ALMIRA
TOWNSHIP
EST ▪ 1855

ZONING ORDINANCE

#26-02, effective October 2, 2026

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PREAMBLE

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

ARTICLE I: SHORT TITLE AND PURPOSE

Section 1.01 – Title

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

Section 1.02 – Purpose

The purposes of this Ordinance are as follows:

A. To protect the water resources, other natural resources, and rural character of the Township;
B. To meet the needs of the citizens for places of residence, recreation, industry, trade, service and other uses of land;
C. To ensure that use of land shall be situated in appropriate locations and relationships;
D. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
E. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public services and facility requirements;
F. To promote public health, safety, and welfare.

Section 1.03 – Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

Section 1.04 – Validity

This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected. The Township Board declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 1.05 – Limitation of Zoning Ordinance

Accessory buildings or structures exclusively used for the purpose of Agriculture, such as barns, sheds, pens, or fences, are exempt from all but the following provisions of this Zoning Ordinance:

A. Accessory buildings exclusively used for Agriculture must apply for a Zoning Permit, as provided in **Section 9.03** of this Ordinance.
B. Accessory buildings exclusively used for Agriculture must meet all required setbacks, as provided in **Section 6.07** of this Ordinance.
C. Fences over six and one-half feet (6 feet 6 inches) in height used for Agriculture must be of an Open Fence design, as provided in **Section 4.12** of this Ordinance.

Section 1.06 – Repeal of Previous Zoning Ordinance

This Ordinance repeals and replaces any previous Almira Township Zoning Ordinance in its entirety.

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ARTICLE II: INTERPRETATION OF WORDING

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

A. The particular shall control the general.
B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
C. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
D. A "building" or "structure" includes any part thereof.
E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
F. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", “or", "either...or", such conjunction shall be interpreted as follows:
G. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
H. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
I. "Township" shall refer specifically to Almira Township.
J. The term “person” shall mean an individual, firm, corporation, association, partnership, Limited Liability Company or other legal entity, or their agents.
K. Any necessary interpretation of this Ordinance shall be defined by the Almira Township Zoning Board of Appeals.

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ARTICLE III: DEFINITIONS

For the purpose of this Ordinance, certain words and terms are herewith defined. Terms not herein defined shall have the meanings of their ordinary uses.

Accessory Building: A subordinate building on the same premises with a principal use or principal building, except as otherwise permitted in this Ordinance, and occupied by or devoted to an accessory use, but not for dwelling, lodging, or sleeping purposes. However, when attached to a principal building the accessory building shall be considered part of the principal building.

Accessory Building, Minor: An Accessory Building not exceeding sixteen (16) feet in height or two hundred (200) square feet in total area.

Accessory Dwelling Unit: A second dwelling unit on the same lot or parcel as a principal dwelling. Accessory dwellings are independently habitable and provide the basic requirements for sleeping, living, cooking, and sanitation and can accommodate one family permanently. May be in an adjacent building such as a converted accessory structure, or may be a part of the principal dwelling.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

A. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
B. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 25% or more of annual sales volume or occupies 25% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar restaurant, or similar commercial establishment that regularly features:

A. Persons who appear in a state of nudity;
B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
D. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Motel: A hotel, motel or similar commercial establishment that:

A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture: The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

A. Marketing produce at roadside stands of farm markets
B. The generation of noise, odors, dust, fumes, and other associated conditions.
C. The operations of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan motor vehicle code, as amended.
D. Field preparation and ground and aerial seeding and spraying.
E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
F. Use of alternative pest management techniques.

G. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
H. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
I. The conversion from a farm operations activity to other farm operations activities.
J. The employment and use of labor.

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

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Ancillary Solar Equipment: Any accessory part or device of a Solar Energy System that does not require direct access to sunlight such as batteries, electric meters, inverters or water heater tanks.

Anemometer: An instrument for measuring and recording the speed of the wind.

Animal Husbandry: Agricultural practice of breeding and raising livestock.

ANSI: American National standards Institute.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Architectural Features: Architectural features of a building shall include but not be limited to cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, cupolas and decorative ornaments.

Automobile Repair: Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Automobile Sales Area: Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.

Board of Appeals: As used in this Ordinance, this term means the Almira Township Zoning Board of Appeals.

Boat: A boat means every description of water craft used or capable of being used as a means of transportation on water.

Boat and/or Canoe Livery and Boat Yard: A place where boats and/or canoes are stored, rented, sold, repaired and/or serviced.

Breezeway: A covered passageway, as between a house and a garage, often enclosed on the sides, not used as living space.

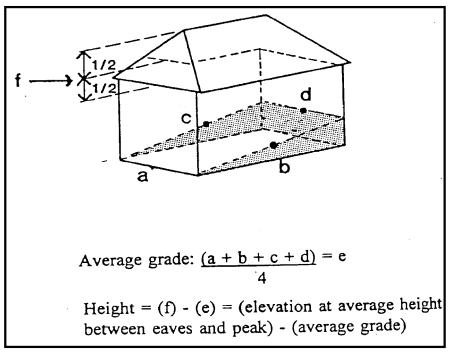
Buffer Strip: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Building: Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

Building and Structure Line: The line that defines the minimum required Setback, beyond which no part of a building or structure shall project or be located, except as otherwise provided in this ordinance. For the purpose of measuring compliance with this line, the outermost projection of a building or structure, including its drip edge, shall be considered.

Building Envelope: The space remaining after the minimum setbacks, open space requirements, and other sensitive areas requirements of this Ordinance have been complied with.

Building Height: The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roof; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping the height shall be computed using the average grade measured at the building wall on all four sides. (See illustration).



Camp, Recreational: An establishment to accommodate an organized, supervised recreational program of activities for boys, girls, or families normally housed in tents or cabins, and complying with all requirements of the Benzie-Leelanau District Health Department.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Car Wash Facility: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Church: See Place of Worship.

Clear-cutting: The removal of trees from a forested area without regard to species, quality, age or spacing.

Clinic: A building or group of buildings where human patients are admitted for examination and treatment by one or more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

Club: Buildings and facilities owned or operated by a corporation, association, person or persons, for social, educational, or recreational purposes.

Commercial Anemometer Tower: A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the exclusive purpose of documenting whether a site has annual wind resources sufficient for the operation of a commercial WECS or commercial WECS farm.

Commercial WECS: A WECS designed and used primarily to generate electricity by or for sale to public utility companies.

Commercial WECS Farm: Two (2) or more individual WECS located on the same parcel designed and used primarily to generate electricity by or for sale to public utility companies.

Condominium Unit: That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

Conservation Easement: That term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA451, MCL 324.2140.

Contractor Yard: A site used as the primary base of operations for a contracting or trade business but without a principal dwelling. Its purpose is the storage of construction equipment, commercial vehicles, and/or materials necessary for the performance of contracted work at other locations. The Contractor Yard shall not be used for the commercial storage of items or salvage not directly associated with the contracted work performed by the business or for retail sales.

dB(A): The sound pressure level in decibels which refers to the “a” weighted scale defined by ANSI. A method for weighing the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

Dwelling: A building, containing one or more dwelling units, designed or used for permanent residential occupancy. This term includes, but is not limited to, a Single-Family Dwelling, Two-Family Dwelling, Multiple-Family Dwelling, Manufactured Dwelling, and Mobile Dwelling.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured, which has sleeping, living, cooking, and sanitary facilities and can accommodate one family permanently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Single-Family: A detached building containing not more than one dwelling unit designed for residential use.

Dwelling, Two-Family: A building containing two complete and separate dwelling units under one roof and sharing a common wall, ceiling or floor with no passage between: commonly known as a "duplex".

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended; 42 U.S.C. 5401 to 5426; 24 CFR Parts 3280 and 3282, and
B. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended; 42 U.S.C 5401 to 5426; 24 CFR, Parts 3280 and 3282.

Dwelling, Multiple-Family: A building containing three or more dwelling units designed for residential use.

Dwelling, Temporary: A movable structure or vehicle that provides temporary sleeping, living, cooking, and sanitation facilities during exceptional circumstances, such as for care of an infirmed family or during construction of a principal dwelling. A Temporary Dwelling is not a permanent Dwelling Unit.

Enclosed Building Area: An area within a building defined by its exterior dimensions, that is structurally roofed and enclosed on all sides by permanent walls, providing a weather-tight space. This type of area (fully enclosed and weather-tight) may include, but is not limited to, porches, breezeways, garages, office space, storage space, utility rooms, sunrooms, and all living areas typically associated with a dwelling unit. This definition specifically excludes open porches, screened porches, carports, decks, patios, or any other unenclosed or partially enclosed outdoor living spaces.

Enclosed, locked facility: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

Engineer, Township: A person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management, utilities and other related site engineering or civil engineering issues.

Erected: Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements which are not required for a building or structure, shall not be considered to fall within this definition.

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

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

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, water or sewer transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, pipes, conduits, cables, hydrants and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service. Telecommunication towers or facilities, alternative tower structures, and wireless communication antenna, commercial WECS, commercial WECS farms, and noncommercial WECS are not included within this definition.

Excavating: Any breaking of ground, except common household gardening, ground care, and in connection with an agricultural use.

Family: An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of

unrelated individuals whose relationship is of a permanent and distinct domestic character who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities. A family, however, shall not include any society, club, fraternity, sorority, association, lodge, or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

Family Day Care Home: A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family Day Care Home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm: The land, plants, animals, buildings, structures, including ponds used for agricultural or aqua-cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Products: Those plants and animals useful to human beings produced by agriculture an includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua-cultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber or fur as determined by the Michigan Commission of Agriculture.

Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, barrier, or enclosure, and not part of a structure requiring a building permit.

Fence, Open: See *Open Fence*.

Garage, Private: A building used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.

Garage, Public: A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

Gas and Oil Processing Facilities: Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Supervisor of Wells, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

Gasoline Service Station: Any land, building or structure used for retail sale of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles or collision repair.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt: A natural vegetation strip abutting any waterfront to serve as a filtration buffer in carrying out the requirements of this Ordinance.

Greenway: A contiguous or linear space including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and/or conservation purposes.

Group Day Care Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group Day Care Home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Hazardous Materials: Shall mean those chemicals or substances which are physical or health hazards. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Code of Federal Regulations Title 29 and other nationally recognized standards.

Home Business: A profession, occupation, or trade that is accessory to a principal residential use conducted within a dwelling or residential accessory building. Home businesses fall into one of two classifications defined below:

Home Occupation: Any activity which is clearly secondary to residential use, carried out for economical gain. Home occupations are regulated by **Section 4.11.A**.

Cottage Industry: Any activity conducted on the premises and/or the premises serves as a base of operation from which to conduct the activity off-site, except a home occupation and a business conducting primarily retail sales, which is clearly secondary to a residential use, carried out for economic gain. Cottage industries are regulated by **Section 4.11.C**.

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Junkyard: The use of premises or buildings for the storage, abandonment or bailment of inoperable automobiles, trucks, tractors and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, appliances, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags, machinery, scrap iron, paper and any other kind of scrap or waste material.

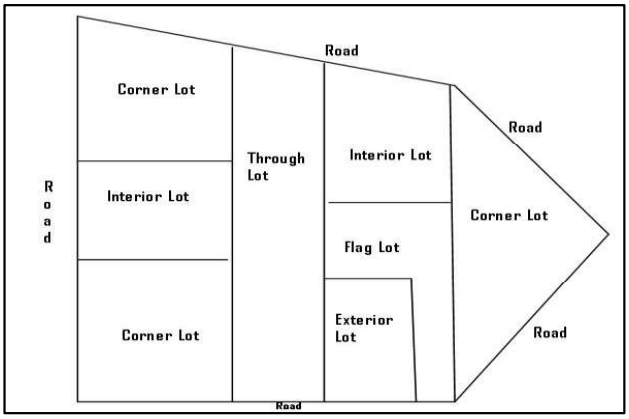
Kennel: Any lot or premises on which four (4) or more dogs and/or cats, four (4) months of age or older are confined and kept temporarily or permanently for sale, boarding, breeding or training purposes.

Lake: Any body of water, natural or artificial, defined as an “inland lake or stream” in Part 301 of the Natural Resources and Environmental Protection Act of 1994.

Land Use Permit: See *Zoning Permit*.

Licensed Day Care Facility: A state-licensed facility for the care of preschool and/or school-aged children or disabled adults.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.



Lot: The parcel of land or site condominium unit occupied by a use or building and its accessory buildings or structures together with such open space, minimum area, and width required by this Ordinance for the district in which located, but not including any area within an abutting access easement or right-of way. (See illustration).

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

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

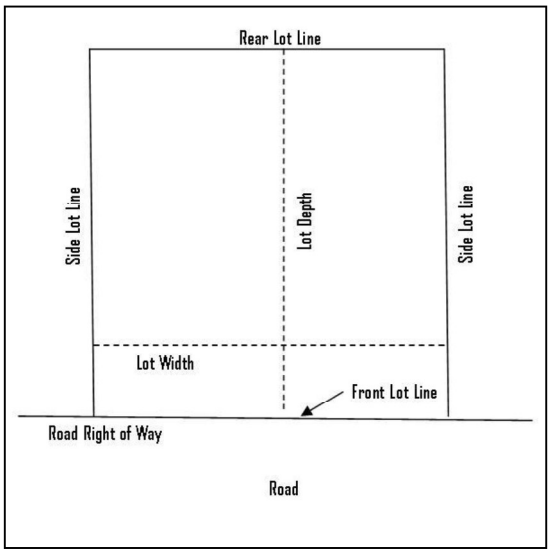
Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage: A lot other than a corner lot, such as a through lot having frontage on two (2) more or less parallel streets. In case of a row of double frontage lots, one street will be designated by the developer as the front street for all lots in the request for a zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines: The front, rear and side lot lines as defined in this Ordinance bounding a lot, or two or more lots used as one development site.

Lot Line, Front: In the case of an interior lot, the front lot line shall be the line separating the lot from the right-of-way of the abutting public or private street. In the case of a corner lot or double frontage lot, the front lot line shall be the line separating the lot from the abutting public or private street right-of-way designated as the front street in the first zoning permit issued for that lot. In the case of a waterfront lot, the front lot line shall be the ordinary high-water line on the lot. (See illustration).



Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped 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. (See illustration).

Lot Line, Side: Any lot line not a front lot line or a 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. (See illustration).

Lot of Record: A lot defined by a legal description and recorded in the office of the Benzie County Register of Deeds on or before the effective date of this Ordinance, or any amendments of this Ordinance.

Lot, Waterfront: A lot having frontage directly upon a lake, stream or watercourse. The portion adjacent to the water is considered the water frontage.

Lot Width: The shortest distance between the side lot lines measured at the front setback line.

Manufactured Home: See *Dwelling, Manufactured*.

Marijuana or marihuana: That term as defined in Section 7106 of Act No 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

Master Plan: The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

Medical Use: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26433.

Minor Accessory Building: See *Accessory Building, Minor*.

Mobile Home: See *Dwelling, Mobile*.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

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

Motel: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Municipal Civil Infraction Citation: A written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Nonconforming Lot of Record: A Lot of Record that legally existed on or before the effective date of this Ordinance or amendments thereto, or a lot that was created by an approved division of such a Lot of Record under the **Almira Township Land Division Ordinance**, and that does not meet dimensional requirements of this Ordinance.

Nonconforming Structure: A building, structure, or portion thereof that lawfully existed before the effective date of this Ordinance or amendments thereto and that does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which such building or structure is located.

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.

Noncommercial Anemometer Tower: A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the exclusive purpose of documenting whether a site has annual wind resources sufficient for the operation of a noncommercial WECS.

Noncommercial WECS: A WECS designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

A. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
B. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
C. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.

Off Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

On-site Solar Energy System (On-site SES): A Solar Energy System that utilizes Solar Energy to generate or offset all or part of the energy requirements of the on-site user and does not meet the requirements of a Utility-Scale SES.

Open Fence: A fence constructed in such a way that no more than twenty percent (20%) of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Open Space: Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that will result in the development of impervious surfaces shall not be included as open space.

Ordinary High-Water Line: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high-water mark shall be the ten-year flood limit line.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Patio: A surface built at grade without a foundation or pier support typically used for outdoor activities.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Place of Worship: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Planning Commission: For the purpose of this Ordinance the term Planning Commission is deemed to mean the Almira Township Planning Commission.

Planned Unit Development (PUD): A lot or lots developed under a single development plan which permits upon review and approval flexibility of design and land use not available under normal zoning district requirements.

Playground: Properties and facilities owned and operated by any governmental agency, or owned and operated by any private agency, including day care centers, which are open to the general public for recreation or day care purposes.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Unenclosed: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

Primary Caregiver: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

Primary Caregiver Facility: The dwelling in which a primary caregiver resides, or an accessory building to that dwelling, within which the primary caregiver performs primary caregiver services for qualifying patients.

Principal Use: The main use to which the premise is devoted and the principal purpose for which the premise exists.

Private Drive: A permanent way or easement that is not maintained by public authorities and that provides the principle means of access to not less than three (3), but not more than nine (9) existing or proposed lots or site condominium units.

Private Driveway: A portion of a lot or site condominium unit or a permanent private easement used for vehicular ingress and egress to not more than two (2) lots or site condominium units.

Private Street, Highway, or Road: A permanent way or easement that is not maintained by public authorities and that provides the principle means of access to ten (10) or more existing or proposed lots or site condominium units.

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Street, Highway, or Road: A permanent way or easement that is maintained by public authorities and that provides the principle means of access to abutting property.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, cable television, telegraph, transportation, water services, or sewage disposal.

Qualifying Patient: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act, and includes the parents or legal guardians of a qualifying patient under the age of 18 who are serving as the primary caregiver as required by the Michigan Medical Marijuana Act exclusively for that qualifying patient under the age of 18.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.

Rental Accessory Apartment: An apartment (including at least one bedroom, kitchen facilities, and a bath) within an otherwise owner-occupied dwelling, which owner rents/leases to other tenants. Differs from a "duplex" (refer to **Dwelling, Two-Family**).

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling local agricultural products, part of which are raised or produced on the same farm premises.

Retail and Retail Stores: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Right-of-way: The entire legal width of a public or private street, highway, or road.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Seasonal Use: Any use or activity that cannot be conducted or should not be conducted each month of the year.

Setback: The minimum required horizontal distance from the applicable lot lines within which no buildings or structures may be placed.

Setback Line(s): Line(s) established parallel to a property line along highway or water's edge for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following:

A. Adult arcade
B. Adult bookstore or adult video store
C. Adult cabaret
D. Adult motel
E. Adult motion picture theater
F. Adult theater
G. Escort agency
H. Nude model studio
I. Sexual encounter center.

Short-Term Rental (STR): Use of a Dwelling Unit, or portion thereof, for rental to the transient public for pecuniary gain for periods of less than thirty (30) days. This definition applies regardless of whether the Dwelling Unit is owner-occupied or non-owner occupied and whether the rental occurs within a principal Dwelling Unit or an Accessory Dwelling Unit. This term includes tourist homes, bed & breakfasts, and boarding, lodging, or rooming houses, but excludes Hotels, Resorts, Recreational Camps, and Campgrounds.

Sign: A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of and for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.

Sign, Animated: Any sign having a conspicuous and intermittent variation in the illumination or the physical position of any part of the sign.

Sign, Freestanding or Ground: A sign supported by permanent uprights or braces in the ground.

Sign, Off Premise: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located. Tourist oriented directional signs, as provided by the Michigan Department of Transportation, are excluded from this definition.

Sign, On Premise: An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.

Sign, Outdoor business or Informational: A freestanding, overhanging or wall mounted sign located outside a structure on which is displayed information pertaining to a product, use, occupancy, function, service or activity located within that structure on the same property as the sign, or at a location different than the property on which the sign is located.

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Sign, Portable: A sign that is designed to be transported, including but not limited to signs:

A. With wheels removed;
B. With chassis or support constructed without wheels;
C. Designed to be transported by trailer or wheels;
D. Converted A- or T- frame signs;
E. Attached temporarily to the ground, a structure, or other signs;
F. Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
G. Menu and Sandwich boards;
H. Searchlight stand; and
I. Hot-air or gas-filled balloons or umbrellas used for advertising.

Sign Surface: That portion of a sign excluding its base, foundation and erection supports on which information pertaining to an idea, belief, opinion, product, use, occupancy, function, service or activity is displayed.

Sign, Wall-mounted: Any sign attached parallel to or painted on the exterior surface of a building or structure wall in such a manner that the sign does not extend beyond the surface of the wall to which it is attached.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Slope: An area of land with a grade that deviates from the horizontal plane calculated as the ratio of horizontal run divided by vertical rise and expressed in terms of a percentage.

Solar Collector Surface: Any part of a Solar Energy System that absorbs Solar Energy for use in the system's transformer process. The collector surface does not include frames, supports and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a Solar Energy System.

Solar Energy System (SES): A system (including Solar Collector Surface and Ancillary Solar Equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores and distributes Solar Energy for heating or cooling, generating electricity or heating water.

Solar Glare and Glint: Unwanted reflection of the sun's rays, either momentary or continuous, by the face of a reflective surface.

Sound Pressure: The average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Special Approval: Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land use in the district when such use is specified in this Ordinance for that district upon such approval.

Special Event: Any event with 300 or more concurrent participants, whether conducted on public or private property, that will or is intended to generate or invite public attendance, for a particular and limited purpose and time, including but not limited to parties, festivals, concerts, shows, exhibitions, carnivals, circuses, fundraising walks or runs, races, motorsports, or parades.

Specified Anatomical Areas: To include the following:

A. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and
B. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: Means and includes any of the following:

A. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
C. Masturbation, actual or simulated; or
D. Excretory functions as part of or in connection with any of the activities set forth above.

Stable: A stable used to house horses, either for the property owner's private use or for hire.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

A. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.
B. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if it is used for business purposes.

Stream: See *Watercourse*.

Structural Change or Alteration: See *Alterations*.

Structure: Anything constructed, erected, or placed which requires permanent location on the ground or attachment to something having such location on the ground. Structures include, but are not limited to buildings, decks, docks, advertising signs, storage sheds, play equipment, shipping containers, radio towers, flag poles, antennas, and storage tanks.

Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Temporary Dwelling: See *Dwelling, Temporary*.

Trailer Coach: See *Recreational Vehicle*.

Travel Trailer: See *Recreational Vehicle*.

Undevelopable Land: Land which has soil types or a high-water table condition which present severe limitations on septic tanks and tile fields and on which no septic tank and tile field, or Health Department approved holding tanks can be legally constructed and to which no public, community or off-site sewer is extended.

Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use or condition. Land in an undeveloped state does

not include a golf course but may include a recreational trail, picnic area, children's play area, green way, or linear park. Land in an undeveloped state may be, but is not required, to be dedicated to the public.

Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Utility-Scale Solar Energy System (Utility-Scale SES): A Solar Energy System that meets two or more of the following:

A. Is primarily used for generating electricity for sale and distribution to an authorized public utility.
B. The total surface area of the Solar Collector Surface exceeds one-thousand five-hundred (1,500) square feet.
C. Is not an Accessory Use or accessory structure.

Variance: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or undue hardship owing to circumstances unique to the individual property in which the variance is sought.

Watercourse: Any waterway or other body of water having well defined banks, including rivers, streams, creeks, and brooks, whether continually or intermittently flowing and lakes and ponds.

Waterfront Property: See *Lot, Waterfront*.

WECS Tower Height: Height based on the following:

A. Horizontal Axis WECS Rotors: The distance between the ground and the highest point of the WECS, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis WECS rotor when in the vertical position exceeds the height of the WECS.
B. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and, that is commonly referred to as a bog, swamp, or marsh.

Wind Energy Conversion System (WECS): A tower, pylon, or other structure, including all accessory facilities, upon which is mounted a wind vane, blade, or series of wind vanes or blades, or other devices connected to a rotor for the purpose of converting wind into electrical or mechanical energy.

Yard: An open space between a building and the lot lines of the parcel which is unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the building to the rear lot line.

Yard, Side: A yard between the side lot line and the nearest side of the building extending between the front yard and the rear yard.

Zoning Permit: A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building or property in conformity with the provisions of this Ordinance. Formerly known as a Land Use Permit.

ARTICLE IV: GENERAL PROVISIONS

Section 4.01 – The Effect of Zoning

In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of a building or structure on which substantial construction has been lawfully begun prior to the effective date of this Ordinance or any subsequent amendment. Such building or use shall nevertheless be deemed a nonconformity and thus subject to the provisions of **Section 4.02** below.

Section 4.02 – Nonconforming Uses or Structures

Pursuant to the requirements of Act 110 of 2006, as amended, and Section 208 of said Act, MCL125.320, if a use of a dwelling, building or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment.

Restoration of nonconforming uses: Nothing in this Ordinance shall prevent the restoration or repair and resumption of the use of any nonconforming building or structure damaged or destroyed by fire, act of God or acts of the public enemy, obsolescence or weathering rendering the nonconforming use as unsafe or unusable.

Section 4.03 – Principal Uses

Except as otherwise specifically permitted, no lot may contain more than one (1) principal (main) structure or use, excepting groups of apartment buildings, offices, retail business buildings, agricultural structures, or other similar related groups of buildings.

Section 4.04 – Accessory Buildings

A. Authorized accessory buildings or other structures may be constructed either as (a) part of the principal building, or (b) connected to the principal building by a roofed porch, patio, breezeway or similar structure or (c) completely detached from the principal building.
B. Where any accessory structure is attached to a principal building, such accessory structure shall be considered part of the principal building.
C. A detached accessory structure shall be located no closer to a front, side or rear lot line than the permitted distance for the principal structure on the same lot. Driveways, grade-level walkways, and mailboxes are exempt from setback requirements. Fences are exempt from setback requirements. Docks are exempt from waterfront setbacks only. Fences are exempt

from setback requirements of this section, but are subject to other specific restrictions (refer to **Section 4.12** of this Ordinance).

