

**ALAMO TOWNSHIP ZONING ORDINANCE**  
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**ALAMO TOWNSHIP ORDINANCE NO. 46 AS AMENDED (ZONING  
ORDINANCE)**

**ADOPTED: September 22, 1986  
EFFECTIVE: December 1, 1986**

AN ORDINANCE FOR THE ESTABLISHMENT OF ZONING DISTRICTS WITHIN WHICH DISTRICTS THE USE OF LAND FOR AGRICULTURE, RECREATION, RESIDENCE, INDUSTRY, TRADE, SOIL CONSERVATION, WATER SUPPLY CONSERVATION AND ADDITIONAL USES OF LAND MAY BE ENCOURAGED, REGULATED, OR PROHIBITED, AND FOR SUCH PURPOSES MAY DIVIDE PORTIONS OF ALAMO TOWNSHIP INTO DISTRICTS OF SUCH NUMBER, SHAPE, AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THE PROVISIONS OF THE ACT; AND TO ADOPT WITHIN EACH DISTRICT PROVISIONS DESIGNATING AND LIMITING THE LOCATION, HEIGHT, NUMBER OF STORIES, SIZE OF DWELLINGS, BUILDINGS, AND STRUCTURES THAT MAY HEREAFTER BE ERECTED, OR ALTERED, INCLUDING MOBILE HOMES, AND THE SPECIFIC USES FOR WHICH DWELLINGS, BUILDINGS, AND STRUCTURES, INCLUDING MOBILE HOMES, MAY HEREAFTER BE ERECTED OR ALTERED; AND FOR THE REGULATION OF THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES AND THE SANITARY, SAFETY, AND PROTECTIVE MEASURES THAT SHALL BE REQUIRED FOR SUCH DWELLINGS, BUILDINGS, AND FOR THE DESIGNATION OF THE MAXIMUM NUMBER OF FAMILIES WHICH MAY BE HOUSED IN BUILDINGS, DWELLINGS, AND STRUCTURES, INCLUDING MOBILE HOMES, HEREAFTER ERECTED OR ALTERED; TO PROVIDE FOR A METHOD OF AMENDING SUCH ORDINANCE; TO PROVIDE FOR THE REPEAL OF THE ALAMO TOWNSHIP ZONING ORDINANCE ADOPTED ON APRIL 23, 1954, AND WHICH BECAME EFFECTIVE ON MAY 22, 1954, AS SUBSEQUENTLY AMENDED; TO PROVIDE FOR THE ADMINISTERING OF THE ORDINANCE; TO PROVIDE FOR CONFLICTS WITH OTHER ACTS, ORDINANCES, OR REGULATIONS; TO PROVIDE FOR THE COLLECTION OF FEES FOR THE FURTHERANCE OF THE PURPOSES OF THIS ORDINANCE; TO PROVIDE FOR PETITIONS AND PUBLIC HEARINGS; TO PROVIDE FOR APPEALS AND FOR THE ORGANIZATION AND PROCEDURE OF THE ALAMO TOWNSHIP PLANNING COMMISSION OF APPEALS; AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

THE TOWNSHIP OF ALAMO, COUNTY OF KALAMAZOO, STATE OF MICHIGAN, ORDAINS:

**ARTICLE FOUR – DEFINITIONS**

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purpose of these regulations, certain terms and words are defined as follows:

**Access:** Means of approach for vehicular ingress and egress to a lot from a public street or road or one capable of conversion to a public street or road. Such means of approach shall be no less than ten (10) feet in width and constructed and maintained in a manner that will at all times permit vehicular traffic, including emergency vehicles, to reach the lot.

**Accessory Uses:** A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

**Apartment House:** A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

**Automobile Repair Garage:** Includes, but is not limited to, major engine, mechanical and body work and painting, and other vehicle repair work creating noise, glare, fumes, or smoke. Does not include wrecking or salvaging of vehicle parts

**Basement:** That portion of a building below the first-floor joists, at least half of whose clear ceiling height is below the level of the adjacent ground.

**Building:** Any structure, either temporary or permanent, with a roof supported by walls or columns used or to be used to support, shelter, or implement any use or occupancy. This definition shall not include fencing.

**Building-Integrated Photovoltaics (BIPVs):** material which converts light into electricity using semiconducting materials that exhibit the photovoltaic effect that is integrated into a building's envelope.

**Building Line:** A line established, in general, parallel to the front street right-of-way line formed by the face of the building itself extending between each side property line. For the purposes of this ordinance, a minimum building line shall be the same as a front setback line.

**Building Accessory:** A building subordinate to, and located on, the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.

**Campground:** Any use of real property which meets the definition of campground as set forth in Act 368 of the Michigan Public Acts of 1978 and any subsequent amendments thereto including, but not limited to, camping cabins, modern campground, primitive campground and temporary campground as defined in Michigan Administrative Rule 325.1551 and any subsequent amendments thereto except event camping as defined herein.

**Clustered/Open Space Development:** Development which combines the clustering and concentration of development parcel sites with the permanent preservation (in its natural state) of open space acreage equal or greater to that developed or to be developed (and not less than ten (10) acres in size).

**District:** An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the district in which they apply.

**Dump:** Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose, of trash, refuse, or waste material of any kind.

**Dwelling:** A building or mobile home or portion thereof arranged or designed to provide living facilities for one or more families.

**Dwelling, Multiple Family:** A building containing three or more dwelling units. (An apartment house).

**Dwelling, Single Family:** A building or mobile home containing not more than one dwelling unit.

**Dwelling, Two Family:** A building or mobile home containing not more than two separate dwelling units.

**Dwelling Unit:** A building or mobile home or portion thereof arranged or designed for permanent occupancy by not more than one family for living purposes and having cooking facilities.

**Event Camping:** Any temporary use of real property for camping which is related or accessory to a commercial use or community event. However, neither family gatherings with camping on residential property nor no-trace camping in Alamo Township Parks which have been approved by the Parks Board shall be considered by Alamo Township as either a campground or event camping.

**Family:** One or more persons living as a single, non-profit housekeeping unit as distinguished from individuals or groups occupying a hotel, club, fraternity, or sorority house. The family shall be deemed to include necessary servants when servants share the common housekeeping facilities and services.

**Floor Area:** The total enclosed floor area of a structure used for residential purposes, excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways, and porches. For manufacturing, business, or commercial activities which, in the case of the latter, includes customer facilities, showcase facilities, and sales facilities.

**Frontage:** See Lot, Frontage

**Gasoline Service Station:** Building or lot, or portions thereof, used and limited in function to retail sale of goods such as gasoline, oil, grease, anti-freeze, tires, batteries, and automobile accessories, and services such as

lubrication, washing, polishing, and other minor servicing to motor vehicles.

**Gravel and Other Mineral Resources, Extraction** – see Article Eight, Section 8.9 (9).

**Hospital:** Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more non-related persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, education institution, convent, or a convalescent home.

**Hotel:** A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, except for the management.

**House Trailer:** See definition for "Mobile Home".

**Kennels:** The keeping of four (4) or more dogs, excluding the keeping of up to three (3) dogs as family pets, which pets live exclusively in the home and are not kept with the dogs not considered family pets.

**Large turbine/utility grid system** ("Large Turbine WECS") is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities, or large cooperatives. (Ord. 47-76 5/31/19)

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

**Lot:** Any parcel of land:

- (a) Identified as such and lying within a recorded plat; or
- (b) Separately described by a sufficient legal description in any instrument of sale or conveyance.
- (c) Identified as a "Land Condominium Unit" as that term is defined in Section 1 of Article Four of the Township's Land Division, Subdivision and Condominium Control Ordinance

**Lot Area:** The total horizontal area included within lot lines. Where the front lot line is the center line of a street or lies in part or whole in the street area, the lot area shall include that part of the lot in use or to be used as the street.

**Lot, Depth of:** The average horizontal distance between the front lot line and the rear lot line.

**Lot, Front of:** The side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.

**Lot, Frontage:** That portion of a lot extending along a public road or its equivalent. In irregular shaped or triangular-shaped lots, the length of the frontage may be reduced to be no less than thirty (30) feet.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Width:** The horizontal width measured at the street right-of-way line. In the case of irregular shaped lots or lots with irregular frontage, the width shall be measured at the front setback line or building line.

**Mobile Home:** Any vehicle with or without motive power, designed for carrying property or persons, and so constructed as to permit occupancy as a dwelling or sleeping place by one or more persons and licensable as a trailer coach under the laws of the State of Michigan.

**Motel:** A building or group of buildings not more than two (2) stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges, and tourist homes.

**Non-Conforming Uses:** The use of a building or of land lawfully existing at the time this Ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

**Open Space:** Land kept in an undeveloped state, as defined hereafter. Open space may include any property

required to be used for buffering purposes.

**Outdoor Storage:** the safe keeping of items on the open area of a lot. These items would not include any items that are actively available for sale (e.g., cars, boats, produce, etc.). (Ord. 46-77 12/11/19)

**Parking Space, Automobile:** That area required for the parking or storage of one automobile, including necessary aisle or driveway space providing access thereto.

**Professional Office:** Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., including medical or dental clinics.

**Residential Business Activities:** Business or commercial activities which may be carried out by the owner or occupant of a single-family residence in a zoning district where such is permitted expressly or by special exception pursuant to the provisions of Section 8.7.

**Scrap Yard:** Any land or building used for commercial storage, recycling and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.

**Self-Storage Unit:** A building or group of buildings divided into separate compartments leased to individuals and used for the temporary storage of household and personal property. (Ord 46-74 3/12/18)

**Setback:** The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the property lines of the lot, parcel or building site upon which the same is situated.

**Shadow flicker** is alternating changes in light intensity caused by the moving blade casting shadows on the ground and stationary objects, such as a window at a dwelling. (Ord 47-76 5/31/19)

**Shopping Center:** A group of commercial establishments planned, developed, and managed as a unit, with off-street parking provided on the same property and related in location, size, and type of shops in the center.

**Small turbine/on-site system** ("Small Turbine WECS") is intended to primarily serve the needs of the customer, with a single tower that may or may not be connected to the utility grid. (Ord. 47-76 5/31/19)

**Solid Waste Disposal Area:** This term shall have the meaning given it in the Solid Waste Management Act (Act 641P.A.1978) as enacted and/or subsequently amended, and the administrative rules now or hereafter adopted pursuant to its terms.

**Special Exception Use:**, certain uses of land/or buildings which, because of their particular nature or due to certain circumstances are not allowed as Permitted Uses in a given district, may be granted to a petitioner by the Township Planning Commission in accordance with Article Eight, Section 8.9 and other relevant provisions and regulations of this ordinance.

**Structure:** Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structure on wheels or other supports used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground or agricultural implements. "Structure" shall include any building or structure incidental to the use of the land for agricultural purposes.

**Tents:** A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used temporarily for a special event, family events or children's recreational purposes.

**Undeveloped State:** A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition and which may include a recreational trail, greenway or linear park but does not include golf courses, picnic area, gathering spaces and similar uses.

