be located closer than fifteen (15) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

5. No detached accessory building in R-1, R-3, R-4, B, and F Districts shall exceed one (1) story or fourteen (14) feet in height.
6. When a building accessory to a residential building is located on a corner reverse frontage lot, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.

ACCESSORY BUILDING ON A  
REVERSE FRONTAGE CORNER LOT



7. For purposes of this ordinance, solar energy systems and a satellite dish shall be considered an accessory building and must be located at least fifteen feet from any side or rear lot line.

SEC. 1503 PERFORMANCE STANDARDS:

No use otherwise allowed 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 said area.

1. Smoke

It shall be unlawful for any person, firm, or corporation to cause or permit to be discharged into the atmosphere from any single source of emission smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:

- a. Smoke of a density equal to but not darker than No. 2 of the Ringelmann chart may be emitted for not more than 3 minutes in any 30 minute period.
- b. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than 3 minutes in any 60 minute period, but such emissions shall not be permitted on more than 3 occasions during any 24 hour period.

Method of measurement: For the purpose of grading the density of smoke, the Ringelmann 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. However, the Umbrascope readings of smoke densities may be used when correlated with Ringelmann's Chart.

2. Dust, Dirt and Fly Ash

No person, firm or corporation shall operate or cause to be operated, maintained 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, method, device or contrivance to reduce the quantity of gasborne or airborne 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 gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium

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at a temperature of 500 degrees Fahrenheit.

Method of measurement: For the purpose of determining the adequacy of such devices 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 Building Inspector 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.

### 3. Open Storage

The open storage of any industrial equipment, vehicles and all materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone in either a front, side or rear lot line relationship whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least (6) feet in height.

### 4. Waste and Rubbish Dumping

The management of solid waste shall comply with the regulations of the Solid Waste Management Act, PA 641 of 1978.

## SEC. 1504 GREEN BELT:

1. Intent: It is the intent of this section to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of greenbelt landscaping as buffer zones between uses. The standards of this section shall apply to all projects subject to site plan review.

Location of greenbelt and proposed planting design demonstrating suitable materials listed with the spacing as required shall be provided on proposed building site plan.

2. Required Green Belts: A green belt shall be a minimum of ten (10) feet in width and shall extend the full length of the nonresidential property where such property is adjacent to a residential or semi public district required by this ordinance or as a condition of site plan approval. Green belt plantings shall be installed within side and rear yard setbacks from the edge of adjacent property to the required width. The greenbelt shall meet the following standards:
  - a. The green belt shall include only living materials and planting beds except for approved signs and essential services.
  - b. Green belt trees should be arranged to simulate a natural setting such as massing or staggered rows, except where a more formal arrangement is determined to be more consistent with the existing character of the Township.
  - c. Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the twenty five (25) foot sight distance triangle shall not be more than thirty (30) inches in height.



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**3. Plant Material Spacing**

- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than fifteen (15) feet on centers.
- d. Narrow evergreens shall be planted not more than six (6) feet on centers.
- e. Deciduous canopy trees shall be planted not more than twenty-five (25) feet on centers.
- f. Ornamental trees shall be planted not more than ten (10) feet on centers.
- g. Large deciduous shrubs shall be planted not more than four (6) feet on centers.

**4. Suggested (not required) Plant Materials**

- a. Evergreen trees
  - 1. Juniper
  - 2. Hemlock
  - 3. Fir
  - 4. Pine\*
  - 5. Spruce
  - 6. Douglas-Fir
  - \* (Dwarf, Globe, Pendulous, species/Cultivars are not permitted)
- b. Narrow Evergreens\*
  - 1. Column Hinoki Cypress
  - 2. Blue Columnar Chinese Juniper
  - 3. Pyramidal Red-Cedar
  - 4. Swiss Stone Pine
  - 5. Pyramidal White Pine
  - 6. Irish Yew
  - 7. Douglas Arbor-Vitae
  - 8. Columnar Giant Arbor-Vitae
  - \* (Dwarf, Globe, Pendulous, species/Cultivars are not permitted)
- c. Ornamental Trees
  - 1. Flowering crabs
  - 2. Service Berry
  - 3. Dogwood
  - 4. Redbud
  - 5. Hornbeam

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6. Hawthorn

7. Magnolia

d. Large Deciduous Shrubs

1. Honeysuckle

2. Viburnum

3. Mock-Orange

4. Forsythia

5. Lilac

6. Ninebark

7. Cotoneaster

8. Hazelnuts

9. Euonymus

10. Privet

11. Buckthorn

12. Sumac

e. Deciduous Canopy Trees

1. Oaks

2. Hard Maples

3. Hackberry

4. Birch

5. Beech

6. Ginkgo (male species only)

7. Honeylocust (thornless and seedless cultivars only)

8. Hop Hornbeam

9. Linden

5. Trees Not Permitted

a. Box Elder

b. Soft Maples (~~Red~~ Silver)

c. Elms

d. Poplars

e. Willows

f. Horse Chestnut (Nut Bearing)

g. Tree of Heaven

h. Catalpa

6. Minimum plant material planting size

a. Evergreen trees shall be a minimum of five (5) feet in height.

b. Narrow evergreens shall be a minimum of three (3) feet in height.

c. Ornamental trees shall be a minimum of ten (10) feet in height or 1 3/4" caliper.

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- d. Large deciduous shrubs shall be a minimum of four (4) feet in height.
  - e. Deciduous canopy trees shall be a minimum of fifteen (15) feet in height or 2" caliper.

7. Minimum Standards for Installation and Maintenance

- a. Installation: Landscaping shall be installed in a sound workman like manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.
- b. Material removal: Tree stakes, guy wires and tree wrap are to be removed after one year.
- c. Maintenance: Greenbelt areas and plant materials required by this ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.

SEC. 1505 EXTERIOR LIGHTING:

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be arranged as to not adversely affect driver visibility on adjacent thoroughfares. Amended as follows:

- 1. General  
All commercial lighting and parking lot lights shall be reviewed and approved by the Township Planning Commission.
- 2. Shielding  
All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent **RESIDENCES**, residential districts and rights-of-way.
- 3. Intensity  
Lighting intensities shall be at a minimum one (1) foot candle measured at the surface for parking areas. Streets shall have a lower intensity averaging 0.5 foot candles. The Township may require a photometric plan (lighting grid) to determine the appropriateness or the proposed lighting layout and intensity.
- 4. Fixture Heights  
Light poles shall have a maximum height of twenty (20) feet unless approved by the Township.
- 5. Fixtures  
All fixtures shall be high pressure sodium lamps.
- 6. General Restrictions

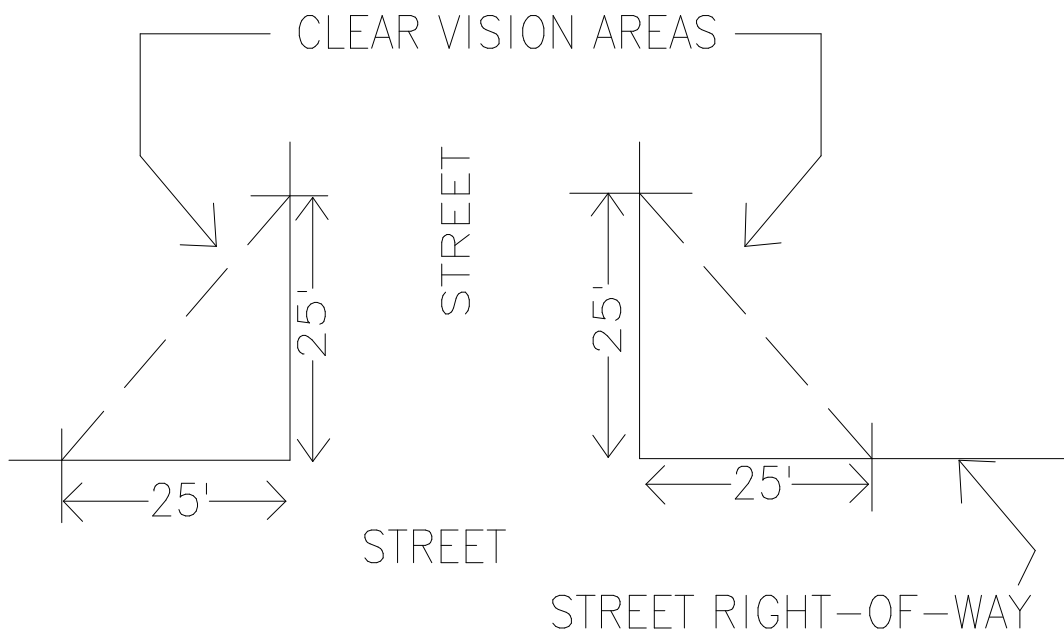
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All wiring shall be UL listed for wet locations. No wiring shall be exposed.

7. All illumination shall not be of a flashing, moving or intermittent type unless it is for noncommercial information which requires periodic change, such as temperature, time, etc. Illumination shall be stationary and consistent in intensity and color at all times when in use.

SEC. 1506 CORNER CLEARANCE:

In all districts no fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.



Sec. 1507 SCREENING WALLS OR FENCES:

1. For those Use Districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below.
  - a. Off-Street Parking Area  
\*4'-6" high wall
  - b. B Districts  
\*4'-6" high wall
  - c. I Districts (open storage areas, loading and unloading areas, service areas)  
\*5'-8' - 0" high wall.

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\*Requirements

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls may upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone where mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.
3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rust proof and easily maintained.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall be not less than four (4) inches wider than the wall to be erected.

Masonry walls may be constructed with openings above thirty two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaces as to maintain the obscuring character required, and shall not reduce the minimum wall height requirement.

4. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall be required wall be permitted to be less than four feet six inches (4' - 6") in height.

In consideration of requests to waive wall requirements between nonresidential and residential districts; the Board of Appeals may require a screening greenbelt in lieu of any required wall. The Board shall refer the request to the Planning Commission for a determination.

In such cases as the Planning Commission determines the residential district to be a future non-residential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described for each subsequent waiver prior to the granting of such waiver by the Board.

SEC. 1508 USE RESTRICTION:

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

SEC. 1509 RESIDENTIAL ENTRANCEWAY:

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In "R" Districts, so called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided by Sec. 1706, CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes and ordinances of the Township and be approved by the Building Inspector and a permit issued.

SEC. 1510 ACCESS TO MAJOR THOROUGHFARE OR COLLECTOR STREET:

For uses making reference to this Section 1510, vehicular access shall be provided only to an existing or planned major thoroughfare, or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare, or collector street where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or collector street is zoned for multiple-family use or any non-residential uses, is developed with permanent uses other than single-family residences, or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall only apply if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

SEC. 1511 ONE PRINCIPAL BUILDING PER LOT:

In all districts, only one (1) principal building shall be placed on a single lot of record, with the exception of mobile home parks, multi-family developments, commercial shopping centers, site condominiums or office parks.

SEC. 1512 FRONTAGE:

Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road or an approved private road to a width equal to the minimum lot width requirements of their district. An exception to this requirement is permitted for residential or agricultural lots located at the end of private roads or common driveways, in which case in no instance shall the width of the required right-of-way or dedicated easement be less than 66 feet. Exceptions shall also be permitted for flag lots as permitted in Section 1514.

SEC. 1513 COMMON DRIVEWAYS:

1. A single 66 foot right-of-way may serve as ingress and egress for residences lacking sufficient frontage on a public road as required by this ordinance.
2. Prior to issuing a zoning permit for construction of a structure whose source of access is off a common driveway the Zoning Administrator shall find that:
  - (a.) The owner of the land upon which the common driveway is to be constructed, records with the Tuscola County Register of Deeds an easement granting rights of ingress and egress for the benefit of both residences served by the common drive.
  - (b.) A written maintenance agreement signed by the owners of each lot to be served by the common driveway shall be recorded with the Tuscola County Register of deeds. The agreement shall allocate the responsibility to maintain the common driveway between the owners, and shall be binding upon

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the successive owners of lots. It shall be the responsibility of the owners to enforce the terms of the agreement.