D. An accessory structure may be constructed prior to the principal building, provided the use of the accessory structure would be an accessory use to any permitted use within that zoning district, excluding home businesses.

Section 4.05 – Essential Services

The erection, construction, alteration and maintenance of essential services shall be exempt from the regulations set forth in this Ordinance and shall be permitted in any district. Telecommunication towers, alternative tower structures, wireless communication antenna*e*, commercial WECS farms, and noncommercial WECS shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 4.06 – Mobile Homes

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, and minimum dwelling footprint requirements as specified in **Section 6.08 – Minimum Dwelling Footprint Requirements**. Additionally, they shall meet the following standards:

A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended; 42 U.S.C. 5401 to 5426; 24 CFR, Parts 3280 and 3282.
    1. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
    2. Mobile homes shall not be used as an accessory building.

Section 4.07 – Camping / Recreational Vehicles

Private, non-commercial camping shall be allowed on any property, whether vacant or improved, subject to restrictions as to number and duration of camping units. The property owners may occupy a single tent, travel trailer, motor home, or similar vehicle for up to, but no more than, one hundred eighty (180) consecutive days. Additional and/or non-owner-occupied camping units are permitted for up to, but no more than, twenty-one (21) consecutive days per unit. Commercial camping, where camping units are marketed, promoted, and/or sold, is not a permitted use in any district.

The occupants of any tents, travel trailers, motor homes and other similar vehicles used for private, non-commercial camping shall have access to appropriate sanitary facilities, and all waste disposals shall meet health department requirements. Outdoor storage of unoccupied recreational vehicles is limited to those owned by the property owner and may not be within any required setbacks.

Section 4.08 – Temporary Dwelling during the Construction of a Principal Dwelling

This Section shall allow for placement of a Temporary Dwelling on a parcel to provide temporary sleeping, living, cooking, and sanitation facilities for the property owner(s) during the period in which a principal dwelling conforming to all provisions of this Ordinance is under construction.

A. Temporary Dwellings to be occupied during construction of a principal dwelling shall be permitted in any zoning district in which single-family dwellings are permitted, subject to Planning Commission approval per **Article VII: Site Plan Review**. An approved permit for Temporary Dwellings shall indicate that it is a temporary permit to expire after twelve (12) months and is not transferable to another individual. The applicant may reapply on a no-charge basis for one (1) additional twelve (12) month period.
B. In addition to the requirements of **Section 7.03** of this Ordinance, an applicant seeking approval of a Temporary Dwelling during the construction of a principal dwelling shall include all of the following:
    1. Copy of an approved Zoning Permit for the construction of the associated principal dwelling.
    2. Security pursuant to **Section 9.05** of this Ordinance to cover costs to remove the Temporary Dwelling.
C. The Temporary Dwelling shall be a movable structure or vehicle, such as a Mobile Home or Recreational Vehicle, and must be removed either upon completion of construction of the principal dwelling or upon permit expiration, whichever occurs first.
D. The Temporary Dwelling must be located in the rear or side yard, and the minimum distance between the principal dwelling and Temporary Dwelling must be equal to twice the side yard setback required in the respective district.
E. Septic systems and water wells shall be constructed and maintained in accordance with the standards of materials and installation recommended by local health department and shall precede occupancy of the Temporary Dwelling.
F. The Temporary Dwelling shall comply with all provisions of this Ordinance, with exception of the following:
    1. A Mobile Home used as a Temporary Dwelling is exempt from the requirements of **Section 4.06** of this Ordinance.
    2. A Recreational Vehicle used as a Temporary Dwelling is exempt from the requirements of **Section 4.07** of this Ordinance.
    3. A Temporary Dwelling is exempt from the minimum size requirements per **Section 6.07** of this Ordinance.

Section 4.09 – Temporary Dwelling for Care of Family Members

This Section shall allow for placement of a Temporary Dwelling on a parcel where a principal dwelling already exists when circumstances require members of the family to take residence nearby but in separate quarters-due to age, illness or handicap such that they cannot care for themselves; while at the same time maintaining the character of a single-family neighborhood.

A. Temporary Dwellings for care of family members shall be permitted in any zoning district in which single-family dwellings are permitted, subject to Planning Commission approval per **Article VII: Site Plan Review**. An approved permit for Temporary Dwellings shall indicate that it is a temporary permit to expire after twelve (12) months and is not transferable to another individual. The applicant may reapply on a no-charge basis.
B. In addition to the requirements of **Section 7.03** of this Ordinance, an applicant seeking approval of or reapplying for a Temporary Dwelling for care of family members shall include all of the following:
    1. A written recommendation from a medical doctor, community Mental Health professional or judge stating that the family members require daily supervision or care from a family member residing on the parcel.
    2. A complete list of all individuals to reside on the parcel, including spouses and dependents of the family members requiring daily supervision or care.
    3. Security pursuant to **Section 9.05** of this Ordinance to cover costs to remove the Temporary Dwelling.
    4. Sewage, water well, and waste disposal systems information, including a recent domestic water quality report, a recent pumping record for septic system or recent septic evaluation by the local health department, and a copy of a contract with or recent statement from licensed waste hauler.
C. The property owner must reside in either the principal dwelling or Temporary Dwelling, and the family members requiring daily supervision or care must reside in the other dwelling located on the parcel. Spouses and dependents of family members requiring daily supervision or care must reside in the same dwelling as the family members requiring daily supervision or care.
D. The Temporary Dwelling shall be a movable structure or vehicle, such as a Mobile Home or Recreational Vehicle, and must be removed either when the family members no longer require daily supervision or care or upon permit expiration, whichever occurs first.
E. The Temporary Dwelling must be located in the rear or side yard, and the minimum distance between the principal dwelling and Temporary Dwelling must be equal to twice the side yard setback required in the respective district.
F. The Temporary Dwelling shall on be on a parcel with frontage on either a public or private road, with a driveway adequate to provide off-road parking for two (2) dwellings (at least, but not limited to, three (3) parking spaces).
G. The Temporary Dwelling shall comply with all provisions of this Ordinance, with exception of the following:
    1. A Mobile Home used as a Temporary Dwelling is exempt from the requirements of **Section 4.06** of this Ordinance.

2. A Recreational Vehicle used as a Temporary Dwelling is exempt from the requirements **of Section 4.07** of this Ordinance.
3. A Temporary Dwelling is exempt from the minimum size requirements per **Section 6.07** of this Ordinance.

Section 4.10 – Greenbelt

To preserve and protect natural resources, water quality, and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront property. The purpose of the greenbelt is to maintain a vegetative strip, which is to stabilize banks and shorelines; prevent erosion; absorb nutrients in water runoff from adjacent lands, structures, and impervious surfaces; and provide shading for the water to maintain cool temperatures. The greenbelt shall include all the land area located within twenty-five (25) feet of the ordinary high watermark of any watercourse abutting or traversing the property. Within the greenbelt, the following development and use restrictions shall apply:

A. No structures or impervious surfaces shall be allowed within the greenbelt. Pervious walkways may be allowed when located and designed so as not to unreasonably interfere with, degrade or decrease the effectiveness of the greenbelt.
B. No dredging or filling shall be allowed except for reasonable sanding of beaches where permitted by county, state and federal law. Existing soil and organic matter shall not be altered or disturbed within the greenbelt, except as is necessary in the management of the greenbelt.
C. The use, storage and application of pesticides, herbicides, fertilizers, bio solids, and any product containing phosphates and nitrates are prohibited within the greenbelt.
D. Materials that are unsightly, offensive, hazardous or potentially polluting, shall not be dumped, burned, or stored within the greenbelt and must meet any requirements of County, State and Federal law. A non-exhaustive list of examples of such materials includes garbage, trash, refuse, petroleum products and toxic chemicals.
E. Shorelines composed of naturally occurring sand, gravel, cobblestone or rock shall be left in their natural state.
F. Natural shrubbery, trees, or other vegetation shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally or more effective in retarding and filtering runoff, preventing erosion and preserving natural beauty. Management of natural vegetation within a greenbelt may be allowed to enhance wildlife habitat or views or to maximize the effectiveness and beauty of the greenbelt.
G. Dead, diseased, or dying trees or trees in danger of falling and causing damage or stream blockage may be removed and replaced. The root structure of such trees shall be left undisturbed in order to reduce the risk of erosion and disturbance of the greenbelt; however, if the root structure is diseased or represents a danger to surrounding vegetation, then the root structure may be moved or removed.
H. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a waterfront parcel.
I. All of the following shall meet all applicable County, State or Federal laws and shall not be located within three hundred (300) feet of a greenbelt; above and below ground commercial

petroleum facilities; gas stations; automobile repair shops; auto washes; oil change establishments; slaughterhouses; industrial uses involved in the manufacturing, compounding, processing or treating products; solid waste landfills; junkyards, confined animal feedlots; and subsurface discharges from a wastewater treatment plant.

Section 4.11 – Home Business

While Almira Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure Home Occupations and Cottage Industries are compatible with other allowed uses in residential zones, and thus to maintain and preserve the residential character of surrounding zones.

A. The following shall apply to all Home Businesses:
    1. Home Businesses shall be incidental and subordinate to the principal use of the lot or parcel for residential purposes, except for Short-term Rental.
    2. The use shall not detract from the residential nature or character of the premises or surrounding zone and shall be compatible with surrounding properties and dwelling units.
    3. Home Businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring properties, surrounding zoning districts, or the Township as a whole.
    4. There shall be no exterior evidence of the Home Business other than an unlighted nameplate not to exceed four (4) square feet in area.
B. **Home Occupations:** Any activity which is clearly secondary to a residential use, carried out for economic gain, and which meets all of the following requirements:
    1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right.
    2. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage or accessory building.
    3. Home Occupations shall be conducted only by the person or persons occupying the premises as their principal residence.
    4. Additions to a dwelling or accessory structure for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling or accessory building and shall be designed so that the addition can be used for residential purposes if the home occupation is discontinued.
    5. Home Occupations shall be incidental and subordinate to the principal use of the lot or parcel for residential purposes and shall not detract from the residential character of the premises or neighborhood.
    6. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, electrical

interference or other condition not typically associated with the use of the lot or parcel for residential purposes.

7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials associated with the home occupation is prohibited.
9. Adequate off-street parking shall be provided for patrons and clients.
10. No process, chemicals, or hazardous materials shall be used or stored on sites which are contrary to any applicable State or Federal laws.
11. There shall be no exterior evidence of the Home Occupation other than an unlighted nameplate not to exceed four (4) square feet in area.
12. Regulation of Home Occupations is subject to **Section 4.11.F** of this Ordinance.

C. **Cottage Industries**: Any activity other than a home occupation which is conducted in a way that conforms with the definition of Cottage Industries under this Ordinance that has been conducting activity before the Effective Date of the Zoning Ordinance Amendment on August 28, 2025, shall be deemed a nonconforming use, so long as a Site Plan Review has been completed per **Article VII. Site Plan Review** to clearly identify the use that is deemed to be nonconforming. Such nonconforming use shall not be required to adhere to the terms of **Section 4.11.C**. unless the use changes or is expanded in such a way to change the nonconforming use after the Effective Date of the Zoning Ordinance Amendment on August 28, 2025.

After the Effective Date of the Zoning Ordinance Amendment on August 28, 2025, any activity other than a home occupation which is conducted on the premises or any activity where the premises serves as a base of operation from which to conduct the activity off-site, is clearly secondary to a residential use, is carried out for economic gain, and meets all of the following requirements:

1. Cottage Industries may be permitted as a special approval use in any zoning district in which single-family dwellings are permitted, subject to review and approval by the Planning Commission. Cottage Industries shall be allowed on the basis of individual merit.
2. A periodic review of each Cottage Industry may be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the use shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission subject to **Article VII. Site Plan Review** and **Article VIII. Uses Subject to Special Approval and Supplemental Site Development Standards**.
3. Cottage Industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood.
4. There shall be no exterior signs, billboards, and other advertising structures other than an unlighted nameplate not exceeding four (4) square feet in area. The Planning Commission may allow an unlighted nameplate up to sixteen (16) square feet in area upon finding that the signage will not have a substantial adverse impact on the residential character of the neighborhood.

5. A Cottage Industry shall occupy not more than one building. The Planning Commission may allow additional buildings upon finding that the structures will not have a substantial adverse impact on the residential character of the neighborhood.
6. The outdoor storage of vehicles, goods and/or materials of any kind is prohibited unless screened from view by a tight-board wood fence, landscaped buffer, landscaped berm, etc. which shall retain the residential character of the neighborhood. All screening shall require approval by the Planning Commission. The Planning Commission may, upon finding that the outdoor storage will not have a substantial adverse impact on the residential character of the neighborhood, allow outdoor storage of vehicles, goods, and/or materials, including but not limited to landscaping materials and equipment, construction lumber, concrete products and forms, vehicle fuel storage, bulk steel materials, and welding products.
7. Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning districts. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, electrical interference or other conditions not typically associated with the use of the premises for residential purposes.
8. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses. The Planning Commission may allow additional traffic and delivery or pickup of goods upon finding that the increase will not have a substantial adverse impact on the residential character of the neighborhood.
9. Cottage Industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow additional, nonresident employees or assistants upon a finding that the additional employees are reasonably necessary for the cottage industry to be economically viable and that the additional employees will not have a substantial adverse impact on the residential character of the neighborhood.
10. To ensure that the Cottage Industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
11. Hours of operation shall be approved by the Planning Commission.
12. Adequate off-street parking shall be provided for patrons, clients and off-site employees.
13. Regulation of Cottage Industry is subject to **Section 4.11.F** of this Ordinance.
14. No process, chemicals or hazardous materials shall be used or stored on sites which are contrary to any applicable State or Federal laws.

D. Inspections, Revisions, Terminations, and Extensions:

1. Any home occupation or cottage industry shall be subject to periodic review by the Zoning Administrator.
2. Revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Approval Use Review, Site Plan Review and revised approval by the Planning Commission. The revised Site Plan shall indicate the proposed changes.

3. In the event that a Home Business is not being conducted in a manner consistent with a residential use or Home Business is not in compliance with this Ordinance, the Zoning Administrator shall have the authority to initiate penalties with the owner/operator of the Home Business in accordance with **Section 9.06** of this Ordinance.

Section 4.12 – Fences, Walls and Hedges

A. Notwithstanding other provisions in this Ordinance, fences, walls or hedges may be permitted on any property in any District, provided that no fence or wall shall exceed six and one-half feet (6 feet 6 inches) in height. Such fences, walls or hedges shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Agricultural fences used to confine or restrict animals may exceed the height limits of this section if the agricultural fence uses an Open Fence design.
B. All such fences, walls or structural screen shall be maintained in good repair and safe condition and shall be constructed of material which will not be detrimental to the health, safety and welfare of adjacent residents.
C. Buffering or screening shall be required for the development of commercial or light industrially zoned property located adjacent to residentially used or zoned property. The required screening may consist of a landscape buffer, fence or wall. The buffering or screening shall be shown on the required site plan, as per Article VII. A fence or wall used to provide such screening shall be a minimum of six (6) feet in height, or evergreen plant materials used to create a landscape buffer shall be at least six to eight (6-8) feet in height at time of planting and maintained in a living condition.
D. Where a lot borders a watercourse, fences or walls shall not be constructed within the required twenty-five (25) foot greenbelt.
E. Fences or walls between adjoining lots shall not exceed four (4) feet in height between the front line of the main structure closest to the waterfront and the greenbelt.

Section 4.13 – Water Supply and Sewage Disposal Facilities

All water supply and sanitary sewage disposal systems, either public or private, for any building hereafter erected, altered or moved upon any premises shall comply with the Benzie-Leelanau District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies

Section 4.14 – Storm Water Retention

Storm water drainage in excess of natural conditions shall be retained on site. Storm water retention ponds are required where appropriate.

Section 4.15 – Hazardous Materials/Groundwater Protection

All business or industries that store, use or generate hazardous or polluting materials as defined in this Ordinance, shall meet all County, State and Federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous materials. No discharge to groundwater, including direct and indirect discharges shall be allowed without required permits and approvals.

A. Sites at which hazardous materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
B. Secondary containment for below and above ground areas where hazardous and polluting materials are stored, used, or generated shall be provided and maintained. Secondary containment shall be sufficient to store the material for the maximum anticipated period of time necessary for the recovery of any released material.
C. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a State groundwater discharge permit.
D. The Planning Commission may upon a finding of good cause require the owner of a business or industry under this Section to provide a performance guarantee pursuant to **Section 9.05** of this Ordinance to ensure compliance with the requirements of this Section and to ensure the availability of adequate resources for the cleanup of any spills or unauthorized discharges of hazardous materials into the air, surface of the ground, groundwater, surface water, and/or wetlands.

Section 4.16 – Junkyards, Salvage Yards, Sanitary Landfills

A. The location of junkyard*s*, salvage yard*s* or sanitary landfill*s* shall be not less than one hundred twenty-five (125) feet from any public highway.
B. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence, or by well-maintained evergreens.
C. Areas shall be secured from trespass to maintain public safety.
D. Glare from any process, such as arc welding, which emits harmful rays, shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 4.17 – Outdoor Lighting

The purpose of the Section is to maintain safe nighttime driver performance on public roadways; to preserve the restful quality of nighttime; and to reduce light pollution onto adjacent properties.

A. All outdoor lighting, whether for illuminating sites, parking areas, buildings, docks, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent properties, and further shall not glare upon or interfere with persons and vehicles using public streets.

B. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.
C. Lighting for commercially used properties shall be limited to the hours of operation, plus one (1) hour before and one (1) hour after. Additionally, motion sensor type of security lighting shall be allowed.
D. Beacon and search lights are not permitted.
E. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
F. The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 4.18 – Signs

The purpose of this section is to promote traffic safety, public safety and the preservation of property values through the application of reasonable controls over the use, size, placement and general appearance of signs, billboards and other advertising structures and maintain the rural character and environment of the Township through the implementation of these controls.

A. The use and erection of all signs, billboards, and other advertising structures, shall be subject to all State and local codes and statutes, in addition to the provisions of this Ordinance. All such signs shall be maintained in good repair and safe condition and shall be constructed of material which will not be detrimental to the health, safety and welfare of Township residents.
B. The provisions of this Section regulate the size, placement, use and structural quality of signs. Except as provided herein, no sign shall be constructed, erected, enlarged structurally, altered or relocated without first obtaining a sign permit pursuant to this Section.
C. Exempt Signs (Signs Not Requiring Permits)**.** Exempt signs may be placed in any zoning district without a sign permit, or fee payment, provided such signs comply with all applicable Federal or State laws or regulations and are located so as not to cause a nuisance or safety hazard. Such signs must meet setback, size, height, and lighting requirements in the zoning district in which located. Such signs must not be placed within the road right-of-way. The following signs are exempt:
    1. Political Campaign signs, but must be removed within five (5) days following election or ballot issue.
    2. Signs expressing opinions regarding religious, political and/or other non-commercial topics.
    3. On-site real estate for sale and/or for rent signs which are non-illuminated with a maximum sign display area of eight (8) square feet single or double sided. Such real estate sign shall be removed within seven (7) days of the sale or rental of the property.

4. On-site address/Identification Signs, for one- and two-family dwellings, but limited to one per structure with a maximum sign display area of four (4) square feet single or double sided.
5. On- site building construction signs, but limited to one non-illuminated sign with a maximum sign display area of eight (8) square feet single or double sided.
6. On-site temporary development signs, but limited to one non-illuminated sign with a maximum sign display area of sixteen (16) square feet single or double sided.
7. On-site agricultural product signs within the Agriculture (A) Zoning District, which advertise the sale of farm products grown on the premises. Such signs must be non-illuminated with a maximum sign display area of sixteen (16) square feet single or double sided.
8. Street name signs, route markers and other traffic control signs that are erected or approved by state, county, or Township agencies as necessary to give proper directions or to otherwise safeguard the public.
9. On-site directional signs to direct motorists or pedestrians to parking entryways or on-site features, providing such sign shall not exceed three (3) square feet in area. Such directional signs shall not be included in calculating the maximum square footage of on-site sign, pursuant to **Section 4.18.E** of this Ordinance.
10. Signs that are strictly intended to warn the public of dangerous conditions or hazards, including but not limited to road hazards, high voltage, fire danger, explosives, limited visibility, etc.
11. Signs exclusively devoted to controlling property access (e. g., no trespassing, private property, keep out, no hunting) with a maximum sign display area of six (6) square feet single or double sided.
12. Signs marking an historically significant site, when sanctioned by a national, state or local historic organization recognized by the Planning Commission. Such sign shall have a maximum sign display area of six (6) square feet single or double sided.
13. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
14. Signs advertising sales such as garage, estate, auction, moving, yard sales, or events such as open houses, family reunions, or graduation parties. Such signs must not exceed four (4) square feet single or double sided, and may not remain more than seven (7) consecutive days.

D. Sign Permits. Sign permit applications shall be obtained from the Zoning Administrator. All sign permit applications shall be accompanied by scaled drawings, indicating the dimensions, location, and structural design of the proposed sign, plot plan and sign easement, if applicable.
    1. Upon application for a sign permit, the applicant shall pay a fee as established by the Township Board.
    2. The Zoning Administrator shall review all properly filed applications for sign permits and issue permits only for those applicants fully meeting the criteria established in this Ordinance, including any requirements **of Article VII: Site Plan Review** pertaining to Site Plan approval, if applicable, and the State construction code.

3. The Zoning Board of Appeals may authorize a reduction, modification or waiver of any of the requirements of this Article upon written request provided the standards established in **Article X: Board of Appeals** are fully met.

E. Maximum Sign Size. The size of any publicly displayed sign, symbol or notice on a premise to indicate the name of the occupant, to advertise the business transacted there, to express non-commercial political views, or directing to some other locale, shall be regulated as follows:

Use District	**Maximum Size of Sign per Side**
R-1* and R-2*	Four (4) square feet
F/R, A, C and PUD	Twenty-four (24) square feet
I	Thirty-two (32) square feet

F. Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than sixteen (16) square feet per sign.

G. Prohibited Signs. The following signs are prohibited in all district:
   1. A sign containing, or is an imitation of, an official traffic sign or signal or contains the words “stop”, “caution”, “danger”, or any other words, phrases or symbols, which shall interfere with, mislead or confuse.
   2. Off-premise signs, except those listed as exempt in **Section 4.18.C** of this Ordinance.
   3. Any sign which obstructs the ingress or egress from a required door, window or other required exit.
   4. Any sign located in the right-of-way of public streets or highways.
   5. Window signs located on the face of windows which cover more than twenty-five percent (25%) of the total window area on any side of the building.
   6. Internally lighted signs in the Residential (R-1, R-2), Forest/Recreation and Agricultural Districts.
   7. A motor vehicle with a sign which is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.

H. **Residential, Forest/Recreation and Agricultural District Sign Regulations**
   1. Permitted Signs: The following signs are permitted in the Residential (R-1, R-2), Forest/Recreation and Agriculture districts and may require a fee and permit.
      a. Multifamily Address Sign: One (1) wall-mounted sign per multifamily structure with a maximum sign display area of four (4) square feet.
      b. Multifamily Development Identification Sign: One (1) monument sign per entrance identifying the multifamily development, with a maximum sign display area of sixteen (16) square feet single or double sided and not exceeding eight (8) feet in height above existing grade. Said sign shall be designed and constructed with a decorative and/or landscaped base.
      c. Business Identification Sign: One (1) non-illuminated business identification sign per lot with a maximum sign display area of sixteen (16) square feet single or double sided in the Forest/Recreation and Agriculture zoning districts.
      d. Neighborhood Identification Sign: One (1) non-illuminated monument sign per entrance to the neighborhood identifying the subdivision, with a maximum sign display area of sixteen (16) square feet and not exceeding eight (8) feet in height

above existing grade. Said sign shall be designed and constructed with a decorative and/or landscaped base.

e. Group Day Care and Family Day Care: One (1) non-illuminated monument or wall-mounted sign identifying the childcare center with a maximum sign display area of four (4) square feet single or double sided.
f. Home Occupation Sign: One (1) non-illuminated sign identifying the home occupation with a maximum sign display area of four (4) square feet single or double sided.
g. Institutional Sign: One (1) monument or wall-mounted sign identifying the institution with a maximum sign display area of twenty-four (24) square feet single or double sided.

2. Sign Standards: The following standards are required for signs in the Residential (R-1, R-2), Forest/Recreation and Agriculture zoning districts:
    a. Lighting: All externally lighted signs shall be illuminated with full cut off shielding to direct the light on the sign or structure face only and shield the light source from view of vehicular and pedestrian traffic and adjacent property.
    b. General Setbacks: All signs, except those exempt under **Section 4.18.C** of this Ordinance shall be setback a minimum of one (1) foot from the established road right-of-way for every one (1) foot of sign height. In absence of road frontage, said signs shall be setback a minimum of one (1) foot from the established property line for every one (1) foot of sign height.
    c. Height: The maximum height for signs shall be eight (8) feet, unless the sign is a wall-mounted sign attached to a structure or as otherwise specified in this Section. No sign shall project above any roofline.