**Use:** The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be used, occupied, or maintained.

**Variance:** A modification usually of a dimensional or of a nonuse matter from the strict application of the Zoning Ordinance granted by the Zoning Board of Appeals. Use variances are not permitted.

**Vehicle Wash Facility:** The commercial use of land and/or structures with machine or hand-operated equipment (fixed or portable) used primarily for the cleaning, washing, polishing or waxing of the exterior and/or interior of motor vehicles and trailers.

**Wind energy conversion system** (“WECS”) is a system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. (Ord. 47-76 5/31/19)

**Wireless Communication Towers or Facilities:** Any structure used or to be used to convey any wireless communication service. This definition shall include all radio and television transmissions and all personal wire services and facilities as same are defined in Section 704 of the Telecommunication Act of 1996 as enacted and hereinafter amended (47 USC § 332). This definition shall not include the following facilities: citizen band radio, short wave receivers, radio and television broadcast reception, Federally licensed amateur radio, satellite dishes or any other facility preemptively regulated by or under Federal law.

**Yard:** Open space on the same lot with a building or group of buildings, lying between the building and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, or fences.

**Yard, Front:** Open space extending across the full width of lot between the front lot line or the proposed front street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any portion thereof.

**Yard, Rear:** Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch, or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building.

**Yard, Side:** Open space between side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch, or projection thereof.

## **ARTICLE ONE - TITLE**

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Alamo Township".

## **ARTICLE TWO - PURPOSE**

In the interest of the public health, safety, and general welfare, the purposes of this Ordinance are to:  
(1) prevent the overcrowding of land and buildings; (2) avoid undue concentration of population; (3) provide adequate light and air with due consideration to the character of the zone and its peculiar suitability for particular uses; (4) conserve the value of property; and (5) encourage the most appropriate use of the land.

## **ARTICLE THREE - SCOPE**

From and after the effective date of this Ordinance no new building, structure, or part thereof, shall be erected, enlarged, rebuilt, altered, or used for any purpose or in any manner which does not conform with this Ordinance.

## ARTICLE FIVE - ZONING DISTRICTS AND ZONING MAP

### Section 5.1 - Zoning Districts:

- (1) For the purpose of this Ordinance, Alamo Township is hereby divided into the following zoning districts:
  - A Agriculture District
  - L/D Limited Development District R-1 Rural Residential District
  - R-2 Residential District, Single and Two Family R-3 Residential District, Multiple Family
  - R-4 Mobile Home Park District C-1 Commercial District - Local C-2 Commercial District
  - I-1 Industrial District, Restricted
  - I-2 Industrial District, Manufacturing I-3 Industrial District, Service
- (2) The location and boundaries of the zones established in the Township shall be shown on a map entitled "Zoning Map" of the Township, and as same may be amended, subsequent to the adoption thereof; and said map, section, or portion thereof, together with all notations, dimensions, and other data shown thereon, are hereby made a part of this Ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.
- (3) The official copy of the Zoning Map shall be in the custody of the Township Clerk.
- (4) No building shall be erected or altered nor shall any building or premise be used for any purpose other than that permitted in the zoning district in which said building or premise is located; provided, however, this Ordinance shall not prohibit lawful uses existing at the time of its adoption, and such uses may be continued under Section 8.8.



**Section 5.2 - A-Agriculture District:**

Description of District: This district is composed of certain land in outlying areas presently of agricultural character. Such land is zoned for agriculture use with the intent that agriculture will be the principal land use within the foreseeable future. The regulations for this district are designed to stabilize, protect, and preserve this land for agricultural uses.

Permitted Uses:

- (a) Agricultural activities conducted for and with reasonable prospect of profit in substantial amounts with the right to sell crops/commodities grown on the premises.
- (b) Single family dwellings if primarily used by persons actively engaged in the agricultural activities described in paragraph (a) above.
- (c) Single family dwellings and the accessory structures and uses normally auxiliary thereto, provided said dwelling is located on a parcel of land which fronts upon a county road existing at the time of passage of the Ordinance, has no less than 250 feet of frontage, and has a depth no greater than 200 feet from the center of the road upon which it fronts.
- (d) Residential business activities pursuant to Section 8.7.
- (e) A sign, only in accordance with the regulations specified in Article Eight, Section 8.4
- (f) Repealed.
- (g) Publicly owned parks, playgrounds and other recreational areas.

Special Exception Uses:

- (a) The discovery and removal of gravel and other natural resources (except oil and gas), pursuant to Section 8.9(9), provided any order granting such a special exception shall contain such conditions and restrictions as shall insure that the use is minimally inconsistent with the use and enjoyment of neighboring land, and that the land is restored to a state most consistent with that existing before the use was commenced.
- (b) Wireless Communication Towers and Facilities.
- (c) Kennels, as defined herein, provided that the parcel of land on which it is located is outside the boundaries of either a proprietor's or supervisor's plat, is on a lot of separate ownership and complies with all health and sanitary laws and ordinances.

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein the lot, yard, and area requirements shall be as specified in Article Seven.

**Section 5.3 – L/D Limited Development District:**

Purpose:

It is recognized by this Ordinance that the principal use of certain open areas within the Township is and ought to be the development, management, and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots in order to protect the natural resources, natural habitats of wildlife, waterways and waterbodies, agricultural capabilities, and the public health, safety, and welfare by reducing the hardships and burdens imposed upon the people of the Township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas, and the periodic flooding and overflow of creeks and streams. In addition, this district will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation.

Permitted Uses: The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district.

- (a) Public and private conservation areas for the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- (b) Agricultural activities which do not involve the raising or growing of livestock as same is hereinafter defined in Section 5.4 of this Ordinance.

- (c) A lot may be used for the raising or growing of plants, trees, shrubs, and nursery stock.
- (d) Drives and parking areas.
- (e) Public or private forest preserve, game refuge, golf course, park, playground, or other recreation purpose with buildings incidental and accessory to such uses.
- (f) A sign, only in accordance with the regulations specified in Article Eight, Section 8.4.
- (g) Single family dwellings and the accessory structures and uses normally auxiliary thereto, subject to compliance with all dimensional requirements applicable within the R-1 Rural Residential District as set forth in Article Seven. (Ord 46-72, 8/14/17)

Special Exception Uses:

- (a) Country clubhouse, swimming pool, bath house, and the sale of food, alcoholic beverages, and recreation equipment which is incidental and accessory to a recreation use.
- (b) Deleted (Ord 46-72, 8/14/17).
- (c) All buildings and structures accessory and incidental permitted uses in this district.
- (d) The discovery and removal of gravel and other natural resources (except oil and gas), pursuant to Section 8.9(9) provided any order granting such a special exception shall contain such conditions and restrictions as shall insure that the use is minimally inconsistent with the use and enjoyment of neighboring land, and that the land is restored to a state most consistent with that existing before the use was commenced.
- (e) Repealed.
- (f) Wireless Communication Towers and Facilities.
- (g) Campgrounds
- (h) Event Camping
- (i) Residential business activities pursuant to Section 8.7 .

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Article Seven.

Conditions and Limitations

All uses within this District shall be subject to the following conditions and limitations:

1. Demonstration of compliance with Kalamazoo Environmental Health requirements for well and sanitary septic systems
2. Demonstration of compliance with the Kalamazoo County Soil Erosion and Sedimentation Control Ordinance..
3. Demonstration of compliance with applicable Michigan Department of Environmental Quality (MDEQ) regulations regarding wetlands. (Section Added, Ord. 46-72, 8/14/17)

**Section 5.4 – R-1 Rural Residential District:**

Description of District:

This district is composed of certain land in outlying areas presently of a rural residential character where low density family residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and save environment for family life. To these ends, development is restricted to low density single family residential use consistent with limited rural type facilities and services.

Permitted Uses:

- (a) Single family dwellings and the accessory structures and uses normally auxiliary thereto.
- (b) Residential business activities pursuant to Section 8.7.
- (c) Publicly owned parks, playgrounds, and other recreational areas.
- (d) Signs, when in accordance with the provisions of Article Eight, Section 8.4.
- (e) Public cemeteries.
- (f) Agricultural activities which do not involve the commercial raising or growing of livestock outside a wholly enclosed building. No more than two (2) head of non-commercially raised livestock (“pets”) shall be permitted outside a wholly enclosed building per acre, and maximum of twenty (20) (“pets”) on any premises situated in this zone.
- (g) Accessory uses or buildings, when in accordance with the provisions of this

Special Exception Uses:

- (a) Uses permitted in the A Agriculture District.
- (b) Privately owned non-commercial parks, playgrounds, and other recreational areas.
- (c) The discovery and removal of gravel and other natural resources (except oil and gas), pursuant to Section 8.9(9) provided any order granting such a special exception shall contain such conditions and restrictions as shall insure that the use is minimally inconsistent with the use and enjoyment of neighboring land, and that the land is restored to a state most consistent with that existing before the use was commenced.
- (d) Churches.
- (e) Wireless Communication Towers and Facilities.
- (f) Kennels, as defined herein, provided they meet all requirements of Article 8, Section 8.13..

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein the lot, yard, and area requirements shall be as specified in Article Seven.

**Section 5.5 – R-2 Residential District, Single and Two Family:**

Description of District:

This district is composed of medium density single and two family residential areas in the Township where medium density single and two family residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to medium density single and two family residential use, where adequate facilities and services will be provided.

Permitted Uses:

- (a) Single and two family dwellings, and the accessory structures and uses normally auxiliary thereto.
- (b) Residential business activities in single family dwellings only.
- (c) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas.
- (d) Signs, when in accordance with the provisions of Article Eight, Section 8.4.
- (e) Public cemeteries.
- (f) Agricultural activities which do not involve the raising or growing of livestock as same is herein defined in Section 5.4.

Special Exception Uses:

- (a) Any special exception use permitted in R-1 Rural Residential District.
- (b) Children's day nursery.
- (c) Non-public schools, provided any such schools include only grades K through 12 and no less than three such grades.
- (d) Wireless Communication Towers and Facilities.

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Article Seven.

**Section 5.6 – R-3 Residential District, Multiple Family:**

Description of District:

This district is composed of certain areas within the Township where multiple family residential development has occurred, or appears desirable to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas, and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to multiple family residential use where adequate public facilities and services will be provided.

Permitted Uses:

- (a) Apartment houses, boarding house, garden apartment development, townhouse and the accessory structures and uses normally auxiliary thereto.
- (b) Agricultural activities which do not involve the raising or growing of livestock as same is herein defined in Section 5.4.
- (c) Publicly owned and operated buildings and uses including community buildings, public parks, playgrounds, and other recreational areas.
- (d) Accessory uses or buildings, in accordance with the provisions of this Ordinance.
- (e) Business offices in an apartment complex for conducting business incidental to the rental, operation, service and maintenance of the apartment building of buildings.
- (f) Single and two family dwellings and the accessory structures and uses normally auxiliary thereto.

Special Exception Uses:

- (a) Wireless Communication Towers and Facilities.