**SEC. 1514 FLAG LOTS:**

1. A flag lot is a lot that is split off from the back of an existing lot that fronts on a public road. A flag lot is provided with direct access to a public road by a narrow strip of land also split off of the existing parcel. A maximum of One (1) flag lot can be created from an existing parcel provided:
  - (a.) The principal use of both the parent parcel and the flag lot is for single family residential.
  - (b.) Both the flag lot and the lot fronting the public road shall meet all dimensional requirements of the Zoning Ordinance. The split shall not have the effect of creating an illegal lot. The width of that portion of the flag lot providing access to the flag lot cannot be counted as frontage for the existing lot.
  - (c.) For the purposes of determining compliance with setback requirements, the common lot line shared by the two lots, which is the rear lot line of the parcel with adequate frontage, shall be considered the front lot line for the flag lot (see illustration).
  - (d.) The minimum width of the portion of the flag lot providing access shall be 20'.
  - (e.) The division of land shall be in compliance with the Subdivision Control Act, as amended.

**SEC. 1515 SPECIFICATIONS FOR SINGLE FAMILY RESIDENCES:**

One-family dwelling and any additions or alterations, thereto, erected or placed in the township, other than mobile homes located in a licensed mobile home park, shall conform to the following regulations in addition to all other regulations of this ordinance:

1. It shall comply with all pertinent building, construction and fire codes for single-family dwellings.
2. The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 14 feet on a side. This size requirement shall not make any houses existing at the date of amendment nonconforming so that they cannot be enlarged or improved.
3. It shall be firmly attached to a permanent foundation constructed on the site in accordance with the township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, such mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

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5. It shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the Tuscola County Health Department.
  6. It shall comply with all pertinent zoning, subdivision, and other ordinances regulating use, floor area, lot size, setback, yards, etc., in the zoning district in which it is located.
  7. It shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
  8. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.

SEC. 1516 RESIDENTIAL YARD FENCES:

Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than thirty (30) inches in height within a required front yard, e.g., along the property line.

SEC. 1517 HEIGHT RESTRICTIONS:

The Zoning Ordinance of Almer Charter Township recognizes the fact that the FAA requires a height restriction for a ten mile radius around the Tuscola Municipal Airport. If a tall structure or any structure that would be questionable is proposed to be built within this particular unit of government boundaries the FAA's height restrictions will take precedence and will be approved by the appropriate agency.

SEC. 1518 LOT SPLIT AND SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL DISTRICT:

- a. Density Regulations



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Density regulations in the Agricultural District apply to single family homes built or moved on to a parcel after the effective date of this ordinance. Density is based on the size of parcels of record as of the effective date of this ordinance. Fractional units of 50% or more are rounded up, less than 50% are rounded down.

b. Mapping Residences and Lot Splits in the Agricultural District

In order to enforce the density regulations in Article 13 for single family residences in the Agricultural zoning district, the Township Board shall have a map prepared showing the configuration of parcels of record as they existed on the effective date of the zoning ordinance adoption and shall assign responsibility for maintaining the map, showing all new residences and lot splits that occur in the Agricultural District.

SEC. 1519 PONDS:

1. The minimum setback distance for the pond shall be a minimum distance of twenty-five (25) feet from any right-of-way.
2. There shall be a minimum of twenty-five feet (25') between the outside edge of the pond and any building
3. There shall be a distance of not less than twenty-five feet (25') from any right-of-way.
4. Slopes of the excavation shall not exceed a ration of one foot (1') of vertical to four feet (4') of horizontal, to a depth below water of six feet (6').
5. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
6. Slopes shall be planted or secured with rip rap to reduce erosion.
7. Evidence shall be presented at the time of application that the Tuscola County Drain Commissioner and Michigan Department of Environmental Quality have granted the necessary permits and/or approval to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
8. The applicant shall post notice of the pond on the property.
9. Ponds shall require approval by issuance of a zoning permit.

SEC. 1520 PRIVATES ROADS

1. A private road is a road that provides direct access to three (3) or more lots and which is not dedicated to and accepted by an authorized governmental road agency and is not in a Forestry Zoned District and is not in a Agricultural Zoned District.
2. Application, review and approval of a proposed private road shall follow the same procedures, as special use permits with regards to notice and timing.
3. Applications, review and approval of a private road shall include a site plan, provided to the Zoning Administrator, sealed by a professional engineer at the developer's expense, providing all necessary information for approval and illustrating:
  - a. Existing and proposed lot lines.
  - b. The location of existing and proposed structures.
  - c. The width and location of the private road easement.
  - d. A cross section of the proposed road, showing the types of materials to be used to construct the road base and surface.
  - e. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable

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service.

- f. Proposed locations widths and radii of driveways off the private road.
  - g. Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
  - h. All divisions of land, showing compliance with the Land Division Act.
  - i. Proposed location and type of permanent signing.
4. The proposed private road shall meet the following standards:
- a. Any private road shall be constructed to the Tuscola County road standards and/or specifications, except that it shall not be required to be “hard surfaced”, and shall be inspected and approved by Professional Engineer (PE) at the developer’s expense
  - b. A written maintenance agreement signed by the owners of each lot or residence to be served by the private road shall be recorded with the Tuscola County Register of Deeds. The agreement shall allocate the responsibility to maintain the private road between or among the owners, and shall be binding upon successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.
  - c. Parcels fronting an private roads shall meet the required front yard setback and lot width for their zoning district.
  - d. The street right-of-way shall be recorded with the Tuscola County Register of Deeds.

**SEC 1521 PROHIBITED STORAGE BUILDINGS OR STRUCTURES**

No bus, semi-trailer, truck body, motor vehicle body, mobile home, or similar item shall be placed on any property for use as a storage structure or other building purpose. This section does not prohibit the use of a mobile home for a residential dwelling so long as the mobile home meets the requirements of the Construction Codes and this Zoning Ordinance.

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**TOWNSHIP OF ALMER**

**ZONING ORDINANCE AMENDMENT**

**PUBLIC UTILITY FACILITIES AND WIND ENERGY CONVERSION SYSTEMS**

**Ordinance Number 1522**

An ordinance to amend the Almer Charter Township Zoning Ordinance, to provide for public utility facilities and wind energy systems

**THE TOWNSHIP OF ALMER ORDAINS:**

The following Sections of the Almer Charter Township Zoning Ordinance are hereby amended to provide as follows:

**Section 1522. PUBLIC UTILITY FACILITIES AND WIND ENERGY SYSTEMS**

- A. Public Utilities. Certain facilities provided by public utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this Section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations, equipment storage buildings or similar structures shall be subject to the site plan review requirements of Article 21. Any office, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district. All communication towers or commercial wind energy conversion systems operated by public utility companies shall be subject to the requirements of subsections C below.
  
- B. Exempt Towers and Wind Energy Conversion Systems (WECS). Communication towers, antennas, wind energy conversion systems, windmills, and related facilities located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity or communication services off the premises shall be exempt from the requirements of subsections C. Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity or communication services are primarily used on site for a farm, home or business. In the case of a WECS, the total height with the blade fully extended shall not exceed one hundred thirty (130) feet and the minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet. The minimum setback from property lines and road right of way lines shall be equal to 125% of the height of the unit, measured with the windmill blade at its highest point.
  
- C. Commercial Wind Energy Conversion Systems (WECS). Wind energy conversion systems and WECS testing facilities, other than those exempted under subsection B above, shall only be allowed as special land uses in the AG Agricultural, B-1 and B-2 Business, I Industrial and F Forestry Zoning Districts, pursuant to Article 24 as to Special Land Use approvals and the following requirements:
  - 1. An escrow account shall be set up when the applicant applies for a Special Use Permit for

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a WECS or WECS Testing Facility. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant. An itemized billing of all expenses shall be provided to the applicant.

2. At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review. Any study shall be limited to the area within the Township boundaries or areas within an adjacent three (3) miles. Each such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the special use request.
3. At the Township's request, the applicant shall fund an economic impact study for review by the Township of the area affected by the WECS. Such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the Special Use request. Such a study shall include probable financial impact as to jobs, tax revenue, lease payments and property values.
4. The applicant shall submit a site plan in full compliance with Article 21 of this Ordinance. The applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards as well as information as to the potential for vibration, shadow flicker, and blade ice deposits on nearby residences. This information shall also address the potential for the windmill to topple over or collapse, and what tower configuration should be expected in such an event. Additional requirements for a WECS site plan are as follows:
  - (a) Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
  - (b) Locations and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or WECS Testing Facility will be located. Specific distances to other on-site buildings, structures, and utilities shall also be

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provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved.

- (c) Existing and proposed distances from the WECS to all structures over four hundred (400) square feet located on the property where the WECS will be located.
  - (d) Elevation of the proposed WECS location and its relationship to the elevation of all existing and proposed structures within 300 feet of the proposed WECS.
  - (e) Access driveway to the WECS and the Testing Facility together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed driveway. Construction of a private road to serve a WECS or Testing Facility is required to protect the public healthy, safety, and welfare by offering an adequate means by which governmental agencies may readily access the site in the event of an emergency. All such roads shall be constructed to no less than Township private road standards.
  - (f) Planned security measures to prevent unauthorized trespass and access.
  - (g) The applicant shall provide to the Township a written description of the maintenance program to be used to maintain the WECS and WECS Testing Facility, including procedures and schedules for removal when determined to be obsolete or abandoned.
  - (h) A lighting plan for each WECS and Testing Facilities shall be approved by the Planning Commission. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include, but is not limited to, the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if such lights are allowed by the Planning Commission.
  - (i) Additional detail(s) and information as requested by the Planning Commission.
5. The minimum setback from any property line of a non-participating property owner or any road right-of-way shall be equal to 150% of the height of any WECS or WECS Testing Facility, measured with the windmill blade at its highest point.
  6. The minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet.
  7. The wind energy conversion system shall not be unreasonably injurious to the public health and safety or to the health and safety of occupants of nearby properties.

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8. All WECS bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least eight (8) feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site and the base area shall be continuously maintained in a neat manner.
  9. The WECS and related equipment shall comply with all current guidelines published by the Energy Office of the State of Michigan or its successor agency, unless this ordinance mandates more stringent requirements.
  10. Blade arcs created by a WECS shall have a minimum of seventy-five (75') feet of clearance over and from any structure or adjoining property of a non-participating property owner. The minimum blade or rotor clearance above ground level shall be at least twenty (20') feet.
  11. Each WECS shall be equipped with a braking device capable of stopping the WECS operation in high winds.
  12. Each WECS and Testing Facility shall have one sign, not to exceed two square feet in area, posted at the base of the tower. The sign shall contain at least the following:
    - (a) Warning high voltage.
    - (b) Owner's name and operator's name.
    - (c) Emergency telephone numbers (list more than one number).
    - (d) If fenced, place signs on the perimeter fence at the tower base.
  13. Each WECS and Testing Facilities shall be designed, constructed and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected within thirty (30) days of receipt of the complaint.
  14. Noise emissions from the operation of a WECS and Testing Facilities shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest property line of a non-participating property owner or road. A baseline noise emission study of the proposed site and impact upon all areas within one mile of the proposed WECS location must be done (at the applicant's cost) prior to any placement of a WECS and submitted to the Township. The applicant must also provide estimated noise levels to property lines at the time of a Special Use application.
  15. All electrical connection systems and lines from the WECS to the electrical grid connection shall be located and maintained underground (both on the property where the WECS will be located and off-site). The Planning Commission may waive the
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requirement that distribution lines for the WECS which are located off-site (i.e., are not located on or above the property where the WECS will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

16. Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS which the Township can review on request.
17. Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the applicant's expense pursuant to Tuscola County Road Commission requirements.
18. The applicant shall insure each WECS at all times for at least \$2,000,000 for liability to cover the applicant, Township and landowner.
19. A WECS shall be painted a non-obtrusive (light environmental color such as beige, gray or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
20. All efforts shall be made not to affect any resident with any strobe effect or shadow flicker.
21. Under no circumstances shall a WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of participating property owners where the WECS or Testing Facility is located.
22. The applicant shall be responsible for compensation to persons damaged due to any stray voltage caused by a WECS.
23. In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or Testing Facilities unless it finds that the WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
24. A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one hundred eighty (180) days or more. The Planning Commission can grant an extension of an additional one hundred eighty (180) days upon a showing by the owner that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official and the Zoning Administrator. Removal of the structure and its accessory use facilities shall include removing the caisson and all other components to a depth of at least eight (8) feet below

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grade. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding land. Restoration must be completed within ninety (90) days of abandonment.