I. **Commercial (C) and Light Industrial (I) Sign Regulations**

1. Permitted Signs: The following are permitted in Commercial (C) and Light Industrial (I) zoning districts;
    a. Single-Family and Two-Family Address/Identification Sign: One (1) identification sign per structure with a maximum sign display area of two (2) square feet single or double sided.
    b. Multifamily Address Sign: One wall-mounted sign per multifamily structure with a maximum sign display area of four (4) square feet.
    c. Multifamily Development Identification Sign: One non-illuminated monument sign per entrance identifying the multifamily development, with a maximum sign display area of sixteen (16) square feet single or double sided and shall exceeding eight (8) feet in height above existing grade. Said sign shall be designed and constructed with a decorative and/or landscaped base.
    d. Neighborhood Identification Sign: One non-illuminated monument sign per entrance to the neighborhood identifying the subdivision, with a maximum sign display area of sixteen (16) square feet single or double sided and not exceeding eight (8) feet in height above existing grade. Said sign shall be designed and constructed with a decorative and/or landscaped base.

e. Group Day Care and Family Day Care Sign: One non-illuminated monument or wall-mounted sign identifying the childcare center with a maximum sign display area of sixteen (16) square feet.
f. Licensed Day Care Facility Sign: One wall-mounted monument or wall-mounted sign identifying the licensed day care with a maximum sign display area of twenty-four (24) square feet.
g. Home Occupation Sign: One non-illuminated sign identifying the home occupation with a maximum sign display area of four (4) square feet.
h. Institutional Sign: One monument or wall-mounted sign identifying the institution with a maximum sign display area of twenty-four (24) square feet in Commercial districts and thirty-two (32) square feet in Light Industrial districts.
i. Commercial (C) and Light Industrial (I) Identification Signs, subject to the following requirements:
    (A). Businesses with frontage on a right-of-way shall be allowed the following two (2) signs:
        (1). One (1) monument sign with a maximum sign display area of twenty-four (24) square feet in Commercial and thirty-two (32) square feet in Light Industrial, single or double sided. Said sign shall be designed and constructed with a decorative and/or landscaped base; and
        (2). One (1) wall-mounted sign per business with a maximum sign display area of twenty-four (24) square feet in Commercial and thirty-two (32) square feet in Light Industrial.
    (B). Local Business Parks shall be allowed the following two (2) signs:
        (1). One (1) monument sign, identifying only the name of the park, with a maximum sign display area of twenty-four (24) square feet in Commercial and thirty-two (32) square feet in Light Industrial, single or double sided. Said sign shall be designed and constructed with a decorative and/or landscaped base; and
        (2). One (1) wall-mounted sign per business with a maximum sign display area of twenty-four (24) square feet in Commercial and thirty-two (32) square feet in Light Industrial.

2. Sign Standards**:** The following standards are required for signs in the Commercial and Light Industrial zoning districts:
    a. Lighting: Signs with external or internal illumination are permitted in the Commercial and Light Industrial zoning districts except as prohibited by **Section 4.18.G** of this Ordinance. Said signs shall comply with the following illumination standards:
        (A). The sign display area intended to be internally illuminated shall consist of a dark background with contrasting light lettering and/or symbols so as to minimize the intensity of the internal light source.
        (B). All externally lighted signs shall have full cut off shielding to direct the light on the sign display area only and to shield the light source from view of vehicular and pedestrian traffic and adjacent property.

(C). All signs must be stationery. Signs containing flashing or moving lights are prohibited. Digital signs are allowed but may change only once every minute.

(D). All signs with external or internal illumination shall be required to have an electrical permit from the Benzie County Construction Code Office, Electrical Division for the particular sign under construction.

b. General Setbacks: All signs shall be setback a minimum of one (1) foot from the property line and/or right-of-way for every one (1) foot of sign height.

c. Height: The maximum height for signs shall be twelve (12) feet. Said signs shall not exceed the maximum height requirements unless the sign is wall mounted to a structure or as otherwise specified in this Section. No sign shall project above any roofline.

J. Maintenance of Signs

1. It is unlawful for any person to retain or permit to be retained on any premises owned or controlled by said person any sign, which is damaged, deteriorated, constitutes a danger or hazard to public safety or a visual blight.
2. Off premises signs must be removed within thirty (30) days of termination of business.

Section 4.19 – Site Condominium and Subdivision Developments

The following regulations shall apply to all site condominium or subdivision developments within the Township of Almira.

A. All condominium or subdivision projects shall be subject to the standards and requirements set forth for the zoning district in which the project is proposed.

B. The maximum number of residential units allowed for a residential site condominium or subdivision project shall be calculated based on dividing the total project acreage by the minimum lot requirements as per the Schedule of Regulations in **Section 6.07** of this Ordinance. In the case of fractional units, the number of allowed units shall be rounded down to the number of whole units.

C. Minimum spacing between detached residential buildings shall not be less than the one and one-half (1 ½) times the height of the higher building as measured from the lowest first floor elevation, or 20 feet minimum, whichever is greater. All exterior walls for clustered structures shall have a minimum fire rating of two (2) hours. Planted, landscaped, or existing natural vegetative buffer areas of twenty-five (25) feet in width are required along all exterior boundaries of the property to be developed and will be maintained in a living condition.

D. All condominium or subdivision developments shall be subject to the requirements and standards included in Article VII: Site Plan Review. Prior to recording the Master Deed (required by the Condominium Act, as amended) or final plat approval (required by the Land Division Act, as amended), the condominium or subdivision development shall undergo site plan review and approval pursuant to this Ordinance.

E. Site Plans for Phased Projects: prior to expansion of a condominium or subdivision development to include additional land, each new phase of the project shall undergo site plan review and approval pursuant to Article VII: Site Plan Review of this Ordinance.

F. Planted, landscaped, or existing natural vegetative buffer areas with a minimum width of twenty-five (25) feet are required along all exterior boundaries of the property to be developed, shall be maintained in a living condition, and meet the following requirement: A description of the buffer areas shall be stated in the Master Deed, describing any uses, restrictions, maintenance requirements, and/or any other relevant information, and shall provide adequate and appropriate buffering for the design of the project, existing natural features, as well as adjacent land uses.

Section 4.20 – Natural Features and Open Space Protection

The following shall apply to all development proposals for which a site plan is required.

A. A twenty-five (25) foot filtration buffer along streams and tributary swales shall be established to inhibit erosion and sedimentation and preserve their natural character; the standards of **Section 4.10** of this Ordinance shall apply.
B. Existing grades and topography are to be retained; mass grading or extensive filling and land balancing shall be restricted to the minimum extent necessary for reasonable use of the land.
C. Slopes over eighteen percent (18%) and unique wildlife habitats shall be preserved to the maximum extent possible.
D. The proposed development shall be planned to avoid, to the maximum extent feasible, the cutting, trimming, or clearing of trees and other natural vegetation, within one hundred (100) feet of any watercourse.
E. Dedication of lands and facilities for passive and active outdoor recreational activities shall be contiguous to or link current Township open spaces; such lands provide for the recreational needs of the residents and or preserve significant natural features.

Section 4.21 – Landscaping

The following shall apply to all development proposals for which a site plan is required.

A. Site Landscaping
    1. In addition to any landscape buffer and/or parking lot landscaping required by this section, ten (10) percent of the site area, excluding thoroughfare right of way, shall be landscaped in grass, groundcover, shrub and/or other natural, living landscape materials and maintained in a living condition.
    2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the landscaped area, but may not exceed five (5) percent of the site area or one half of the required site landscaping area.
B. Landscape Buffer
    1. A strip of land with a minimum width of fifteen (15) feet shall be located between the buildable area and the abutting road right-of-way and shall be landscaped with a minimum of one (1) tree for each thirty linear feet. The trees shall have a height of twelve (12) feet or a minimum trunk diameter of 2 ½ inches at the time of planting. The

remainder of the landscape buffer shall be landscaped in grass, groundcover, shrub and/or other natural, living landscape materials and maintained in a living condition.

2. Access ways from public rights-of-way through the required landscape strips shall be permitted, but such access ways shall not be subtracted from the linear dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing requirement set forth in this section

C. Parking Lot Landscaping
    1. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, and a minimum landscaped area within any designated parking area of fifty (50) square feet.
    2. The trees shall have a height of twelve (12) feet or a minimum trunk diameter of (two and a half) 2-½ inches at the time of planting.
    3. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of pavement.

Section 4.22 – Permitted Uses (Towers)

A. Telecommunication towers and alternative tower structures located on property owned, leased, or otherwise controlled by Almira Township shall be permitted provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by Almira Township.
B. Antenna co-located on telecommunication towers and alternative tower structures which have received a special approval use permit under **Article VIII: Uses Subject to Special Approval** shall be permitted.

Section 4.23 – Private Roads

A. Purposes: The purposes are to regulate the design, construction, and maintenance of private roads and provide means to ensure compliance with the provisions of this Ordinance. These regulations are specifically enacted to ensure that:
    1. Private roads will not be detrimental to the public health, safety, or general welfare.
    2. Proposed private roads will not adversely affect the long-term development plans or policies of Almira Township.
    3. Private roads will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, trucks, delivery vehicles, vehicles for residential and commercial construction, police, fire, ambulance, and other emergency vehicles.
    4. Private roads will be constructed to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
    5. Owners of lots that are served by private roads understand their responsibilities to participate in the maintenance of such roads.
B. Authority. Private roads shall be permitted provided they conform to the requirements of this Ordinance. No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road permit had been

completed and filed with the Zoning Administrator and subsequently approved in accordance with the procedures of this Ordinance. No more than twenty-five (25) dwellings or parcels of land may be served by a single private road if only one (1) point of intersection is provided between a private road and a public road. No more than seventy-five (75) dwellings or parcels of land may be served by a private road where two (2) or more points of intersection are provided between a private road or roads and public roads. Where more than seventy-five (75) dwelling units or parcels of land are served, the road shall be a paved public street built to full Benzie County Road Commission standards.

C. Private Road Standards
    1. Road Continuation/Turnarounds/Intersections
        a. Road Continuation Required. Whenever an existing road terminates at the boundary of the proposed development, this road shall be connected with the road system of the proposed development.
        b. Turnarounds. The layout of roads shall provide, as much as possible, for continuous travel. In special cases, where lands to be divided are limited in size or are subject to a natural barrier, the Planning Commission may approve a cul-de-sac not exceeding a length of six hundred (600) feet provided it has a forty (40) feet minimum road surface radius with a sixty (60) feet right-of-way radius. For short dead-end roads serving six (6) or fewer houses, the Township Board may approve a hammerhead turnaround. Neither a cul-de-sac nor a hammerhead shall be allowed where it is reasonable to connect to other roads or adjacent properties.
        c. Angle of Intersection. Roads shall be designed to intersect at ninety (90) degrees or as close thereto as possible. In no case shall the angle of intersections be less than seventy-five (75) degrees.
        d. Sight Distance. The minimum clear sight distance at all private road intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center point of the intersection.
        e. Number of Roads. No more than two (2) roads shall cross at any one (1) intersection.
        f. “T” Intersections. “T” type intersections shall be used wherever practical.
        g. Centerline Offsets. Slight jogs at intersections shall be avoided. Where such jogs are unavoidable, road centerlines on opposite sides of the road shall be offset by a distance or not less than one hundred fifty (150) feet.
        h. Vertical Alignment of Intersections. A one percent (1%) grade or less shall be required at intersections. This nearly flat section shall extend no less than seventy-five (75) feet from the center of the crossroad.
    2. Minimum Right-of-Way Width. The minimum width of the right-of-way shall be determined by drainage and utility needs. In no case shall the right-of-way be less than 33 feet where the drainage and utility easements are outside the right-of-way or less than 44 feet where drainage and utility easements are inside the right-of-way. The road surface, shoulders, and ditches shall be located within the right-of-way. Back slopes may be permitted beyond the right-of-way provided a temporary grading easement is provided until the road construction is completed, if legally required.

3. Minimum Road Surface and Shoulder Design Standards. The following design standards shall apply to private road surfaces and shoulders:
    a. Road Surface Required.

        (A). Gravel Road: For private roads servicing ten (10) to twenty (20) residential lots or parcels, the road surface may be gravel meeting the requirements of this Ordinance and the centerline road grades shall be between 0.4 to 7.0%
        (B). Paved Road: For private roads servicing more than twenty (20) residential lots and parcels; all businesses; and centerline road grades exceeding 7.0%, the road surface shall be paved meeting the requirements of this Ordinance.

    b. Minimum Road Surface Width. Private roads with the following surfaces and centerline grades shall meet the following minimum road surface widths:

Road Surface	**Centerline Grades**	**Minimum Width**
Gravel Surface	0.4 to 7.0%	20 Feet[1]
Paved Surface	7.1 to 9.0%	20 Feet
Paved Surface	9.1 to 12%	22 Feet

    c. Minimum Shoulder Width. The minimum shoulder widths for all private roads shall be two (2) feet.
4. Road Specifications.
    a. Aggregate Base Course. A minimum total depth of six (6) inches of compacted dense aggregate shall be placed on private roads. The aggregate base course shall be placed on the prepared sub-grade for the entire width of the road surface. All material specifications shall meet the current MDOT specifications for 22A aggregate for paved roads and 23A for gravel roads.
    b. Bituminous Pavement. Where bituminous aggregate pavement is required, bituminous aggregate pavement course, MDOT Specification 1100T (or an alternate mix recommended by the Township's consulting engineer), shall be applied in one (1) or more courses at the minimum rate of 220#/SYD.
5. Shoulder Specifications. Shoulders for paved roads shall consist of six (6) inches of compacted 23A gravel. Where ditches are applicable, slopes shall be sodded or seeded and mulched to insure an adequate covering of grass.
6. Centerline Grade. The minimum road centerline grade shall be four-tenths percent (0.4%). The maximum road centerline grade shall be twelve percent (12%).
7. Public Road Connection Required. A private road or private road system shall have at least one access to a public road. Construction authorization from the Benzie County Road Commission is required for connection to a county road. When applicable, a

[1] Shoulder is required in addition to road surface width.

permit is also required from the County under the Soil Erosion and Sedimentation portion of PA 451 of 1994, part 91, as amended.

8. Compliance with AASHTO Requirements. Where no specific standard is provided in this Section, private road design plans shall meet the design criteria outlines in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets".
9. Utility Easements. Utility easements shall be required in conjunction with the private road project unless they are otherwise provided along the rear property lines of the lots or parcels being serviced by the road project. Utility easements shall have a minimum width of ten (10) feet regardless of whether they are located inside or outside the right-of-way.
10. Road Names and Signs. Private roads serving two or more properties shall have a road name approved by the Township Board. Proposed names shall be submitted with the application. Addresses shall be assigned by the Benzie County Equalization Department. In the event a road name is requested by the applicant which, in the opinion of the Benzie County Equalization Director, duplicates a road name elsewhere in the county, a name change shall be initiated by the applicant to eliminate the duplication. The applicant shall furnish and erect road name signs at all intersections within the project and entrances thereto, to assist in the location of the property by emergency vehicles. The design and color of the road name signs shall be consistent with the specifications of the Benzie County Road Commission.
11. Traffic Control Signs. Traffic control signs shall be placed in accordance with the Michigan Manual of Uniform Traffic Control Devices. Signs marked "Private Road" shall be erected and maintained by the applicant at the entrance to all private roads.

D. Nonconforming Private Roads. Roads existing and used as private roads at the time of adoption of this Ordinance that do not conform with the design standards of this Ordinance may continue to be used; provided the grade, road surface, shoulder and paving requirements of this Ordinance are satisfied prior to the issuance of zoning permits by the Township Zoning Administrator for new buildings serviced by the private road.

E. Application Requirements.
    1. Application. An application for a private road permit shall be submitted on forms provided by the Township Zoning Administrator.
    2. Plans and Agreements Required. Ten (10) sets of the following materials shall be submitted to the Township Zoning Administrator at least thirty (30) days prior to the date the application will be reviewed by the Planning Commission. All plans shall be sealed by a registered professional engineer licensed in the State of Michigan.
        a. Construction Plans. Detailed construction plans shall be provided at a scale of 1" = 100' (one inch equals one hundred feet) or larger and shall include the following:
            (A). Detailed survey drawings showing the right-of-way, the proposed road location, road names, and all parcels being serviced by the private road.
            (B). Existing conditions, including topography at two (2) foot contour intervals, existing and proposed drainage courses and facilities and any structures that may be affected by the proposed road.

(C). The proposed gradients of all roads, a grading plan illustrating cuts and fills, the location of drainage facilities and structures, and other pertinent information as may be requested by the Township Zoning Administrator.

(D). Utility easements shall be shown on the plan and such utility easements shall include the legal authority to place sanitary and storm sewer, water, gas, telephone, electric, cable TV, and other public utilities within the easements.

(E). Design specifications for roadbeds, shoulders, ditch profiles and slope requirements.

b. Drainage Plan. A drainage plan satisfying the requirements of the Benzie County Soil Erosion and Sedimentation Control Officer shall be prepared by a registered professional engineer licensed in the State of Michigan, which plan shall be designed to control erosion and retain storm water on-site or direct it to a proper drainage course. The drainage plan, as it pertains to roads, shall indicate the manner in which surface drainage is to be discharged. This will require making use of existing ditches, natural watercourses, or constructing tributaries thereto. An easement twenty (20) feet or more in width shall be provided when the drain crosses private property within or adjacent to the project. The drainage plan shall conform to the requirements of all agencies having jurisdiction.

c. Road Maintenance Agreement.

(A). A proposed road maintenance agreement shall be provided to be reviewed by the Planning Commission. The road maintenance agreement shall the following:

(1). That all decisions regarding road improvements and maintenance be approved by a majority vote of those having ownership in lands that are served by the private road.

(2). That the owner of each parcel be responsible for payment of the costs apportioned to his or her parcel.

(3). That the owners have the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect sums owed.

(4). That the agreement be recorded with the Benzie County Register of Deeds, run with the land, and bind and benefit the parcels, (and the owners thereof) in perpetuity.

(5). That the owner or owners of the land served by the road are responsible to grade, drain, and otherwise maintain the private road in accordance with the requirements of this Ordinance.

(6). That a statement indicating that the owners have not requested the Benzie County Road Commission to accept the road as a public road. As such, the road shall be private and the county road commission shall have no obligation to maintain the road in any manner. This provision, however, shall not prevent the future upgrading of the road to county road commission standards nor

preclude a request in the future that the road be taken over by the county road commission.

(7). A notice that if repairs and maintenance are not made, the Township may bring the road up to established Almira Township Zoning Ordinance Road Standards for private roads and assess the owners of the parcels on the private road for the improvements.

(8). A notice that no public funds of the Township of Almira are to be used to build, repair, or maintain the private road and the Township has no responsibility for the maintenance and upkeep of the road.

(B). Township Attorney Review. The road maintenance agreement shall be reviewed and approved by the Township attorney for compliance with this Ordinance. Following approval by the Township attorney, the agreement shall be recorded with the Benzie County Register of Deeds.

F. Application Review Procedures.
   1. Township Zoning Administrator Review. The Township Zoning Administrator shall review the application and plans for a private road to determine whether they are complete. In the event the application is incomplete, the Township Zoning Administrator shall inform the applicant, in writing, of any deficiencies.
   2. Agency and Township Attorney Review. When it is determined that the application and plans are complete, the Township Zoning Administrator shall transmit one (1) copy of the application and plans to each of the following agencies (impacted or affected by the proposed private road) for their review and comment:
      a. Benzie County Zoning Department;
      b. Benzie County Road Commission;
      c. Benzie County Health Department;
      d. Benzie County Drain Commissioner;
      e. Benzie County Soil Erosion Control Office;
      f. Benzie County and Grand Traverse County School Districts – Superintendent of Schools;
      g. Almira Township Fire Chief;
      h. Benzie County Sheriff's Department.

G. The Township Zoning Administrator shall forward a copy of the application and plans to the Michigan Department of Transportation (MDOT) if the private road connects to a state highway. Comments and recommendations from the above agencies shall be provided to the Planning Commission prior to the date of the meeting at which the application is to be reviewed. If no comments or recommendations are received from the above agencies within thirty (30) days of the date the application and plans are transmitted, then it shall be deemed that the agency failing to respond has no objections to the proposed private road.
   1. Planning Commission Review/Action. After reviewing all of the materials and recommendations submitted, the Planning Commission shall approve, or approve with conditions, the application for a private road if it finds that all of the standards of **Section 4.23.E** of this Ordinance have been satisfied. When approval is granted by the Planning Commission, a preliminary private road permit shall be issued by the Zoning

Administrator. If the application is denied or if conditions are issued by the Planning Commission, the reasons for the denial and/or conditions shall be given in writing to the applicant.

2. Inspections. The Zoning Administrator shall arrange for inspections by the Township's consulting engineer during the construction of and upon completion of the private road. The applicant shall be responsible for the costs of these inspections.
3. Conditions. The Planning Commission may attach reasonable conditions when granting approval for a private road. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
    a. Be designed to protect natural resources, the health, safety, welfare and social/economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
    b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
    c. Be necessary to meet the purpose of this Ordinance, be related to the standards established in this Ordinance, and be necessary to insure compliance with those standards.
4. Final Approval. The Planning Commission shall grant approval of a final private road permit upon inspection by the Township Zoning Administrator and/or the Township's consulting engineer and a finding that the road was constructed according to the approved plans.
5. Failure to Perform. Failure by the applicant to begin construction of the private road according to the approved plans on file with the Planning Commission within one (1) year from the date of approval shall void the approval, and new approval shall be required before construction begins. The new application shall be reviewed subject to any changes made in this Ordinance regarding the standards and specifications for road construction and development.
6. Notice of Easements. All purchasers of property where a private road provides access to the premises shall, prior to closing on the sale, receive from the seller a notice of easement, in recordable form, conforming to the following:

    "This parcel of land has private road access across a permanent easement which is of record and a part of the deed. This notice is to make the Purchaser aware that his parcel of land has ingress and egress over this easement only. Neither the County nor the Township has any responsibility for the maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States Postal Service and the local school district are not required to traverse this private road and may provide service only to the nearest public access (Michigan Public Act 134 of 1972, as amended)."

Section 4.24 – Private Drives

A. Private Drives serving three (3) to nine (9) dwellings and/or parcels are not required to comply with the established standards for a private road. All private drives shall have a width of not less than twenty-four (24) feet and a minimum improved road surface of not less than twelve (12) feet, and shall have signs posted at all access points from a public road, clearly stating the name and "Private Drive, not maintained by Township or County." All private drives shall be recorded with the Benzie County Register of Deeds and with the Township.
B. In the event any divisions of land are made such that a formally designated private drive will serve an additional tenth (10^{th}) dwelling unit or parcel, then the portion of the private drive between the new dwelling unit or parcel and the public road shall be required to comply with the Private Road provisions of this section. The costs of upgrading the private drive to a private road shall be the responsibility of the party creating the tenth (10^{th}) parcel accessing the drive.

Section 4.25 – Animals

The following regulations shall apply to the keeping of animals and livestock:

A. Except for individual pets or 4-H projects, the raising or keeping of small animals such as rabbits, poultry, goats or sheep, shall not be permitted on parcels less than one (1) acre in size. However, on parcels of less than one (1) acre, up to four (4) chickens (no roosters) can be kept, that are properly housed within a total enclosure at all times, located outside of property setbacks and screened so as not to become objectional to neighboring residential uses.
B. The keeping of large livestock, such as hogs, horses or cattle is allowed on any parcel of land four (4) or more acres in size. Such animals shall not be kept closer than one hundred fifty (150) feet from a neighboring residential structure and shall be properly fenced. All animals are to be kept so as not to create a public nuisance.
C. The raising or keeping of small animals, such as rabbits, poultry, goats or sheep, for agriculture purposes and the raising or keeping of large livestock, such as hogs, horses or cattle, for agriculture purposes shall be in full compliance with the Michigan Right to Farm Act, Act 93 of the Public Acts of 1981, as amended, and in full compliance with the generally accepted agricultural management practices for the animals in question.

Section 4.26 – Noncommercial WECS and Noncommercial Anemometer Towers.

A. Noncommercial WECS and noncommercial anemometer towers are permitted by right in all districts provided the requirements of this section are met.
B. A person who desires to develop a noncommercial WECS or a noncommercial anemometer tower shall file an application with the Zoning Administrator, which application shall contain or be accompanied by the following information:
    1. A site plan meeting the requirements of **Section 7.03** of this Ordinance, unless the Zoning Administrator finds that a particular item of site plan data is not applicable to determine whether the proposed noncommercial WECS or noncommercial anemometer tower meets the requirements of this section.

2. A detailed written statement, with supporting evidence, demonstrating how the proposed noncommercial WECS or noncommercial anemometer tower complies with all of the standards for approval specified in this section.
3. A study prepared by a qualified registered engineer documenting that the site of the proposed noncommercial WECS has sufficient annual wind resources for the proposed noncommercial WECS. Provided, however, this application requirement shall not apply to a noncommercial anemometer tower.
4. Written documentation establishing whether the proposed noncommercial WECS location on the site will create shadow flicker on any roadway and/or on existing structures located off the property on which the noncommercial WECS will be constructed, and if so, the extent and duration of the shadow flicker on the roadway and/or existing structures and the steps to be taken to minimize the shadow flicker on the roadway and/or existing structures. Provided, however, this application requirement shall not apply to a noncommercial anemometer tower.

C. Upon receipt of an administratively complete application with all of the required information, the Zoning Administrator shall issue a zoning permit for the proposed noncommercial WECS or noncommercial anemometer tower if he or she finds that the proposed noncommercial WECS or noncommercial anemometer tower complies with all of the following applicable requirements:
1. The noncommercial WECS tower height or the height of the noncommercial anemometer tower shall not exceed 100 feet.
2. The minimum lot size for a noncommercial WECS or the noncommercial anemometer tower shall be as necessary to meet required setbacks and any other standards of this section.
3. The noncommercial WECS or the noncommercial anemometer tower shall be set back from any adjoining lot line or from the right-of-way of any public or private road a distance equal to one and one-half (1.5) times the noncommercial WECS tower height or anemometer tower height. The setback shall be measured from the outermost point on the base of the noncommercial WECS or the noncommercial anemometer tower.
4. The noncommercial WECS or the noncommercial anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
5. The noncommercial WECS or the noncommercial anemometer tower shall not be artificially lighted.
6. The noncommercial WECS or the noncommercial anemometer tower shall have no advertising painted on or attached to the WECS or anemometer tower or any accessory structure of the WECS or anemometer tower.
7. The noncommercial WECS or the noncommercial anemometer tower shall be painted a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable.
8. The noncommercial WECS or the noncommercial anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate WECS or other tall structures.