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Article Seven.

**Section 5.7 – R-4 Mobile Home Park District:**

Description of District:

This district is designed solely for mobile home parks and such accessory structures and uses normally associated thereto, in accordance with those regulations specified by the State of Michigan Mobile Home Commission Act, Public Act 96 of 1987, as amended, and in accordance with the area requirements specified therein.

Permitted Uses:

Mobile home parks and those uses customarily incidental to the principal use.

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Article Seven.

**Section 5.8 – C-1 Commercial District - Local:**

Description of District:

This district is designed solely for the convenience shopping of persons residing in the surrounding residential neighborhood. The regulations are designed to permit development of the enumerated functions as limited to protect the abutting and surrounding residential and agricultural properties.

Permitted Uses:

- (a) Retail sales of goods and services such as:
  - (1) Bakery and dairy products, retail sales only.
  - (2) Banks and other financial institutions.
  - (3) Barber and beauty shops.
  - (4) Books, stationery, and newspapers.
  - (5) Clothing and dry goods.
  - (6) Drugs and pharmaceuticals.
  - (7) Florist and garden shops.
  - (8) Funeral establishments.
  - (9) Furniture and household furnishings.
  - (10) Groceries and foodstuffs.

- (11) Hardware, hobby shop, and household appliances.
- (12) Laundromat, laundry, and dry cleaning pick-up station.
- (13) Music and dancing schools.
- (14) Offices - business or professional.
- (15) Photography store.
- (16) Radio and television sales and service.
- (17) Restaurant or similar eating establishment.
- (18) Shoe sales and repair.
- (19) Tailoring and dressmaking.
- (20) Variety store and antiques.
- (b) Accessory uses or buildings, when in accordance with the provisions of this Ordinance.
- (c) Publicly owned and operated buildings and uses, including community buildings, public parks, playgrounds, and other recreational areas.
- (d) Uses of an eleemosynary nature, excluding penal or correctional institutions.
- (e) Repealed.
- (f) Kennels.
- (g) Personal Vehicle Wash Facility for passenger-type vehicles, trucks and trailers up to 24 feet in length.
- (h) Signs when in accordance with the provisions of Article Eight, Section 8.4

Special Exception Uses:

- (a) Any retail use similar to those uses permitted in this District which are not specifically permitted in C-2 Commercial District, Highway.
- (b) Gasoline service stations.
- (c) The sale of alcoholic beverages and other goods and services if sold in conjunction therewith.
- (d) Public utility buildings and structures necessary for the service of the community, except that:
  1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
  2. Public utility activities of an industrial character, such as repair and maintenance yards, storage facilities, or activities which generate electronic interference, are prohibited.
- (e) Automobile repair garage.
- (f) Automobile sales agency and adjoining outdoor sales area of new or used cars, provided that no dismantling of cars, or storage of dismantled cars, shall take place outdoors.
- (g) Boats and equipment sales.
- (h) Commercial recreational enterprises - indoors.
- (i) Greenhouse, nursery.
- (j) The discovery and removal of gravel and other natural resources (except oil, and gas), pursuant to Section 8.9(9) provided any order granting such a special exception shall contain such conditions and restrictions as shall insure that the use is minimally inconsistent with the use and enjoyment of neighboring land, and that the land is restored to a state most consistent with that existing before the use was commenced.
- (k) Private cemeteries.
- (l) Wireless Communication Towers and Facilities.
- (m) A single family residence within a commercial building.
- (n) Agricultural activities which do not involve the raising or growing of livestock, as same is defined in Section 5.4

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Article Seven.

**Section. 5.9 – C-2 Commercial District:**

Description of District:

This district is composed of certain lands suitable for general commercial enterprises or activities serving the public at large.

Permitted Uses:

- (a) Uses permitted in the C-1 Commercial District, Local.
  - (1) Retail sales of goods and services such as:
    - (A) Bakery and dairy products, retail sales only.
    - (B) Books, stationery and newspapers.
    - (C) Clothing and dry goods.
    - (D) Drugs and pharmaceuticals.
    - (E) Groceries and foodstuffs.
    - (F) Hardware, and household appliances.
    - (G) Radio and television sales and service.
    - (H) Shoe sales and repair.
    - (I) Tailoring and dressmaking.
    - (J) Antiques.
  - (2) Banks and other financial institutions.
  - (3) Barber and beauty shops.
  - (4) Florist and garden shops.
  - (5) Funeral establishments.
  - (6) Hobby shops.
  - (7) Laundromat, laundry, and dry cleaning pick-up station.
  - (8) Music and dancing schools.
  - (9) Offices – business or professional.
  - (10) Photography store.
  - (11) Restaurant or similar eating establishment.
  - (12) Kennels.
  - (13) Personal vehicle wash facility for passenger-type cars, trucks and trailers up to 24 feet in length.
  - (14) Uses of an eleemosynary nature, excluding penal or correctional institutions.
  - (15) Publicly owned and operated buildings and uses, including community buildings, public parks, playgrounds, and other recreational areas.
  - (16) Signs when in accordance with the provisions of Article Eight, Section 8.4.
- (b) Automobile sales agency and adjoining outdoor sales area, provided that no dismantling of cars, or storage of dismantled cars, shall take place outdoors.
- (c) Retail sales of goods and services. (Ord 46-74 3/12/18)
- (d) Commercial recreation enterprises.
- (e) Drive-in eating establishments.
- (f) Greenhouse and nursery.
- (g) Motel.
- (h) Restaurant.
- (i) Animal hospitals if used solely for the care and treatment of domestic animals.
- (j) Commercial recreation enterprises - outdoors.
- (k) Publicly owned and operated buildings and uses, including community buildings, public parks, playgrounds, and other recreational areas.
- (l) Accessory uses or buildings, when in accordance with the provisions of this Ordinance.
- (m) Hospitals and nursing homes.
- (o) Kennels.
- (p) Self storage unit (Ord 46-74 3/12/18)

Special Exception Uses:

- (a) Certain special exception use permitted in the C-1 Commercial District, Local
  - (1) Gasoline service stations.
  - (2) The sale of alcoholic beverages and other goods and services if sold in conjunction therewith.
  - (3) Public utility buildings and structures necessary for the service of the community, except that:
    - a. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
    - b. Public utility activities of an industrial character, such as repair and maintenance yards, storage facilities, or activities which generate electronic interference, are prohibited.
  - (4) Automobile repair garage.
  - (5) The discovery and removal of gravel and other natural resources (except gas and oil) pursuant to Section 8.9(9) provided any order granting such a special exception shall contain such conditions and restrictions as shall insure that the use is minimally inconsistent with the use and enjoyment of neighboring land, and that the land is restored to a state most consistent with that existing before the use was commenced.
  - (6) Private cemeteries.
  - (7) Wireless Communication Towers and Facilities.
  - (8) A single family residence within a commercial building.
  - (9) Agricultural activities which do not involve the raising or growing of livestock, as same is defined in Section 5.4.
- (b) Retail sale of alcoholic beverages for on-premises consumption.
- (c) Manufacturing, compounding, assembling, or treatment of articles or merchandise, where all work is carried on within an enclosed building, and where any outdoor storage is in compliance with Land Use Screening requirements and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties. All fire safety needs and requirements are to be taken into consideration when storing items outdoors. (Ord. 46-77 12/11/19)
- (d) Lumber yards and contractor's equipment storage, provided equipment is stored within an enclosed building and outdoor storage is limited to not more than ten per cent of the lot area and is maintained within the rear yard area, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties.
- (e) Wireless Communication Towers and Facilities.
- (f) Event Camping
- (g) Campgrounds

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Article Seven.

**Section 5.10 – I-1 Industrial District, Restricted:**

Description of District:

This Restricted Industrial District is limited to certain lands located along state highways, major county thoroughfares, and/or adjoining residential or commercial areas. These regulations are intended to

provide standards of intensity of use and standards of external effects or amenities compatible with the surrounding or abutting residential districts.

To these ends, development is limited to a low concentration, external effects are limited, and uses are limited to those industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining residential districts.

Permitted Uses:

- (a) Office buildings.
- (b) Assembly of merchandise, such as electrical appliances, electronic or precision instruments, and articles of a similar nature.
- (c) Packaging of previously prepared materials.
- (d) Printing, lithographic, blueprinting, and similar uses.
- (e) Processing or compounding commodities, such as drugs, cosmetics, pottery, plastics, and food products.
- (f) Signs, when in accordance with the provisions of Article Eight, Section 8.4.
- (g) Storage or warehousing of commodities such as hardware, packaged or fresh foods, clothing, and drugs within an enclosed building (except live fowl or animals, commercial explosives, or above or below ground bulk storage of flammable liquids or gases, unless and only to the extent that such storage of liquids or gases is directly connected to energy or heating on the premises).
- (h) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas.
- (i) Accessory uses or buildings, when in accordance with the provisions of this Ordinance.
- (j) Repeled
- (k) Agricultural activities which do not involve the raising or growing of livestock, as same is defined in Section 5.4.
- (l) Vehicle Wash Facility.

Special Exception Uses:

- (a) Agriculture.
- (b) Manufacturing, compounding, assembling, or treatment of articles or merchandise, where all work is carried on within an enclosed building, and where any outdoor storage is in compliance with Land Use Screening requirements, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties. All fire safety needs and requirements are to be taken into consideration when storing items outdoors. (Ord. 46-77 12/11/19)
- (c) Contractor's equipment storage, provided equipment is stored within an enclosed building and where any outdoor storage is in compliance with Land Use Screening requirements and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties. All fire safety needs and requirements are to be taken into consideration when storing items outdoors. (Ord. 46-77 12/11/19)
- (d) Wireless Communication Towers and Facilities.
- (e) Event Camping.
- (f) Campgrounds.
- (g) The discovery and removal of gravel and other natural resources (except oil and gas) pursuant to Section 8.9(9), provided the land is restored to a state most consistent with that existing before such use was commenced

Lot, Yard, and Area Requirements:

- (a) Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Article Seven.
- (b) Each district shall contain at least twenty-five acres.

**Section 5.11 – I-2 Industrial District, Manufacturing:**

Description of District:

This district is composed of certain lands located along state highways and major county thoroughfares. The district is designed to provide land for industries of a manufacturing nature where all work is carried on within an enclosed building producing little external effect of an objectionable nature to the surrounding properties.

Permitted Uses:

- (a) Manufacturing, compounding, assembling, or treatment of articles or merchandise, where all work is carried on within an enclosed building, and where any outdoor storage is in compliance with Land Use Screening requirements. All fire safety needs and requirements are to be taken into consideration when storing items outdoors. (Ord. 46-77 12/11/19)
- (b) Public utility buildings.
- (c) Signs, when in accordance with the provisions of Article Eight. Section 8.4.
- (d) Warehouses - fully enclosed.
- (e) Publicly owned and operated buildings and uses, including community buildings, public parks, playgrounds, and other recreational areas.
- (f) Accessory uses or buildings, when in accordance with the provisions of this Ordinance.
- (g) Repealed.
- (h) Agricultural activities which do not involve the raising or growing of livestock, as same is defined in Section 5.4.
- (i) Gasoline service stations, including a convenience store and/or a restaurant, if each is used in conjunction with said station.
- (j) Vehicle Wash Facility.