25. To ensure proper removal of the structure when it is abandoned, any application for approval of a structure shall include a description of the financial security to be posted at the time of receiving a building permit. The security shall be in the form of: 1) cash deposit; 2) irrevocable bank letter of credit for the full term of lease; or 3) performance bond for the full term of the lease in a form approved by the Township Attorney, establishing the obligation of the applicant to remove the structure in a timely manner. The amount of such guarantee shall be no less than one hundred ten (110%) percent of the estimated cost of removal. The estimate shall be prepared by the engineer for the developer and approved by the Building Inspector and Zoning Administrator. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences on a communication tower. Such financial security shall be kept in full force and effect during the entire time that the structure exists. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then owner of the structure) for at least thirty (30) years from the date of the special land use approval. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the special use approval. The applicant shall be responsible for the payment of any attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.



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**Section 1523. DEFINITIONS.**

Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

WECS Applicant. The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval for a WECS or Testing Facility, as well as the applicant's successors, assigns and/or transferees. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the owner of the WECS or Testing Facility, and jointly and severally with the owner and operator or lessee of the WECS or Testing Facility if different than the owner.

Wind Energy Conversion System (WECS). Means any combination of the following:

- a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- b. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- c. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- d. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- e. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- f. Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

Wind Energy Conversion System (WECS) Testing Facility. A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.

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**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

**ARTICLE 16 - GENERAL EXCEPTIONS AS TO  
AREA, HEIGHT AND USE**

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

**SEC. 1600 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 from the application of this Ordinance.

**SEC. 1601 VOTING PLACE:**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

**SEC. 1602 HEIGHT LIMIT:**

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, Utility Poles, or communication towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special use.

**SEC. 1603 LOT AREA:**

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than special uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the area lot requirements of this Ordinance, except as provided in Sec. 1702, "NONCONFORMING LOTS" of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

**SEC. 1604 LOTS ADJOINING ALLEYS:**

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half ( ) the width of such alley abutting the lot shall be considered as part of such lot.

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SEC. 1605 YARD REGULATIONS:

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

SEC. 1606 MULTIPLE DWELLING SIDE YARD:

For the purpose of side yard regulations, a row house or a multiple-dwelling shall be considered as one (1) building occupying (1) lot.

SEC. 1607 PORCHES:

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

SEC. 1608 PROJECTIONS INTO YARDS:

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches or 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.

SEC. 1609 ACCESS THROUGH YARDS:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure and shall be permitted in any required yard.

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**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

**ARTICLE 17 - NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES**

**SEC. 1700 INTENT:**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance, and subsequent amendments, lots, uses of land, structures, and uses of structures and premises, which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such lots, uses of land structures, and uses of structures and premises are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building for which a zoning permit was obtained prior to adoption of the ordinance and construction begins within ninety (90) days of the adoption of the ordinance. Construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

**SEC. 1702 NONCONFORMING LOTS:**

- a. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
- b. If two or more lots or combinations of lots and portions of lots with continuous frontage in single

ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

SEC. 1703 NONCONFORMING USES OF LAND:

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. or
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance. or
- c. If such nonconforming use of land ceases for any reason for a period of more than twelve (12) months days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SEC. 1704 NONCONFORMING STRUCTURES:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than \_\_\_\_\_ required herein may add a rear porch provided that other requirements relative to \_\_\_\_\_ yard space and land coverage are met.
- b. Should such structure be destroyed by any means to an extent of more than sixty \_\_\_\_\_ percent of its replacement cost, exclusive of the foundation at the time of \_\_\_\_\_ destruction, it shall not be reconstructed except in conformity with the provisions \_\_\_\_\_ of this Ordinance.
- c. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it \_\_\_\_\_ is moved.

SEC. 1705 NONCONFORMING USES OF STRUCTURES AND LAND:

If a lawful use of a structure, or structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. In any District, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be the exception to this provision.
- f. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SEC. 1706 REPAIRS AND MAINTENANCE:

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months or ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SEC. 1707 USES ALLOWED AS SPECIAL USES NOT NONCONFORMING USES:

Any use which is permitted as a special use as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

SEC. 1708 CHANGE OF TENANCY OR OWNERSHIP:

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

## **ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

### **ARTICLE 18 OFF - STREET PARKING**

#### **SEC. 1800 OFF-STREET PARKING REQUIREMENTS:**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

1. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots of parcels intended for use as parking by the applicant.
3. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and any garage or carport shall be subject to the provisions of Sec. 1502 ACCESSORY BUILDINGS of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
6. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
7. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type. Concrete and asphalt are the preferred parking surfaces. Gravel may be used in low traffic situations upon planning commission approval.
9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (  $\frac{1}{2}$  ) shall be disregarded and fractions over one-half (  $\frac{1}{2}$  ) shall require one (1) parking space.



10. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
11. The minimum number of off-street parking spaces by type of use including applicable accessory uses shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
a. <u>RESIDENTIAL</u>	
(1) Residential, One-Family and Two-Family.	Two (2) for each dwelling unit.
(2) Residential, Multiple-Family.	Two (2) for each dwelling unit.
(3) Housing for the elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
(4) Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park..
b. <u>INSTITUTIONAL</u>	
(1) Churches or temples.	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
(2) Hospitals.	One (1) for each one (1) bed.
(3) Homes for the aged and convalescent homes.	One (1) for each two (2) beds.
(4) Elementary and junior high schools.	One (1) for each (1) teacher, employee or administrator, in addition to the requirements of the auditorium. If there is no auditorium parking, one space for each two (2) classrooms will be provided for parents picking up or dropping off children.
(5) Senior high schools.	One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
(6) Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local county, or state fire, building or health codes.

(7) Private golf clubs, tennis clubs or other similar uses.	One (1) for each two (2) member families or individual
(8) Golf courses open to the general public except miniature or "par-3" courses.	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
(9) Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
(10) Stadium, sports arenas, or similar place of outdoor assembly.	One (1) for each three (3) seats or six (6) feet of benches.
(11) Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
(12) Nursery school day nurseries or child care centers.	One (1) for each one hundred and fifty (150) square feet of usable floor space.
<b>c. <u>BUSINESS AND COMMERCIAL</u></b>	
(1) Planned commercial or shopping center located in the B District	One (1) for each one hundred (100) square feet of usable floor area.
(2) Auto wash	One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
(3) Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair.
(4) Bowling alleys	Five (5) for each one (1) bowling lane.
(5) Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed assets.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local county, or state fire, building or health codes.
(6) Establishments for sale and	One (1) for each one-hundred (100) square feet of usable

consumption on the premises, of beverages, food or refreshments.	floor space
(7) Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator or, electrician, or similar trade, shoe repair, and other similar uses.	One (1) for each eight hundred (800) square feet of usable floor area. (For that used in repair, assembly or other processes, one (1) additional space shall be provided for each two (2) persons employed therein)
(8) Automobile service stations.	Two (2) for each lubrication stall or rack; and one (1) for each gasoline pump.
(9) Laundromats and coin operated dry cleaners.	One (1) for each two (2) machines.
(10) Miniature or par 3" golf courses.	Three (3) for each one (1) hole plus one (1) for each employee.
(11) Mortuary establishments.	One (1) for each fifty (50) square feet of assembly room, parlor area, and slumber rooms.
(12) Motel, hotel, or other commercial lodging establishments.	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
(13) Motor vehicle sales and service establishments.	One (1) for each two hundred (200) square feet of usable floor space of sales room and two (2) for each one (1) auto service stall in the service room.
(14) Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space.
(d) <u>OFFICES</u>	
(1) Banks.	One (1) for each one hundred (100) square feet of usable floor space and six (6) stacking spaces per drive -thru window.
(2) Business offices or professional offices except as indicated in the following item (3).	One (1) for each two hundred square feet of usable floor space.
(3) Professional offices of doctors, dentists or similar professions.	One (1) for each one-hundred (100) square feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair, or similar use area.

(e) <u>INDUSTRIAL</u>  (1) Industrial or research establishments.	Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, or whichever is determined to be greater. Space on site shall also be provided for all construction workers during periods of plant construction.
(2) Warehouses and wholesale establishments and related accessory offices.	Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

SEC. 1801 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

Whenever the off-street parking requirements in Sec. 1800 above requires the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with. If the parking lot is being developed as part of a project requiring site plan review, these drawings shall be incorporated into the site plan required under Article 21.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces and Maneuvering Lane	Total Width of Two Tiers of Spaces and maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district, and shall be at least twenty-five (25) feet from any intersection of right-of-way lines on a corner lot.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4' - 6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district or a residence is located on a property, and shall be subject further to the requirements of Sec. 1507 ARTICLE 15, "GENERAL PROVISIONS."

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Planning Commission. The parking area shall be surfaced within one (1) year of the date of permit issuance. Parking lot design considerations will vary due to use considerations. The following design criteria are meant as a minimum standard only, and may be exceeded. In certain instances, gravel may be used as final surfacing in accordance with specification approved by the Planning Commission.

a. Classifications

Parking lots shall be grouped as follows:

1. Class "A" – Light duty driveways, school yards, playgrounds and small parking lots with less than 40 stalls. This cross section is not suitable for heavy refuse pick-up or delivery service. In areas where this service is used, the commercial/industrial cross section shall be for routing to and from the service area.
2. Class "B" – Parking lots containing more than 40 stalls, medium to heavy truck traffic, some commercial lots.
3. Class "C" – Industrial lots, heavy truck uses, some commercial lots, bus routes.
4. Cross sections for the above mentioned groupings can be found at the end of this article.

b. Service Drives

Service drives shall utilize the Class "C" cross section. Design alternatives shall be considered where extremely high volumes of truck traffic will be encountered.

c. Alternate Cross Sections

Alternate Cross Sections designed by a qualified, licensed engineer and accompanied by supporting data will be considered

d. Curb

Curbing is not required in all situations, but may be required by the Township if it is necessary to ensure proper and adequate drainage on the parcel. Bituminous curbing will not be permitted.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

11. The board of Appeals, after recommendation of the Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

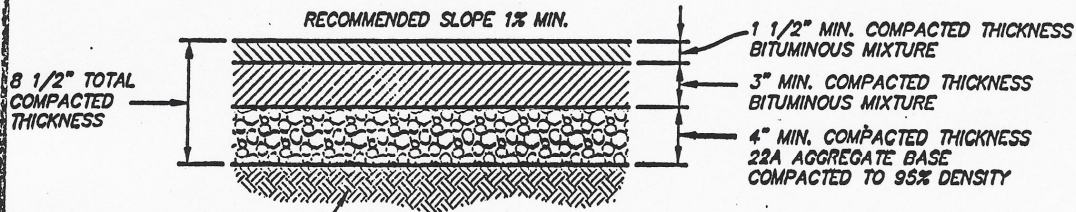
SEC 1802 OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and loading and unloading space in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces shall be provided as required in ARTICLE 13, "SCHEDULE OF REGULATIONS," noted after minimum rear yards, except as hereinafter provided for "I" Districts.
2. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in "I" Districts shall be provided in the following ratio of spaces to floor area:
3. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building's setback and loading requirements may be computed from the center of said alley.

GROSS FLOOR AREA (SQUARE FEET)	LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF SQUARE FEET OF USABLE FLOOR AREA
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.
100,000 and over	Five (5) spaces

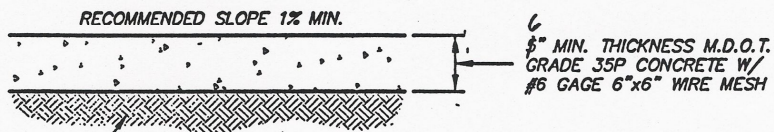
# CLASS 'A'



SUBBASE SHALL BE FIRM EARTH FREE OF TOPSOIL & SOFT SPOTS AND SHALL BE COMPACTED TO 95% DENSITY

## AGGREGATE BASE WITH ASPHALT SURFACE CROSS SECTION

NOT TO SCALE



SUBBASE SHALL BE FIRM EARTH FREE OF TOPSOIL & SOFT SPOTS AND SHALL BE COMPACTED TO 95% DENSITY

NOTE:  
CONCRETE POUR NOT TO EXCEED 400 SQ. FT. PER SECTION.  
WIDTH OF POUR SHALL NOT EXCEED LENGTH BY 4 TIMES.