9. The proposed site shall have documented annual wind resources sufficient for the operation of the noncommercial WECS. Provided, however, this standard shall not apply to a noncommercial anemometer tower.
10. The noncommercial WECS shall produce sound pressure levels that are no more than fifty-five (55) decibels as measured on the dB(A) scale at the property lines of the site in question. Provided, however, this standard shall not apply to a noncommercial anemometer tower.
11. The noncommercial WECS shall not produce vibrations beyond the property lines of the lot on which the noncommercial WECS is located of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on any reasonable person of normal sensitiveness. Provided, however, this standard shall not apply to a noncommercial anemometer tower.
12. The lowest point of the arc created by rotating wind vanes or blades on a noncommercial WECS shall be no less than twenty (20) feet. Provided, however, this standard shall not apply to a noncommercial anemometer tower.
13. The noncommercial WECS shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific noncommercial WECS to prevent uncontrolled rotation or over speed. Provided, however, this standard shall not apply to a noncommercial anemometer tower.
14. The noncommercial WECS shall be designed and sited in such a manner to minimize shadow flicker expected to fall on a roadway and on any existing structures located off the property on which the noncommercial WECS is constructed. Provided, however, this standard shall not apply to a noncommercial anemometer tower.

Section 4.27 – Medical Use of Marijuana

Intent and Purpose. With the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq, the Almira Township Zoning Ordinance has not kept pace with this recent legislation. As a result, the purpose of this section is to implement land use regulations to address the medical use of marijuana in accordance with the MMMA.

A. Regulations for Qualifying Patients. The medical use of marijuana by a qualifying patient in that qualifying patient's dwelling or an accessory building to that dwelling is hereby recognized as an accessory use to the principal residential use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:
    1. The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
    2. All marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the qualifying patient.
    3. If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must

not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

B. Regulations for Primary Caregivers. The medical use of marijuana by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district provided that all of the following regulations are met:
    1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
    2. The primary caregiver must obtain a zoning permit under **Section 9.03** of this Ordinance.
    3. Except when being transported as provided in **Subsection 9** below, all marijuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
    4. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
    5. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
    6. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than two (2) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients, for purposes unrelated to primary caregiver services, at a primary caregiver facility.
    7. Qualifying patient visits to a primary caregiver facility shall be for purposes other than receiving medical marijuana and shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (a) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (b) the qualifying patient visits are for purposes unrelated to primary caregiver services.
    8. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (a) in the presence of his/her patient or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services.
    9. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying

patient, and such delivery shall take place on private property (off-site from the primary caregiver facility) away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.

10. No marijuana for medical use shall be consumed, smoked or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
    a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to the primary caregiver services, and
    b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
12. A primary caregiver facility shall not have any signage that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
13. A primary caregiver facility shall not be located within 1,000 feet of the lot on which another primary caregiver facility is located and shall not be located within 1,000 feet of a lot on which any of the following uses are located:
    a. Any church or place of worship and its accessory structures.
    b. Any public or private school that enrolls any student under eighteen (18) years of age.
    c. Any preschool, child care or day care facility and its accessory structures.
    d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
14. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

C. Relationship to Federal Law. Nothing within this section is intended to grant, nor shall it be construed as granting immunity from federal law.

Section 4.28 – Accessory Dwelling Units:

Intent: Notwithstanding the provisions for temporary dwelling units in **Section 4.09** of this Ordinance, the purpose of this Section is to preserve and maintain the character of single-family residential areas while broadening housing choices and meeting the following requirements:

A. At least one (1) owner of record shall occupy either the principal dwelling or the accessory dwelling unit. The owner occupant shall meet the requirements for a principal residence tax exemption.
B. Not exceed the height of the principal dwelling or twenty-five (25) feet, whichever is less.
C. Be constructed of material and features similar to the principal dwelling.
D. Only one (1) accessory dwelling unit is allowed per parcel, with a maximum of two (2) dwellings per parcel.
E. One (1) off-street parking space is required for the accessory dwelling unit in addition to the parking required for the principal dwelling.
F. Vehicle access to an accessory dwelling shall be the same access used by the principal dwelling.

Section 4.29 – On-Site Solar Energy System (On-site SES)

Intent and Purpose: It is the intent of Almira Township to promote the safe, effective and efficient use of Solar Energy Systems installed to reduce or offset the on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate controls.

A. An On-site SES is permitted in all zoning districts as an accessory to an allowed principal use.
B. A zoning permit is required prior to installing any On-site SES.
C. An On-site SES shall provide or offset power for the principal use and/or accessory use of the property on which the SES is located, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
D. A roof mounted On-site SES may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the Solar Energy System extend beyond the edge of the roof.
E. A ground mounted On-site SES shall not:
    1. Height: Exceed the maximum building height for accessory buildings.
    2. Setbacks: Be located within any required yard setback in the underlying zoning district.
    3. Placement: Be placed such that Solar Glare and Glint directs onto nearby properties or roadways.
F. All buildings, structures, and Ancillary Solar Equipment forming a part of the On-site SES shall be constructed, installed, or modified in accordance with the Michigan Building Code and only after obtaining all applicable permits.
G. On-site SES shall be repaired, replaced, or removed within three (3) months of becoming non-functional.

Section 4.30 – Utility-Scale Solar Energy System (Utility-Scale SES)

Intent and Purpose: It is the intent of Almira Township to regulate Utility-Scale SES, including their siting, design, installation and operation/maintenance, to protect public health, safety and welfare and to ensure their compatibility with adjacent land uses.

A. Utility-Scale SES shall be permitted as a Use Subject to Special Approval in the A, F/R, C and I Districts subject to the following standards:
    1. Setbacks:
        a. Front Yard: The SES shall be set back at least one hundred (100) feet from the road right of way line or access easement line.
        b. Each side yard shall be at least fifty (50) feet. Where the lot or parcel containing the SES abuts a residentially zoned or used lot or parcel, the side yard shall not be less that one hundred (100) feet.
        c. The rear yard shall be at least fifty (50) feet. Where the lot or parcel containing the SES abuts a residentially zoned or used lot or parcel, the rear yard setback shall not be less that one hundred (100).
        d. Waterfront: The SES shall be set back at least five hundred (500) feet from any lake, stream, or watercourse as defined herein.
    2. Minimum Lot Area: The minimum lot area shall be forty (40) acres.
    3. Signage: The SES shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the SES. All signage shall conform to the requirements of **Section 4.18** of this Ordinance.
    4. Utility Connection: All transmission lines connecting Utility-Scale SES to the electric grid shall be placed underground. Interconnections to the electric grid shall meet the requirements of the transmission owner/operator.
    5. Solar Glare and Glint: The Utility-Scale SES shall meet all of the following standards of ocular impact from Solar Glare and Glint:
        a. No more than a “low potential for after image” ocular effects from Solar Glare and Glint on any residential structure or roadway caused by the SES.
        b. No potential for after image ocular effects from Solar Glare and Glint on any existing or planned airport traffic control tower.
        c. No potential for Solar Glare and Glint or “low potential for after-image” ocular effects along the final approach path for any existing landing threshold or future landing thresholds as shown on the current Federal Aviation Authority-approved Airport Layout Plan for any airport within five miles of the large solar energy system. The final approach path is defined as two miles from 50 feet above the landing threshold using a standard three-degree flightpath.
        d. Ocular impacts shall be analyzed over the entire calendar year in five-minute intervals from when the sun rises above the horizon until the sun sets below the horizon.
    6. Fencing: For the purpose of restricting unauthorized access, the perimeter of the Utility-Scale SES must be fenced with at least a four (4) foot high chain link fence.
    7. Screening:

a. Residential: Buffering or screening shall be required when the Utility-Scale SES is located adjacent to residentially used or zoned property. The required screening may consist of a landscape buffer, fence or wall. A fence or wall used to provide such screening shall be a minimum of six (6) feet in height. Evergreen plant materials used to create a landscape buffer shall be placed outside the perimeter fencing, be at least six to eight (6-8) feet in height at time of planting and be maintained in a living condition.
b. Waterfront: A greenbelt buffer shall be required when the Utility-Scale SES is located on a waterfront lot. The required buffer shall be established within the waterfront setback and shall provide a complete visual screen of the Utility-Scale SES from the lake, stream, or watercourse interrupted only to provide for pedestrian or vehicular access. The greenbelt buffer shall consist of native trees and shrubs and shall occupy a minimum width of two hundred (200) feet across the entire length of the Utility-Scale SES.
c. The buffering or screening shall be shown on the required site plan, as per **Article VII: Site Plan Review**.

8. Land Disturbance: Land disturbance, including clearing, grading, excavating, filling, removal of vegetation, and paving, shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure sufficient all-season access to the SES given the topography of the land. Clear-cutting of forested land shall not exceed ten percent (10%) of the total surface area of the Solar Collector Surface.
9. Maintenance: The Utility-Scale SES owner/operator shall maintain the facility in good condition. Maintenance shall include, but is not be limited to structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to local emergency response personnel. The owner/operator shall be responsible for the cost of maintaining the SES and any access road(s).

B. The operation of all Utility-Scale SES shall be consistent with all applicable local, state and federal requirements. All buildings, structures, and Ancillary Solar Equipment forming a part of the Utility-Scale SES shall be constructed, installed, or modified in accordance with the Michigan Building Code and only after obtaining all applicable permits.
C. Decommissioning:
    1. The owner/operator shall notify Almira Township and the Planning Commission by certified mail prior to the proposed date of discontinued operations of the plan for decommissioning.
    2. The Utility-Scale SES owner/operator shall decommission the SES not more than one hundred fifty (150) days after the date of discontinued operations. Decommissioning shall include removal of all structures, concrete, piping, facilities, and other project-related materials above grade and any structures up to three feet below-grade, and all such materials shall be removed offsite for disposal, and shall include stabilization or re-vegetation of the site.
    3. The Utility-Scale SES shall be considered abandoned if the owner/operator does not decommission the SES within one year following discontinued operation, and Almira Township is then permitted to enter the property and decommission the abandoned SES to the extent necessary to protect public health, safety and welfare.

Section 4.31 – Decks, Porches, Patios and Roof Overhangs

A. **Setbacks:** Decks, porches, lean-tos, and patios, whether attached or detached, including any attached steps, but not including wheelchair ramps, shall meet the setbacks applicable to primary buildings in the zoning district.
B. Gazebos, pergolas, and similar structures are subject to the regulations of **Section 4.04 – Accessory Buildings**.
C. Roof overhangs, extending beyond the Building and Structure Line and including eaves, cornices, and similar architectural features, may be permitted to encroach upon required setback a distance no more than two (2) feet.

Section 4.32 – Contractor Yard

Intent and Purpose: To provide for the establishment of contractor and trade businesses while mitigating potential negative impacts on neighboring properties. These provisions ensure the use is contained, screened, and operated in a manner compatible with the character of the Township.

A. Parcel Requirements: A Contractor Yard shall be located on a lot with a minimum size of five (5) acres and shall not contain a principal dwelling. The total area of all outdoor storage and equipment parking areas on the lot shall not exceed twenty-five (25) percent of the lot area. The storage of junk, salvage, or solid waste is prohibited, and the site shall not be used as a junkyard, salvage yard, or sanitary landfill as defined in and prohibited by **Section 4.16 – Junkyards, Salvage Yards, Sanitary Landfills**.
B. Screening and Buffering: All outdoor storage areas and equipment parking areas shall be completely screened from neighboring residential uses. This screening shall be achieved through a combination of a solid, opaque fence and/or a landscaped buffer. The required screening shall be shown on the site plan. Fences shall be a minimum of six (6) feet in height, while a landscaped buffer shall be a minimum of twenty (20) feet in width and contain plant materials that provide year-round screening. The fence and landscaping shall be maintained in good repair and in a living condition as per **Section 4.12 – Fences, Walls and Hedges**.
C. Storage and Operations:
    1. All equipment, materials, and commercial vehicles shall be stored and parked entirely on the site and behind the required screening.
    2. All on-site storage shall be limited to equipment, vehicles, and materials directly related to the contracted work performed by the business. At no time shall the site be used for the commercial storage of items or salvage not directly associated with the contracted work performed by the business.
    3. On-site repair and maintenance of the contractor's own equipment and vehicles is permitted, provided it does not constitute a separate repair service for other individuals or entities.
    4. The Contractor Yard shall be operated in compliance with the Township's Nuisance, Noise, and Dismantled or Inoperable Motor Vehicle ordinances.
    5. The storage of hazardous, flammable, or otherwise dangerous materials shall comply with

6. **Section 4.15 – Hazardous Materials/Groundwater** Protection of this Ordinance and all other applicable local, state, and federal laws

Section 4.33 – Short-Term Rentals

A. Purpose and Intent: This section regulates Short-Term Rentals to protect the Township's residential character and environmental integrity by:
   1. Matching transient use intensity with the design capacity of private infrastructure to protect groundwater and residential character.
   2. Securing emergency vehicle access and preventing traffic hazards in neighborhoods where narrow roads and limited parking create safety vulnerabilities.
   3. Mitigating public health nuisances and preserving aesthetics through the sanitary storage, screening, and professional removal of waste.
   4. Accounting for private regulations and governing documents to ensure land use remains compatible with the surrounding community.

B. Scope: Short-Term Rentals are permitted in every zoning district in which single-family dwellings are a permitted use, limited to one (1) Dwelling Unit, or portion thereof, per parcel. This requirement applies regardless of owner-occupancy. Any rental of an Accessory Dwelling Unit must also satisfy all requirements of **Section 4.28**.

C. Approval: Short-Term Rental applicants must obtain Site Plan approval to confirm the physical property is suitable for the use. The Zoning Administrator shall only accept and process a Site Plan application under this Section if the applicant demonstrates eligibility to operate a Short-Term Rental pursuant to all other applicable Township regulations. Approval may be received through either of the following:
   1. **Administrative Approval:** The Zoning Administrator shall approve a complete Site Plan that complies with all provisions within this section and conforms to all permitted limits for bedrooms and overnight guest capacity, as defined in **Section 4.33.D**.
   2. **Planning Commission Approval:** The Planning Commission shall review a Site Plan, pursuant to **Article VII**, if the application requests additional bedrooms or overnight guests beyond the permitted limits. Additionally, any application proposing food service provided to guests shall require Planning Commission Site Plan Review.

D. Review Standards: Short-Term Rental applications shall be reviewed against the following standards:
   1. **Governing Documents:** The Township manages the municipal record by incorporating applicable private regulations into the Site Plan record through the following standards:
      a. **Document Submission:** The applicant shall provide copies of all governing documents, such as Master Deeds, Bylaws, or other covenants, if such documents restrict or govern Short-Term Rentals, and shall provide a signed statement attesting to compliance with these documents. Approval of a Site Plan does not waive or supersede a more restrictive private covenant.
      b. **Consistency Standard:** While the Township does not enforce private restrictions, the applicant is responsible for ensuring the land use is consistent with all applicable regulations. The Township maintains the right to review the validity of

a Site Plan if the underlying legal right to the land use is altered or clarified by a third party.

2. **Sewage and Water Infrastructure:** The Township manages the suitability of private infrastructure through the following verification standards:
    a. **Record of Permit:** The applicant shall provide a copy of the approved permit or an official record from the local health department for the Short-Term Rental's sewage and water systems.
    b. **Professional Evaluation:** The applicant shall provide a professional evaluation of the sewage and water systems, such as septic pumping records or well water tests, dated within the three (3) years immediately preceding the date of application.
    c. **Operational Capacity:** Documentation must confirm the systems are fully functional and maintained according to standard industry practices to accommodate the operational demands of the Short-Term Rental.
3. **Bedroom Limits:** The Township manages the physical scale of the Short-Term Rental by aligning the number of available guest rooms with the design of the Dwelling and its infrastructure:
    a. **Permitted Bedrooms:** The number of bedrooms is governed by the sewage and water capacities, approved by the local health department, up to a maximum of four (4) bedrooms.
    b. **Code Compliance:** Each bedroom must meet all applicable state and local codes for occupancy, including egress and ventilation standards.
    c. **Additional Bedrooms:** The Planning Commission may approve more than four (4) bedrooms, contingent on the applicant demonstrating that site conditions, including lot size, building location, and infrastructure such as sewage system, buffering, screening, and available parking, can accommodate the increased use without adversely affecting neighboring properties.
4. **Overnight Guest Capacity:** The Township manages the intensity of transient use by limiting the maximum number of overnight occupants allowed on the parcel:
    a. **Permitted Capacity:** The standard overnight guest capacity is two (2) guests per approved bedroom, plus an additional two (2) guests per Dwelling Unit, regardless of age.
    b. **Additional Capacity:** The Planning Commission may approve capacity beyond the standard limit for unique sleeping arrangements or exceptional circumstances. Approval is contingent upon the applicant providing written documentation of compliance from the local health department and demonstrating to the satisfaction of the Planning Commission that the site can contain guest activity through sufficient lot size, screening, buffering, and common areas.
5. **Parking Requirement:** The Township manages the physical footprint of guest transportation by regulating the placement of vehicles on the parcel:
    a. **Off-Road Parking Infrastructure:** The site must feature dedicated, off-street parking spaces sufficient for the maximum permitted occupancy. All required parking spaces must be located on a hardened surface (such as asphalt, concrete, or gravel) and must have be situated outside of all required setbacks,

except where located within an established driveway. On-street or unhardened lawn areas shall not be counted toward meeting the property's required parking capacity.

b. **Exclusion:** This requirement does not apply to service vehicles, such as management, maintenance, or cleaning services, or other non-guest vehicles.

6. **Waste Management:** To ensure adequate capability for refuse storage and disposal, all applications must satisfy the following standards:
    a. **Waste Storage and Screening:** The submitted site plan must clearly indicate the designated location for all waste containers. If containers are stored outdoors, the site plan must feature a permanent, designated area that is located entirely off the public road, outside of required setbacks, and enclosed by physical screening (such as a fence, structural enclosure, or dense vegetation) that completely shields the containers from the public right-of-way and adjacent residential properties.
    b. **Proof of Disposal Capability:** As a condition of site plan approval, the applicant must provide written proof of a recurring waste collection service contract or a written explanation of a reliable alternative removal plan.
7. **Food Preparation:** The Township manages commercial food service, typical of a bed & breakfast or similar room-and-board operation, through the following standards:
    a. **Scope of Service:** Any food preparation for pecuniary gain, whether provided as a standalone service or included as part of a stay, shall be limited exclusively to registered overnight guests within the approved capacity limits.
    b. **Residential Standards:** Such preparation must occur within a kitchen area of a Dwelling Unit primarily designed and used for the normal course of residential living. Documentation must confirm that the septic and well infrastructure are approved for such food preparation by the local health department.
    c. **Commercial Kitchens:** Any food preparation for pecuniary gain occurring in a non-dwelling accessory building or within a dedicated non-residential kitchen area of a dwelling is considered a commercial kitchen and requires separate approval as a Cottage Industry per **Section 4.11.C**.

E. Modifications: An approved Site Plan constitutes a binding agreement regarding the physical and operational characteristics of a Short-Term Rental. The following changes to an approved Short-Term Rental Site Plan require re-evaluation via a minor Site Plan Review through the approval authority defined in **Section 4.33.C**:

1. **Physical Modifications:** Any modifications to the physical requirements or conditions of the approved Site Plan, including but not limited to permanent changes to lot size, bedroom count, or septic and well infrastructure.
2. **Operational Adjustments:** Any request to increase overnight guest capacity, modify parking accommodations, change waste management practices, or adjust the Site Plan to remain consistent with modified private regulations, governing documents, or other legal restrictions.

The following administrative requirements apply to all requests for modifications or adjustments:

3. **Submission:** All proposed changes shall be processed as a minor Site Plan Review, wherein review is limited to the specific revisions requested and any consequential impacts on dependent standards.
4. **Prior Approval:** No modifications or adjustments to the Short-Term Rental shall be implemented until the revised Site Plan is approved.

F. Compliance and Enforcement: The Township manages the continued suitability of the land use through the following standards:

1. **Site Plan Validity:** A determination by a court of competent jurisdiction that a Short-Term Rental violates applicable private regulations, deed restrictions, or governing documents shall be grounds for the original approving authority to void or require a minor Site Plan Review to adjust the Site Plan for compliance.
2. **Violations and Inspections:** Inspections of the parcel may be conducted pursuant to **Section 9.06.2**. Any unauthorized modification to an approved Site Plan, or rental activity violating this Section, constitutes a violation of this Ordinance subject to the enforcement, penalties, and abatement proceedings defined in **Section 9.06.3**.

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ARTICLE V: ZONING DISTRICTS AND MAP

Section 5.01 – Classification of Zoning Districts

For the purpose of this Ordinance, the following Zoning Districts shall be established in Almira Township:

A	Agricultural District
F/R	Forest / Recreation District
R-1	Low-Density Residential District
R-2	Mixed Residential District
C	Commercial District
I	Light Industrial District

Section 5.02 – Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Almira Township Zoning Map, Benzie County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

Section 5.03 – Boundaries of Districts

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Benzie County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date and any amendments to the Ordinance involving the official map shall become legal only after such changes are noted and portrayed on said map.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk. Where uncertainty exists as the exact district boundaries, the following shall prevail:

A. Where boundary lines are indicated as approximately following streets, alleys, or highways; the center lines of the said streets, alleys, or highways shall be considered to be exact boundary lines.
B. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
C. Where the application of the above rules leaves a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

Section 5.04 – Zoning of Vacated Areas

Whenever any street, alley, highway, or other public right-of-way within the Township has been abandoned by official government action, such right-of-way lands attach to and become part of the land adjoining such street, alley, highway or public right-of-way. Such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

Section 5.05 – Zoning of Filled Areas

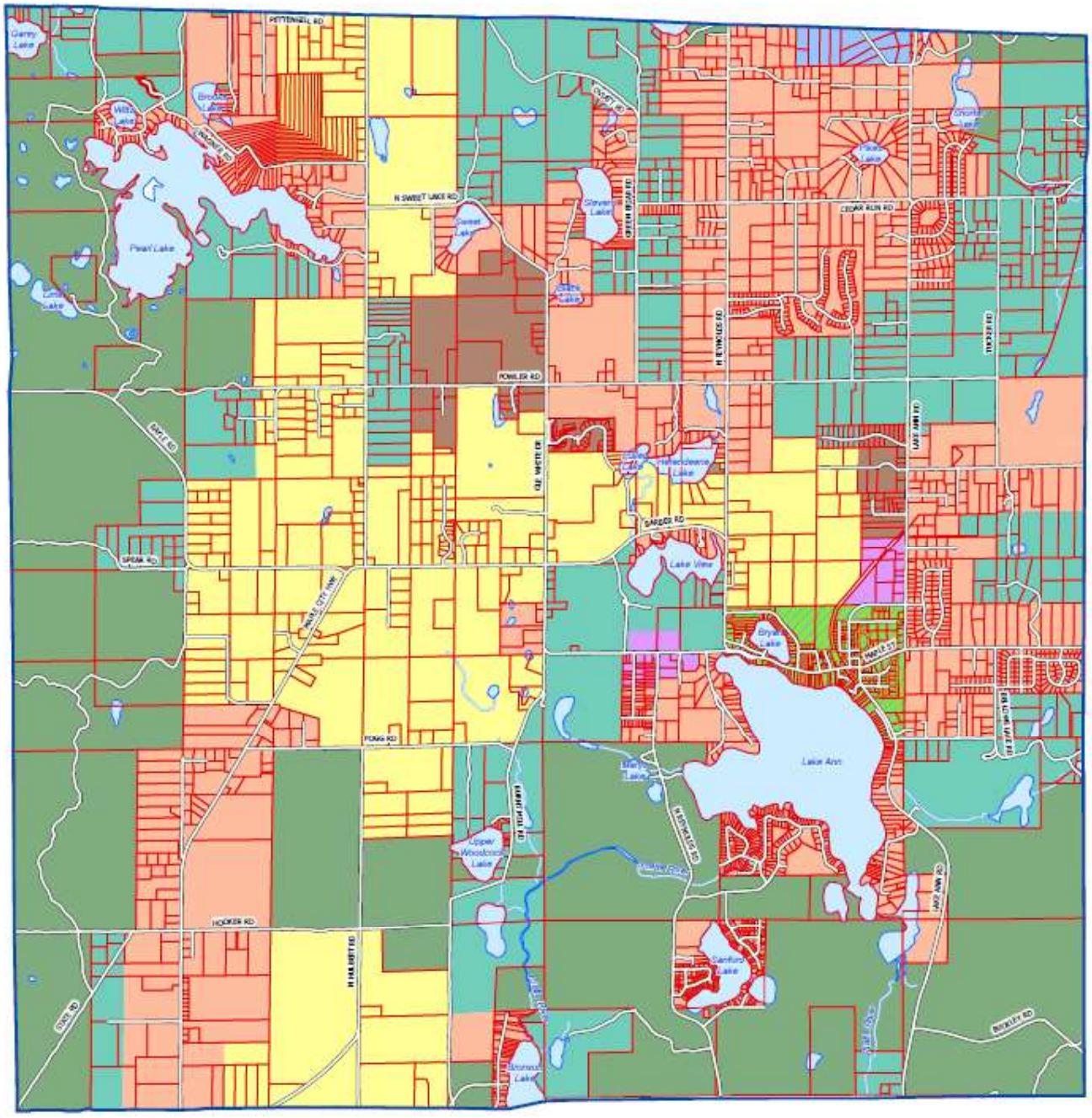
No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality. Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates.

Section 5.06 – Zoning District Changes

When district boundaries change, any lawful nonconforming use may continue subject to all other applicable provisions of this Ordinance.

Section 5.07 – Zoning for New Property within the Township

If the boundaries of the Township are altered to add property to the Township, then the property being added to the Township shall assume the zoning classification of adjacent property. If there are more than one zoning classifications for adjacent properties, then the zoning classification of the most restrictive district shall apply. The Township can then rezone the property added to the Township, if desired.