Special Exception Uses:

- (a) Any industrial use which meets the intent and purpose of this district where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties.
- (b) Motels, major automotive repair, and restaurants.
- (c) Wireless Communication Towers and Facilities.
- (d) The discovery and removal of gravel and other natural resources (except oil and gas) pursuant to Section 8.9(9), provided the land is restored to a state most consistent with that existing before such use was commenced
- (e) Bulk Liquid Propane Storage Facilities intended and used for transferring liquid propane to distribution/delivery trucks
- (f) Event Camping.
- (g) Campgrounds.

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Article Seven.

**Section 5.12 – I-3 Industrial District, Service:**

Description of District:

This district is composed of certain lands located along state highways and major county thoroughfares. The district is designed to provide land for activities of an industrial nature. Because of the nature of the district it should be located so as to be least objectionable to adjoining commercial or residential uses.

Permitted Uses:

- (a) Office Buildings.
- (b) Assembly of merchandise, such as electrical appliances, electronic or precision instruments, and articles of a similar nature.
- (c) Packaging of previously prepared materials.
- (d) Printing, lithographic, blueprinting, and similar uses.
- (e) Automobile repair garage.



- (f) Construction and farm equipment yard.
- (g) Contractor's equipment yard.
- (h) Hardware and building supplies.
- (j) Ice and cold storage plant.
- (k) Lumber and fuel yards.
- (l) Machine shop.
- (m) Public utility buildings and storage yards.
- (n) Signs, when in accordance with the provisions of Article Eight, Section 8.4.
- (o) Storage and warehousing.
- (p) Publicly owned and operated buildings and uses, including community buildings, public parks, playgrounds, and other recreational areas.
- (q) Accessory uses or buildings, when in accordance with the provisions of this Ordinance.
- (r) Vehicle Wash Facility
- (s) Manufacturing
- (t) Gasoline service stations, including a convenience store and/or a restaurant, if each is used in conjunction with said station.

Special Exception Uses:

- (a) Agriculture.
- (b) Solid waste disposal area. This term shall have the meaning given it in the Solid Waste Management Act [Act 641P.A.1978, MSA§13.29(1),§13.29(75)] as enacted and/or subsequently amended, and the administrative rules now or hereafter adopted pursuant to its terms.
- (c) The discovery and removal of gravel and other natural resources pursuant to Section 8.9(9) (except oil and gas) provided the land is restored to a state most consistent with that existing before such use was commenced
- (d) Earth removal and excavation - commercial.
- (e) Scrap yard and building material salvage yard.
- (f) Ready-mix concrete and asphalt plants.
- (g) Slaughter house.
- (h) Grain equipment and processing.
- (i) Event Camping.
- (j) Campgrounds.
- (k) Any industrial use which meets the intent and purpose of this district, which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties. This shall not include any special exception use provided for elsewhere in this Ordinance
- (l) Bulk liquid propane storage facilities, intended and used for transferring liquid propane to distribution/delivery trucks
- (m) Wireless Communication Towers and Facilities.

Lot, Yard, and Area Requirements:

Except as elsewhere specified herein the lot, yard and area requirements shall be as specified in Article Seven.

**ARTICLE SIX - ZONING DISTRICT BOUNDARY DESCRIPTIONS**  
(see Zoning Map)

**ARTICLE SEVEN – SCHEDULES OF REQUIREMENTS AGRICULTURAL AND RESIDENTIAL  
COMMERCIAL AND INDUSTRIAL**  
**Schedule of Frontage, Area, Height and Set-Back Requirements**  
**Agricultural and Residential**

	A Agriculture	L/D- Limited Development	R-1 Rural Residential	R-2 Residential	R-3 Multi-Family	R-4 Mobile Home District
<b>PRINCIPAL STRUCTURE</b>						
<b>Minimum Lot Frontage, Lot Width (feet)</b>						
Single Family	250	-----	250	250	150	-----
Two Family	-----	-----	-----	250	150	-----
Multiple Family	-----	-----	-----	-----	150	-----
<b>Minimum Lot Area Per Dwelling (sq. feet)</b>						
Single Family	37,500	-----	108,900	108,900	43,560	-----
Two Family	-----	-----	-----	54,450	21,780	-----
Multiple Family	-----	-----	-----	-----	2,700	-----
<b>Maximum Building Height (feet) (Ord. 46-71)</b>						
	35'	35	35	35	35	-----
<b>Minimum Floor Area Per Dwelling Unit (sq. feet)</b>						
Single Family	850	-----	1,000	1,000	720	-----
Two Family	-----	-----	-----	800	720	-----
Multiple Family	-----	-----	-----	-----	450 +150 for each	-----
<b>SETBACKS (Principal Structures and Accessory Buildings) (feet) (Front Setback from center of the road)</b>						
Minimum Front Yard Setback	83	83	83	83	83	-----
Minimum Side Yard Setback/2 (feet)	10	10	10	10	10	-----
Minimum Rear Yard Setback (feet)	10	10	10	10	10	-----

Footnote 1: Where the majority of the frontage along one side of a street within 500 feet of a vacant lot has been built upon at the time of passage of this ordinance, any building hereafter erected on said vacant lot shall not be less than the average setback of the improved frontage.

Footnote 2: On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line does not front on the side street of the corner lot, the side yard shall not be less than 2/3 the front yard setback required for that district.

Footnote 3: Repealed.

- Footnote 4: Frontage, area, height, and set-back requirements for L/D Limited Development shall be no less than and may, in the discretion of the Township Planning Commission, equal or exceed those specified for R-1 Residential.
- Footnote 5: All area and frontage requirements set forth above for Zoning Districts A-Agricultural through R-2 Residential may be reduced up to 60% of those above stated for clustered/open space development. Open space acreage must be permanently preserved, be no less than 10 acres in size and be equal to or exceed the acreage used or to be used for development sites.
- Footnote 6: In the R-1 and R-2 Zoning Districts, only, for lots which have frontage along the public road or its equivalent of between 30 feet and 250 feet, minimum lot frontage, lot width shall be measured at the building line.
- Footnote 7: Accessory buildings in agriculturally zoned districts are not subject to the 35 foot height restrictions.
- Footnote 8: In locations where the road right-of-way is 100 feet, the front setback must be no less than 100 feet.
- Footnote 9: Accessory buildings in the R-4 (Mobile Home District) are limited to 35 feet in height.

Schedule of Lot, Yard, and Area Requirements  
Commercial and Industrial

	<b>C-1 Commercial District (Local)</b>	<b>C-2 Commercial District</b>	<b>I-1 Industrial District Restricted</b>	<b>I-2 Industrial District Manufacturing</b>	<b>I-3 Industrial District Service</b>
<b>PRINCIPAL STRUCTURE</b>					
Minimum Lot Frontage, Lot Width (feet)	150	150	300	300	300
Minimum Lot Area (sq. feet)	43,560	43,560	90,000	90,000	90,000
Maximum Building Height (feet) (Ord. 46-71)	35	35	35	35	35
Minimum Front Yard Setback (feet) (from center of the road)	83	83	133	133	133
Minimum Side Yard Setback (feet)	10	10	10	10	10
Minimum Rear Yard Setback (feet)	10	10	10	10	10
<b>ACCESSORY BUILDINGS</b>					
Minimum Building Setback	----	----	----	----	----
Minimum Side Yard Setback (feet)	10	10	10	10	10
Minimum Rear Yard Setback (feet)	10	10	10	10	10
Maximum Building Height (feet)	35	35	35	35	35

Footnote 1: Where the majority of the frontage along one side of a street within 500 feet of a vacant lot has been built upon at the time of passage of this Ordinance, any building hereafter erected on said vacant lot shall not be less than the average setback of the improved frontage.

Footnote 2: On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line does not front on the side street of the corner lot, the side yard shall not be less than 2/3 the front yard setback required for that district.

Footnote 3: The setback or yard area of any commercial or industrial use, or activity associated thereto, maintained on a parcel of land adjacent to a residential district shall be two times that required within the district as specified above or a minimum of 25 feet, whichever is greater; and said use or activity shall be effectively screened by compact evergreens, fence, or wall from any adjacent residential district.

Footnote 4: A lot's length (depth) shall be no greater than four times its frontage width.

Footnote 5: The minimum floor area per dwelling unit shall be 1,000 square feet for single family dwellings and 800 square feet for two family dwellings in all Commercial and Industrial districts in which such dwellings are permitted.

Footnote 6: For parcels in the C-1, Commercial District (Local) and the C-2 Commercial District, where the road right-of-way is 100 feet, the front setback must be no less than 100 feet.

## ARTICLE EIGHT - SUPPLEMENTARY REGULATIONS

### Section 8.1 – Parking of Motor Vehicles:

(1) Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all the occupants, employees and patrons of said property.

(2) A plan showing the required parking and loading spaces including the means of access and interior circulation, shall be provided at the time of application for a building permit for the erection or enlargement of any building, provided, however, the requirements of this paragraph shall not apply to building permit applications for agricultural buildings or single and two-family dwellings.

(3) Requirements for all parking spaces and parking lots except those used in an agricultural zone and those used in connection with single and two-family residential dwellings:

- a. Each automobile parking space shall be not less than 180 square feet nor less than nine feet wide, exclusive of driveway and aisle space.
- b. All off-street parking facilities shall be constructed of asphalt, concrete, compacted gravel, pavers, bricks or other similar surfaces. Surfaces cannot be of soft material such as grass, wood chips, sand or ordinary soil. Parking facilities shall have drainage confined solely to the property served by the parking facility. (Ord 46-79, eff. 2/26/20)
- c. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
- d. No parking space shall be closer than five feet from the property line.
- e. Off-street parking facilities shall be effectively screened on any side which adjoins or faces residential property by a wall, fence, or compact planting not less than four feet nor more than eight feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
- f. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-family or two-family dwellings.
- g. Space for all necessary loading and unloading operations for any commercial, industrial, or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

(4) Minimum Required Parking Spaces. All fractions shall be rounded up to the nearest whole number.