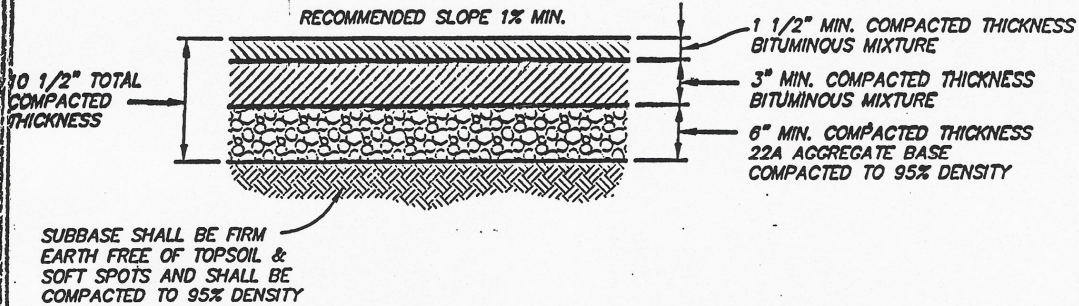
## CONCRETE SLAB CROSS SECTION

NOT TO SCALE

NOTE:  
THE PROPOSED CROSS SECTIONS SHOWN SHOULD BE CONSIDERED ONLY AS A GUIDE FOR THE PLANNING COMMISSION AND THEIR DELEGATED AUTHORITY.

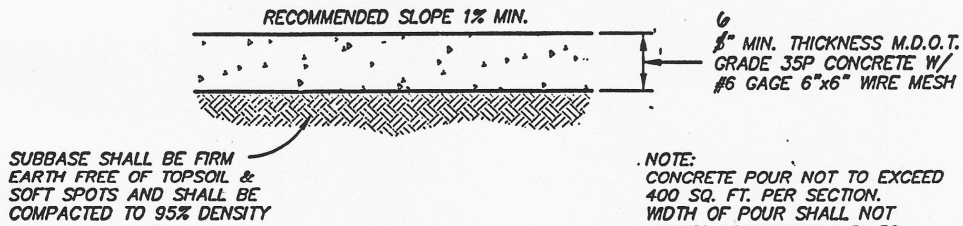


# CLASS 'B'



## AGGREGATE BASE WITH ASPHALT SURFACE CROSS SECTION

NOT TO SCALE



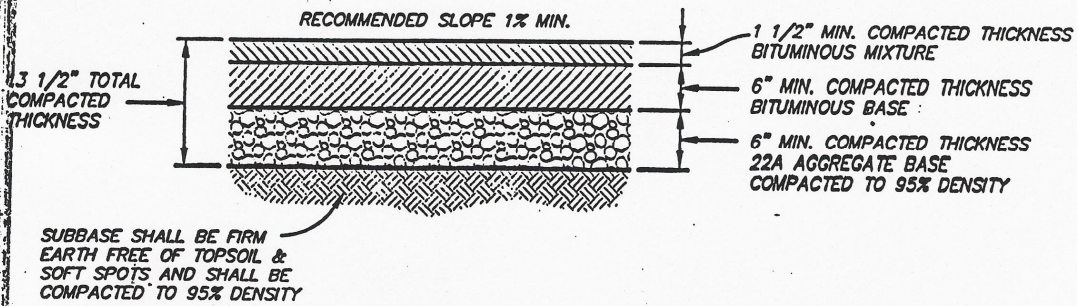
NOTE:  
CONCRETE POUR NOT TO EXCEED 400 SQ. FT. PER SECTION.  
WIDTH OF POUR SHALL NOT EXCEED LENGTH BY 4 TIMES.

## CONCRETE SLAB CROSS SECTION

NOT TO SCALE

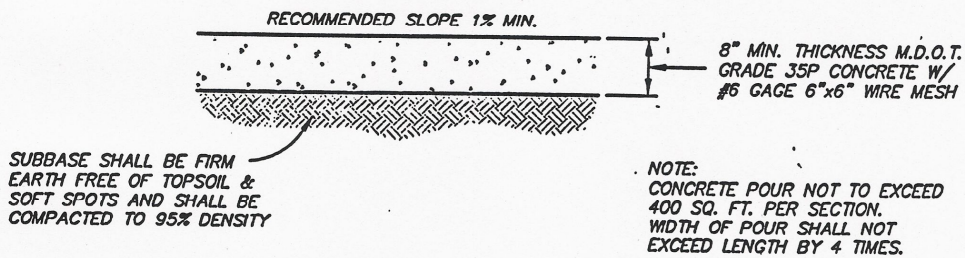
NOTE:  
THE PROPOSED CROSS SECTIONS SHOWN SHOULD BE CONSIDERED ONLY AS A GUIDE FOR THE PLANNING COMMISSION AND THEIR DELEGATED AUTHORITY.

# CLASS 'C'



## AGGREGATE BASE WITH ASPHALT SURFACE CROSS SECTION

NOT TO SCALE



## CONCRETE SLAB CROSS SECTION

NOT TO SCALE

NOTE:  
THE PROPOSED CROSS SECTIONS SHOWN SHOULD BE CONSIDERED ONLY AS A GUIDE FOR THE PLANNING COMMISSION AND THEIR DELEGATED AUTHORITY.

# ALMER CHARTER TOWNSHIP ZONING ORDINANCE

## ARTICLE 19 - SIGNS

### SEC. 1900 CONDITIONS:

1. The following conditions shall apply to all signs erected or located in any use district:
  - a. All signs shall conform to all applicable codes and ordinances of the Township and, where required, shall be approved by the Zoning Administrator, and a permit issued.
  - b. No sign except those established and maintained by the Township, County, State, or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
  - c. No signs otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving three (3) acres or more under one (1) ownership, the Board of Appeals may modify the height limitation.
  - d. All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal government, shall be permitted in all use districts.
  - e. Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
  - f. Accessory freestanding signs may be located in the required front yard except as otherwise provided herein.
  - g. Any associated lighting shall be for lighting the face of the sign only. No sign shall be lighted by means of flashing, intermittent or animated illumination.
  - h. Floodlights used for the illumination of any sign, whether or not such floodlights are attached to or separate from the structure on which such sign is attached, shall not be directed in such a manner such as to adversely affect adjoining or nearby properties, or traffic.
2. In addition to Section 1900.1 above, the following table lists the types of accessory signs allowed in each use district



<u>USE DISTRICT</u>	<u>REQUIREMENTS</u>
R Districts	For each dwelling unit, one (1) name plate not exceeding two (2) square feet in area, indicating name of occupant.
R Districts	For structures other than dwelling units, one (1) identification sign ten (10) square feet, except a church bulletin board, not exceeding eighteen (18) square feet in area.
R Districts	For rental and/or management offices, one (1) identification sign not exceeding six (6) square.
R Districts	Signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than hundred (100) feet to any property line in any adjacent district provided no such sign shall exceed sign face in area. <span style="float: right;">single-family thirty-two (32) square feet per</span>
All Districts	No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
B Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than one-hundred (100) feet to any adjacent residential district.
B Districts	Freestanding, accessory signs shall not be over one hundred (100) square feet in area.
B and I Districts	Freestanding, accessory signs may be located in the required front yard.
I Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than two-hundred (200) feet to any adjacent residential district.
I Districts	Freestanding, accessory signs shall not be over three hundred (300) square feet in area.

SEC. 1901 Off-Premise Signs:

Off-premise signs located along M-81 or M-24 shall be regulated under the provisions of this Section and the Highway Advertising Act of 1972. Whenever a requirement of this section is in conflict with the Act, the stricter of the two requirements shall be met. All off-premise signs shall require approval as a Special Use.

1. Off-premise signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes with a subdivision located within the Township may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision, subject to the requirements and conditions of all codes and ordinances of the Township and approved by the Zoning Administrator and a temporary permit issued.
2. Off-premise signs shall be permitted along State Highways M-24 and M-81 provided the following requirements are met:
  - a. The off-premise sign is located only in the I industrial and B Business Districts;
  - b. The off-premise sign is located at least one-thousand five hundred feet (1,500') from the nearest off-premise sign. The shared use of a pole or other type of mounting is not permitted.
  - c. The maximum height of an off-premise sign is thirty feet (30') off grade.
  - d. The maximum size of an off-premise sign is two-hundred square feet (200 sq. ft.) per sign face.
  - e. The off-premise sign has only two faces.

## **ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

### **ARTICLE 20 - ADMINISTRATION AND ENFORCEMENT**

#### **SEC. 2000 ENFORCEMENT:**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

#### **SEC. 2001 DUTIES OF ZONING ADMINISTRATOR:**

The Zoning Administrator shall have the power to grant zoning permits, to make inspections of buildings or premises necessary 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 any permits for construction or change in use until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 17.

Under any circumstances the Zoning Administrator is neither 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 conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

#### **SEC. 2002 PLOT PLAN:**

The Zoning Administrator shall require that all applications for building permits shall be accompanied by a zoning permit approved by the Zoning Administrator. The zoning permit shall include a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
3. 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.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SEC. 2003 PERMITS:

The following shall apply in the issuance of any zoning permit:

No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or enlarged and no parcel or building will change use unless a zoning permit shall have been first issued for such work.

SEC. 2004 ZONING PERMIT REQUIREMENTS:

No land, building, or part thereof, shall hereafter be occupied by, or for, any use unless and until a Zoning Permit shall have been issued for such use by the Zoning Administrator. The following shall apply in the issuance of a Zoning Permit.

1. Zoning Permit Required When Building Permit Issued.

In those instances when work is undertaken that requires both a zoning and building permit, the building inspector shall not issue a building permit until the Zoning Administrator issues a zoning permit.

2. Zoning Permit Required When Building Permit Not Required:

In those instances when a zoning permit is required but a building permit is not, such as a change in a use of land or a building not requiring structural changes, the change in use of the land or building shall not occur until issuance of a zoning permit.

3. Zoning Permits for Existing Buildings

At the request of the applicant, zoning permits shall be issued for any existing buildings, structures, or parts thereof, or such use of land, which are in conformity with the provisions of this Ordinance.

4. Records of Zoning Permits

A record of all zoning permits issued shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

5. Zoning Permits for Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require issuance of separate zoning permits but may be included in the Zoning Permit for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

6. Application for Zoning Permits

Application for zoning permits shall be made in writing to the Zoning Administrator on forms furnished by the Zoning Administrator, and such zoning permits shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance



with the provisions of this Ordinance.

If such zoning permit is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SEC. 2005 FINAL INSPECTION:

The holder of every zoning permit for the construction, erection, alteration, repair, or moving of any building structure or part thereof, shall notify the Zoning Administrator immediately upon the completion of the footings or foundation for work authorized by such permit, for a final inspection.

SEC. 2006 FEES:

Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of issuance of a Zoning Permit. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance. The Fee Schedule can be found in the addenda to this ordinance.

SEC. 2007 INTERPRETATION:

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits; the provisions of this Ordinance shall control.