TOWNSHIP ZONING MAP
ALMIRA TOWNSHIP,
BENZIE COUNTY, MICHIGAN

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Legend

Township Zoning
- A - Agricultural
- F/R - Forest Recreation
- R-1 - Low Density Residential
- R-2 - Mixed Residential
- C - Commercial
- I - Light Industrial

- Village Zoning
- Civil Township Boundary
- Roads-Streets
- Parcel Boundaries
- Lakes - Open Water
- Rivers and Streams
- State Lands

Section 5.08 – Map Amendments

A. #26-01 of 2026: The Almira Township Board voted on June 8, 2026 to amend the Almira Township Zoning Map, affecting nineteen (19) parcels in Section 5 on the north side of Pearl Lake. The map-only amendment #26-01 of 2026 assigned a single, consistent district to the entirety of each parcel:

1. **New Zoning:** Reclassification of the entire area to Low-Density Residential (R-1).
2. **Affected Parcels:** 01-005-002-23, -22, -20, -19, -18, -17, -16, -15, -14, -13, -12, -11, -10, -09, -08, -07, -06, -05, and -04.

ARTICLE VI: DISTRICT REGULATIONS

Section 6.01 – Agricultural (A)

The following provisions shall apply to the Agricultural District (A).

Section 6.01.1 – Intent

The predominant land uses in this District are primarily agricultural and rural in character, including agricultural uses mixed with water bodies, forestlands and open lands. It is the intent of this Ordinance to conserve and promote the general continuance of these uses, where suitable conditions exist. The other land use prominent in the agricultural district is rural residential, which is compatible with the agricultural uses and will be allowed to continue.

The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments. The inclusion of such uses is provided by special approval.

Section 6.01.2 – Permitted Uses

Except as otherwise provided by **Section 1.05** of this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. These uses are allowed by right and are subject to the Schedule of Regulations in **Section 6.07** of this Ordinance.

A. Single-family dwellings.
B. Family Day Care Homes
C. Agriculture, including both general and specialized farming, tree farms and forestry.
D. Roadside stand for the sale of farm products and provided that the facilities for entry to and exit from the premises and adequate off-street parking are available.
E. Agricultural warehouses and non-animal agricultural processing plants.
F. Plant nurseries and greenhouses.
G. Riding Stables.
H. Home occupations, subject to the provisions of **Section 4.11** of this Ordinance.
I. Accessory buildings and uses customarily incidental to the above permitted uses.
J. Tourist Home/Bed & Breakfast.
K. Churches and related religious buildings.
L. Accessory Dwelling Units subject to site plan approval by the planning Commission.
M. On-site Solar Energy System (On-site SES), subject to the provisions of **Section 4.29** of this Ordinance.
N. Special Events, with application and permit per Almira Township Special Event Ordinance.
O. Contractor Yard, subject to Zoning Permit approval and the provisions of **Section 4.32 – Contractor Yard**.

Section 6.01.3 – Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 8.02** of this Ordinance.

A. Clustered residential development, subject to the provisions of **Section 8.03** of this Ordinance.
B. Planned Unit Development, subject to the provisions of **Section 8.03** of this Ordinance.
C. Residential uses with common use lake and stream frontage property, subject to the provisions of **Section 8.03** of this Ordinance.
D. Public buildings and facilities.
E. Group day care homes
F. Cemeteries.
G. Golf courses and country clubs.
H. Campgrounds, not less than ten (10) acres.
I. Private airports and landing strips.
J. Fire control structures.
K. Kennels, veterinary clinics and animal hospitals.
L. Non-domestic fur bearing animals when confined in cages not less than one hundred fifty (150) feet from any property line.
M. Animal processing facilities, subject to United States Department of Agriculture and local District Health Department.
N. Additional dwellings for farm employees.
O. Migrant workers' facilities approved in accordance with State law.
P. Forest product processing and sales.
Q. Sand and gravel excavation, subject to the provisions of **Section 8.03** of this Ordinance.
R. Cottage Industries, subject to the provisions of **Section 4.11** of this Ordinance**.**
S. Accessory buildings and uses customarily incidental to the above special approval uses.
T. Telecommunication towers and facilities and alternative tower structures, subject to provisions of **Section 8.03** of this Ordinance.
U. Commercial WECS, commercial WECS farms, and commercial anemometer towers.
V. Utility-Scale SES, subject to the provisions of **Section 4.30** of this Ordinance.

Section 6.02 – Forest / Recreation (F/R)

The following provisions shall apply to the Forest / Recreation District (F/R).

Section 6.02.1 – Intent

The land uses in this district are intended to promote the proper use, enjoyment and conservation of water, land, topographic and forest resources of the Township particularly adapted to recreational and forest uses.

The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments. The inclusion of such uses is provided by special approval.

Section 6.02.2 – Permitted Uses

Except as otherwise provided by **Section 1.05** of this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. These uses are allowed by right and are subject to the Schedule of Regulations in **Section 6.07** of this Ordinance.

A. Single-family dwellings.
B. Tourist Home/Bed & Breakfast
C. Family day care homes.
D. Agriculture, including both general and specialized farming, tree farms and forestry.
E. Public or noncommercial private parks, playgrounds and recreation areas.
F. Home occupations, subject to the provisions of **Section 4.11** of this Ordinance.
G. Accessory buildings and uses customarily incidental to the above permitted uses.
H. Churches and related religious buildings.
I. Roadside stand for the sale of farm products and provided that the facilities for entry to and exit from premises and adequate off-street parking are available.
J. Riding Stables
K. Accessory Dwelling Units subject to site plan approval by the planning Commission.
L. On-site Solar Energy System (On-site SES), subject to the provisions of **Section 4.29** of this Ordinance.
M. Special Events, with application and permit per Almira Township Special Event Ordinance.
N. Contractor Yard, subject to Zoning Permit approval and the provisions of **Section 4.32 – Contractor Yard**.

Section 6.02.3 – Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 8.02** of this Ordinance.

A. Planned Unit development, subject to the provisions of **Section 8.03** of this Ordinance.
B. Residential uses with common use lake and stream frontage property, subject to the provisions of **Section 8.03** of this Ordinance.
C. Forest products, processing and sales.
D. Private resorts and clubs.
E. Recreational camps.
F. Fire control structures.
G. Campgrounds, not less than ten (10) acres.
H. Snowmobile trails (public and commercial).

I. Marina and boat launch areas.
J. Cemeteries
K. Sand and gravel excavation subject to the provisions of **Section 8.03** of this Ordinance.
L. Cottage Industries, subject to the provisions of **Section 4.11** of this Ordinance.
M. Accessory buildings and uses customarily incidental to the above special approval uses.
N. Group day care homes.
O. Commercial WECS, commercial WECS farms, and commercial anemometer towers.
P. Plant nurseries and greenhouses.
Q. Utility-Scale SES, subject to the provisions of **Section 4.30** of this Ordinance.

Section 6.03 – Low-Density Residential (R-1)

The following provisions shall apply to the Low-Density Residential District (R-1).

Section 6.03.1 – Intent

The land uses in this District are intended to encourage an environment of predominantly low-density residential structures located on individual lots along with other residential related facilities which serve the residents within the District.

Section 6.03.2 – Permitted Uses

Except as otherwise provided by Section 1.05 Limitations of Zoning Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. These uses are allowed by right and are subject to the Schedule of Regulations in **Section 6.07** of this Ordinance.

A. Single-family dwellings.
B. Public parks, playgrounds or recreation facilities.
C. Family day care homes
D. Agriculture, including both general and specialized farming, tree farms and forestry.
E. Home occupations, subject to the provisions of **Section 4.11** of this Ordinance.
F. Accessory buildings and uses customarily incidental to the above permitted uses.
G. Tourist Home/Bed & Breakfast, and Short-Term Rentals, subject to the provisions of **Section 4.11** of this Ordinance**.**
H. Churches and related religious buildings.
I. Accessory Dwelling Units subject to site plan approval by the planning Commission.
J. On-site Solar Energy System (On-site SES), subject to the provisions of **Section 4.29** of this Ordinance.
K. Special Events, with application and permit per Almira Township Special Event Ordinance.

Section 6.03.3 – Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 8.02** of this Ordinance.

A. Planned Unit development, subject to the provisions of **Section 8.03** of this Ordinance**.**
B. Residential uses with common use lake and stream frontage property, subject to the provisions of **Section 8.03** of this Ordinance**.**
C. Convalescent or nursing homes.
D. Senior citizen housing facilities.
E. Public buildings and facilities.
F. Group day care homes.
G. Cemeteries, on a minimum of twenty (20) acres.
H. Golf courses or country clubs.
I. Campgrounds, not less than ten (10) acres.
J. Riding Stables.
K. Cottage Industries, subject to the provisions of **Section 4.11** of this Ordinance.
L. Accessory buildings and uses customarily incidental to the above special approval uses.
M. Rental accessory apartments in owner-occupied dwellings.
N. Contractor Yard, subject to the provisions of **Section 4.32 – Contractor Yard**.

Section 6.04 – Mixed Residential (R-2)

The following provisions shall apply to the Mixed Residential District (R-2).

Section 6.04.1 – Intent

The Mixed Residential (R-2) District is designed to provide a location within the Township for dwelling units containing a mixture of densities and housing types. Those structures which offer an alternative to single family residential detached housing (while still adhering to the low-density character of the Township) will be permitted in this District.

Section 6.04.2 – Permitted Uses

Except as otherwise provided by **Section 1.05** of this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. These uses are allowed by right and are subject to the Schedule of Regulations in **Section 6.07** of this Ordinance**.**

A. Single-family dwellings.
B. Two-family dwellings.
C. Public parks, playgrounds or recreation facilities.
D. Family day care homes.

E. Agriculture, including both general and specialized farming, tree farms and forestry.
F. Home occupations, subject to the provisions of **Section 4.11** of this Ordinance.
G. Accessory buildings and uses customarily incidental to the above permitted uses.
H. Tourist Home/Bed & Breakfast and Short-Term Rental, subject to the provisions of **Section 4.11** of this Ordinance**.**
I. Churches and related religious buildings.
J. Accessory Dwelling Units subject to site plan approval by the planning Commission.
K. On-site Solar Energy System (On-site SES), subject to the provisions of **Section 4.29** of this Ordinance.
L. Special Events, with application and permit per Almira Township Special Event Ordinance.

Section 6.04.3 – Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 8.02** of this Ordinance.

A. Planned Unit Development, subject to the provisions of **Section 8.03** of this Ordinance.
B. Residential uses with common use lake and stream frontage property, subject to the provisions of **Section 8.03** of this Ordinance**.**
C. Multi-family dwellings.
D. Convalescent or nursing homes.
E. Senior citizen housing facilities.
F. Group foster care facilities.
G. Manufactured home developments, subject to the provisions of **Section 8.03** of this Ordinance**.**
H. Public buildings and facilities.
I. Group day care homes.
J. Cottage Industries, subject to the provisions of **Section 4.11** of this Ordinance**.**
K. Accessory buildings and uses customarily incidental to the above special approval uses.
L. Riding Stables.
M. Contractor Yard, subject to the provisions of **Section 4.32 – Contractor Yard**.

Section 6.05 – Commercial District (C)

The following provisions shall apply to the Commercial District (C).

Section 6.05.1 – Intent

The purpose in creating the Commercial District (C) is to provide a compatible mix of commercial and residential uses. The requirements are intended to protect and stabilize the basic qualities of the District, and to provide suitable and safe conditions for family living and small commercial businesses.

Therefore, maximum structure size in this District shall be five thousand (5,000) square feet. Additional structures shall be subject to the Special Approval provisions of Section 6.05.3. Structures

no greater than two hundred (200) square feet are allowed with site plan approval by the Planning Commission.

Section 6.05.2 – Permitted Uses

Except as otherwise provided by **Section 1.05** of this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

A. Single-family dwellings.
B. Public parks, playgrounds or recreation facilities.
C. Family day care homes.
D. Restaurants and bars, except drive-through restaurants, subject to the provisions in **Section 8.03** of this Ordinance**.**
E. Retail sales, within an enclosed building.
F. Banks and financial services.
G. Business and personal services.
H. Professional offices.
I. Funeral Homes.
J. Public utility buildings without storage yards.
K. Public buildings and facilities.
L. Civic, social and fraternal organization facilities.
M. Motels and resorts.
N. Home occupations, subject to the provisions of **Section 4.11** of this Ordinance.
O. Accessory buildings and uses customarily incidental to the above permitted uses.
P. Churches and related religious buildings.
M. On-site Solar Energy System (On-site SES), subject to the provisions of **Section 4.29** of this Ordinance.
N. Special Events, with application and permit per Almira Township Special Event Ordinance.
O. Contractor Yard, subject to Zoning Permit approval and the provisions of **Section 4.32 – Contractor Yard**.

Section 6.05.3 – Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 8.02** of this Ordinance.

A. Planned Unit Development, subject to the provisions of **Article XI: Planned Unit Developments.**
B. Residential uses with common use lake and stream frontage property, subject to the provisions of **Section 8.03** of this Ordinance.
C. Two-family dwellings.
D. Multiple-family dwellings.
E. Child or adult daycare facilities serving more than six (6) clients.

F. Group foster care facilities.
G. Convalescent or nursing homes.
H. Residential dwellings on the second floor of commercial structures.
I. Manufactured home developments, subject to provisions of **Section 8.03** of this Ordinance**.**
J. Group day care homes.
K. Gasoline / Service Station, subject to the provisions of **Section 8.03** of this Ordinance**.**
L. Sale of motor vehicles.
M. Outdoor sales facilities.
N. Any use permitted in the "Commercial" district with a drive-through window.
O. Building materials sales.
P. Carpentry, plumbing and electrical sales, services and contracting offices.
Q. Machine shop.
R. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases.
S. Public utility buildings with storage yards.
T. Adult and Sexually Oriented Business, subject to the provisions of **Section 8.03** of this Ordinance.
U. Cottage Industries, subject to the provisions of **Section 4.11** of this Ordinance.
V. Accessory buildings and uses customarily incidental to the above special approval uses.
W. Sand and Gravel Excavation, subject to the provisions of **Section 8.03** of this Ordinance**.**
X. Repair Garage
Y. Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, electrical, or any similar nuisances. Such facilities may include testing, repair, storage, distribution and sale of such products.
Z. Car washes, subject to the provisions of Section 8.03 Supplemental Development Standards, Part C.
AA. Utility-Scale SES, subject to the provisions of **Section 4.30** of this Ordinance.

Section 6.06 – Light Industrial (I)

The following provisions shall apply to the Light Industrial District (I).

Section 6.06.1 – Intent

The Light Industrial (I) District is designed to provide for a variety of manufacturing and light industrial uses, in areas of the Township which afford direct access to all-weather highways.

Section 6.06.2 – Permitted Uses

Except as otherwise provided by **Section 1.05** of this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses. These uses are allowed by right and are subject to the Schedule of Regulations in **Section 6.07** of this Ordinance.

A. Building materials sales.
B. Carpentry, plumbing and electrical sales, services and contracting offices.
C. Machine shop.
D. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases.
E. Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, electrical, or any similar nuisances. Such facilities may include testing, repair, storage, distribution and sale of such products.
F. Sand and gravel excavation, subject to the provisions of **Section 8.03** of this Ordinance**.**
G. Outdoor storage facilities, including self-storage facilities.
H. Accessory buildings and uses customarily incidental to the above permitted uses.
I. Churches and related religious buildings.
J. On-site Solar Energy System (On-site SES), subject to the provisions of **Section 4.29** of this Ordinance.
K. Special Events, with application and permit per Almira Township Special Event Ordinance.
L. Contractor Yard, subject to Zoning Permit approval and the provisions of **Section 4.32 – Contractor Yard**.

Section 6.06.3 – Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 8.02** of this Ordinance.

A. Single Family Dwelling.
B. Home Occupations as provided in **Section 4.11** of this Ordinance.
C. Planned Unit Development, subject to the provisions of **Article XI: Planned Unit Developments.**
D. Cottage Industries as provided in **Section 4.11** of this Ordinance.
E. Accessory buildings and uses customarily incidental to above special approval uses.
F. Utility-Scale SES, subject to the provisions of **Section 4.30** of this Ordinance.

Section 6.07 – Schedule of Regulations *

Zoning District	District Name	Parcel / Lot Minimum		Structure Maximum	Yard Setbacks Minimum			Minimum D.U.	Lot Coverage Maximum
		Area (Acres)	Width (Feet)	Height (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Width (Feet)	Area (%)
A	Agricultural	5	300 ‘	35 ‘	20 ‘	10 ‘	20 ‘	20 ‘	20 %
F/R	Forest / Recreation	5	300 ‘	35 ‘	20 ‘	10 ‘	20 ‘	20 ‘	20 %
R-1	Low-density Residential	2	200 ‘	35 ‘	20 ‘	10 ‘	20 ‘	20 ‘	35 %
R-2	Mixed Residential	1	150 ‘	35 ‘	20 ‘	10 ‘	20 ‘	20 ‘	35 %
C	Commercial	1	150 ‘	35 ‘	20 ‘	10 ‘	20 ‘	20 ‘	35 %
I	Light Industrial	S.I.-5 I.P.-40	200 ‘	35 ‘	20 ‘	20 ‘	20 ‘	N/A	----------
* Subject to footnotes									

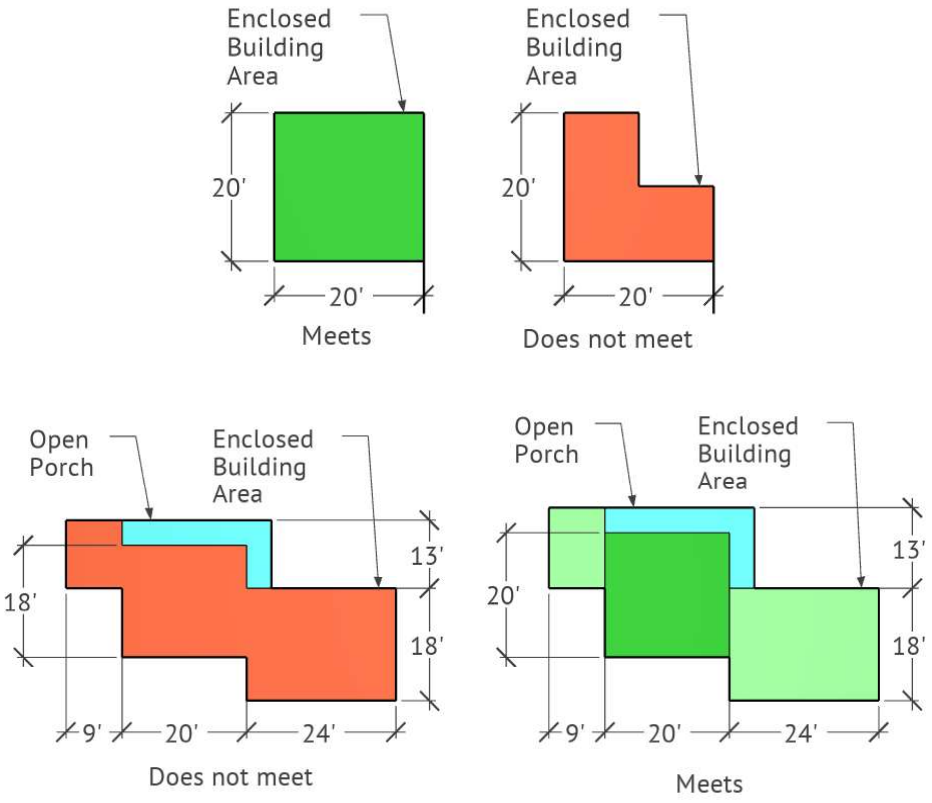
Footnotes to Schedule of Regulations:

A. For lots which border a lake or a stream, the minimum structure setback on the waterfront side shall be forty (40) feet from the ordinary high-water mark. See footnote “J.” below.
B. In cases where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lines, a lesser frontage width at the street line may be permitted, PROVIDED that the lot width at the setback line is equal to (or greater than) the specified lot width for that District.
C. The minimum lot size shall be used as the basis for determining the density. The allowable Density, except as noted in **Section 11.02** of this Ordinance, shall be calculated by dividing the parcel size by the minimum lot area allowed in the specific zoning district. The resulting number shall be rounded down to the whole number for the maximum number of dwelling units allowed.
D. Height restrictions in this Article do not apply to telecommunication towers and facilities, alternative tower structures, wireless communication antenna, commercial WECS (both individually and within commercial WECS farms), noncommercial WECS, commercial anemometer towers, and noncommercial anemometer towers located in accordance with this Ordinance.
E. Any waterfront lot in any district shall have a minimum of one hundred twenty-five (125) feet of frontage on a watercourse, and a minimum of twenty-five thousand (25,000) square feet total area. See footnote “J.” below.

F. All common use waterfront property is also subject to the dimensional requirements provided in **Section 8.03** of this Ordinance.
G. The Minimum Dwelling Footprint Requirements shall be as provided in **Section 6.08** of this Ordinance.
H. For corner lots, as defined in this Ordinance, the front lot line shall be the line separating the lot from the abutting public or private street right of way designated as the front street in the first zoning permit issued for that lot. In the case of a corner waterfront lot, the front lot line shall be the ordinary high-water line on the lot.
I. Every part of a required yard setback shall be open to the sky, unobstructed by a building, except for ordinary projections of sills, cornices, and ornamental features not to exceed twelve (12) inches. Eaves may project into a required side yard setback not more than eighteen (18) inches.
J. In the interest of preservation of natural features and in cooperation with neighboring Long Lake Township, the following special regulations shall apply to lots in Almira Township which border Bellows Lake:
    1. Lots which border Bellows Lake shall have a minimum setback on the waterfront side of one hundred (100) feet from the ordinary high-water mark.
    2. Waterfront lots on Bellows Lake shall have minimum of two hundred (200) feet of water front.
    3. Common use frontage on Bellows Lake shall have a ratio of one (1) single family dwelling unit per two hundred (200) feet.
L. No more than two minor accessory buildings, as defined in **Article III: Definitions**, may be placed within the side or rear setback (but not within the front setback) when all of the following regulations are met:
    1. A minor accessory building that is affixed to the ground on footings or pilings shall be located no less than ten (10) feet from any side or rear lot line.
    2. A minor accessory building that is not affixed to the ground may be located no less than two (2) feet from any side or rear lot line.
    3. On lots that border a lake or stream, a minor accessory building shall not be placed within the twenty-five (25) foot greenbelt established under **Section 4.10** of this Ordinance.

Section 6.08 – Minimum Dwelling Footprint Requirements

A. Minimum Required Footprint: All Dwellings shall include a continuous footprint of at least twenty (20) feet in length and twenty (20) feet in width (20' x 20'). This footprint, which is equivalent to four hundred (400) square feet, must be comprised entirely of Enclosed Building Area and may be located on any floor of the Dwelling.
B. Application and Interpretation: The following examples illustrate Dwellings that meet or do not meet this continuous footprint requirement, based on the definition of Enclosed Building Area in **Article III – Definitions** of this Ordinance:



ARTICLE VII: SITE PLAN REVIEW

Section 7.01 – Purpose

Site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. These regulations provide for a review and approval process intended to assure that land uses comply with zoning district regulations, other regulations and standards outlined in this Ordinance and applicable county, state, and federal statutes.

Section 7.02 – Circumstances Requiring a Site Plan

Site plans are required for the following uses:

A. All new uses except a single-family residential unit, two-family residential units, or agricultural buildings associated with agricultural operations permitted by right in the Agricultural zoning district or other districts where agricultural operations are permitted by right.
B. Expansion or renovation of an existing use, other than a single-family or two-family residential use, which increases the existing gross use area more than twenty-five (25) percent.
C. Changes of use for an existing structure or lot.
D. Other uses as required by this Ordinance.

Section 7.03 – Site Plan Data Required

A. Each site plan submitted shall contain the following information unless specifically waived or modified by the Zoning Administrator upon a finding that the information is not necessary, due to the scale and nature of the proposed development and is not necessary to determine compliance with this Ordinance. The Zoning Administrator shall document for the record the reasons for waiving or modifying the site plan submittal requirements. If upon review of the site plan the Planning Commission determines that information waived or modified by the Zoning Administrator is necessary to determine compliance with this Ordinance, the Planning Commission shall require the Applicant to submit the information initially waived or modified by the Zoning Administrator before final action is taken on the site plan.
    1. The date of original submittal and last revision, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
    2. Vicinity map.
    3. The boundary lines of the property, to include all dimensions, legal description, and acreage of subject property.
    4. The zoning classifications of the subject parcel and adjoining parcels, including those parcels which are adjoining but are separated from the subject property by a road right-of-way;
    5. The location of proposed and/or existing lot lines and dimensions of same;
    6. Building setbacks;

7. Grading plan showing finished contours at a minimum interval of two feet and correlated with existing contours so as to clearly indicate cut and fill required (all finished contour lines are to be connected to existing contour lines at or before the lot lines);
8. A detailed description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations. This description shall include the location of proposed retaining walls, dimension and materials of same, fill materials, typical vertical section, and plans for restoration of adjacent properties, where applicable;
9. The location and type of groundcover, stands of vegetation, and individual trees six inches and larger in diameter at breast height;
10. The location and elevations of existing water courses and water bodies including county drains, man-made surface drainage ways, 100-year flood plains, and wetlands;
11. The location of existing and proposed buildings, as well as the length, width, height, and area (in square feet) of each building and their use;
12. The location of all existing buildings or structures within 100 feet of the subject property;
13. The proposed location of accessory structures, buildings, and uses including, but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators, and similar equipment (details of the method of screening, where applicable, shall be included);
14. The name, location, dimensions, and associated right-of-way of all existing and proposed streets (public or private), and typical cross section of proposed roads (Cross section shall show surface, base, and sub-base materials; location and typical details of curbs; location, dimensions, and details of all passing lanes and deceleration/acceleration tapers or lanes; and the location, width, surface elevations, radii, and grade of all access points to the site.);
15. All driveways located within 100 feet of the site;
16. The location and design of parking areas and number of parking spaces and unloading areas including information on proposed curbing, barrier-free access, and dimensions of parking spaces, circulation aisles, and unloading spaces;
17. The design and dimensions for all exterior lighting fixtures and features relative to shielding spillover from such fixtures onto adjacent properties and roadways;
18. The location and design of all sidewalks, walkways, bicycle paths, and areas for public use;
19. The location, design, sizing, and easements related to all existing and proposed utility systems to be located on the site including, but not limited to:
    a. Water lines and fire hydrants;
    b. Storm water management/detention/retention systems;
    c. Sanitary sewer lines, if applicable;
    d. Septic systems, if applicable;
20. The location, size, and specifications of all signs (freestanding and signs placed on or attached to buildings);

21. The location and specifications for all fences, walls, and other screening features with cross-sections;
22. The location and specifications for perimeter and internal landscaping and buffering, in accordance with the specifications of the general provisions. The proposed size of new landscaping materials at the time of planting must be indicated. The location, typical size, or range of sizes of all vegetation to be retained on site must also be indicated;
23. The location, size, and specification for screening of all waste receptacles and outdoor storage areas and facilities;
24. The number of employees on largest shift (indicate the number of employees for the largest two shifts which overlap);
25. The location and size of interior and exterior areas and structures to be used for the storage, loading, unloading, recycling, or disposal of hazardous materials;
26. The location and proposed use of all above and below ground storage tanks, and;
27. The location of exterior drains, drywells, catch basins, retention and detention areas, sumps, swales, and other facilities designed to collect, store, or transport storm water. Points of discharge must be clearly illustrated.
28. Anticipated hours of operation for proposed use.
29. The Planning Commission may waive or modify any or all of the above site plan requirements when it finds those requirements are not appropriate due to the scale and nature of the proposed development. The Planning Commission shall document for the record the reasons for waving specific provisions.