(Ord 46-79, eff. 2/26/20)

- a. Apartment Houses - 2 1/2 parking spaces per family unit.
- b. Office Buildings - One parking space for each 100 square feet of floor space utilized for work space of employees.
- c. Retail Stores, Super Markets, Department Stores, Personnel Service Shops, and Shopping Centers. One parking space for each 300 square feet of gross floor area. (Ord. 46-68, 2/27/17).
- d. Manufacturing, Assembly and Processing Research Facilities – One and one-half (1.5) parking spaces for every 1,000 square feet of floor area plus parking devoted to other uses, or one (1) parking space for each employee whichever is greater. (Ord 46-79, eff. 2/26/20)
- e. Libraries, Museums, and Post Offices - One parking space for each 100 square feet of floor area.
- f. Bowling Alleys - Eight parking spaces for each alley.
- g. Motels and Tourist Homes - One parking space for each separate unit.
- h. Theaters, Auditoriums, Stadiums, and Churches - One parking space for every three seats.
- i. Dance Halls, Assembly Halls, and Convention Halls without fixed seats - Two parking spaces for each 100 square feet of floor area if to be used for dancing or assembly.
- j. Restaurants and Night Clubs - One parking space for each 100 square feet of floor area.
- k. Schools:  
Private or Public Elementary and Junior High Schools - One parking space for each employee normally engaged in or about the building or grounds.  
Senior High Schools and Institutions of Higher Learning - One parking space for each employee normally engaged in or about the building or grounds and one additional space for each five

students enrolled in the institution.

- l. Warehouse Distribution Facilities – One (1) parking space for every one thousand five hundred (1,500) square feet of floor area plus parking devoted to other uses, or one (1) parking space per employee, whichever is greater. (Ord 46-79, eff. 2/26/20)
- m. Other Uses - All other uses which require the parking of more than four vehicles per day shall provide one parking space for each 100 square feet of floor area or one parking space for each employee, whichever in each case is the greater.
- n. Parking facilities for any one of the above uses shall not be considered as providing the required parking facilities for any other use.

(5) Deferred Parking

- a. Where an applicant/owner/occupant demonstrates that required parking spaces for a proposed use would be excessive, or the Planning Commission determines with appropriate justification, the Planning Commission may defer some or all of the parking provided the site plan designates areas of the site for future construction of the required spaces.
- b. Area(s) reserved for future parking shall be maintained in a landscaped appearance and shall not be used for building area, storage or other accessory use where items cannot be immediately moved upon order of the Planning Commission.
- c. Construction of the deferred parking area to add parking spaces may be initiated by the owner, or required by the Township based on parking needs or observation, and shall require Planning Commission approval of an amended site plan.  
(Section (5) added by Ord 46-79, eff. 2/26/20)

**Section 8.2 – Garages: Buildings erected as garages shall in no case be occupied for dwelling purposes unless they comply with all the provisions of this Ordinance.**

**Section 8.3 – Tents and Automobiles: Tents and automobiles shall not be used for dwelling purposes within the Township limits.**

**Section 8.4 – Signs:**

- (1) Purpose for sign regulations. The purpose of this section is to regulate signs and permit only those which will not, by reason of size, location, construction, or manner of display, endanger the public safety, confuse, mislead, or obstruct the safe movement of traffic, and are not inconsistent with the objectives as set forth in this Ordinance.
- (2) Sign creation and use limitations. No person, corporation, partnership, or other business entity shall construct, erect, otherwise create, or otherwise make use of a sign in the Township of Alamo save as permitted by this section.
- (3) Sign - Definition. Any representation, including but not limited to one made through use of a structure, device, light, letter, word, model, banner, balloon, pennant, insignia, emblem, logo, painting, placard, or poster, which directs or tends to direct attention to an object, product, place, activity or service, person, institution, organization, or business.
- (4) Exempt signs. The following signs are exempted from the restrictions and requirements of this section.
  - a. Official government signs.
  - b. Signs required by law.
  - c. Scoreboards on athletic fields.
  - d. Holiday decorations and greetings in season.
  - e. Commemorative plaques.
  - f. Memorial tablets and historic markers incorporated into the architecture of a building or otherwise attached to, embossed, or engraved on the face thereof.
  - ~~g. Signs placed on a motor vehicle legally licensed for and primarily~~

used for transportation, provided such a vehicle is not parked or otherwise located merely for the purpose of making use of the sign placed thereon.

- h. Signs advertising garage sales.
- i. Signs the subject matter of which is a community special event.
- j. Signs advertising the sale of a specific parcel of real estate, provided said signs do not exceed six square feet in area and six feet in height and apply to premises actually and then presently for sale.
- k. Political signs which do not exceed six square feet in area, six feet in height, and remain in place for a period of no more than sixty days prior to and ten days after any federal, state, county, school, or municipal election.

(5) Prohibited signs.

The following signs are absolutely prohibited:

- a. Signs which bear or contain words, pictures, or characters which are obscene within the meaning of that term as is now or hereafter determined by the law of the land.
- b. Signs containing matter which is false, fraudulent, or contrary to state or federal law.
- c. Signs which by reason of size, location, content, or coloring are likely to be confused with any traffic control sign.
- d. Signs in excess of 500 square feet in size.
- e. Portable signs in place on the same premises for more than ten consecutive days.

(6) Permitted signs.

Signs which meet the following standards will be permitted but only in all commercial and industrial zoning districts, and for permitted uses (b), (c), and (d) in the R-3 Residential District and special exception use (a) in the L/D Limited Development District.

- a. The subject of said sign pertains solely to an activity carried out on the premises on which the sign is situated.
- b. The sign is located not closer than 15 feet from the nearest right-of-way of any public street or highway if the said sign is more than eighty (80) square feet or less. (Ord 46-74 3/12/18)
- c. Deleted and reserved for future use. (Ord 46-74 3/12/18)
- d. Deleted and reserved for future use. (Ord 46-74 3/12/18)
- e. No business shall have more than one sign which exceeds 35 feet in height.

(7) Size - defined.

- a. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign, provided such structure does not contain advertising. (Ord 46-79 2/26/20)
- b. The area of a freestanding, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of one side of the back-to-back faces shall be counted. If the two faces are of unequal size, the larger of the two faces shall be counted. (Ord 46-79 2/26/20)

(8) Agricultural signs.

Signs not exceeding eight square feet in size will be permitted for the sale of agricultural products grown on premises and for home occupations where such a use or occupation is lawful under the terms of this ordinance.

**Section 8.5 – Basements Used for Dwelling Purposes:**

No structure consisting chiefly of a basement only shall be occupied for living and/or sleeping purposes by human beings,

**Section 8.6 – Building Permits:**

- (1) No building shall be erected, regardless of cost, except in compliance with all laws, including the Building Code, regulations and Ordinances regulating the same.
- (2) Fees for permits. Where required by law or Ordinance, a fee shall be paid, pursuant to a Resolution approved by the Township Board, which fees may be modified from time-to-time.
- (3) No building permit shall be issued to erect, construct, place or move a building upon a tract or parcel of land unless:
  - a. It is included within a plat, condominium project or planned unit development project, the completion of which has either occurred or is (to the Township Planning Commission's satisfaction) secured in accordance with the respective provisions of its Ordinances and regulations and statutes of the state, if any, applicable to the form of development involved and has access as defined in Article Four.



- b. It meets the following requirements:
  - i. Conforms to Article Seven and all other applicable Ordinance provisions,
  - ii. Has access as defined in Article Four,
  - iii. It is not part of a larger tract from which a parcel not meeting requirements i or ii has been previously developed as a building site and sold either by land contract or by completed conveyance, or
  - iv. It is not an additional residence on said tract or parcel.
  - v. A site plan conforming with Section 8.10 has been first approved where such plan is required under the terms of this Ordinance.
  - vi. Written proof that all potable water, sanitary sewer and storm drainage requirements, if any, applicable to the building's use is first supplied.

(4) In the Agriculture, R-1, R-2 and R-3 Districts, only one single family or two-family dwelling per lot shall be permitted.

### **Section 8.7 – Residential Business Activities.**

Business or commercial activities may be carried out by the owner of occupant of a single family residence in a zoning district where such is permitted expressly or by special exception, subject, however, to the following limitations:

- (1) The activities are performed by the same person or persons who own or occupy a residence on the same premises, or by an employee of said person or persons who either resides in the residence or renders services which are not, all or in part, performed on the premises.
- (2) The business activities performed do not create appearance, sound, nor odor which is incompatible with residential uses permitted and implemented in the zoning district within which the residence is located and the business activity is performed.
- (3) Except as provided hereafter such business activities shall be allowed in the L/D Limited Development District or in areas within a recorded plat only if permission for such activities is first obtained by special exception use procedures as set forth in Section 8.9 of this Ordinance.
- (4) Existing Residential Business Activities. Existing residential business activities presently conducted within the L/D Limited Development District or within a recorded plat may, to the extent such activities are consistent with the requirements of paragraphs 1, 2, and 3 be continued but shall not be extended nor expanded unless permission is first obtained by special exception use procedures set forth in Section 8.9 of this Ordinance.

### **Section 8.8 – Non-Conforming Uses:**

- (1) Continuance - The lawful use of a premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to the provisions hereof, but if such non-conforming use is discontinued, the future use of said premises shall be in conformity with the provisions of this Ordinance. A Non-Conforming Use or structure that is destroyed by accidental fire or other calamity may be rebuilt when less than fifty percent (50%) of the structure is damaged provided that, except as may be otherwise provided by this Article, the new structure uses the same footprint as the destroyed structure. If a building or structure is destroyed by more than fifty percent (50%) of its square footage, it may not be rebuilt except in compliance with this Ordinance. In any event, a single-family; two-family or multi-family dwelling or structure located in a Zoning District which does not permit the same may be altered, expanded and/or rebuilt provided the new structure uses the same footprint as the destroyed structure. (ord. 46-81 Eff. 4/26/21)
- (2) Extension Within Existing Structure - Any non-conforming use may be extended throughout any part of an existing structure which was manifestly arranged or designed for such use at the time it became non-conforming.
- (3) Expansion of an Existing Use Beyond Existing Structures - A non-conforming use or structure may be completed, restored, reconstructed, or expanded (beyond an existing structure) only after hearing by the Zoning Board of Appeals and order approving same setting forth the conditions, if any, thereof. The hearing shall be noticed out as with applications for variances and the Zoning Board of Appeals shall not permit an expansion of a non-conforming use unless the following conditions are met:

- (a) Applicant will suffer undue hardship in the uses of the subject property without such an expansion.
  - (b) The expansion does not injure or present reasonable probability of injury to any other owner or occupant of real property within the Township.
- (4) Abandonment -
- (a) In the event that a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of six months, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall terminate the authorization for the non-conforming use of the land.:
  - (b) A nonconforming use may be determined to be abandoned if one (1) or more of the following conditions exists, and may be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use when
    - Utilities for the building or use, such as electricity, gas and water have been discontinued.
    - The property, building(s) and grounds have fallen into disrepair.
    - Equipment and/or fixtures which are necessary for the operation of the nonconforming use have been removed
    - Signs or other evidence of the existence of the nonconforming use have been removed
    - A conforming use has replaced the nonconforming use.
    - Other actions which constitute an intention on the part of the owner or lessee to abandon the nonconforming use.
  - (c) Existing buildings on a non conforming parcel may be expanded and additional accessory buildings may be constructed provided setback requirements are met as specified in Article Seven of this ordinance.
- (5) Maintenance and Repair - Nothing in this section shall prohibit the maintenance and repair of non-conforming structures to keep such a structure in sound and safe condition
- (6) Non-Conforming Parcels:
- (a) In any district in which single family dwellings are permitted (notwithstanding limitations imposed by other provisions of this Ordinance) a single family dwelling and customary accessory building may be erected, provided frontage and area requirements on the effective date of this Ordinance complied with the Zoning Ordinance requirements in existence immediately prior to the said date. This provision shall apply even though such parcels fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the parcel shall conform to the regulations for the district in which such parcel is located. The provisions of this section shall not apply to any parcel of land or contiguous parcels of land under single ownership where the area and frontage in total single ownership equals or exceeds the minimum requirements of Article Seven.
  - (b) Existing buildings on a non-conforming parcel may be expanded and additional accessory buildings may be constructed provided setback requirements are met as specified in Article Seven of this Ordinance.