SEC. 2008 VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100) dollars and the costs of prosecution, or in default the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

SEC. 2009 PUBLIC NUISANCE PER SE:

Any buildings or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SEC. 2010 FINES, IMPRISONMENT:

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

SEC. 2011 EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SEC. 2012 RIGHTS AND REMEDIES ARE CUMULATIVE:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

# ALMER CHARTER TOWNSHIP ZONING ORDINANCE

## ARTICLE 21 - SITE PLAN REVIEW

The intent of this section is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

### SEC. 2100 USES REQUIRING SITE PLAN REVIEW

1. A zoning permit shall not be granted by the Zoning Administrator for development or redevelopment of the following until a site plan, submitted in accordance with the Township Zoning Ordinance, shall have been reviewed and approved by the Planning Commission:
  - a. All principal uses except single family and duplex residential development.
  - b. All accessory buildings, structures or uses that involve an increase in parking.
  - c. All accessory buildings, structures or uses that involve non-residential uses adjacent to residential parcels or zones.
  - d. Any condominium or site condominium subdivision plan.
  - e. All accessory Buildings over 1,000 square feet.
2. The Zoning Administrator shall issue a zoning permit for all improvements which are not required to be approved by site plan review (see in Section 2003).
3. Preliminary sketches of proposed site development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Planning Commission of the acceptability of the proposed plans prior to incurring expensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:
  - a. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
  - b. A legal description of the property.
  - c. Sketch drawings showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

4. Requests for final site plan review shall be made by filing with the Zoning Administrator the following:
  - a. A review fee as determined by resolution of the Planning Commission based upon the cost of processing the review. The Resolution shall be on file with the Township Clerk for public information.
  - b. Ten (10) copies of the completed application form for site plan review which shall contain, as a minimum, the following:
    1. The name and address of the applicant.
    2. The legal description of the subject parcel of land.
    3. The area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
    4. The present zoning classification of the subject parcel.
    5. A general description of the proposed development.
  - c. Ten (10) copies of the proposed site plan which shall include as a minimum the following:
    1. The site plan shall be prepared by, and carry the seal of, a registered architect, landscape architect, community planner, land surveyor, or professional engineer who prepared it, unless waived by the Planning Commission.
      - 1-a. The plan shall be drawn to a scale of not less than 1" equals 20' for a development of not more than three (3) acres and a scale of not less than 1" equals 100' for a development in excess of three (3) acres. A general location map at a scale of four inches equals one mile (4" = 1 mile), shall be shown on the site plan.
    2. The plan shall show an appropriate description legend, north arrow, and scale, date of preparation and the name and address of the individual or firm preparing the same.
    3. The property shall be identified by lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property. The site plan shall also contain the proposed address, and zoning of the particular site and all adjacent properties.

4. The topography of the site with at least two foot contour intervals and all natural features such as wood lots, streams, rivers, lakes, wetlands, unstable soils and similar features shall be shown. Benchmarks for the elevations shown on the drawing shall be properly indicated.
5. Existing man-made features upon the site and within 100 feet of the same shall be disclosed.
6. The location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, the height of all buildings and square footage of floor space therein shall be disclosed. Site plans for multiple family residential development shall also include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each such units.
7. All proposed and existing streets, driveways, sidewalks and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size and number of parking spaces in off-street parking areas, service lanes thereto, and service parking and delivery or loading areas.
8. The location, use and size of open spaces together with landscaping, screening, fences, walls and proposed alterations of topography or other natural features shall be indicated.
9. The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants, together with any special features which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying such demands.
- 9-a. 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:
  - (a) Loading and unloading area.
  - (b) Total and useable floor area.
  - (c) Designation of fire lanes.
  - (d) 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.
  - (e) Trash receptacle location and method of screening.

10. Any earth-change plans required by state law shall also be submitted with the application.
11. On site lighting, surface water drainage for the site and proposed sanitary sewage disposal and water supply shall be included in the plans.
  - (a) Exterior lighting locations with height, intensity, type and method of shielding shall be shown on the site plan.
  - (b) Surface water drainage and storm water management shall meet or exceed the current Tuscola County Drain Commission standards.  
Detention shall be required for all developed sites and the outflow shall not exceed the pre-developed site runoff.
12. The location of any areas or structures designed for the storage, loading/unloading, recycling or disposal of hazardous wastes.
13. The location of any areas which are known or suspected to be contaminated, together with the status of any site cleanup.
- 13-a. The site plan shall show all wetlands and flood plains contained on the site. If none exist, a note indicating such as well as the method of determination shall be added to the site plan. If existing wetlands and/or flood areas are disturbed, the site plan shall indicate the limits of disturbance.

The Developer shall submit a copy of the MDEQ permit to work in or modify any wetland or flood plain. A copy of the permit(s), or a letter from MDEQ stating that no permit is required, shall be submitted to the Township prior to obtaining approval of site plan.

If the confirmation is not in the form of a letter or official correspondence from the MDEQ (i.e. a consultant or other wetland professional has prepared a statement). Then the Township reserves the opportunity to review the information and comment on its reliability. If there are any disagreements regarding the boundary and/or jurisdictional status of any wetland area, the Township reserves the right to require the Developer to obtain confirmation from the MDEQ.

In any event, approval of plans or project by the Township does not relieve the Developer of the responsibility to obtain appropriate permits from the MDEQ or other regulatory agencies.

14. Such other information as may be determined to be necessary by the Planning Commission because of any peculiar features of the proposed development.

5. The following action shall be taken on applications and plans:
  - a. The Zoning Administrator shall record the date of the receipt of the application and plans, and transmit copies thereof to all members of the Planning Commission as well as the County Road Commission, Health Department, Drain Commission, Sheriff's Department, and Township Fire Department.
  - b. A meeting shall be scheduled by the Chairman of the Planning Commission for a review of the application and plans. Members of the Planning Commission shall be delivered copies of the application and plans prior to the meeting for their preliminary information and study. The meeting shall be scheduled within not more than 30 days following the date of the receipt of the plans and application by the Zoning Administrator.
  - c. The applicant shall be notified of the date, time and place of the meeting on his application not less than seven days prior to such date.
  - d. Following the meeting, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of the Township Zoning Ordinance and the criteria contained therein. Any required modification or alteration shall be stated in writing, together with the reasons for such modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the application. The decision of the Planning Commission shall be made by said body within 60 days of receipt of the application by the Zoning Administrator.
  - e. Two (2) copies of the approved final site plan, including any required modifications or alterations, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed by the Chairman of the Planning Commission for identification of the finally approved plans. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variance duly signed shall also be filed with the Township records as a part of the site plan and delivered to the applicant for his information and direction.
6. In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:
  - a. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.
  - b. That the buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.
  - c. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
  - d. That any adverse effects of the proposed development and activities emanating wherefrom which

affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryway.

- e. That the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
- f. That all provisions of the Township Zoning Ordinance are complied with unless an appropriate variance wherefrom has been granted by the Zoning Board of Appeals

7. The following requirements must be met upon site plan approval:

- a. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the Planning Commission. If construction and development does not conform to such approved plan, the approval of the Site Plan shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all construction activities shall cease upon the site until such time as the violation has been corrected or the Planning Commission has, upon proper application of the developer and after hearing, approved a modification in the site plan to coincide with the developer's construction or altered plans for construction as being in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance.
- b. Approval of the site plan shall be valid for a period of one year. If a building permit has not been obtained and on-site development actually commenced within year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.



8. A proposed amendment, modification or alteration to previously approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.
9. The Planning Commission shall have the right and authority to require the developer to file with the Township Board at the time of application for a building permit, a performance bond or bank letter of credit in such amounts equal to the value of the improvements as may be determined by the Planning Commission to insure the development of the site in accordance with the approved site plan, conditioned upon such proper construction and development. Such bond, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which is a reasonable percentage of the estimated total cost of construction and site development.

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## ALMER CHARTER TOWNSHIP ZONING ORDINANCE

### **ARTICLE 22 - AMENDMENTS AND DISTRICT CHANGES**

Amendments or supplements to this Ordinance may be made from time to time in the same manner as provided under State Statute for enactment of the original ordinance.

#### **SEC. 2200 PLANNING COMMISSION:**

The Township Planning Commission is hereby designated as the Commission specified in Section 11, of Act 168 of the Public Acts of 1959, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

#### **SEC. 2201 INITIATION OF ZONING ORDINANCE AMENDMENTS:**

The procedure for making amendments shall be as follows:

- a. Any proposal for an amendment to the zoning ordinance text or map may be initiated by any qualified voter residing in the Township upon the filing with the Township Clerk of a petition containing the proposed text or map change and endorsed by a number of qualified and registered voters residing in the Township equal to not less than eight percent (8%) of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected. Text amendments may also be initiated by payment of the required fee.
- b. Any proposal for an amendment to the zoning ordinance map may be initiated by any owner of an interest in the lot as to the zoning of such lot upon the filing with the Township Clerk an application on forms provided by the Township proposing the zone change, accompanied by a map at an appropriate scale showing the subject parcel in relation to adjoining parcels of land, and the necessary fees for such zoning change.
- c. Any proposal for an amendment to the zoning ordinance text or map may be initiated by the Township Board or the Township Planning Commission, upon filing with the Township Clerk a resolution, duly adopted and proposing an amendment.
- d. All zoning amendments, whether originating with the Township Planning Commission or some other body or individual, shall be reviewed by the Commission.

- e. As provided by Section 9, Act 184 of Public Acts of 1943, as amended, notice of a public hearing on a rezoning of property shall be given by two publications in a newspaper of general circulation in the Township, the first to appear not more than 30 days nor less than 20 days, the second not more than eight days prior to the date of such hearing. In addition, not less than 20 days notice of time and place of the hearing shall be given by mail to each electric, gas, pipeline and telephone public utility company that registers its name and mailing address with the Township Planning commission for the purpose of receiving such notice and to each railroad operating within the district or zone affected. The township Planning Commission shall also transmit a notice of the proposed rezoning personally or by mail to the owner of the property in question and to property owners and one and two family dwelling occupants within 300 feet not less than eight days before the public hearing. An affidavit of mailing shall be maintained where relevant. Notices shall include the places and times at which text and tentative maps of the Ordinance may be examined and state the date, place, time and purpose of the public hearing. Any other public hearing held on an amendment proposal shall follow the notification procedure above.
- f. Following receipt of the proposed amendment and publication of the required notice, the proposal shall be submitted to at least one public hearing as provided by Section 9, Act 184, Public Acts of 1943, as amended, and as specified in Section 1609(1).
- g. Immediately after the proposal has been acted on as described in paragraphs a and b, the Township Planning Commission shall transmit a summary of comments received at the public hearing(s) with the proposed amendment to the Township Board.
- h. The Township Board at its discretion may hold a public hearing(s) on the Zoning Amendment. One newspaper notice at least five and not more than 15 days before the hearing must be made.
- i. Adoption of the amendment must be by a majority of the membership of the Township Board.
- j. Publication of the amendment in its entirety is not required. The amendment must be filed with the Township Clerk and one notice of its adoption must be published within 15 days after adoption.
- k. An amendment of this Ordinance or the entire Ordinance may be the object of a referendum in accordance with Act 184 of 1943, as amended.
- l. Any amendment for the purpose of conforming an Ordinance provision to the decree of a court of complete jurisdiction as to any specific lands may be adopted by Township Board without referring the same to any other board or agency.

SEC. 2202 FEES - PETITION FOR AMENDMENT:

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be placed in the General Fund to partly defray the expense of publishing the required notices of public hearings and the expenses of said public hearings.

## **ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

### **ARTICLE 23 - BOARD OF ZONING APPEALS**

#### **SEC. 2300 CREATION AND MEMBERSHIP:**

There is hereby established a Board of Zoning Appeals, hereinafter called the "Board" which shall perform its duties and exercise its powers as provided in Act 184, of the Public Acts of 1943, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done, the Board shall be composed of the three following members:

1. The first member shall be a member of the Township Planning Commission appointed by the Township Board for the period of his term in office, or such period as determined by the Township Board in their resolution of adoption.
2. The second member shall be a member of the Township Board appointed by the Township Board, for the period of his term of office.
3. The third member shall be appointed by the Township Board from among the electors residing in the unincorporated area of the Township, for a period of three (3) years.

No elected officer of the township or any employee of the Township may serve simultaneously as a third member of, or as an employee of the Board of Zoning Appeals. No elected officer of the Township shall serve as chairperson of the Board of Zoning Appeals.

#### **SEC. 2301 MEETINGS:**

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote, indicating such fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

#### **SEC. 2302 JURISDICTION:**

The Board of Appeals shall have the following powers and it shall be its duty:

1. To hear and decide on all applications for variances or modifications of the provisions of the Ordinance.
2. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator or administrative body in the enforcement of this Ordinance.
3. To interpret the zoning ordinance text and map.

#### **SEC. 2303 VARIANCES:**

Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

- a. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- b. A variance would do substantial justice to the applicant as well as other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.
- c. The plight of the owner is due to unique circumstances of the property.
- d. The problem is not self created.

Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner hereinafter provided by law, nor shall they have the power to grant a use variance.

#### SEC. 2304 APPEALS:

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by an officer, Department, Board or Bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such times as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record.

The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee shall be paid to the secretary of the Board of Appeals at the time the notice of appeal is filed, which the Secretary shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Township Board.