B. The Zoning Administrator or Planning Commissions may request that applicants submit additional copies of the site plan for distribution to any or all of the following agencies for review and comment:
    1. The Benzie County Soil Erosion and Sedimentation Control Officer;
    2. The Benzie County Drain Commissioner;
    3. The Benzie County Road Commission and, if appropriate, the Michigan Department of Transportation;
    4. The Benzie-Leelanau Community Health Agency;
    5. Almira Township Fire and Ambulance service providers;
    6. The Michigan Department of Environmental Quality and/or Michigan Department of Natural Resources;
    7. The adjacent Planning Commissions as applicable.
C. In the event reviewing agencies have no comments or concerns, agency representatives may indicate same on their copies of the site plan with the notation "No comments" and a signature.
D. In the event such agencies have comments, the Zoning Administrator or Planning Commission may return the site plan to the applicant for revisions, as may be required for compliance with agency comments.

Section 7.04 – Prohibitions on Excavation and Construction Activities

No grading, removal of vegetation, filling of land, nor construction of buildings, building foundations, driveways, roadways, walkways, parking areas, or other improvements of any kind is permitted until a

site plan has been approved by the Planning Commission in accordance with the provisions of this Article.

Section 7.05 – Submittal and Approval Procedures:

A. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the applicant or property owner or his designated agent at least thirty (30) days prior to the Planning commission meeting at which the site plan will be considered. The Zoning Administrator shall then review the application, site plan and related information to determine whether all information required by this Ordinance has been submitted. If the applicant fails to provide all the information required by this Ordinance, then the application and site plan shall be deemed incomplete, shall not be processed, and shall be denied by the Zoning Administrator on that basis. When the Zoning Administrator determines that the application and site plan are administratively complete, he or she shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
B. The Planning Commission shall have the responsibility and authorization to review and approve, disapprove or approve with conditions, the Site Plan in accordance with requirements of the zoning district in which the proposed use is located and all other applicable requirements set forth in this Ordinance. The Planning Commission shall further consider the following standards:
    1. Whether the sewage disposal and water systems meet the applicable health and sanitary codes and ordinances.
    2. Whether the location and nature of the use will not be in conflict with any principal permitted use of the district or neighborhood.
    3. Whether the use will not create any major traffic problem or hazard.
    4. Whether the use will not be any more objectionable to adjacent and nearby properties than would be any permitted principal use of the district by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste and sewage.
    5. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and the neighborhood.
    6. Upon approval of the site plan, the master deed and by-laws for condominium projects shall become part of the site plan; consequently, any later changes to these documents relating to the use of the property itself will be considered a change to the site plan and have to be approved by the Planning Commission.
    7. The proposed site plan shall be consistent with the general principles and objectives of the Township's Master Plan.
C. The Planning Commission may attach reasonable conditions with the approval of a site plan. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with the adjacent uses of land,

and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes, which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

D. The Planning Commission may impose reasonable hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
E. Any conditions required by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting, and attached to the final site plan.

Section 7.06 – Site Plan Amendments

An approved Site Plan may be submitted for minor amendments to the Zoning Administrator, or designee, for review and signature by the Planning Commission Chair. Minor Amendments shall include boundary adjustments of 10 feet or less to avoid specific obstacles and administrative or documentation changes that do not affect the use of the property itself. All others shall be considered major amendments. Major amendments are subject to the provisions of **Section 7.05** of this Ordinance. Major site plan amendments are subject to fees set forth in the Almira Township Fee Schedule.

Section 7.07 – Administrative Fees

A Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board of Trustees, as provided for in **Section 9.04** of this Ordinance. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be paid by the applicant.

Section 7.08 – Expiration of Approval

A. Unless a zoning permit has been issued within one calendar year (365 consecutive days) of the date of site plan approval, approval shall expire and be of no effect. An initial six (6) month extension shall be granted by right if the applicant applies for such extension prior to expiration of the original site plan. Additional six (6) month extensions may be granted by the Planning Commission provided the following standards are met.
    1. Applicant requests extension prior to expiration of previous approval.

2. The approved site plan adequately represents the current conditions on and surrounding the site.
3. The site plan conforms to current Zoning Ordinance standards.

B. If an approved site plan has expired and an extension of approval has not been obtained as set forth above, no zoning or building permits for the development or use of the subject property shall be issued until a new application for site plan review has been filed and approved by the Planning Commission, as is required for any application for site plan review.

Section 7.09 – Inspection and Certification Requirements

A. The applicant shall be responsible for requesting the necessary inspections. All inspection requests shall be first directed to the Zoning Administrator, or designee. The Zoning Administrator, or designee, shall obtain inspection assistance from the appropriate Township or County official or consulting professional.
B. In the event improvements were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement prepared by the architect or engineer certifying that all improvements have been constructed in compliance with approval as granted.
C. The Planning Commission may, as a condition of approval, assign such inspection duties to the township's own independent professionals. In such cases, the cost for such inspections shall be borne by the applicant.
D. The Planning Commission may, at its discretion, also assign inspection responsibilities to the Zoning Administrator.
E. All sub-grade improvements such as utilities; sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved by appropriate agencies prior to covering.
F. The Zoning Administrator, or designee, shall notify the Planning Commission in writing when a development for which a final Site Plan is approved has passed inspection with respect to the approved site plan.
G. The Zoning Administrator, or designee, shall notify the Planning Commission in writing of any development, which does not pass inspection. Additionally, the Zoning Administrator shall advise the Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.

Section 7.10 – Performance Guarantees

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 9.05** of this Ordinance.

ARTICLE VIII: USES SUBJECT TO SPECIAL APPROVAL AND SUPPLEMENTAL SITE DEVELOPMENT STANDARDS

Section 8.01 – General Requirements

Uses requiring special approval shall be subject to the general provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

Section 8.02 – Uses Subject to Special Approval

A. Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission for its review and approval, on a special form provided for that purpose, and shall include the following:
    1. Site plan prepared under the requirements of **Article VII: Site Plan Review**.
    2. Name and address of applicant and owner of the premises.
    3. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
    4. A statement by applicant appraising the effect on the neighborhood.
    5. The application shall be accompanied by the fee established by the Township Board, as provided for in **Section 9.04** of this Ordinance**.**

B. A public hearing shall be held before the Planning Commission for all special approval requests. However, before the public hearing is scheduled, the Zoning Administrator shall review the application and related information to determine whether all information required by this Ordinance has been submitted. If the applicant fails to provide all the information required by this Ordinance, then the application shall be deemed incomplete, shall not be processed, and shall be denied by the Zoning Administrator on that basis. When the Zoning Administrator determines that the application is administratively complete, he or she shall provide notice of the public hearing which complies with all of the following requirements:
    1. The content of the notice shall include all of the following information:
        a. A description of the nature of the proposed special approval request.
        b. A description of the property on which the proposed special approval use will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
        c. The time, date, and place the proposed special approval request will be considered.
        d. The address where and the deadline when written comments will be received concerning the proposed special approval request.
        e. The notice shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days before the scheduled public hearing.

f. The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed special approval use will be located not less than fifteen (15) days before the scheduled public hearing.
g. The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed special approval use will be located and to the occupants of all structures with 300 feet of the property on which the proposed special approval use will be located not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

B. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.
C. Special approvals shall be based on the determination that the proposal comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in **Article VII: Site Plan Review**, applicable site development standards for specific uses set forth in **Section 8.03** of this Ordinance. and the following standards:
    1. The property subject to the application is located in a zoning district in which the proposed special approval use is allowed.
    2. The proposed special approval use will not involve uses, activities, processes,
    3. materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.
    4. The proposed special approval use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
    5. The proposed special approval use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
    6. The proposed special approval use will not place demands on fire, police, or other public resources in excess of current capacity.
    7. The proposed special approval use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
    8. The proposed special approval use shall be consistent with the general principles and objectives of the Township's Master Plan.
    9. The proposed special approval use complies with all other requirements of this Ordinance, including but not limited to the applicable supplemental site development standards provided in **Section 8.03** of this Ordinance of this Ordinance and all applicable requirements provided in **Article IV: General Provisions** of this Ordinance.
D. The Planning Commission may attach reasonable conditions when granting special Approval uses. These conditions may include those necessary to ensure that public services and facilities

affected by a proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Any residential development which shares common lakefront or stream frontage may not permit a greater density ratio than one (1) single family dwelling per on hundred twenty-five (125) feet of lake or stream frontage held in common ownership as measured at the ordinary high-water mark of the lake or stream. As part of the special land use approval process the owner or applicant shall provide the Planning Commission with evidence that the limitation of residential density shall be included in the deed.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to consideration, and be necessary to the standards established in the ordinance for the land use or activity and to insure compliance with those standards.

E. The Zoning Administrator, or designee, shall have the right to periodically inspect any special approvals, to ensure continued compliance with the conditions of the special approvals.

Section 8.03 – Supplemental Site Development Standards

In addition to meeting the standards specified in **Section 8.02** of this Ordinance, those permitted uses and uses allowed by Special Approvals enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements:

A. Businesses with Drive-Through Services, including Restaurants

1. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line or residential property line.
2. There shall be provided, on the sides abutting or adjacent to a residential district or use, a six (6) foot, completely obscuring wall, fence or landscape screen, measured from the surface of the ground on the abutting residential district or use.

B. Campgrounds

1. A minimum lot size shall be ten (10) acres.
2. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park.
3. Each lot shall be provided with at least one (1) public phone.
4. All sanitary stations, privies, or any sanitary facilities shall be located not less than one hundred (100) feet from property lines.
5. Campground perimeter shall be screened by natural terrain, neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
6. Campsites shall be located not less than fifty (50) feet from property lines.

C. Car Wash Facilities

1. Vacuuming activities may be carried out in the rear yard and at least seventy-five (75) feet distance from any adjoining lot line of property used for residential purposes or zoned residential. In lieu of providing this requirement, a five (5) foot masonry wall may be erected in a manner that will shield residential uses from undue noise pollution due to said vacuuming activities.
2. The entrances and exits of the facility structure shall be from within the parcel and not directly to or from adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

D. Common Use Lake or Stream Frontage Property

This section is intended to limit the number of users of the lake or stream frontage to preserve the quality of waters, and to preserve the quality of the recreational use of all waters in the township. The restrictions below shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, condominium agreement or lease.

1. Any residential development which shares common lakefront or stream frontage may not permit a greater density ratio than one (1) single family dwelling per one hundred twenty-five (125) feet of lake or stream frontage held in common ownership as measured at the ordinary high-water mark of the lake or stream. As part of the special land use approval process the owner or applicant shall provide the Planning Commission with evidence that the limitation of residential density shall be included in the deed.
2. All waterfront common use areas shall be required to provide side yard buffer areas a minimum of twenty-five (25) feet and adequate to reduce the impacts of common use lake access on the neighboring riparian properties. Natural shrubbery, trees and other vegetation shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally or more effective in retarding run-off, preventing erosion and preserving natural beauty.

E. Gas and Oil Processing Facilities

1. The facility shall comply with all federal, state and local building, environmental and health codes and regulations.
2. The applicant shall provide copies of the application for permit to drill, survey record of well location, and plat, as provided to the Supervisor of Wells, Department of Environmental Quality, as part of the permit process for the location and erection of oil and gas processing facilities.
3. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, the lease documents shall be submitted to the Planning Commission, and the Township Board of Trustees shall be informed of the length of the lease term.
4. Because the subject facilities are industrial in nature, the required site plan shall also show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation, or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties.

5. In the event the facility is no longer required or is not used for two (2) years, the existing facility shall be removed and the area restored to its original state.
6. The sound level of the facility shall not exceed sixty (60) decibels as measured four hundred and fifty (450) feet in any direction from the facility.
7. The facility shall be built no closer than four hundred and fifty (450) feet from an existing dwelling.
8. The facility shall be built no closer than one hundred (100) feet from any public road.

F. Gasoline Service Station

1. A gasoline service station building shall be located no less than forty (40) feet from the street right-of-way and no less than twenty-five (25) feet from the side lot line of an adjoining property.
2. No ingress or egress to a gasoline service station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
3. The entire lot, excluding those areas occupied by a buildings or landscaped area, shall be hard-surfaced with concrete or a plant mixed bituminous material.
4. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy ingress and egress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service shall overhang onto a sidewalk, curb, street or public right-of-way.
5. When adjoining residential property, screening shall be provided parallel to the property line of such residential property as required in **Section 4.12** of this Ordinance. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
6. All outside storage areas for trash and similar items shall be enclosed by an obscuring wall at least five (5) feet high.
7. The sale of used or new vehicles, including trailers or recreational vehicles on the premises, is prohibited.
8. The property on which the gasoline service station is located shall be no closer than five hundred (500) feet from a hospital, library, museum, public or private school, playground, church or park.
9. All exterior lighting, including signs, shall be hooded or shielded so that glare shall be shielded from the view of adjacent properties.
10. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.

G. Auto Repair Facility

1. When adjoining residential property, screening shall be provided parallel to the property line of such residential property as required in **Section 4.12** of this Ordinance. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
2. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an obscuring wall at least five (5) feet high. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.

3. All lighting shall comply with **Section 4.17** of this Ordinance**.**
4. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.
5. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building.

H. Kennels or Veterinary Hospital

1. All kennels or veterinary hospitals shall be operated in conformance with County and State regulations.
2. Animals shall be confined in a fenced area to preclude their approaching nearer than one hundred (100) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
3. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
4. All principal use activities shall be included within an enclosed main building or fenced area.

I. Manufactured Home Developments

Manufactured home developments shall be permitted in the Mixed Residential District, R-2, and Commercial after a hearing by the Planning Commission, provided the following conditions are satisfied:

1. Manufactured home developments for the location of three (3) or more manufactured, or mobile dwelling, units shall be developed pursuant to the requirements of The Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, and shall be licensed by the State of Michigan according to the Act.
2. Internal roads in manufactured housing developments shall have access to a public thoroughfare or be connected to such road by a permanent easement, shall be hard surface, and shall follow additional requirements of Manufactured Housing Commission Rules 920-923. Each home site shall be provided with two (2) parking spaces. A minimum of one (1) additional parking space for every three (3) home sites for visitor parking shall be provided within five hundred (500) feet of the home sites. Additional parking requirements per Manufactured Housing Commission Rules 925-926 shall be followed.
3. The layout of the manufactured home development and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety and welfare of the residents.
4. An obscuring wall or fence, four to six (4-6) feet in height, or a landscape screen not less than four (4) feet in height shall be provided on all sides of the manufactured home development, with the exception of that portion providing ingress and egress from the development.
5. Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.
6. Manufactured or mobile dwelling units shall be placed in such a manner as to provide minimum safe distance on all sides from neighboring units and other structures, according to the Manufactured Housing Commission Rules 941 and 944.

7. Recreation and/or open space
    a. A manufactured home development that contains fifty (50) or more home sites shall have not less than two percent (2%) of the development's gross acreage designated as open space, but not less than twenty-five thousand (25,000) square feet. Such area (including accompanying equipment) shall be developed and maintained by the management to provide safe and healthful recreation for residents of the development.
    b. Any yard areas and open spaces shall be maintained in a clean, presentable condition at all times.

J. Outdoor Sales Facilities

1. Lighting should be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties.
2. Parking area shall be provided on-site so as to prevent on-street parking.

K. Sexually Oriented Business – General Requirements

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned R-1 or R-2.
3. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any residence, park, school, child care organization, or place of worship, or other sexually oriented business. This distance shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship, or other sexually oriented business.
4. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
5. The proposed use must meet all applicable written and duly promulgated standards of Almira Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
7. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
    a. "Persons under the age of 18 are not permitted to enter the premises", and

b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 8:00 AM to 12:00 AM.
11. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
12. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
    a. Is handicap accessible to the extent required by the Americans with Disabilities Act;
    b. Is unobstructed by any door, lock or other entrance and exit control device;
    c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
    d. Is illuminated by a light bulb of wattage of no less than 25 watts;
    e. Has no holes or openings in any side or rear walls.
13. Not have detrimental effect on property values.

L. Sexually Oriented Business – Review Procedures

The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business.

1. If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within three (3) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
2. If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in **Sections 8.02 and 8.03** of this Ordinance**.** If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved. Only upon approval, whether by the Township Planning Commission or upon automatic approval after the lapse of 60 days as provided herein may a special use permit be issued by the Zoning Administrator.
3. Prompt judicial review of adverse determination: If the Planning Commission denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting

a written request to the Zoning Administrator, or designee. The Township shall within three (3) business days of the receipt of such written notice do the following:

a. File a petition in the Circuit Court for the County of Benzie seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
b. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval application automatically approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

M. Sand and Gravel Excavation

1. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip greater than 2,000 cubic yards per acre of topsoil, sand, clay and gravel or similar material, or to use lands for filling within the Township without first submitting a site plan and procuring approval from the Planning Commission.
2. A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found and taken to another site, site plan approval is needed for the receiving site.
3. Site plan application. A separate site plan shall be required for each separate excavation or fill site. In addition to the site plan requirements listed in **Section 7.03** of this Ordinance, a site plan prepared under this section shall also include:
    a. Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
    b. Full legal description of the premises where operations are proposed.

c. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
d. Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
e. Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
f. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether the site plan should be approved or not.

4. Where in the opinion of the Planning Commission, there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the health, safety and general welfare of Township residents.
5. Reclamation of mined or excavated areas.
    a. Earth removal, quarrying, gravel processing and mining shall be considered temporary uses. Mined or excavated sites shall be reclaimed properly and in a timely fashion.
    b. A performance guarantee shall be posted with the Almira Township Treasurer to cover the estimated costs of reclamation. "Performance guarantee" as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit, acceptable to the Township, in the amount of the estimated cost of reclamation. It shall be subject to review and adjustment by the Planning Commission at the end of twelve (12) months, and thereafter at two (2) year intervals.
    c. Reclamation shall be completed as agreed upon by the Planning Commission and applicant in an approved development site plan.
    d. Inactivity at a site for a continuous twelve (12) month period shall constitute termination of mining activity and require that site reclamation commence and be completed.
    e. Upon the failure of any operator to perform reclamation of the mining site in a proper and timely manner as agreed to in the approved site plan, the performance guarantee will be forfeited. The Almira Township Board shall use the funds to cover the cost of restoring the site and administrative costs incurred in so doing.
6. Standards controlling reclamation.
    a. Excavated areas shall not collect stagnant water.
    b. Surface of such area which is not intended to be permanently submerged shall be graded or back-filled with non-noxious, non-flammable and non-combustible solids as necessary to produce a surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
    c. The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation at a slope which shall not be steeper than one foot vertical to three feet horizontal.

d. Vegetation shall be restored within one year by the appropriate planting of indigenous grasses, trees, or shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
e. Maintenance:
    (A). Slopes and surfaces shall be maintained as agreed in the development site plan.
    (B). Erosion areas shall be filled and the surface restored.
    (C). All unhealthy and dead plant material shall be replaced within one year of damage or death, or at the next appropriate planting period, whichever comes first.
f. Reclamation plans shall follow the standards detailed for the most appropriate use(s) allowed by this Ordinance.
g. Future uses shall conform with uses indicated in the Township Master Plan or as approved in the Development Site Plan.

N. Telecommunication Tower and Alternative Tower Structure

1. Purpose: The purpose of this section is to establish general guidelines for the location of wireless telecommunications, alternative tower structures and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Township. The Township also recognizes the need to protect scenic beauty of Almira Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this ordinance seeks to:
    a. Protect residential areas from potential adverse impacts from towers and antennas:
    b. Encourage the location of towers in nonresidential areas;
    c. Minimize the total number of towers throughout the community;
    d. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
    e. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact.
    f. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.
    g. Consider the public health and safety of telecommunication towers and alternative tower structures; and
    h. Avoid potential damage to adjacent property from tower failure.
2. Application: The applicant must demonstrate that no existing tower, alternative tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, or alternative

technology can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or alternative structures are located within the geographic area which meets the applicant's engineering requirements.
b. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
c. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
g. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

3. Setbacks: The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this Ordinance would be better served thereby:
    a. Towers must be setback a distance equal to at least seventy-five (75) percent of the height of the tower from any adjoining lot line.
    b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
4. Security Fencing: Towers and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive any such requirements, as it deems appropriate.
5. Landscaping: The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however that the Planning Commission may waive such requirements if the goals of this Ordinance would be better served thereby.
    a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

6. State or Federal Requirements: All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower and antenna at the owner's expense.
7. Aesthetics: Towers and antennas shall meet the following requirements:
    a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
    b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
    c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
    d. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
8. Lighting: Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative and design chosen must cause the least disturbance to the surrounding views.
9. Compliance with Codes: Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
10. Interference with Residential Reception: Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.

11. Signs: No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed on an antenna or tower.
12. Spacing-Towers: Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing tower and proposed base of the proposed tower.
13. Spacing-Residences: A tower shall not be located within two hundred (200) feet or three hundred (300) percent of the height of the tower, whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school or other structure normally used and actually used for the congregation of persons.
14. Removal of Abandoned Antennas and Towers: Any antenna or tower that is not operated for a continuous period of nine (9) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety days of receipt of notice from the Township notifying the owner of such abandonment. Along with removal, the owner shall restore the site of the antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds to remove the tower and antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not be effective until all users cease using the tower, then this provision shall not be effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special approval given pursuant to this section.

O. Group day care homes

Regardless of the standards specified in **Section 8.02** of this Ordinance, the Planning Commission shall grant special approval for a group day care home when it finds that all of the following standards have been met:

1. The proposed group day care home is located not closer than 1,500 feet to any of the following:
    a. Another licensed group day care home.
    b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
    c. a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 33.6101 to 333.6523.
    d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
2. The proposed group day care home has appropriate fencing for the safety of the children in the group day care home as determined by the planning commission.

3. The proposed group day care home maintains the property consistent with the visible characteristics of the neighborhood.
4. The proposed group day care home does not exceed 16 hours of operation during a 24-hour period. the planning commission may limit but not prohibit the operation of the group day care home between the hours of 10 p.m. and 6 a.m..
5. The proposed group day care home meets the sign regulations of **Section 4.18** of this Ordinance used by the group day care home to identify itself.
6. The proposed group day care home meets the off-street parking regulations of **Section 8.04** of this Ordinance concerning parking accommodations for employees of the group day care home.

P. Commercial WECS, Commercial WECS Farms, and Commercial Anemometer Towers

1. In addition to the application requirements of **Section 8.02** of this Ordinance, an application seeking special approval for a commercial WECS, a commercial WECS farm, or a commercial anemometer tower shall include all of the following information, unless expressly indicated otherwise:
    a. A detailed analysis by a qualified registered engineer describing the specific commercial WECS, commercial WECS farm, or commercial anemometer tower structure(s) proposed and all phases for implementing the development, if any.
    b. A study prepared by a qualified registered engineer documenting that the site of the commercial WECS or commercial WECS farm has sufficient annual wind resources for the proposed commercial WECS or commercial WECS farm. Provided, however, this application requirement shall not apply to a commercial anemometer tower.
    c. The resume or other written summary of the education, experience, and other qualifications of all experts providing information concerning the commercial WECS, commercial WECS farm, or commercial anemometer tower.
    d. A study prepared by a qualified wildlife biologist documenting that the commercial WECS or commercial WECS farm will not have a significant adverse impact on birds, other wildlife, and endangered or threatened species. Provided, however, this application requirement shall not apply to a commercial anemometer tower.
    e. A detailed written statement, with supporting evidence, demonstrating how the proposed commercial WECS, commercial WECS farm, or commercial anemometer tower will comply with all of the applicable standards for approval specified in this section.
    f. Written documentation establishing whether the proposed commercial WECS or commercial WECS farm location on the site will create shadow flicker on any roadway and/or on existing structures located off the property on which the commercial WECS or commercial WECS farm will be constructed, and if so, the extent and duration of the shadow flicker on the roadway and/or existing structures and the steps to be taken to minimize the shadow flicker on the roadway and/or existing structures. Provided, however, this application requirement shall not apply to a commercial anemometer tower.

g. Written documentation that the applicant has notified the FAA and any other applicable state and federal regulatory agencies of the proposed commercial WECS, commercial WECS farm, or commercial anemometer tower.
h. Written documentation that the applicant has notified the operators of any radio, television, wireless telephone or other personal communication systems, microwave or communication link towers or similar facilities of the proposed commercial WECS or commercial WECS farm when the proposed location of the commercial WECS or commercial WECS farm could interfere with the transmission or reception signals of those operators. Provided, however, this application requirement shall not apply to a commercial anemometer tower.
i. Elevation drawings, computer generated photographic simulations or other images, or other visual aids that depict how the commercial WECS, commercial WECS farm, or commercial anemometer tower and all accessory structures will appear as constructed on the proposed site from vantage points north, south, east, and west of the commercial WECS, commercial WECS farm, or commercial anemometer tower location.
j. Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for commercial WECS, commercial WECS farm, or commercial anemometer tower approval specified in this section and the impact of the proposed commercial WECS, commercial WECS farm, or commercial anemometer tower on adjacent properties, public infrastructure, and the township as a whole. This information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, and/or information from officials representing federal, state, or county departments or regulatory agencies.