**Section 8.9 - Special Exceptions:**

- (1) Special Exceptions – Filing.
- a. Applications for Special Exception Use Permits shall be filed with the Township Clerk and shall provide all information and documentation required hereinafter. Accompanying all applications shall be such fees as may be set from time-to-time by the Township Board.
  - b. The actual expenses which the Township incurs in reviewing and considering a special exception use request, in excess of all amounts charged and received as a basic fee, shall be the ultimate responsibility of the applicant. The Township may, at any time, require the applicant to deposit with the Township Clerk such additional funds as it believes necessary to cover all of its actual expenses.

- c. Funds so deposited shall be held by Clerk in escrow and shall be applied and administered in accordance with the Township's Administrative Fee Ordinance (Ordinance 40-M).

(2) Application. At a minimum, the application for a Special Exception Use Permit shall include the following:

- a. The complete address and parcel identification number of all property included in the application and types of special exception use requested.
- b. The complete names, addresses and telephone numbers and email addresses of the applicants.
- c. The complete names, addresses telephone numbers and email addresses of the property owners, if different than applicant's. If different than applicant's, an Affidavit from the property owners indicating that they agree and consent to the use as applied shall accompany the application.
- d. The complete names, addresses telephone numbers and email addresses of three people who would be responsible for the use and who can be contacted at any time by the Township of other officials should it become necessary to do so.
- e. A full legal description of the property.
- f. A detailed description which may be applicable to the proposed use of the property as determined by the Planning Commission including, but not limited to:
  - 1. Hours of operation.
  - 2. Equipment to be used.
  - 3. The maximum number of people on site at any given time.
  - 4. The anticipated impact on:
    - a. Neighboring property owners and uses.
    - b. Traffic.
    - c. Wildlife and plant life.
    - d. Surface and subterranean water.
    - e. Off-site noise levels.
    - f. Air quality.
  - 5. A detailed scaled plan showing all property boundaries, existing and proposed topography, roads, buildings, facilities, campsites (to be numbered), recreation areas, open space, buffers, greenbelt space, utilities and any and all other improvements to the property.
- g. Signature of applicant and property owner(s).

(3) Processing of Application. Upon receipt of a complete application conforming to the requirements of this Ordinance and payment of all fees, the Planning Commission shall process and decide the application in compliance with law and Ordinance.

(4) Escrow for Township Expenses. In addition to the provisions of Ordinance 40-M, the Township Board may, upon the request of the Planning Commission or on its own initiative, at any time, require as a condition of considering or continuing to consider a Special Exception Use application the escrow of an amount or amounts estimated as desirable or necessary by the Township Board, in its sole discretion, to reimburse the Township for additional expenses incurred in an unusual or lengthy application and/or to obtain information desirable or necessary to assist the Planning Commission in fully considering the application, which expenses shall include, but not be limited to, attorney's fees, expert report fees, publication fees, transcript fees, rental or usage fees and copying charges.

(5) Additional Information. The Planning Commission may require, at any time and at the applicant's sole expense, any additional information deemed necessary or desirable by the Planning Commission to assist it considering an application and its impact on the subject and surrounding properties.

(6) Standards for Grant or Denial of Application – Generally. Special Exception Uses shall be granted only if the application meets any applicable specific requirements and the following general standards:

- a. The use must be consistent with and tend to promote the intent and purpose of this Ordinance.
- b. The use must be compatible with adjacent uses, the natural environment, public service capacity and facilities, and the health, safety and welfare of the Township and its residents.

(7) Grant with Conditions.

- a. If a Special Exception Use application is granted, the Township reserves the right to impose such conditions and requirements as are reasonable or necessary to minimize or eliminate hardship or injury to adjoining residents, properties and uses and which the Township feels promote the public health, safety and general welfare of the Township and its residents and are consistent with

the intents and purposes of the Alamo Township Zoning Ordinance

- b. Any property which is the subject of a special exception use permit approval, which has not been used for a period of one (1) year (without just cause being shown which is beyond the control of the owner or applicant and which is acceptable to the Planning Commission), for the purpose for which special exception use was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception use shall thereupon terminate.

(8) When a special exception use application for a wireless communication tower is filed and considered the Township Planning Commission shall apply the following standards, requirements, or conditions:

- (a) Process and decide the application without unreasonable delay.
- (b) Process and decide the application fairly and without discrimination among providers of functionally equivalent services.
- (c) Base its decision on substantial evidence contained in a written record of the proceedings.
- (d) Express its ultimate decision in a writing that sets forth those reasons, the evidence in the record in support thereof.
- (e) Require substantial evidence the tower is necessary and that the intended service cannot be provided without it.
- (f) Require that any tower constructed be large enough and strong enough to accommodate total antenna facing of no less than 75 sq. ft.
- (g) Require substantial evidence the tower, if constructed, will be safe and comply fully with all applicable code provisions, including but not limited to those setting forth wind loading requirements.
- (h) Require that the center point of any tower constructed be no closer to any boundary of the land on which it is constructed than 20% of the tower's height, if it is a monopole, and 40% of its height if it is a tower of any other type of construction.
- (i) Require substantial evidence that the tower, if constructed, will be adequately grounded and protected against lightning.
- (j) Require substantial evidence that the tower, if constructed, will be readily accessible for any maintenance or emergency service that may be required.
- (k) Require substantial evidence the tower, if completed, will not unreasonably interfere with other wireless reception.
- (l) If the application is granted, prohibit signs (except those expressing warnings or equipment information) to be attached to the tower.
- (m) If the application is granted, prohibit illumination (except that required by Federal or State law or regulations) to be attached to the tower.
- (n) If the application is granted, require any tower and/or accessory structure to be removed within 180 days from the date the tower is no longer used for the purpose constructed.
- (o) Require any tower and/or accessory construction to be surrounded by a fence sufficient to render it inaccessible to all unauthorized persons.

(9) Discovery and removal of gravel and other mineral resources

- a. A special exception use permit is required for discovery and removal of gravel and other mineral resources except the following
  - 1. Oil
  - 2. Natural gas
  - 3. Grading, filling and extraction in conjunction with commercial, industrial or residential construction, provided necessary building and soil erosion and sedimentation control permits have been issued
  - 4. Landscaping projects for buildings, existing or to be constructed, provided that they do not encroach upon flood-prone areas, protected wetlands, natural drainage ways or the County drainage system

5. Excavations relating to the accessory use of land and designed to be filled upon completion of excavation including, but not limited to, septic tanks, graves and similar uses
  6. Excavations or leveling for private drives to provide ingress or egress, which have been approved by the Township and/or the Kalamazoo County Road Commission.
  7. Excavation, reshaping or grading property for farming purposes such as orchards or buildings, provided that all necessary permits have been obtained
  8. Any excavating on properties not adjacent to any property where any extraction or mining has occurred, is occurring or is intended to occur in the future and which are less than five (5) acres
- b. A special exception use application and permit for the discovery and removal of gravel and other mineral resources shall meet the following requirements:
- (a) Application Requirements. The application for a Special Exception Use Permit for discovery and removal of gravel and other mineral resources (except oil and gas) shall include the following:
1. All application information requirements set forth in Article 8, Sections 8.9(1) and (2).
  2. The type(s) of the materials to be mined or extracted.
  3. Outline of Existing Conditions.
    - a. Full name(s), address and parcel number(s) including legal descriptions, of the existing owners of the parcels comprising the project and the full name(s), address and parcel number(s) of those parcels adjoining directly or adjoining but for a roadway (excluding a divided highway), railway, water body, or other similar feature of the proposed project;
    - b. Current zoning of the project site as well as the zoning of the areas within 500 feet of the project site;
    - c. A topographic survey map on a scale not less than one (1) inch equaling one hundred (100) feet, showing:
      - i. At ten (10) foot intervals, existing grade of the land surface prior to any activities; and,
      - ii. The borders of the proposed project;
      - iii. The location of any and all structures on the project site as well as within 500 feet of the project site;
      - iv. All existing natural features of the site, including but not limited to, tree lines, forested area, wetland, streams, significant elevation changes or other distinguishing features.
      - v. The location of all utilities;
      - vi. All roadways or other points of access to and from the project area; location of any easement or right of ways associated with the project area;Said map shall be prepared and sealed by a registered Civil Engineer or Land Surveyor.
  4. Site Plan of Operations.
    - a. A detailed topographic map disclosing the limits of the area proposed for the operation, to include the:
      - i. Borders of the proposed project;
      - ii. Significant natural features;
      - iii. Access roads/drives;
      - iv. Maximum depth of any excavation;
      - v. Proposed setbacks;
      - vi. Berming and screening, landscaping;
      - vii. Equipment placement along with the placement of any associated features/structures (i.e. settlement basins);
      - viii. Proposed site signage (entrance and on site signs);
      - ix. The location of all materials to be stored on the site including estimated stockpile heights;

- x. Depth-to-water table;
  - xi. Any other relevant physical or spatial features of the proposed site and operation.
5. Phasing Plan.
- a. A detailed topographic map disclosing the limits of each phase proposed for the operation, to include the:
    - i. Proposed phasing of mining including direction of operations and approximate time frames to achieve various phases;
    - ii. The approximate starting and completion dates of each phase of the project.
6. Reclamation Plan.
- a. A detailed narrative and topographic map disclosing the reclamation of each phase proposed for the operation, to include the:
    - i. Proposed finish grades from topographic map on a scale not less than one (1) inch equaling one hundred (100) feet, showing at ten (10) foot intervals;
    - ii. Significant natural features remaining; location of any created water bodies, including ponds, lakes, streams, and wetland;
    - iii. Type and location of any plantings;
    - iv. Description of soil management for reclamation;
    - v. Description of seed mixes proposed;
    - vi. Potential future use upon completed reclamation; and,
    - vii. Photographs representative of reclamation or lack thereof for all sites where extraction or mining has been completed or abandoned by the applicant.
7. Equipment Listing.  
A list of anticipated equipment, including standard off-site trucks, to be used in connection with the proposed use during the complete mining to restoration process.
8. Haul Routes.
- a. Detailed information on proposed truck route(s) for hauling in Alamo Township, adjacent and other affected townships including:
    - i. Predicted types of trucks, hauling rates (runs per day), etc.
    - ii. Class A roads, roads with seasonal load restrictions, any roads scheduled or proposed to be upgraded, etc.
    - iii. Proposed dust suppression activities.
    - iv. A hauling policy that includes proposed haul routes and identified penalties for infractions.
    - v. Proposed restoration and/or repair of roadways impacted by hauling.
9. Mined Materials.  
The anticipated quantity of each type of materials to be mined.
10. Hazardous Materials.  
A list of each chemical including, but not limited to, fuels, lubricants and coolants, to be used and/or stored on site during the life of the special exception use as required by the MDEQ, MIOSHA or other governmental agency, including a detailed plan to remedy any spill for each of the listed chemicals.
- (b) Standards for the Grant or Denial – Specific. In addition to the requirements for the grant of a Special Exception Use – Generally, an application for a Special Exception Use Permit for the discovery and removal of gravel or mineral resources including sand, gravel and similar materials, shall only be granted if the Township finds that, with the imposition of appropriate conditions, the applicant has proven to the satisfaction of the Township Planning Commission that there will be no very serious consequences to surrounding properties, residences and uses as a result of the proposed operation. PA 113 of 2011.
- (c) Specific Conditions for the Grant of a Special Exception Use Permit for the Discovery and Removal of Gravel or Mineral Resources.
- 1. Hours of operation. Mining and processing shall be limited to 7:00 a.m., to 6:00 p.m., Monday through Friday. No mining or processing activity shall occur on Saturdays, Sundays or legal holidays.
  - 2. Maintenance. Maintenance activities may be conducted during operating hours, after

operating hours Monday through Friday until 9:00 p.m., and on Saturdays from 9:00 a.m. until 3:00 p.m.