SEC. 2305 INTERPRETATION OF ZONING ORDINANCE AND MAP:

1. The ZBA shall have the authority to interpret the provisions of this ordinance when a requirement, standard, or other text is unclear. When determining if a particular use is included in the definition of a type or group of uses permitted in a district, it shall not interpret a use specifically listed in one district as being inferred as permitted in another district.
2. Interpretation of zoning district boundaries. In interpreting the boundaries of zoning district boundaries, the ZBA shall assume, unless there is information indicating otherwise, that zoning district boundaries follow lot lines, the centerline of creeks, streets, or alleys, railroad right-of-ways, section lines, one-quarter or one-eighth section lines, or corporate boundary lines as they existed when the zoning boundary line was established.

SEC. 2306 NOTICE:

The Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by said Board. A written notice of the time and place of such public hearing shall be mailed to the owners of all lots or parcels of land, or portion thereof, lying within three hundred (300) feet of the property in question. Such notice shall be served by registered mail, return receipt requested, at least seven (7) days prior to the date of the hearing.

SEC. 2307 TIME LIMIT:

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a Building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection and alteration is obtained within such period and such erection and alteration is started and proceeds to completion in accordance with the terms of such permit.

**ALMER CHARTER TOWNSHIP ZONING ORDINANCE**  
**ARTICLE 24 - SPECIAL USES**

**SEC. 2400 PURPOSE**

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Township Board upon the recommendation of the Planning Commission, in addition to its other functions, is authorized to approve the location of certain uses within the various zone classifications which uses are designated in this Ordinance as special uses.

Such special uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto:

With this in mind, such special uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Township Board in its absolute discretion, is satisfied that the following minimal standards are met in addition to those specified for a particular special use:

1. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety or general welfare.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor shall it substantially diminish and impair property values within its neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public street.
6. That the special use shall, in all other respects conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Article.

**SEC. 2401 SPECIAL USE PROCEDURE**

1. All applications for special condition use permits shall be filed with the Zoning Administrator and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a special condition use permit. The information required under Article 21 Site Plan Review is also required for a special use, if applicable.
2. The Planning Commission shall, upon receipt of a written application in proper form, schedule and hold a public hearing published in a newspaper circulated within the Township and by a similar

notice mailed or personally delivered to the owners of property for which approval is sought, to all persons for whom real property is assessed within 300 feet of the boundaries of the subject property, and to the occupants of all structures within 300 feet thereof, not less than five nor more than fifteen days before the date of such hearing. This hearing shall be held not more than 45 days subsequent to the date of receipt of the application by the Zoning Administrator.

3. Following such hearing the Planning Commission shall either recommend granting or denying a permit for such special use and shall state its reasons for its decisions in the matter within 100 days subsequent to the date of receipt of the application by Zoning Administrator. Final decision by the Township Board shall be taken within 30 days of the Planning Commission's recommendation. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by the Township Board in its decision and shall be filed with the Zoning Administrator.
4. The plot plan and specifications, and all conditions, limitations and requirements imposed by the Township Board shall be incorporated as a part of the special condition permit and violations of any of these at any time will cause revocation of said permit and said special use shall cease to be a lawful use.
5. Any property which is the subject of a special use permit, which has not been used for a period of six months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Township Board), for the purpose for which such special use was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special use shall thereupon terminate.
6. Fees for special use permits may be established by the Township Board from time to time to cover the administrative costs of determining the appropriateness of special use permit applications.

SEC. 2402 SPECIAL USES PERMITTED:

The following special uses may be allowed as permitted in specific zoning districts when the Township Board determines that application for such use meets all the restrictions and requirements of the Charter Township of Almer Zoning Ordinance.

1. All special uses listed in this ordinance which does not have specific requirements listed in this section.
2. Auto Race Track (including midget auto and carting tracks)

Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted in the IDistricts when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the Planning Commission deems necessary to promote health, safety, and general welfare in the Township:

- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from a major thoroughfare.



- c. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot green belt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accordance with Section 1408.
- 3. Cemeteries shall be permitted, provided they are developed on sites of ten (10) acres or more.
- 4. Churches, public libraries, public buildings, (excluding public works garages and storage yards) and any uses normally incidental thereto, shall be permitted provided that ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
- 5. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, shall be permitted subject to the following conditions:
  - a. Any use permitted herein shall be developed only on sites of at least twenty (20) acres in area.
  - b. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
  - c. No building other than a structure for residential purposes shall be closer than fifty feet to any property line. D
- 6. Commercially used outdoor recreational space for children's amusement parks, carnivals, and rebound tumbling facilities, miniature golf courses, and golf driving ranges, subject to the following:
  - a. All lighting shall be shielded from adjacent residential districts and uses.
  - b. Parking areas shall be provided off the road right-of-way and shall be fenced with four foot six inch (4' - 6") wall or fence where adjacent to the use. a
  - c. Children's amusement parks must be fenced on all sides with a four foot six inch (4' - 6") wall or fence. 4
  - d. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6) feet high. Pits shall not exceed four (4) feet in depth, shall be drained at all times and filled with earth to grade, when the use is discontinued. All manufacturers' specifications for spacing, safety and construction shall be complied with.
  - e. No loud speaker or public address system shall be used except by the written consent of the Planning Commission wherein it is deemed that no public nuisance or disturbance will be established.
- 7. Communication towers shall be permitted, provided they meet the following conditions:
  - a. The tower is located no closer than 1,500 feet from any Residential District.

- b. The tower is located no closer than 500 feet from any residential structure.
  - c. The distance between the tower and any structure not associated with the operation of the tower shall be greater than the height of the tower plus fifty feet.
  - d. The distance between the tower and any adjacent property shall be greater than the height of the tower plus fifty feet.
  - e. All wiring between the tower and other structures shall be placed underground whenever possible.
  - f. The tower, any accessory structures and any guy wires which are fixed to the ground shall be completely enclosed by appropriate fencing as determined by the Planning Commission.
  - g. In order to maximize the efficiency of the telecommunications services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one facility in a single location shall be encouraged by the Planning Commission. In this regard the Applicant may be required to provide information regarding the feasibility of co-location at proposed sites. Further the Applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:
    - 1. Respond to any requests for information from another potential shared use applicant;
    - 2. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically possible, and
    - 3. Make no more than a reasonable charge for a shared use lease.
8. Convalescent homes and orphanages, provided the following conditions are met:
- a. There shall be provided on the site, not less than one thousand (1,000) square feet of open space for each bed in the home. The one thousand (1,000) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
  - b. No building shall be closer than twenty-five (25) feet to any property line.
9. Drive-In restaurants or open front stores shall be permitted provided that:
- a. A setback of at least sixty (60) feet from the right-of-way of any existing or proposed street must be maintained.
  - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

- c. All lighting shall be shielded from adjacent residential districts.
  - d. A four foot six inch (4' - 6") obscuring wall or fence shall be provided where abutting or adjacent to residential district. The height of such wall shall be measured from the surface of the ground.
10. Gasoline service station for sale of gasoline, oil and minor accessories shall be permitted provided that:
- a. Entrance and exits shall be no less than twenty-five (25) feet from a street intersection or residential district.
  - b. All lighting shall be shielded so as not to glare or reflect upon any residential district.
  - c. There shall be provided, on those sides abutting or adjacent to a residential district use, a four foot six inch (4' - 6") completely obscuring wall or fence, measured from the surface of the ground of the abutting residential district.
  - d. The minimum lot area shall be ten thousand (10,000) square feet with a minimum lot frontage of one hundred (100) feet and so arranged that ample space is available for motor vehicles which are required to wait.
  - e. Gasoline plumps, air and water hose stands and other appurtenances shall be setback not less than fifteen (15) feet from all street right-of-way lines.
11. General hospitals shall be permitted provided the following conditions are met:
- a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
  - b. All access to the site shall be in accordance with Section 1710.
  - c. The minimum distance of any main or accessory building from bounding lot lines of streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.
  - d. Maximum height of the building shall be established based on fire fighting and rescue capabilities of the township.
12. Golf courses (not including driving ranges or miniature golf courses) which may or may not be operated for profit shall be permitted subject to the following.
- a. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential land from any public right-of-way.
  - b. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.

c. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.

d. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect light away from abutting residential areas. **b**

e. Whenever included, swimming pools shall be provided with a protective fence which meets the minimum height requirements of the building code, and entry shall be provided by means of a controlled gate or turnstile.

### 13. Gravel Pits

The removal or filling of soil, sand, gravel or similar materials shall be permitted subject to the following conditions. All of the detail required under Article 21 Site Plan Review need not be submitted with the application, but an application will contain at least:

- a. Legal description of the property
- b. Names, addresses, and legal interests of the applicants
- c. Detailed plans as to the extent of land involved; method of operation; land changes proposed; type of material to be removed or deposited; estimated time period the operation will encompass; and a plan for reclamation of the premises to a usable purpose.

A permit will be good for one year only. The permit may be renewed each year, with or without a public hearing upon the discretion of the Zoning Administrator. The plan of operation will be updated each year. Upon termination of operations, the premises must be reclaimed to a usable purpose.

### 14. Group day care homes, provided they are licensed under act 116 of the public acts of 1973, shall be issued a special use permit if the group day care homes meets the following standards:

- a. Is located not closer than 1,500 feet to any of the following:
  - (i) Another licensed group day care home.
  - (ii) Another adult foster care small group home licensed under the Adult Foster Care Facility Licensing Act, Pa 218 of 1979.
  - (iii) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Pa 368 of 1978.
  - (iv) 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.
- b. Has appropriate fencing for the safety of the children.

- c. Maintains the property consistent with the visible characteristics of the neighborhood.
- d. Does not exceed 16 hours of operation during a 24-hour period. The township may limit but not prohibit the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.
- e. Meets the sign regulations described in Article 19 of this Ordinance.
- f. Meets the off-street parking requirements described in Article 18.

15. Home Occupations shall be permitted subject to the following:

- a. Not more than two paid assistants shall be employed, one of whom must be an occupant of the dwelling.
- b. There shall be no exterior display other than one (1) non-illuminated sign, not to exceed four (4) square feet in area. Said sign shall be attached and parallel to the wall of the  
building.
- c. Home occupations may be permitted in either the principal residence or an accessory structure. If located in the principal structure, in no case shall the primary function of the premises be other than for residential purposes. The home occupation shall not exceed more than 25% of the living area.
- d. The home occupation may be permitted in an accessory structure provided the accessory structure is no larger than 576 square feet in area. The home occupation can be located in an accessory structure larger than 576 feet in area provided the home occupation shall not exceed more than 576 square feet of the accessory structure.
- e. The occupation shall not require the use of a vehicle requiring a commercial license.
- f. Off-street parking as required under General Provisions shall be provided.
- g. The home occupation shall be reviewed annually to determine compliance with the Special Use Permit.

16. Horse and dog race tracks.

Because horse and dog tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and require sizable land areas which would be incompatible with business or residential districts, they shall be permitted in the I District when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the Planning Commission deems necessary to promote health, safety, and general welfare in the Township:

- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from a major thoroughfare.

- c. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accordance with Section 1408.

17. Housing for the elderly shall be permitted when the following conditions are met:

- a. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
- b. 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 dedicated public right-of-way.

18. Kennels, Commercial shall be permitted provided they meet the following conditions

- a. The use is located on a parcel five (5) acres or more in size.
- b. The pens or cages shall be located not less than one hundred (100) feet from any front, side or rear property line.

19. Lumber and planing mills, shall be permitted subject to the following conditions:

- a. The use is completely enclosed
- b. The use is located in the interior of the district so that no property line shall form the exterior boundary of the "I" District.

20. Nursery schools, day nurseries and child care centers shall be permitted, provided

- a. For each child so cared for there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area.
- b. Such play space shall have a total minimum area of at least one thousand (1,000) square feet and shall be fenced or screened from any adjoining residential land.

21. One family detached dwellings may be permitted, subject to the following:

- a. They are located on minimum sites of forty thousand (40,000) square feet.
- b. The use has direct access to an existing public right-of-way.

22. Outdoor Movie Theaters

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I Districts only. Outdoor theaters shall further be subject to the following conditions:

- a. The proposed internal design shall receive approval from the Building Inspector and the Township

Engineer as to adequacy of drainage, lighting and other technical aspects.