2. The Zoning Administrator shall review the application and information submitted under this Section to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the commercial WECS, commercial WECS farm, or commercial anemometer tower shall not proceed until all required information has been supplied. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Ordinance.
3. The Planning Commission shall approve, or approve with conditions, an application for a commercial WECS, commercial WECS farm, or commercial anemometer tower only upon a finding that the proposed commercial WECS, commercial WECS farm, or commercial anemometer tower complies with the standards in **Section 8.02** of this Ordinance and all of the following applicable standards:
    a. The proposed site shall have documented annual wind resources sufficient for the operation of the commercial WECS or commercial WECS farm. Provided, however, this standard shall not apply to a commercial anemometer tower.
    b. The minimum lot size for a commercial WECS, commercial WECS farm, or commercial anemometer tower shall be as necessary to meet required setbacks and any other standards of this section.

c. The commercial WECS or commercial WECS farm (the combined sound from all individual commercial WECS) shall produce sound pressure levels that are no more than fifty-five (55) decibels as measured on the dB(A) scale at the property lines of the site in question. Provided, however, this standard shall not apply to a commercial anemometer tower.
d. The commercial WECS or commercial WECS farm (the combined vibrations from all individual commercial WECS) shall not produce vibrations beyond the property lines of the lot on which the commercial WECS or commercial WECS farm is located of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on any reasonable person of normal sensitiveness. Provided, however, this standard shall not apply to a commercial anemometer tower.
e. The potential blade and ice throw for the proposed commercial WECS (both singly and within a commercial WECS farm) shall not cross the property lines of the site in question. Provided, however, this standard shall not apply to a commercial anemometer tower.
f. The commercial WECS or commercial WECS farm shall meet a setback from any adjoining lot line and any adjoining public or private road a distance necessary for the commercial WECS or commercial WECS farm to comply with the requirements of subsections c), d), and e) above, but in no event less than one and one-half (1.5) times the commercial WECS tower height. The setback shall be measured from the outermost point on the base of the commercial WECS. Provided, however, this standard shall not apply to a commercial anemometer tower.
g. The individual commercial WECS within a commercial WECS farm shall be located as close together as possible to achieve a reasonable rate of return on the operation of the commercial WECS farm. A reasonable rate of return is not equivalent to maximizing the economic return to the operator. The Planning Commission shall not grant any increased spacing between individual commercial WECS if the reasonable economic return cannot be met due to the use of inefficient equipment that does not utilize current commercial technologies. Provided, however, this standard shall not apply to a single commercial WECS or to a commercial anemometer tower.
h. The individual commercial WECS within a commercial WECS farm shall be constructed using WECS of similar design, size, operation, and appearance throughout the commercial WECS farm. Provided, however, this standard shall not apply to a single commercial WECS or to a commercial anemometer tower.
i. A commercial anemometer tower shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to one and one-half (1.5) times the height of the anemometer tower. The setback shall be measured from the outermost point on the base of the anemometer tower. Provided, however, this standard shall not apply to any commercial WECS or commercial WECS farm.

j. The maximum commercial WECS tower height (both singly and within a commercial WECS farm) or the maximum height of a commercial anemometer tower shall be the minimum height necessary or reasonable to serve its intended function, or 400 feet, whichever is less.
k. For both horizontal and vertical axis commercial WECS, the rotor shall be located on the tower such that the wind vane or blade clearance above the ground level shall be no less than twenty (20) feet.
l. The commercial WECS (both singly and within a commercial WECS farm) shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific commercial WECS to prevent uncontrolled rotation or over speed. Provided, however, this standard shall not apply to a commercial anemometer tower.
m. The electrical transmission lines connecting the commercial WECS or commercial WECS farm to the public utility electricity distribution system shall be located underground, unless the Planning Commission finds that it is technologically infeasible or finds that the cost of placing those electrical transmission lines underground is unreasonably burdensome. If the Planning Commission allows overhead electrical transmission lines to connect the commercial WECS or commercial WECS farm to the public utility electricity distribution system, then those electrical transmission lines shall be placed at a height consistent with industry standards to ensure public safety.
n. The commercial WECS (both singly and within a commercial WECS farm) or the commercial anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate WECS or other tall structures.
o. The commercial WECS (both singly and within a commercial WECS farm) or the commercial anemometer tower, including all accessory structures, shall, subject to any applicable requirements of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the commercial WECS (both singly and within a commercial WECS farm) or the commercial anemometer tower is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
p. The commercial WECS (both singly and within a commercial WECS farm) or the commercial anemometer tower shall not be artificially lighted unless required by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA. Unless the FAA requires otherwise the lighting shall be a nonpulsating or nonblinking red light.

q. The commercial WECS, commercial WECS farm, or the commercial anemometer tower shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
r. The commercial WECS or commercial WECS farm shall be constructed and operated so that it does not interfere with radio, television, wireless telephone or other personal communication systems, microwave or communication link towers or similar facilities in neighboring areas. If degradation in the transmission or reception of these electronic signals occurs as the result of the commercial WECS or commercial WECS farm, or commercial anemometer tower, the developer shall pay to correct or restore these electronic signals to at least the level present before operation of the commercial WECS or commercial WECS farm.
s. The commercial WECS (both singly and within a commercial WECS farm) and commercial anemometer towers shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
t. The commercial WECS, commercial WECS farm, or commercial anemometer tower shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the commercial WECS, commercial WECS farm, or commercial anemometer tower would be minimal.
    (A). The base of the commercial WECS, the perimeter of the commercial WECS farm, or the base of the commercial anemometer tower, including all accessory structures for each, shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes and from public or private roads. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the facilities.
    (B). Existing natural land forms on the site which effectively screen the base of the commercial WECS, commercial WECS farm, or commercial anemometer tower from adjacent property used for residential purposes and from public or private roads shall be preserved to the maximum extent possible.
u. The commercial WECS, commercial WECS farm, or commercial anemometer tower shall have posted on the site in a visible, easily accessible location a sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and warning of the dangers of falling ice. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays.
v. The commercial WECS (both singly and within a commercial WECS farm) or commercial anemometer tower shall have no advertising painted on or attached

to the WECS or anemometer tower or any accessory structure of the WECS or anemometer tower.

w. The commercial WECS or commercial WECS farm shall be designed and sited in such a manner to minimize shadow flicker expected to fall on a roadway and on any existing structures located off the property on which the commercial WECS or commercial WECS farm is constructed. Provided, however, this standard shall not apply to a commercial anemometer tower.

x. The commercial WECS, commercial WECS farm, or commercial anemometer tower shall be designed and sited in such a manner to minimize any adverse impact on birds, other wildlife, and endangered or threatened species.

y. The applicant submits and agrees to implement a decommissioning plan for the commercial WECS, commercial WECS farm, or commercial anemometer tower, which decommissioning plan shall include all of the following components:

(A). The plan shall require removal of the commercial WECS, commercial WECS farm, or commercial anemometer tower and the restoration of the site to its condition before the installation of the commercial WECS, commercial WECS farm, or commercial anemometer tower including removing all foundations to a point five feet below plow depth, when the commercial WECS or commercial WECS farm is not operated for a continuous period of twelve (12) months or within two (2) years after the commercial anemometer tower was constructed.

(B). The plan shall require the removal and restoration specified above within ninety (90) days after written notice from the township.

(C). The plan shall include a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs net of salvage value in current dollars (plus 10%) associated with the removal and restoration specified above.

Q. Utility-Scale SES

1. In addition to the application requirements of **Section 8.02** of this Ordinance, an applicant seeking special approval for Utility-Scale SES shall include all of the following information, unless expressly indicated otherwise:

a. Site Control Plan: The applicant shall submit documentation of actual or prospective access to and control of the Utility-Scale SES site during construction. Plan shall consider, at a minimum, security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Utility-Scale SES.

b. Operation and Maintenance Plan: The applicant shall submit a plan for the operation and maintenance of the Utility-Scale SES. The Operation and Maintenance Plan shall consider at minimum:

(A). Procedures for routine maintenance of the SES.

(B). Measures for maintaining safe and secure access to the SES during normal operation.

(C). Storm water and snow melt controls, as applicable.
(D). copy of the application to the utility company that will be interconnecting the Utility-Scale SES at the proposed site.
(E). The names and addresses and other contact information for the manufacturer and installer of the SES and the proposed operator of the site, if not the applicant; the type and model of all major equipment components to be used within the SES, including but not limited to the photovoltaic panels, thermal energy or hot water systems, mounting and tracking systems, inverters and transformers.
(F). If the SES will utilize batteries for the storage of Solar Energy, adequate design must be provided to show compliance with all applicable state and federal requirements regulating the outdoor storage of batteries.

c. Solar Glare and Glint Analysis: Using the Solar Glare Hazard Analysis Tool, developed by Sandia National Laboratories, (or similar tool or program approved by the Planning Commission) the applicant shall demonstrate compliance with the standards required by Section 4.30 of this Ordinance.
d. Emergency Response Plan: The applicant shall submit an emergency response plan, developed in cooperation with local emergency services. The Emergency Response Plan shall consider at minimum:
   (A). Clearly marked means of shutting down the SES.
   (B). Identification of a person responsible for public inquires throughout the life of the SES.
   (C). Signage posted and maintained at the entrance(s) to the SES which lists the name(s) and phone number(s) of the owner/operator.
e. Environmental Impact Analysis: The applicant shall submit an analysis that considers the environmental impact of the Utility-Scale SES. The analysis shall be prepared by a third-party qualified professional and shall consider at minimum:
   (A). Any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities.
   (B). All appropriate measures to minimize, eliminate or mitigate adverse impacts identified.
f. Decommissioning Plan: The applicant shall submit a plan for the decommissioning of the SES after discontinued operation. The plan shall include an itemized cost estimate prepared by a qualified engineer to fully decommission the SES. The Decommissioning Plan shall consider at a minimum:
   (A). Physical removal of Utility-Scale SES from the site, including the Solar Collector Surface, Ancillary Solar Equipment, and transmission lines.
   (B). Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
   (C). Stabilization or re-vegetation of the site as necessary to minimize erosion.
   (D). The impact of inflation on the cost to fully decommission the SES.

1. The Zoning Administrator shall review the application and information submitted under this Section to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the Utility-Scale SES shall not proceed until all required information has been supplied. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Ordinance.
2. The Planning Commission may attach reasonable conditions when granting special approval uses for Utility-Scale SES. In addition to the conditions in **Section 8.02** of this Ordinance, the Planning Commission may attach any of the following:
    a. Screening: Buffering or screening, in addition to that described in **Section 4.30** of this Ordinance, may be required as determined by the Planning Commission to address specific site needs at the time of site plan review.
    b. Financial Surety: The applicant for a Utility-Scale SES may be required to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of decommissioning the SES in the event of abandonment. The amount and form of financial surety is to be determined by the Planning Commission, but in no event to exceed more than one hundred twenty-five (125) percent of estimated cost identified within the Decommissioning Plan submitted under this **Section**.

Section 8.04 – Off-Street Parking, Loading and Unloading Requirements and Standards

Off-street parking with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any main building, that is adequate for parking, loading and unloading of vehicles according to the requirements listed below, and including at least the minimum number of spaces required by the table in **Section 8.04** of this Ordinance. Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading and standing of all vehicles to avoid undue interference with public use of the highway. The size of the loading space shall be determined according to the nature of the business and the size of trucks which will be servicing said business.

Section 8.04.1 – Parking Requirements

A. 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.
B. A residential off-street parking space shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve. In a residential district, a licensed commercial vehicle may be parked provided it is owned or operated by someone residing on the premises.

C. Adequate space should be provided in all parking, loading and unloading areas to facilitate vehicles turning around so that the entry on to streets and county roads may be in a forward manner and not by backing. Furthermore, in parking, loading and unloading areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.
D. One (1) vehicular parking space shall be nine (9) feet by eighteen (18) feet.
E. For the purpose of calculating parking requirements, the computation of Enclosed Building Area shall exclude all areas used primarily for vehicle parking, and all portions of basements, cellars, attics, storage, or utility spaces. In the case of a single-story structure, the Enclosed Building Area used for parking calculations may be reduced by ten (10) percent to accommodate incidental storage or utilities not otherwise excluded.
F. The Township Planning Commission shall determine the required parking space for uses not specified in **Section 8.04.2** of this Ordinance, based upon similar uses that are specified.
G. Adequate area must be provided for snow piling and on-site drainage. Handicap parking must be provided as required by State and Federal regulations. Designation of parking area must be clearly identifiable for use by the public.

Section 8.04.2 – Minimum Number of Parking Spaces per Unit

A. Banks, business offices, studios and professional offices of architects, lawyers, and similar professions.	Three (3); plus, one (1) additional space for each three hundred (300) square feet of Enclosed Building Area.
B. Barber shops and beauty parlors.	Two (2) for each operator chair; plus, one (1) for each two (2) employees.
C. Bowling establishments.	Five (5) spaces for each bowling lane.
D. Churches, theaters and auditoriums except schools.	One (1) for each four (4) seats; plus, one (1) for each two (2) employees.
E. Community center, library, museum or art center.	One (1) space for each two hundred (200) square feet of Enclosed Building Area.
F. Dwellings.	Two (2) for each dwelling unit.
G. Hospitals, clinics and similar establishments.	One (1) for each bed and/or examining room; plus, one (1) for each two (2) employees on maximum working shift; plus, one (1) for each two hundred (200) square feet of Enclosed Building Area.
H. Laundromats.	One (1) for each two (2) washing machines and/or dry-cleaning machines.
I. Hotels, motels, tourist homes and lodging house.	One (1) for each sleeping room; plus, one (1) for each two (2) employees on the maximum working shift.

J. Manufacturing or industrial establishments, warehouse similar establishment.	Two (2) for each two (2) employees on maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment.
K. Plumbing, printing and similar service shops and businesses.	One (1) for each employee; plus, one (1) for each three hundred (300) square feet of Enclosed Building Area.
L. Private clubs, night club, dance halls and similar recreational establishments.	One (1) for each one hundred (100) square feet of Enclosed Building Area.
M. Professional offices of doctors, dentists and similar professions. minimum	One (1) for each one hundred (100) square feet of Enclosed Building Area or a of four (4) spaces, whichever is greater.
N. Restaurants, and similar establishments for sale and service of food and drink, except liquor and drive-ins.	One (1) for each one hundred (100) square feet of Enclosed Building Area.
O. Retail stores.	One (1) for each one hundred fifty (150) square feet of Enclosed Building Area.
P. High schools.	One (1) for each six (6) seats in main auditorium or one (1) for each employee; plus, one (1) for each four (4) students, whichever is greater.
Q. Schools (except high schools).	One (1) for each ten (10) seats in main assembly room, or one (1) for each employee; plus, two (2) for each classroom, whichever is greater.
R. Home Business.	Two (2) spaces for dwelling use; plus, additional spaces as determined by Planning Commission to accommodate customers or clients.
S. Auto repair and service stations.	Two (2) spaces for each service bay; plus, one (1) space for each employee on maximum working shift.

ARTICLE IX: ADMINISTRATION AND ENFORCEMENT OF ORDINANCE

Section 9.01 – Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, or designee, appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable.

Section 9.02 – Duties and Power of the Zoning Administrator

The Zoning Administrator, or designee, shall enforce this Ordinance, and shall have the authority to:

A. Approve all zoning permits and certificates of compliance.
B. Conduct inspection of all buildings and structures and the use of all lands subject to the provisions of this Ordinance to determine compliance.
C. Maintain permanent and correct records of this Ordinance including, but not limited to zoning permits, exceptions, variances and appeals.
D. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.
E. Investigate all applications for uses subject to special approval and variances addressed to the Township Planning Commission and Board of Appeals, and report these findings to the Commission and Board.
F. Initiate appropriate action for proceedings to prevent, restrain, correct or abate any illegal act in violation of this Ordinance.

Section 9.03 – Zoning Permit

A. No building, structure, or land subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, moved, used, changed to another category of use, nor shall any excavating of land be commenced until a Zoning Permit application has been filed with the Township Zoning Administrator, or designee, and a Zoning Permit has been issued by the Zoning Administrator, or designee. Minor Accessory Buildings do not require a Zoning Permit to be constructed, erected, or placed but are subject to all other provisions of this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance.
B. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
    1. A site plan (**Article VII: Site Plan Review**), if required, or a sketch to scale in duplicate showing the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions,

location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, easements and public open spaces; the location and widths of driveways providing primary access to buildings and structures; the front yard dimensions of the nearest building on both sides of the proposed building or structure: the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.

2. The property owner or their agent shall physically stake on the ground the location of proposed buildings or structures and the location of each property line at the points closest to proposed buildings or structures. The Zoning Administrator shall inspect the site prior to construction to be sure that the actual locations of the proposed buildings on the ground are the same as the locations of the buildings as drawn on the site map.
3. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator or this Ordinance.
4. Such other information as may be required to determine compliance with the Ordinance.

C. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Benzie County Building Department.

D. A Zoning Permit issued pursuant to this section shall expire one (1) year following issuance, unless substantial construction has begun pursuant to the permit, or prior to the expiration of the permit the property owner applies for and receives an extension of the Zoning Permit for no more than one (1) year from the Zoning Administrator upon a showing of good cause and that the zoning regulations applicable to the use authorized by the Zoning Permit have not substantially changed since the issuance of the original permit or the most recent extension of the permit. Upon commencing substantial construction of a building pursuant to a Zoning Permit issued under this Ordinance, the exterior of the building shall be fully complete with one (1) year, unless prior to the expiration of this time period the property owner applies for and receives an extension for completing the exterior construction of the building from the Zoning Administrator upon a showing of good cause. No Zoning Permit shall be transferable to another parcel.

E. The Zoning Administrator, or designee, may in conjunction with the issuance of a municipal civil infraction, issue a stop work order on work in progress when that work violates any provision of the Zoning Ordinance. The stop work order shall remain in effect only until adjudication of the municipal civil infraction citation by the court or until modified or revoked by a court of competent jurisdiction.

F. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings when application thereof is made at the same time as the principal building. Application and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.

Section 9.04 – Fees

A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
    1. Zoning permits.
    2. Permits for special approval uses.
    3. Appeals to or requests for interpretations by the Zoning Board of Appeals. (Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator, or designee, shall not be subject to a zoning fee.)
    4. Classification of unlisted property uses.
    5. Requests to change a nonconforming use to another nonconforming use.
    6. Requests for variances from the Zoning Board of Appeals.
    7. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. (Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator, or designee, shall not be subject to a zoning fee.)
    8. Site plan reviews.
    9. Requests for a planned unit development (PUD).
    10. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

    The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

B. If the Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal or if the Planning Commission or Zoning Board of Appeals desires assistance in the review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or 10% of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by

the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 9.05 – Posting of Financial Guarantee

The Township is empowered to require a performance bond, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements or of removal of vehicles, buildings and other structures associated with the project. Such performance guarantee shall be deposited with the Township Treasurer at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements or removal as indicated with the approved site plan; if not, said performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvement or removal completed, as attested to by the depositor and verified by the Zoning Administrator, or designee. In cases where provisions of this Ordinance have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements or removal, and the balance, if any, shall be returned to the applicant.

Section 9.06 – Violations and Penalties

Section 9.06.1 – Nuisance per se

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

Section 9.06.2 – Inspection

The Zoning Administrator, or designee, shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

Section 9.06.3 – Penalties

A. Any person, partnership, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five hundred and 0/100 Dollars ($500), plus costs of prosecution up to Five Hundred and 00/100 Dollars ($500.00). Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this

Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

B. The Township Zoning Administrator or Township Supervisor, or their designees, are hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
C. In addition to enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9.06.4 – Conflicting Regulations

When a conflict exists between this Ordinance and a state or federal regulation, deed restriction, or private covenant, the more stringent regulation shall control.

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ARTICLE X: BOARD OF APPEALS

Section 10.01 – Creation and Membership

There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The ZBA shall consist of the five (5) members, each appointed by the Township Board of Trustees.

A. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
B. The remaining members of the Board must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
C. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
D. The Township Board shall appoint two (2) alternate members of the Zoning Board of Appeals for three (3) year terms, except that for the first appointments one (1) alternate member shall serve for a two (2) year term. The alternate members shall be called on a rotating basis by the chairperson of the Zoning Board of Appeals to sit as regular members if a regular member will be unable to attend one (1) or more meetings and when a regular member has abstained for reasons of conflict of interest. An alternate member called to sit as a regular member shall serve in the case until a final decision has been made and shall have the same voting rights as regular members of the Zoning Board of Appeals.
E. Terms for ZBA members shall be three (3) years, except for members serving because of their membership on the planning commission or township board whose terms shall be limited to the time they are members of the planning commission, or township board, respectively, and the period stated in the resolution appointing them. Vacancies for unexpired terms shall be filled for the remainder of the term.

Section 10.02 – Meetings

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to affect any variation of this Ordinance.

The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.

Section 10.03 – Appeal

A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
B. B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator, other than a decision to take enforcement action under this Ordinance, or by a decision of the Planning Commission concerning a site plan. The ZBA may also interpret the location of zoning district boundaries, may interpret the provisions of this Ordinance and have the authority to classify in which district this unclassified property use should be located based on similarities and dissimilarities with other listed property uses.
C. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
D. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated. In rendering a decision, the ZBA may, by a concurring vote of a majority of its members, reverse or affirm in whole or in part a decision or determination made by the Zoning Administrator, or designee.
E. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

Section 10.04 – Limitation on Authority

The ZBA has no authority to review a Planning Commission decision on applications for Special Approval Uses or Planned Unit Developments. The ZBA shall have the authority to consider variance requests regarding private roads only as provided for in **Section 4.23** of this Ordinance.

Section 10.05 – Stay

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 shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice of the Zoning Administrator and on due course shown.

Section 10.06 – Variances

A. Dimensional Variances: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
    1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
    2. The need for the requested variance is not the result of actions of the property owner or previous property owners or otherwise self-created.
    3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
    4. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
    5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
    6. If the requested variance is from the private road construction standards, road geometrics, or design standards of this Ordinance, then the variance will not result in a substantial adverse impact on traffic safety or traffic congestion after considering the conditions specified in **Section 4.23** of this Ordinance. When applying this standard the Board of Appeals shall consider the recommendation of the Planning Commission and the facts upon which it was based, but shall not be bound by the Planning Commission recommendation.
B. Use Variance: Upon a vote of 2/3 of its entire membership, the ZBA may grant use variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in undue hardship. To establish undue hardship, the applicant must establish all of the following:
    1. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special approval in the zoning district in which it is located.
    2. The need for the requested variances is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due solely to the applicant's personal or economic hardship.
    3. The proposed use will not alter the essential character of the neighborhood.
    4. The immediate hardship causing the need for the requested variances was not created by the property owner or previous property owners (self-created).
C. Conditions: The ZBA may attach reasonable conditions with the approval of a dimensional or use variance. These conditions may include those necessary to ensure that public services and

facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 10.07 – Zoning Board of Appeals Approval

The ZBA may require an appellant to submit surveys, plans, or other information deemed reasonably necessary to making an informed decision on his or her appeal. The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area.

Section 10.08 – Exercising Powers

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

Section 10.09 – Notice of Hearing

Following receipt of an administratively complete notice of appeal, request for an interpretation of the zoning ordinance, or request for a variance, the Zoning Board of Appeals shall hold, a public hearing, after giving the following applicable notice:

A. For an appeal or a request for an interpretation, the notice shall comply with all of the following:
    1. The content of the notice shall include all of the following information:
        a. A description of the nature of the appeal or interpretation request.
        b. If the appeal or interpretation request involves a specific parcel, then the notice shall describe the property involved. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of

identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
    c. The time, date and place the appeal or interpretation request will be considered.
    d. The address where and the deadline when written comments will be received concerning the appeal or interpretation request.
2. The notice shall be published in a newspaper of general circulation within the township not less than fifteen (15) days before the schedule public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the person filing the appeal or requesting the interpretation and, if the appeal or interpretation request involves a specific parcel, to the owners of the property involved not less than fifteen (15) days before the scheduled public hearing.
4. If the appeal or interpretation request involves a specific parcel, then notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three-hundred (300) feet of the property involved and to the occupants of all structures within three-hundred (300) feet of the property involved not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant or tenant is not known, the term "occupant" may be used in making notification under this subsection.

B. For a variance request, the notice shall comply with all of the following:
1. The content of the notice shall include all of the following information:
    a. A description of the nature of the variance request.
    b. A description of the property on which the requested variance will apply. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
    c. The time, date and place the variance request will be considered.
    d. The address where and the deadline when written comments will be received concerning the variance request.
2. The notice shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property seeking the variance not less than fifteen (15) days before the scheduled public hearing.
4. The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three-hundred (300) feet of the property on which the requested variance will apply and to the occupants of all structures within three-hundred (300) feet of the property to which the requested variance will apply not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

C. After providing the notice required under this section and without further notice the Zoning Board of Appeals may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date and place of the continued public hearing.