3. **Set-Backs.** Set-back for mining activities from the boundaries of the property shall be maintained as follows:
  - a. 100 feet from all adjoining residential and recreational properties.
  - b. 100 feet from any regulated wetland on or adjacent to the site.
  - c. 100 feet from the centerline of any adjacent roadway.
  - d. 300 feet from any residential dwelling existing and being used at the time the permit is granted, unless the owner of the residence consents in writing to a reduced set-back.
  - e. In all other circumstances, no less than 50 feet from any other property line.

Note: Berming and reclamation activities may occur within the designated setback areas

4. Location.

- a. Processing plant and any accessory structures and equipment shall not be located closer than 500 feet from the operation site boundaries, easements and right-of-ways.
- b. Processing plant and processing equipment, excluding maintenance or accessory structures, shall not be closer than 500 feet from the centerline of any road.
- c. Processing plant and its accessory structures and equipment shall not be located closer than 650 feet from any dwelling existing on the date of the permit except any owned by the Applicant.

No mining related use of the land will be allowed outside of the agreed upon perimeters, including excavating of any kind, storage of equipment or stockpiling of any debris such as trees or stumps.

5. On-Site Roads, Signs and Security Measures.

- a. No road or entrance shall be constructed on site within 250 feet of any residence, excepting any owned by the applicant.
- b. Each site having a permanent processing plant shall have an asphalt, concrete or similar paved surface entrance road extending no less than 300 feet into the property. Each site having a portable processing plant shall have a hardened surface extending no less than 300 feet into the property.
- c. Stop signs shall be placed at each exit from the site onto a public road.
- d. One entrance sign, the construction and size, acceptable to the Township may be permitted. Any other proposed signs visible from the roadway must be submitted as part of the site plan and are subject to Township approval.
- e. Visual screening of the entrance shall be engineered and constructed in such a way as to obscure direct view of mining operations.
- f. "No trespassing" signs and other security measures as appropriate may be required.

6. Parking.

All employees shall park on site and not on any adjacent roads or property. No staging or vehicle/truck parking on local roadways shall be permitted.

7. Screening and Berming.

- a. A berm will be constructed to provide visual and auditory protection from roadways or residential developments that is at least 5 feet above the centerline of the roadway(s).
- b. To the extent possible, existing trees and other natural screening shall remain at the project perimeter as natural screening. New coniferous trees may be required as additional visual and auditory screening.

8. Haul Routes.

Approval may be conditioned upon approval of a specific haul route.

9. Requirement of County Primary Road or Greater.

Ingress/egress shall be on a public road. As a condition of approval of a Special Exception Use Permit, the Planning Commission may require improvement to the specifications of an all-season road and maintenance of all access and haul route roads at the sole expense of the applicant.

10. Dust, Dirt and Debris Control.

- a. No dust, dirt or debris emanating from the operation shall at any time be permitted to be deposited upon adjoining properties to such an extent as to be a nuisance or annoyance to the occupants thereof or in quantities exceeding the applicable air quality, regulations or the permit granted for the operation.

- b. Clean up of dirt or mud tracked onto County or Township roadways from the operation will be the responsibility of the operator and remedied promptly.
- 11. Noise Abatement.
  - a. Noise levels from the site shall not exceed 60 decibels at any adjoining property line.
  - b. White noise backup, alarms or other industry standard noise suppression equipment, will be employed on all equipment requiring such warning devices.
- 12. Restoration of the Site.
  - a. All top soil shall be stockpiled upon the premises and promptly used to resurface areas when operations have been terminated according to an approved phasing plan, if appropriate.
  - b. No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining properties.
  - c. No finished slope shall exceed a ratio of 3 to 1.
- 13. Environmental Requirements.
  - a. Protection of Streams and Waterways. No operations shall be located within 100 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Water Commission or such other State Commission having jurisdiction.
  - b. Operations Below Water Table. No operations shall be allowed below the existing water table.
  - c. Operators must meet requirements of ISO 14001 or its successors.
- 14. Adjacent Property Protections.
  - a. Low water and well protections may be required as a condition of approval of a Special Exception Use Permit.
  - b. Property value protections may be required as a condition of approval of a Special Exception Use Permit.
- 15. Permit Shall Run With the Land.

Special exception use permits shall run with the land for as long as gravel or other natural resources are being extracted from the site.
- 16. Inspection and Permit Fees.

Operator will provide Township with annual compliance reports of all terms of the permit or whenever the Township may reasonably request. As a condition of non- revocation of the permit, the operator shall reimburse the Township for the reasonable costs to verify compliance with permit requirements and/or any studies or reports to ensure that permit requirements remain appropriate.
- 17. Liability and Other Insurances.

Minimum liability and other insurances may be required as a condition of approval of a Special Exception Use Permit. The Township shall be an additional insured where appropriate.
- 18. Bond.

A reclamation bond of not less than \$3,500 per acre for each open or disturbed acre shall be posted with the Township, which may be adjusted by the Township from time-to-time to provide adequate security, which will remain in full force while mining and processing occurs and until released by the Township after final reclamation.
- 19. Additional Requirements.

As a condition of granting a permit for Special Exception Use, such other conditions as are reasonable and necessary for the protection of the health, safety and welfare of the residents and properties within the Township may be required by the Planning Commission.
- 20. Waiver/Variance.

Where, due to size, topographic, geographic, environmental factors or any other factor, the Planning Commission may grant a variance or waiver from the strict application of these requirements.
- 21. Maintenance of Licenses and Permits.

As a condition of non-suspension or revocation, Permittee shall at all times while the Special Exception Use Permit is in effect maintain in force and effect all necessary federal, state, county and township licenses and permits.
- 22. Temporary Suspension and Cessation of Permit Activities.

Upon non-compliance with the conditions of a Permit or non-compliance with any subsequent requirements permitted to be imposed by this Ordinance or upon being charged with violation of any law, regulation or Ordinance affecting the health, safety or welfare of the Township or its



residents, the Township Board may temporarily order the suspension and cessation of some or all activities on the site. Permittee shall be immediately notified and provided, as soon as reasonably possible, the opportunity to show cause why the Order of Suspension should not be continued. After a Show Cause hearing, the Township Board may continue with modifications or rescind its Order of Suspension.

23. Revocation of Permit.

Upon non-compliance with the conditions of a permit or non-compliance with any subsequent requirement permitted to be imposed by this Ordinance, after providing Permittee reasonable opportunity to comply, upon violation of any law, regulation, Ordinance affecting the health, safety or welfare of the Township or its residents or non-compliance with an Order of Suspension, the Township Board may revoke a Permit. Upon revocation, all activities permitted under the Permit shall cease immediately. All equipment shall be removed immediately, and the property reclaimed as set forth in the Permit.

(10) A special exception use permit application for a campground shall not be granted unless the applicant meets and maintains each of the following conditions:

- (a) The applicant meets the standards set forth in Section 8.9(2).
- (b) The applicant meets and maintains the requirements set forth in Act 368 of the Public Acts of 1978 and any subsequent amendments including obtaining and maintaining a state campground license.
- (c) Applicant complies with all applicable Michigan Administrative Rules including, but not limited to, Rules 325.1551 through 325.1586.
- (d) For campgrounds in the L/D Limited Development District, only, the minimum lot size shall be 10 acres. There shall be no minimum lot size for campgrounds in the C-1 and C-2 Commercial Districts.
- (e) The Township Planning Commission may require up to 50% of the property remain in an undeveloped state.
- (f) The owner and/or operator shall publish rules and regulations to be enforced relating to hours of operation and noise, which shall be approved by the Township Planning Commission. Any amendments thereafter shall also be approved by the Township Planning Commission before becoming effective.
- (g) The Township Planning Commission may require that any lighting fixtures used shall be so arranged as to reflect the light away from adjoining residential lots.
- (h) The Township Planning Commission may require exterior visual and/or noise barriers including, but not limited to, berming, landscaping and/or fencing as may be required to protect the health, safety and welfare of neighboring properties.
- (i) The Township Planning Commission may impose conditions on any signage seen from adjacent properties or a public road.
- (j) For a campground in the L/D Limited Development District, the Township Planning Commission shall require a 75 foot greenbelt buffer area. For a campground in the C-1 or C-2 Commercial District, the Township Planning Commission may require a greenbelt buffer area. Greenbelt buffer areas shall be established and maintained in an undeveloped state, except for any screening required by the Township Planning Commission, around any and all exterior property lines. Such areas may not be utilized to compute campsite requirements. Such area may be used to compute any undeveloped state or open space requirements.
- (k) For a campground in the L/D Limited Development District, no commercial enterprises shall be permitted to operate on the lot except those for the benefit of campers only.
- (l) Each campground, except primitive campgrounds permitting tent camping only, shall provide each campsite with direct vehicular access by a gravel or better dust-free roadway. The portion of the roadway to be used for travel, excluding any shoulder area, shall be a minimum of 12 feet if one-way traffic is designated; a minimum of 22 feet if two-way traffic is designated and all cul-de-sacs shall have a minimum of a 75 foot curve radius. All roadways shall be subject to approval by the Alamo Township Fire Department. Parking shall not be allowed on any roadway within the campground. Campsites designated for tent camping, only, need not have direct vehicular access from any street or road but shall be provided with adequately cleared and marked pedestrian pathway access, originating at a designated parking area.