- b. Outdoor theaters shall abut a major or secondary thoroughfare and points of ingress and egress shall be available only from such major or secondary thoroughfare.
- c. All vehicles, waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right- of-way.
- d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major or secondary thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

23. Airports and related uses.

Airports, landing fields, and platforms, hangars, masts and other facilities for the operation of aircraft, may be permitted, subject to the following conditions:

- a. The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the Planning Commission for their review and action.
- b. The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the FAA.
- c. The area of the "clear zone" (See FAA definition) shall be provided for within the land area under airport ownership.

24. Planned Unit Development (PUD).

Planned unit development shall be recognized as a special use within residential districts as specified in the ordinance. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the residential districts in which such use are located. Control of such PUD developments shall be the ultimate responsibility of the Township Board with the Planning Commission acting in an advisory capacity.

a. Purpose

The purpose of these regulations is to permit greater flexibility in the development of the R-1, R-2 and R-3 residential districts and the B Business district than is generally possible under conventional zoning regulations. It is further intended to promote more efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A permit may be issued for construction and occupancy of a PUD subject to compliance with the requirements, standards and procedures set forth in this Ordinance.

b. General requirements for planned unit developments.

1. Minimum Area:

The minimum area for a PUD special exception permit shall not be less than five (5) contiguous acres of land. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a PUD regardless of minimum acreage.

2. Ownership:

The tract of land for a project must be either in single ownership or the subject of an application filed jointly by the owners of all properties included.

3. Location:

Planned unit developments shall be allowed only within the R-1, R-2 and R-3 Districts providing the applicant can demonstrate that the proposed character of development will meet the objectives of PUD's.

4. Utilities:

Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.

5. Approval:

Approval by the Planning Commission and Township Board of a sketch plan and detailed site plan for all planned use developments is required.

c. Permitted Uses

No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located.

1. Residential uses permitted

- (a) Single-family detached dwellings;
- (b) Two-family dwellings;
- (c) Townhouses;
- (d) Apartment buildings;

2. Non-residential uses permitted

Non-residential uses of a religious, educational, commercial, or recreational character to the extent that they are to be designed or intended for the use of the residents of the PUD. The burden shall be on the landowner to show that the non-residential uses of a commercial character are intended to serve principally the residents of the PUD. The non-residential permitted uses shall be allowed only to the extent that the Township Board finds them to be designed to serve primarily the residents of the PUD; and compatibly and harmoniously



incorporated into the unitary design of the PUD. Buildings designed and intended to be used, in part or whole, for non-residential uses shall be constructed according to the following:

- (a) If the PUD contains from one (1) to fifty (50) dwelling units, seventy-five (75) percent of said dwelling units must be physically constructed prior to any non-residential use construction.
- (b) If the PUD contains fifty (50) or more dwelling units, fifty (50) percent of said dwelling units shall be physically constructed prior to any non-residential use construction.
- (c) The only non-residential uses permitted within a PUD are:
  - (i) Bakery and dairy products, retail sales only;
  - (ii) Barber and beauty shops;
  - (iii) Books, stationery, and newspapers;
  - (iv) Drug stores;
  - (v) Groceries, food stuffs, and meat markets;
  - (vi) Laundromat;
  - (vii) Shoe repair;
  - (viii) Tailoring and dressmaking;
  - (ix) Schools, public or private;
  - (x) Churches;
  - (xi) Public parks, forest preserves, and recreational areas.
  - (xii) Golf courses;
  - (xiii) Real estate office only in conjunction with a new PUD limited to selling or renting of units of such development; and
  - (xiv) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
  - (xv) Accessory uses. Uses which are customarily accessory and incidental to permitted principal uses, such as non-take-out eating establishments.

- (d) Non-residential uses permitted under review shall only be allowed when the PUD development is of such a scale to reasonably accommodate such uses, and only after consideration has been given to all other development needs, including but not limited to; an adequate mix of dwelling types; necessary local shopping facilities and off-street parking; parks, playgrounds, and/or common open spaces; education facilities, if appropriate; and other development requirements which may be unique to the site.
- (e) All non-residential uses permitted shall be desirable or convenient for the users of the PUD or the immediate neighborhood and provided that such users are planned so as to assure that they will not materially alter the existing character of the neighborhood, and provided further that such uses are integrated by design as an accessory element of the PUD development.
- (f) All non-residential uses allowed in the PUD shall occupy no more than ten percent of the PUD net projects area, nor more than ten percent of all building floor area. Exceptions to this requirement are developments which include golf courses or public parks, forest preserves, or recreational areas.

d. Design requirements

Within the multiple use development approved under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

1. Number of dwelling units permitted

The maximum number of dwelling units permitted within the project shall be determined by dividing the net PUD area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.

2. Lot area requirements

The minimum lot area shall not be reduced for any permitted use more than 33 percent below that required in the district in which the project is located.

3. Setback and yards

The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the Township Board to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.

4. Minimum lot frontage and width

The minimum lot frontage and width for any lot designated for single-family dwelling may

be reduced 33 percent below the requirements of the district in which the multiple use development is located.

5. Screening

A screening area may be required by the Township Board along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.

6. Amount of open space required

Within every multiple use development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Township Board must find the land thus designated to be: (1) sufficient in size, suitably located, with adequate access, and (2) that evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.

7. Arrangement of open space

All required open space within multiple use development shall be arranged so as to provide benefit to the maximum number of dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

8. Sign Standards

All signs in planned use developments shall be subject to the following requirements:

(a) General regulations for all signs:

- (i) The erection, construction, location retention, or placement of any sign in or over a public or private right-of-way shall be prohibited.
- (ii) Merchandise such as tires, produce and any other articles for display, sale or lease shall not be located in any manner outside the principal building.
- (iii) Signs which are not completely related to the development are prohibited.
- (iv) No roof signs shall be allowed.
- (v) Any series of flags, flashing and moving signs, fluttering devices, strings of lights and other similar attention-gathering devices are prohibited.
- (vi) Only indirect lighting shall be permitted of a subdued nature. Signs with interior lighting or neon signs shall be prohibited.

- (vii) All signs which are erected must relate to a current use; in the event that the use is discontinued, then the sign must be removed within 30 days of the termination of the use.
- (b) Permitted signs:
  - (i) One freestanding permanent development sign per entrance to the development shall be permitted not to exceed 50 square feet in area for the purpose of identifying the name of the development; provided, however, that not more than two such signs shall be permitted per total completed PUD development. As an alternative to one of the foregoing development signs, a directory-type sign not exceeding 80 square feet in area identifying the name of the development and any non-residential uses therein, shall be permitted at the entrance which is the primary entrance for more than one non-residential use; provided, that any identification of an individual non-residential use shall not exceed ten percent of the total area of such directory-type sign. Any such sign shall be within the PUD and where adjacent to any contiguous residential classification or use shall be located at least 50 feet from the interior boundary between the PUD and such residential classification or use.
  - (ii) In the event that a directory-type sign is not used as hereinbefore provided, one commercial sign not exceeding 80 square feet in area and 16 feet in height shall be permitted identifying an aggregate of non-residential uses within the development; provided that not more than ten percent of the total sign area is allocated to any individual non-residential use. This sign shall be within the PUD and at least 50 feet from any boundary of the PUD.
  - (iii) Identification nameplates not exceeding 20 square feet in area identifying residential and non-residential uses within the development shall be permitted flat against the wall of a building within the development and at the entrance of each designated parking area for such building. The total display surface of all such identification nameplates for a particular building within the development shall not exceed 20 square feet in area and shall not consist of more than one such identification nameplate per building and per parking area entrance.
  - (iv) Signs of an informational, non-advertising nature, such as street signs and signs concerning public or quasi-public areas shall be permitted.
  - (v) Temporary real estate signs not exceeding six square feet in area or four feet in height shall be permitted provided no illumination is permitted concerning the same.
- (c) The general theme, plan or policy for all such signs proposed in a PUD shall be submitted with a Sketch Plan to the Township Board for its review and approval

before any signs are installed. After such review and approval, no signs shall be installed which do not comply with such approved plans. The Township Board shall consider compliance with the following criteria before making any decision in this connection.

- (i) The aesthetic qualities of any proposal.
- (ii) The harmonious relationship of signs to buildings and landscaping within and adjacent to the PUD.
- (iii) The contour of the land and the total acreage involved in the PUD.
- (iv) The distance of any proposed sign from the boundaries of the PUD and its visibility from adjacent properties or public highways.
- (v) The number, quality and character and location of entrances to the development as well as the uses served by such entrances.

(d) The Township Board

The Township Board is hereby delegated the right and authority to authorize variations from the foregoing provisions which will not be incompatible with the purposes of the PUD or the foregoing criteria and will not be obstructive of view, light, or air, or hazardous or otherwise a nuisance or annoyance to adjacent developments, highway motorists or the general public. The purpose of this delegation is to provide for some flexibility in the regulations and for new aesthetically pleasing concepts which in all cases would comply with the purpose and intent of the PUD to permit a harmonious intermix of land uses aesthetically attractive to both the occupants thereof and the general public.

e. Application procedure and approval process

1. General

Whenever any PUD is proposed, before any permit is granted the developer shall apply for and secure approval of a special use in accordance with the following procedures and obtain approval of a detailed site plan from the Township Board.

2. Application for sketch plan approval

So that the Township and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a sketch plan to the Planning Commission. The sketch plan shall be drawn to approximate scale and shall clearly show the following information:

- (a) Boundaries of property;
- (b) Location and height of all buildings;
- (c) Interior roadway system including parking facilities and existing right-of-ways;
- (d) The interior open space system;
- (e) The overall storm water drainage system;
- (f) Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal;
- (g) Delineation of the various residential and/or commercial areas, including size, number, location, and number of housing units;
- (h) Construction phases if applicable;
- (i) General statement as to how common open space is to be owned and maintained.

3. The Planning Commission

Shall hold a public hearing or hearings on the application for multiple use development in accordance with the provisions of Section 2401 of this Ordinance.

4. Following the public hearing

The Planning Commission shall within forty-five (45) days, approve or disapprove of the Sketch Plan or recommend modification thereto and so notify the applicant and Township Board of its decision. The Township Board shall approve or deny the sketch plan within forty-five (45) days of receipt of the Planning Commissioners recommendation.

5. Approval of sketch plan

Shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan and shall indicate approval of the special use in conceptual form.

6. Request of changes in sketch plan

If it becomes apparent that certain elements of Sketch Plan, as it has been approved by the Township Board, becomes unfeasible and in need of modification, the applicant shall then resubmit his/her entire Sketch Plan, as amended, to the Planning Commission and Township Board pursuant to the above procedures.

7. Application for detailed site plan approval

After receiving approval of a Sketch Plan from the Township Board, the applicant may within six (6) months prepare a detailed site plan and submit it to the township for approval, following the procedures and information requirements established for site plan approval. If the applicant fails to submit a detailed site plan within six (6) months of approval of the Sketch Plan, approval of the Sketch Plan shall expire. Furthermore, the Detailed Site Plan shall include the following information:

- a. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within three hundred (300) feet of applicant's property.

- b. A topographic map showing contour intervals of not more than four (4) feet of elevation shall be provided.
  - c. A site plan showing location, proposed use, and height of all buildings, location of all parking areas, with ingress and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, and size of all signs; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
  - d. A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
25. Private, non-profit swimming pools shall be permitted provided the following conditions are met:
- a. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence on all sides which shall meet the minimum height requirements for the building code, and entry shall be provided by means of a controlled gate.
  - b. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
  - c. Pools on private residential parcels for the use of the residents are a permitted accessory use in the district.
26. Recreational areas of a non-commercial nature for private clubs, non-profit organizations, religious groups and charitable institutions shall be permitted provided they are developed on sites of at least ten (10) acres.
27. Recreational vehicle parks tenting areas and general camping grounds provided that:
- a. The minimum State of Michigan health requirements governing recreational vehicle parks and camping areas for public use are complied with.
  - b. The use is developed on a site of at least five (5) acres.
  - c. No person shall occupy any trailer, tent or motor home unit for more than six (6) months in any one year.
  - d. The use is effectively screened from public streets and thoroughfares.
28. Resorts, resort hotels, vacation lodges, motels, and other tourist lodging facilities, provided any use permitted herein shall be developed on sites no less than five (5) acres in area, and shall further be setback at least fifty (50) feet from any abutting street right-of-way.
29. Riding academies, including facilities for horseback riding, accessory trails and stables may be permitted



subject to the following:

- a. Animal housing facilities or enclosures are located at least two hundred and fifty feet (250) from any residential structure. Under a temporary permit basis, riding trails may extend into the rugged and/or undeveloped portions of the R-1 Districts.