Section 10.10 – Miscellaneous

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 Zoning Permit is issued pursuant to **Section 9.03** of this Ordinance.

Section 10.11 – Denial and Resubmittal

No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or when the township's attorney certifies in writing that a mistake in the original procedure of the original hearing had been made.

ARTICLE XI: PLANNED UNIT DEVELOPMENTS

Section 11.01 – Intent and Purpose

As used in this section, "planned unit development" (or PUD), means cluster zoning, planned development, community unit plan, planned residential development, and other planned development. The purposes of a PUD are:

A. To accomplish the objectives of the Zoning Ordinance through a Land development review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
B. To permit flexibility in the regulation of land development.
C. To encourage innovation in land use in variety and design, layout, and type of structures constructed.
D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
E. To encourage useful open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the township.
F. The Planned Unit Development shall result in recognizable and substantial benefit to the ultimate users of the project and to the community.
G. The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant.
H. The Almira Township Planning Commission shall determine whether or not the design contains sufficient public benefits and safeguards as to make the effects of the development compatible with the intent of this Ordinance.
I. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

Section 11.02 – Use and Area Regulations

A. Permitted Uses. Planned unit developments shall be permitted in any zoning district according to the following:
    1. All Residential Districts - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Institutional and commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted, provided the total area devoted to institutional and commercial uses shall not exceed twenty (20) percent of the PUD site area, excluding dedicated open space.
    2. Commercial District - Except as noted, PUD uses may include any of the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding

neighborhood may also be permitted provided the total area devoted to residential uses shall not exceed forty (40) percent of the PUD site area, excluding dedicated open space.

3. Industrial District - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding area may also be permitted provided the total area devoted to commercial uses shall not exceed twenty (20) percent of the PUD site area, excluding dedicated open space.

In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

B. Area Regulations: Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations:

1. Perimeter Setbacks. The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying zoning district, provided:
    a. Any portion of a commercial or industrial use shall maintain a perimeter setback of not less than one hundred (100) feet from any adjoining or abutting property which is in a residential zoning district or use.
    a. With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
2. Height Regulations. The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying zoning district; provided, however, the Planning Commission may authorize an increase in height upon a finding that the proposed increase will not be detrimental to the public health, safety, or welfare of the PUD occupants, the area surrounding the PUD project site, and the township as a whole. This increase, however, shall not exceed fifty (50) percent of the underlying zoning district height limit. In authorizing an increase in height, the Planning Commission may require increased building setbacks and/or other conditions determined necessary to secure the public health, safety, or welfare and to ensure compatibility of the project with the surrounding area. In no case shall an increase in height be permitted if the increase will result in conditions beyond the service capability of the township pursuant to emergency fire suppression and other emergency services.

    For purposes of this subsection, the height of a building or structure shall be measured from the average grade of the property at the base of the building or structure to the highest point of the building or structure.
3. Other Dimensional Regulations. To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, reduce the other dimensional regulations, as required by the underlying zoning district, including but not limited to minimum lot size, density, and setbacks within the PUD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole.

    Any reductions by the Planning Commission shall be limited as follows:

a. Setbacks shall not be reduced by more than fifty (50) percent of the underlying zoning district requirements. Perimeter setbacks as required by the PUD regulations may not be reduced.
b. Required parking shall not be reduced by more than sixty (60) percent of the parking normally required of the proposed use. In no case shall a single-family home, mobile or modular home, or other such detached single-family dwelling have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.

Prior to approving a reduction in dimensional regulations, the Planning Commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs, assessments, and infrastructure impact studies, that the reduction will not result in significant impacts to the PUD project and PUD occupants, the surrounding area and the township as a whole.

4. Residential Density Bonus Option. The purpose of the residential density bonus is to provide an opportunity for higher density than the standard base regulations in return for additional dedicated open space and/or design features that clearly benefit the occupants of the development, the surrounding area and the Township as a whole. The benefit of the design features shall be clearly established by the owner/developer to the satisfaction of the Planning Commission. Bonus density options may be earned as follows with a maximum allowable increase of thirty percent (30%) over the base regulations of the underlying district.
   a. Dedicated open space option (Maximum 15% increase allowable):

Dedicated Open Space	**% Dwelling Unit Bonus**
60% Open space	5% Increase
70% Open Space	10% Increase
80% Open Space	15% Increase

   b. Design Option: An additional density bonus may be earned, up to a maximum of 15%, in combinations as follows:
      (A). Up to 5%: For fostering continuation of agricultural or recreational activities by minimizing the loss of recreational and agricultural land in a manner that is compatible with the increased demand for residential uses.
      (B). Up to 10%: For configuring dedicated open space to preserve and protect natural features such as mature woodlots, shore lands, steep slopes (18% or over), wetlands, dunes, significant wildlife habitat or agricultural lands while keeping open space as contiguous as reasonably possible both within the developments and in consideration of the surrounding open space and adjacent land uses. Fragmented open space shall be minimized, long narrow strips of dedicated open space shall be avoided

unless used to conserve a linear feature or to connect pathways or trails with adjacent open space land or parks or other public access lands.

(C). Up to 5%: For providing recreational, low impact or passive amenities and facilities for use by residents of the development or the community as a whole such as baseball, softball or soccer fields, tennis courts, neighborhood parks or similar facilities.

(D). Up to 5%: For those developments where residential units are planned for highest elevations, the plan avoids construction on the ridge topes (top elevations of the rooftops shall be below the top elevation of the ridge top).

(E). Other design strategies may be considered by the Planning Commission if they meet the criteria of being clearly beneficial to the residents of the PUD, the surrounding area and the Township as a whole. The percent of bonus density shall be determined at the discretion of the Planning Commission based on the expected benefit to the community and the preservation of any unique or significant features of the proposed site.

c. Rounding: When the end density calculation results in a whole number of units plus a fractional portion of a unit, the fractional portion shall be rounded to an additional whole number when its decimal equivalent is equal to .50 or larger. When the fractional portion decimal equivalent is less than .50, it shall be rounded down, leaving the whole number unchanged.

Section 11.03 – Planned Unit Development Eligibility Requirements

To be eligible for a planned unit development, a parcel shall meet all of the following:

A. The parcel shall be ten (10) contiguous acres or more in area. However, if the proposed PUD will contain a mixture of residential and non-residential uses, the parcel shall be twenty (20) contiguous acres or more in area. For purposes of this subsection, noncontiguous open space shall not be considered when determining the above acreage requirements. Up to fifty percent (50%) of the dwelling units may be other than single family dwelling units. For purposes of this subsection, recreational amenities, such as health clubs and facilities providing swimming pools or tennis courts, and commercial activities customarily incidental to a residential use shall not be considered non-residential uses.

B. Except for the residential density bonus provided under **Section 11.02** of this Ordinance, the maximum density of residential units within a PUD located in a residential zoning district shall be equal to one residential unit per minimum lot area for the residential zoning district in which located, as provided in **Section 6.07** of this Ordinance. Except for the residential density bonus provided under **Section 11.02** of this Ordinance, the maximum density of residential units within a PUD located in the commercial district shall be equal to the standard base density calculated within the R-1 zoning district, as provided in **Section 6.07** of this Ordinance. The project acreage used for this calculation shall be the gross project area less any state regulated and unregulated wetlands, or portions thereof, which are present within the project area.

C. The Planning Commission may limit cluster housing to no more than four (4) dwellings per cluster, based on any of the following reasons: topography, scenic views, surface water, vegetation, road capacity, and prevailing architecture in the area, adjacent land uses or essential community services. If appropriate, a mixture of cluster housing, detached single family dwellings or nonresidential uses may be required to attain a compatible land use transition with adjacent properties.
D. The parcel on which the proposed PUD will be located shall provide adequate sanitary sewer facilities.
E. The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
F. The proposed uses within the PUD shall be consistent with the Almira Township Master Plan for the subject parcel.
G. Minimum required frontage on a public road is 500 feet.

Section 11.04 – Pre-application Conference

A. The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between applicant, Township Planning Commission designee, and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The goals of the pre-application conferences are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding that information which the Planning Commission will need to effectively consider the application, and to acquaint the applicant with the Planning Commission's initial but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.
B. A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit ten (10) copies of a conceptual plan, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and current zoning district land use for the entire site.

Section 11.05 – PUD Application Requirements.

An applicant seeking approval of a PUD shall submit a complete application to the Zoning Administrator. The Zoning Administrator shall then review the application and related information to determine whether all information required by this Ordinance has been submitted. If the applicant fails to provide all the information required by this Ordinance, then the application shall be deemed incomplete, shall not be processed, and shall be denied by the Zoning Administrator on that basis. When the Zoning Administrator determines that the application is administratively complete, he or she shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

The application shall include all of the following:

A. A completed application form supplied by the Zoning Administrator.
B. Payment of a fee as established by resolution of the Almira Township Board. Refer also to **Section 9.04** of this Ordinance.
C. A narrative statement describing:
    1. The objectives of the proposed PUD and how they relate to the intent of the Zoning Ordinance as described in subsection (A) above.
    2. The relationship of the proposed PUD to the Almira Township's Master Plan.
    3. Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
    4. Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
    5. Anticipated dates for the start and completion of the PUD construction.
    6. The location, types and size of areas to be dedicated for common open space.
D. Ten (10) copies of the development plan should be provided for the Planning Commission, plus additional copies for applicable agencies. If the PUD is to be developed in phases, the development plan shall show all phases. The development plan shall contain all of the following:
    1. Applicant's name, address, telephone and fax numbers.
    2. Name, address, telephone and fax numbers of the individual and firm who prepared the plan.
    3. Name of development, scale of the plan drawing, and north arrow.
    4. Location, shape, area and dimension of the lot, lots or acreage to be used, including a legal description of the property and the tax identification number(s) for the property.
    5. Present zoning of the subject property and adjacent properties.
    6. All public and private rights-of-way and easement lines located on and adjacent to the subject property which are proposed to be continued, created, relocated or abandoned, including the proposed use(s) and width(s) of all rights-of-way and easements.
    7. Location and total number of curb cuts, driveways, off-street parking spaces and loading spaces, including the dimensions of a typical parking space and the location(s) of barrier free parking spaces.
    8. Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
    9. Location, dimensions, and uses of all existing and proposed structures, walks, malls, open areas, wall, fences, screen plantings and/or other landscaping.
    10. Existing and proposed sewer, water and other utility lines, plus location and type of sewage treatment facility, water source, fire hydrants and water tanks.
    11. Required setbacks of the zoning districts.
    12. Area of subject property to be covered by buildings.
    13. Location, size, height and orientation of all signs.
    14. All major environmental features, such as major stands of trees and other vegetation, regulated and unregulated wetlands, flood plains, drainage ways, water courses,

outcroppings, slopes of eighteen (18) percent of more gradient, generalized soil conditions, and other natural features.

15. Existing human made features including roads within and bordering the project buildings, easements and utilities shall be shown on the Development Plan.
16. The Development Plan shall include property location map, property dimensions and boundaries.
17. This plan shall be prepared to the same scale as the site plan and shall be sealed by a registered engineer, architect, landscape architect, or surveyor who prepared the plan.
18. Proposed methods of surface water drainage, including surface and sub-surface facilities.
19. Location and type of proposed lighting on the site.
20. Percentage of the total site devoted to open space and the proposed uses of that open space.
21. Proposed PUDs that include residential uses shall include the following additional information:
    a. Minimum floor area of dwelling units.
    b. Total number of dwellings units proposed.
    c. Areas to be used for open space and recreation.
22. Such other information regarding the development area that may be required to determine conformance with this Ordinance.

Section 11.06 – Public Hearing on PUD Request; Notice

Following receipt of an administratively complete PUD application the Planning Commission shall hold at least one (1) public hearing, after giving the following applicable notice:

A. The content of the notice shall include all of the following information:
    1. A description of the nature of the proposed planned unit development.
    2. A description of the property on which the proposed planned unit development will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
    3. The time, date and place the proposed planned unit development will be considered.
    4. The address where and the deadline when written comments will be received concerning the proposed planned unit development.
B. The notice shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days before the scheduled public hearing.
C. The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed planned unit development will be located not less than fifteen (15) days before the scheduled public hearing.
D. The notice shall also be sent by first-class main or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed planned unit

development will be located and to the occupants of all structures within 300 feet of the property on which the proposed planned unit development will be located not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

E. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date and place of the continued public hearing.

Section 11.07 – Planning Commission Review of PUD.

Following the public hearing, the Planning commission shall review the PUD application and shall approve, deny, or approve with conditions the PUD application based on the standards for PUD approval contained in **Section 11.08** of this Ordinance, within a reasonable time, depending on the nature and complexity of the proposed PUD. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on each standard.

Section 11.08 – Standards of PUD Approval; Conditions; Waiver of PUD Standards.

General Standards: The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets all of the following:

A. The planned unit development shall be consistent with the Almira Township Master Plan.
B. The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.
C. The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current Master Plan.
D. The planned unit development shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
E. The planned unit development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements, which will increase the capacity sufficient to service the development, have already been scheduled for completion.
F. The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.

G. The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
H. The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
I. The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided and maintained with ground cover suitable to control erosion, and vegetation, which no longer provides erosion control, shall be replaced.
J. The design of the planned unit development shall exhibit a reasonably harmonious relationship between the locations of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of façade materials are to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.
K. The design of the planned unit development shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
L. The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
M. The planned unit development shall meet the standards of other governmental agencies, where applicable.
N. The maximum allowable impervious surface coverage shall be regulated by **Section 6.07** of this Ordinance.
O. Ingress and egress opening from the development onto a public or private road shall be limited to one (1) per two hundred (200) feet. The nearest edge of any entrance or exit drive shall be located no closer than one hundred (100) feet from any street or road intersection (measured from the nearest intersection right-of-way line).
P. All sensitive natural features such as drainage ways and streams, wetlands, land within the 100-year flood plains, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by any principal or accessory buildings and structures.
Q. Dedicated Open Space Requirements
    1. An open space community shall maintain a minimum of fifty percent (50%) of the gross area of the site as dedicated open space held in common ownership. Except as noted in sub-section i, any undeveloped land area within the boundaries of the site may be included as required open space.

2. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
    a. Recorded deed restrictions
    b. Covenants that run perpetually with the land, or
    c. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
3. Such conveyance shall assure that the dedicated open space will be protected from all forms of development, except as shown on an approved development plan. Such conveyance shall:
    a. Indicate the proposed allowable use(s) of the dedicated open space.
    b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
    c. Provide standards for scheduled maintenance of the dedicated open space.
    d. Provide for maintenance to be undertaken by Almira Township in the event that the dedicated open space is inadequately maintained, or is determined by the Almira Township to be a public nuisance with assessment of costs upon the property owners.
4. The development consolidates and maximizes usable open space.
5. The full extent of common open space areas dedicated for the use by residents in the development, or the public, shall be shown on the Site Plan.
6. Dedicated open space shall be located so as to protect scenic views, may abut on-site water bodies and be in view of buildings and/or major roads wherever feasible.
7. The following land areas shall not be credited as dedicated open space for the purposes of this Article
    a. The area of any parking lot, road, or public right-of-way proposed to be dedicated to the public.
    b. Surface water areas, such as but not limited to lakes, ponds, retention ponds, rivers, streams and creeks.
    c. Any private yard areas associated with an individual dwelling unit.
    d. Perimeter buffer areas, unless contiguous with a dedicated open space area.

Section 11.09 – Reserved for Future Use

Section 11.10 – Planned Unit Development Permit

Following final approval of a PUD application, a permit may be obtained from the Zoning Administrator, or designee. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void.

Section 11.11 – Continuing Adherence to Approved PUD Application.

Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in the Ordinance.

Section 11.12 – Recording of Action.

The applicant shall record an affidavit acceptable to the Township Attorney with the Benzie County Register of Deeds that contains the full legal description of the project site, specifies the date of final Township approval, specifies the description or identification number which the Township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Planning Commission approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the Township Attorney that contains all of the information described above, describes the amendment, specifies the date the Planning Commission approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Benzie County Register of Deeds and copies of recorded documents filed with the Zoning Administrator.

Section 11.13 – Amendment of an Approved Planned Unit Development.

Amendments to an approved PUD shall be permitted only under the following circumstances:

A. The owner of property for which a PUD has been approved shall notify the Zoning Administrator, or designee, of any desired change to the approved PUD. Minor changes may be approved by the Zoning Administrator, or designee, upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
    1. Reduction of the size of any building and/or sign.
    2. Movement of buildings and/or signs by no more than ten (10) feet.
    3. Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
    4. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
    5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
    6. Changes related to items above, required or requested by Almira Township, Benzie County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.
B. All amendments to a PUD approved by the Zoning Administrator, or designee, shall be in writing. After approval by the Zoning Administrator, or designee, the applicant shall prepare a

revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the Zoning Administrator, or designee, to sign and date all approved amendments.

C. An amendment to an approved PUD that cannot be processed by the Zoning Administrator, or designee, under subsection A above shall be processed in the same manner as the original PUD application.

Section 11.14 – Expiration of Approved PUD; Extension

A. An approved PUD shall expire one (1) year following final approval by the Planning Commission, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one extension of an approved PUD for an additional one (1) year if it finds:
    1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
    2. The PUD requirements and standards that are reasonably related to the development have not changed.

B. If the PUD approval expires pursuant to subsection A above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Planning Commission following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

Section 11.15 – Performance Guarantee.

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a planned unit development, pursuant to **Section 9.05** of this Ordinance.

ARTICLE XII: OPEN SPACE PRESERVATION OPTION

Section 12.01 – Open Space Preservation

Any land divisions within Almira Township made pursuant to the Almira Township Land Division Ordinance and the State Land Division Act, being Act 268 of the Public Acts of 1967, as amended, shall have the option of preserving open space by putting the same number of dwellings as permitted in the district in which the property is located on fifty percent (50%) of the parcel.

A. The project acreage used for the calculation of the number of dwelling units shall be the total acreage less any state regulated and unregulated wetlands, or portions thereof which are present within the project area.
B. All open space developments providing access to a lake or stream shall be subject to **Section 8.03** of this Ordinance.
C. Not less than fifty percent (50%) of the buildable project area shall remain as open space in a natural state including scenic or wooded condition, agricultural production, with the exception of intensive livestock operations. Open space lands may include greenways as defined in this ordinance. Open space areas may include non-invasive recreational uses such as hunting, fishing and hiking trails. Game fields, parks and picnic areas may be allowed as appropriate.
D. The development shall consolidate and maximize usable open space. Open space shall be contiguous without fragmentation, linear projections or severely irregular borders, except when necessary to preserve significant historic or natural features.
E. Open space lands shall be located so as to preserve public vistas, wild life habitats, and important natural, historical, and architectural features of significance.
F. Open space preservation is allowed in any zoning district in Almira Township.

Section 12.02 – Development Plan and Conveyance(s)

The development shall be subject to **Article VII: Site Plan Review** and approval by the Planning Commission. The conveyance(s) shall include the following:

A. All open space lands shall be set aside by the owner/developer through an Irrevocable conveyance such as conservation easement, or plat dedication, restrictive covenants, or other legal means that runs with the land; to remain perpetually in an undeveloped state as defined in this ordinance. Such conveyance shall assure that the open space lands shall be protected from all forms of development, except as shown on the approved development plan.
B. All conveyances shall be subject to review by the Almira Township attorney at the expense of the parties who have an ownership interest in the property.
C. A narrative describing the master deed, deed restrictions, covenants or similar legal instruments to be used.
D. A narrative describing the percentage of open space, location, boundaries, use(s), and size of areas to be dedicated as open space.
E. A requirement that parties who have an ownership interest in the open space provide any maintenance the open space lands may require.

F. Standards providing for scheduled maintenance of the open space lands.
G. A provision for maintenance to be undertaken by Almira Township in the event that the open space lands are inadequately maintained, or are determined by the Almira Township Board to be a public nuisance. Assessments of costs shall be upon the parties who have an ownership interest in the open space lands.
H. Almira Township has the right but not the obligation to enforce all open space preservation mechanisms.

Section 12.03 – Land Not Considered Open Space

The following land areas shall not be credited as open space lands:

A. The area of any parking lot, road, or public right-of-way proposed to be dedicated to the public.
B. Surface water areas, such as but not limited to lakes, ponds, retention ponds, rivers, streams and creeks.
C. Any private yard areas associated with an individual dwelling unit in cluster housing areas.
D. Any existing or proposed structure(s).

Section 12.04 – Additional Standards and Approval

A. The development shall be subject to all other laws, rules and ordinances, excluding lot size and dimension.
B. When a development plan meets all of the above conditions as determined by the Almira Township Planning Commission, the development shall be approved.

ARTICLE XIII: AMENDMENTS AND ENACTMENT

Section 13.01 – Amendment to this Ordinance

A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to Authority and according to the procedures set forth in Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.
    1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Almira Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
    2. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
    3. The procedure to be followed for initiating and processing an amendment shall be as follows:
        a. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator, or designee, on a standard form provided and shall be accompanied by the fee as prescribed by **Section 9.04** of this Ordinance.
        b. The Zoning Administrator, or designee, shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.
        c. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
        d. Before considering any proposed amendment to this Ordinance the Planning Commission shall hold at least one (1) public hearing after giving the following applicable notice:
            (A). For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:
                (1). The content of the notice shall include all of the following information:
                    (a). A description of the nature of the proposed zoning ordinance amendment.
                    (b). The time, date and place the proposed zoning ordinance will be considered.
                    (c). The places and times at which the proposed zoning ordinance amendment may be examined.
                    (d). The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

(2). The notice shall be published in a newspaper of general circulation within the township not less than fifteen (15) days before the scheduled public hearing.

(3). The notice shall be given by first-class main to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.

(B). For a proposed zoning ordinance amendment rezoning an individual property or ten (10) or fewer adjacent properties, the notice shall comply with all of the following:

(1). The content of the notice shall include all of the following information:

(a). A description of the nature of the proposed zoning ordinance amendment.

(b). A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.

(c). The time, date and place the proposed zoning ordinance will be considered.

(d). The places and times at which the proposed zoning ordinance amendment may be examined.

(e). The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

(2). The notice shall be published in a newspaper of general circulation within the township not less than fifteen (15) days before the scheduled public hearing.

(3). The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing.

(4). The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than fifteen (15) days

before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

(5). The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.

(C). For a proposed zoning ordinance amendment rezoning eleven (11) or more adjacent properties, the notice shall comply with all of the following:

(1). The content of the notice shall include all of the following information:

(a). A description of the nature of the proposed zoning ordinance amendment.

(b). The time, date and place the proposed zoning ordinance will be considered.

(c). The places and times at which the proposed zoning ordinance amendment may be examined.

(d). The address where and the deadline when written comments can be sent concerning the proposed zoning ordinance amendment.

(2). The notice shall be published in a newspaper of general circulation within the township not less than fifteen (15) days before the scheduled public hearing.

(3). The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.

e. Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.

f. The Planning Commission shall submit a final report/recommendation and proposed text to the Township Board along with a summary of the comments received at the public hearing.

g. The Township Board may hold additional public hearings on a proposed zoning ordinance amendment if it considers it necessary. The Township Board shall

grant a public hearing on a proposed zoning ordinance amendment to a property owner who requests a public hearing by certified mail, addressed to the Township Clerk. Notice of any public hearing before the Township Board shall be the same as the applicable notice requirement for a public hearing on a proposed amendment before the township Planning Commission.

h. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) days after publication or at a later date as may be specified by the Township Board at the time of adoption.

i. No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid. A rezoning request may be submitted if the Township Attorney certifies that a mistake has been made in the prior procedures.

B. When considering a proposed zoning ordinance amendment, the township Planning commission shall consider the following applicable factors:
    1. Is the proposed amendment reasonably consistent with surrounding uses?
    2. Will the proposed amendment cause an unreasonably adverse physical impact on surrounding properties?
    3. Will the proposed amendment cause an unreasonably adverse effect on property values in the adjacent area?
    4. Have there been changes in land use or other conditions in the immediate area or in the township in general which justify the proposed amendment?
    5. Will the proposed amendment create an unreasonable deterrent to the improvement or development of adjacent property in accord with existing regulations?
    6. Will the proposed amendment grant a special privilege to an individual property owner when contrasted with other property owners in the area of the general public (i.e. will rezoning result in spot zoning).
    7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications or under the current use regulations?
    8. Is the proposed amendment in conflict with the planned use for the property as reflected in the master plan?
    9. Is the site served by adequate public facilities or is the petitioner able to provide them?
    10. Are there sites nearby already properly zoned that can be used for the intended purposes?

Section 13.02 – Enactment and Effective Date

A. This Ordinance was adopted on Tuesday, September 12, 2001 by the Almira Township Board and will be effective eight (8) days after publication of a notice of adoption, which must be published within fifteen (15) days of its adoption in accordance with Michigan Zoning Enabling

Act, Act 110 of the Public Acts of 2006, as amended. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings on August 4, 2001 and on September 12, 2001.

B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

C. Amendments/revisions to this Ordinance include:

Ordinance #	**Date Adopted**	**Date Effective**
#1, #2, #3 of 2003	August 12, 2003	August 24, 2003
#12-01 of 2007	December 10, 2007	December 29,2007
#03-09 of 2009	April 13, 2009	May 8, 2009
#1 of 2009	July 13, 2009	August 2, 2009
#8-01 of 2012	August 13, 2012	September 6, 2012
#02-01 of 2014	February 10, 2014	March 7, 2014
#1, #2, #3, #4, #5, #6 of 2017	November 13, 2017	November 23, 2017
#6-1 of 2019	June 10, 2019	June 20, 2019
#24-01 of 2024	June 10, 2024	June 28, 2024
#25-01 of 2025	August 11, 2025	August 28, 2025
#25-02 of 2025	December 8, 2025	December 25, 2025
#26-01 of 2026	June 8, 2026	July 3, 2026
#26-02 of 2026	September 14, 2026	October 2, 2026

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