30. Sales of automobiles, house trailers, travel trailer rental subject to the following:

- a. All lighting shall be shielded from adjacent residential districts.

b. Ingress and egress to the outdoor sales area shall be at least twenty-five (25) feet from a street intersection or residential district.

c. When adjacent to districts zoned for residential use, there shall be provided a ~~completely~~ obscuring wall or fence four foot six inches (4' - 6") in height, measured from the surface of the ground of the abutting residential district.

31. Sexually Oriented Businesses are permitted by special use permit but are required to comply with the following locational criteria in order to mitigate the secondary effects of such uses.

a. The sexually oriented business shall be located at least 300 feet from any residential district, and 300 feet from any residence not located within a residential district, as measured from the boundary of the residential district or parcel to the structure housing the sexually oriented business.

b. The sexually oriented business shall be located at least 1000 feet from another sexually oriented business, church, school, or public facility.

32. Temporary Residences

A property owner may obtain a Special Use permit to move a trailer or mobile home onto a lot or to construct an accessory structure and utilize that trailer or mobile home or accessory structure as a residence while the property owner is building or remodeling a house on that lot. The accessory structure must be at least 500 square feet in size. This is a temporary permit valid for 12 months. The permit may be renewed once for an additional 12 months if suitable progress has been made on the house. At the end of 24 months a trailer or mobile home must be removed from the property and an accessory structure must be used only as a use accessory to the residential use. In all instances, the temporary residence must meet all applicable Tuscola County Health and Building Department requirements.

33. Two family dwellings are permitted, subject to the following:

Each unit must meet the minimum square footage requirements for the zone in which the two family dwelling is located. The minimum lot size for a two family dwelling is 24,000 square feet. Minimum frontage for the zone must also be met.

# ALMER CHARTER TOWNSHIP ZONING ORDINANCE

## ARTICLE 25 CONDOMINIUMS

### SEC. 2500 INTENT:

The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

### SEC. 2501 REVIEW REQUIREMENTS:

In order to ensure compliance with this ordinance, all condominium developments shall go through the site plan review process, including developments consisting solely of single family or duplex residences that may otherwise not be required to prepare a site plan. In addition to the information required in Article 20, all applicants for condominium site plan review shall submit the following information.

1. A copy of the proposed condominium master deed
2. A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).
3. A copy of the proposed condominium by-laws

### SEC. 2502 ZONING ORDINANCE STANDARDS:

1. Lot Size

In conventional condominium development the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominiums developments, each condominium unit and its associated limited common area are considered equivalent to a lot and must meet the minimum lot size requirements for the zoning district the parcel is located in.

2. Setbacks

In conventional condominium development the buildings must be setback from the sites boundaries as required in the zoning district the parcel is located in while the setback from other buildings must meet the building setback requirements of the Multiple Family district. For site condominium developments the setbacks shall be from the outer edge of the lot consisting of a condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located in.

### SEC. 2503 CONDOMINIUM DESIGN STANDARDS:

- a. Conventional and site condominium developments shall comply with the site plan review design requirements in Article 21. In addition, site condominiums shall comply with the design standards contained in other Almer Charter Township Ordinances, the Tuscola County Road Commission (for roads), the Tuscola County Drain Commission (for drainage) and the Tuscola County Health Department/State of Michigan Department of Health (for sewer and water services).
- b. All roads within the site condominium development shall be paved, dedicated public roads built to the standards of the Tuscola County Road Commission.

SEC. 2504 SURVEY REQUIREMENTS:

Conventional condominiums shall comply with the monument requirements contained in the Condominium Act, PA 59 of 1978. Site Condominium shall comply with the following requirements:

- 1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.
- 2. All monuments used shall be made of solid iron or steel at least    inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
- 3. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- 4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plat and referenced to the true point.
- 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least    inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
- 6. All required monuments shall be placed flush with the ground where practicable.

7. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a lot under this ordinance shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and    inch diameter, or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Township cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than \$400.00 in total, except that lot corner markers shall be at the rate of not less than \$25.00 per markers. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the Township shall promptly require a surveyor to locate the monuments and markers in the grounds as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

# **ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

## **ARTICLE 26 - VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

# **ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

## **ARTICLE 27 - SEVERANCE CLAUSE**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

# ALMER CHARTER TOWNSHIP ZONING ORDINANCE

## ARTICLE 28 - REPEAL

### SEC. 2800 REPEAL

The Almer Charter Township Zoning Ordinance adopted the 25th day of August, 1982, as amended, is hereby repealed. Any other ordinance or parts of any ordinance in conflict with any of the provisions of this Ordinance are hereby repealed subject to the limitation hereinafter provided.

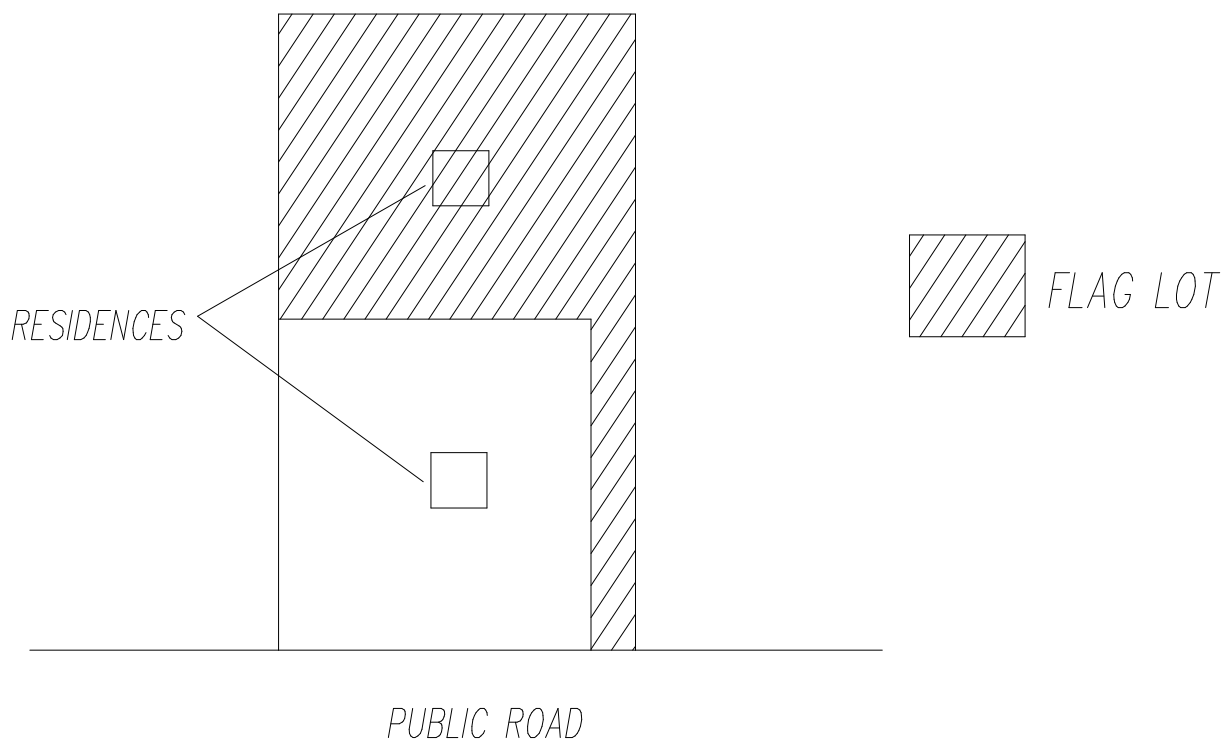


# **ALMER CHARTER TOWNSHIP ZONING ORDINANCE**

## **ARTICLE 29 - EFFECTIVE DATE**

Public hearing having been held herein, the provisions of this Ordinance are hereby given effect, pursuant to the provisions of Section II, of Act 184 of the Public Acts of 1943, as amended.

Made and passed by the Township Board of the Charter Township of Almer, Tuscola County, Michigan, on this 8th day of July, 1997. This Zoning Ordinance shall take effect on the 16th day of August, 1997.



RESOLUTION

WHERE AS the Almer Charter Township Board established the Township Planning Commission to prepare plans for the development of the Township under the Township Planning Act, Act 168 of 1959

WHERE AS the Almer Charter Township Planning Commission adopted the Almer Charter Township Land Use Plan in 1997.

WHERE AS the Township Planning Commission has now completed the five year review of the Township Land Use Plan as required per the Township Planning Act, now

THEREFORE BE IT RESOLVED that the Almer Charter Township Planning Commission does hereby find that conditions have not significantly changed since the adoption of the Township Land Use Plan and no amendment or update to the Land Use Plan is required.

Moved by: \_\_\_\_\_ Yeas \_\_\_\_\_

Supported by: \_\_\_\_\_ Nays \_\_\_\_\_

\_\_\_\_\_  
Chairperson of the Planning Commission

\_\_\_\_\_  
Village Clerk

\_\_\_\_\_  
Date

### SITE PLAN CHECKLIST

**APPLICATION COMPLETE**

- A completed and signed copy of the site plan review application
- Ten (10) copies of a completed site plan
- Application fee

<b>SITE PLAN INFORMATIONAL REQUIREMENTS</b>				
Required Information	Does Site Plan Include This Information			
	Yes	No	N/A	Comment
ADD ITEMS FROM SECTION 2100 C				

**DISTRICT REQUIREMENTS**

What is the use:

Use permitted in the district it is located in      By Right       By Conditional Use

**DISTRICT DIMENSIONAL REQUIREMENTS**

District Requirement	Ordinance Standard	Proposed Plot Plan
Minimum Lot Area (sq. ft.)		

Minimum Lot Width (ft.)		
Minimum Setbacks - Front		
- Sides (both)		
- Sides (one)		
- Rear		
Minimum Floor Area		
Maximum Building Height (ft and stories)		
Maximum Lot Coverage (%)		
Are there any required conditions for this district?		

<b>GENERAL REQUIREMENTS</b>				
Requirements	Does Site Plan Meet Requirements			
	Yes	No	N/A	Comment
ADD ITEMS FROM GENERAL PROVISIONS INCLUDING PARKING, LIGHTING, LANDSCAPING, NONCONFORMING, SIGNS AND ANY OTHER PROVISIONS THAT YOU FEEL APPLY				

<b>GENERAL REQUIREMENTS</b>				
Requirements	Does Site Plan Meet Requirements			
	Yes	No	N/A	Comment

<b>Parking and Loading Space Requirements</b>		
Parking Spaces Required .		
	Required	Provided
Parking Spaces		
Loading Spaces		

**GENERAL STANDARDS FOR APPROVAL OF SITE PLANS**

**The Township Planning Commission’s action for approval, approval with modifications, or disapproval, shall be based on an assessment of the following factors, as well as others that the Township Planning Commission determines to be uniquely applicable to the subject proposal**

STANDARDS	Does Site Meet Requirements		
	Yes	No	N/A
<b>ADD ITEMS FROM SECTION 2100 5</b>			

COMMENTS/FINDINGS OF FACT:

COMMENTS/FINDINGS OF FACT:

COMMENTS/FINDINGS OF FACT:

COMMENTS/FINDINGS OF FACT:

COMMENTS/FINDINGS OF FACT:

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COMMENTS/FINDINGS OF FACT:

**GENERAL STANDARDS FOR APPROVAL OF SITE PLANS (Cont)  
(Shaded items are required only for a final site plan)**

STANDARDS	Does Site Meet Requirements		
	Yes	No	N/A

COMMENTS/FINDINGS OF FACT:

COMMENTS/FINDINGS OF FACT:

COMMENTS/FINDINGS OF FACT:

COMMENTS/FINDINGS OF FACT:

COMMENTS/FINDINGS OF FACT:			
COMMENTS/FINDINGS OF FACT:			
COMMENTS/FINDINGS OF FACT:			
<b>GENERAL STANDARDS FOR APPROVAL OF SITE PLANS(Cont)</b> <b>(Shaded items are required only for a final site plan)</b>			
STANDARDS			Does Site Meet Requirements
			Yes    No    N/A
COMMENTS/FINDINGS OF FACT:			