- (m) Fencing, berming, landscaping and other methods of buffering the lot and/or each individual's site may be required by the Township Planning Commission.
- (n) Except for sites designated tent camping only, each lot shall provide adequate access to each site for fire protection and emergency service as determined by the Alamo Township Fire Department.
- (o) Each campground shall be provided with at least one public telephone.
- (p) All permanent buildings or structures to be occupied or used by campers shall be set back no less than 100 feet from the side or rear yards of the campground.
- (q) Fires may be built only in picnic stoves or other similar equipment or such areas as designated by the camp manager. It shall be unlawful to start or cause to be started any other fire whatsoever in the campground.
- (r) The campground shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided, and the campground shall be kept free of litter, trash and debris.
- (s) No mobile homes or trailer coaches designed for permanent habitation shall be allowed except for the campground manager.

(11) A special exception use permit for event camping shall not be granted unless the applicant meets the following requirements:

- (a) The applicant meets and maintains the requirements set forth in Act 368 of the Public Acts of 1978 and any subsequent amendments including obtaining and maintaining a state campground license.
- (b) Applicant complies with all applicable Michigan Administrative Rules including, but not limited to, Rules 325.1551 through 325.1586.
- (c) Minimum lot size shall be 43,560 square feet (minimum lot size in C-1 and C-2).
- (d) The owner and/or operator shall publish and enforce rules and regulations relating to hours of operation and noise, which shall be approved by the Township Planning Commission. Any amendments shall also be approved by the Township Planning Commission before becoming effective.
- (e) The Township Planning Commission may require that any lighting fixtures used shall be so arranged as to reflect the light away from adjoining residential lots.
- (f) The Township Planning Commission may require exterior visual and/or noise barriers including, but not limited to, berming, landscaping and/or fencing as may be required to protect the health, safety and welfare of neighboring properties.
- (g) The Township Planning Commission may impose conditions on any signage seen from adjacent properties or a public road.
- (h) The Township Planning Commission may deny a request for a special use permit for a temporary campground where there was not compliance with all laws, Ordinances and conditions imposed on a previous special exception use permit unless the Planning Commission is satisfied that remedial measures will be undertaken if the permit is granted.
- (i) Fencing, berming, landscaping and other methods of buffering the lot and/or each individual's site may be required by the Township Board.
- (j) Each lot shall provide adequate access to each site for fire protection and emergency service as determined by the Alamo Township Fire Department.
- (k) As a condition for the granting of a special exception use permit for a temporary campground, the Township Planning Commission may require a cash or surety bond in an amount related to the estimated cost of any additional police, fire or rescue service personnel and equipment which may be necessary as a result of the temporary campground.
- (l) Fires may be built only in picnic stoves or other similar equipment or such areas as designated by the camp manager. It shall be unlawful to start or cause to be started any other fire whatsoever in the campground.
- (m) The campground shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided, and the campground shall be kept free of litter, trash and debris.

(12) Post-Permit Modification. Where circumstances have changed, the Township or Permittee may apply for modification of an existing permit. If, in the sole discretion of the Planning Commission, the proposed modification is of such a substantial nature, the Planning Commission may require a public hearing. If not, the Planning Commission may approve or disapprove a modification at a regular or special meeting. The Township Board may set fees by Resolution for an application to modify a permit.

(13) Decision of Planning Commission Final. The decision of the Planning Commission is final.

- (14) When a special exception use for a solid waste disposal area is sought, the Township Planning Commission shall:
- a. Require the application for such a special exception use to contain as an attachment thereto documentary proof of the applicant's compliance with all applicable provisions of state law and administrative regulations; and
  - b. Consider in addition to applicable state law and administrative regulations all provisions of a Model Zoning Ordinance incorporated into and adopted as a part of the Kalamazoo County Solid Waste Management Plan as said plan was approved by the Department of Natural Resources in February 1985, and as said plan may be subsequently approved by said body.

**Section 8.10 - Site Plans:**

- (1) No Special Exception Use shall be approved until a site plan has been submitted, reviewed by the Site Plan Review Committee, and approved by the Township Planning Commission.
- (2) No building permit shall be issued for any permitted use in a Commercial District or Industrial District unless a site plan complying with the requirements of this section has been first approved by the Township Planning Commission.
- (a) Administrative review/approval may be authorized for the following modifications to activities and uses described in an approved site plan:
    1. Alteration or expansion involving less than one-fourth of the floor area of an existing structure or involving no greater than two thousand (2,000) square feet, whichever is less.
    2. Accessory structures/buildings that are one-fourth the size of the principal building or less, and do not affect other zoning requirements.
    3. Modifications or expansion of existing off-street parking, not to include either reduction of the number of spaces required, or new or additional access from a public street; and/or modification or expansion of stacking spaces or loading and unloading areas.
    4. Modifications to comply with State Mandated Accessibility Requirements.
  - (b) The Zoning Administrator may refer any proposed changes to an approved Site Plan to the Planning Commission for final determination.  
(Ord. 46-74 3/12/18)
- (3) A site plan shall contain, at minimum, the following information:
- (a) A legal description of the property under consideration.
  - (b) A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
  - (c) Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.
  - (d) Date, north point, and scale.
  - (e) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
  - (f) The siting of all structures on the subject property and abutting properties if deemed pertinent.
  - (g) The location of each proposed structure in the development area.
  - (h) The number of proposed units (for multiple family developments).
  - (i) Such further information as may be required by the Planning Commission.
- (4) No site plan shall be approved unless it evidences a use which is in compliance with this Ordinance, all other applicable Ordinances, and is consistent with the intent and purpose of this Ordinance. The Planning Commission will establish and follow procedures best designed to achieve the compliance and consistency required.
- (5) Site plans for permitted uses, within thirty (30) days of submission to the Township Clerk, shall be first reviewed by a Site Plan Review Committee, the composition of which shall be established by the Township Board. The Site Plan Review Committee's findings and recommendations shall be submitted to the Township Planning Commission for consideration at its next regular monthly meeting.
- (6) All condominium projects shall comply with the requirements of and are governed by Article Eight, Section 8.14, hereinafter.
- (7) ~~Approval of the site plan shall be valid for a period of one (1) year (without just cause being shown which is~~

beyond the control of the owner or applicant and which is acceptable to the Planning Commission). If a building permit has not been obtained and on-site development actually commenced within said one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site

(8) The actual expenses which the Township incurs in reviewing and administering a site plan in excess of all amounts charged and received as a basic fee therefore shall be the ultimate responsibility of the owner or developer. The Township may, at any time, require the owner or developer to deposit with the Township Clerk such additional funds as it believes necessary to cover all of its actual expenses. Funds so deposited shall be held by the Clerk in escrow and shall be applied and administered in accordance with the Township's Administrative Fee Ordinance (Ordinance 40-M).

**Section 8.11 - Single and Two Family Dwellings:** Single and two family dwellings (including mobile homes or house trailers) shall comply with all and each of the following standards:

- (1) The minimum square footage requirements of this Ordinance for the zone in which it is located.
- (2) A minimum width across any section of twenty feet and interior height dimensions which meet the requirements imposed by the Township Building Code; provided, however, that in cases where the dwelling is required to meet the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended, and where such HUD standards are less than those imposed by the Township Building Code, then in such an event HUD standards shall apply.
- (3) Is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state or federal regulations.
- (4) Does not have exposed wheels, towing mechanism, undercarriage, or chassis.
- (5) Is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (6) Contains storage area either in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure being of standard construction similar to or of better quality than the principal dwelling; such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 15% of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than 200 square feet of storage area be required by this provision.
- (7) Is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling, with not less than two exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling; and contains permanently attached steps connected to said door areas where a difference in elevation requires the same.

The question of compatibility of design and appearance shall be determined in the first instance by the Township Building Official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days from the receipt of notice of said Township Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of said area; or, where said area is not so developed, by the character of residential development outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (8) Contains no additions of rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
- (9) Complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as

amended.

(10) The aforesaid requirements of this section shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law or otherwise specifically required in the Township Ordinance pertaining to such parks.

### **Section 8.12 – Planned Unit Development:**

A Planned Unit Development (PUD) is designed to accomplish residential development, combined with or without other uses, through a land development project 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 under authority granted by Sections 16(b) through (d) of the Township Rural Zoning Act as enacted and as amended [Act 184, 1943; MSA 5.2963, § 16(b) through (d)].

(1) Purpose. To encourage clustered residential development and coordinate it with the permanent preservation of contiguous land in an undeveloped or minimally developed state by offering the opportunity for potential reduction in the frontage, area, height, set back and access requirements otherwise applicable under the Township's Ordinances.

(2) Eligibility Conditions.

- A. Zone A. Planned Unit Developments (PUD) can, if approved, take place within any zoning classification, except Industrial.
- B. Size. The minimum size for a PUD project is 20 acres.
- C. Access. A PUD project must have direct access to a public street or road by (1) abutting on such a street or road on one of its sides, or (2) by way of a non-public street or road eligible for conversion to a public street or road under standards as established by the Kalamazoo County Road Commission.
- D. Open Space. A PUD project must preserve as open space in its existing undeveloped state no less than 50% of the total acreage covered by the project.
- E. Ownership and Control. Until completed, a PUD project must be under the ownership and control of a single person or entity. A PUD project's open space must be ultimately and proportionally owned and controlled by the owners of each of the parcels, lots or condominium units which make up the developed portion of the project itself.

(3) Procedures.

- A. Reviews. Reviews shall include informal consideration before an application is filed, and a formal and complete review thereafter. When an application has been filed, the required basic review fee paid, the required documentation supplied and a public hearing shall be held. Both reviews are to be considered and decided by the Township Planning Commission (Commission).
- B. Pre-Application Review.
  - (1) Filing Request and Fee. Pre-application review of a PUD project shall be initiated by filing a written request for such a review with the Township Clerk and payment of a basic review fee in an amount established by a duly adopted Resolution of the Township Governing Board.
  - (2) Purpose. Pre-application review is designed to determine, at an early stage and at minimum expense for both the Township and the applicant, the nature and scope of the project proposed and whether or not it does, or potentially can, comply with applicable law and the Township's Ordinances.
  - (3) Documentation. During the course of this review, the applicant shall furnish to the Commission documentation sufficient to establish, in its sole discretion;
    - a. The location and acreage proposed for building development;
    - b. The location and acreage of the portion of the project proposed for preservation;
    - c. The number, size and dimensions of each individual parcel, lot or condominium unit proposed as a separate building site;
    - d. The access proposed for the project itself, for each individual building site and for the area and acreage proposed for preservation;
    - e. Topographical information sufficient to identify the existence and nature of any storm water, drainage or erosion problems;
    - f. ~~How safe drinking water is to be supplied;~~

- g. How sewage is to be safely disposed of;
- h. How utilities and the easements they require are to be provided;
- i. How open space acreage is to be proportionally owned, taxed, and
- j. How it is to be restricted as to use, and how and by whom those restrictions are to be enforced.

(4) Hearing and Decision. The Commission shall expedite a pre-application review request, shall consider it at its next regular meeting following its filing, and shall render its decision at the next regular meeting following the date on which the documentation above described has been supplied.

C. Final Review.

(1) Filing Application and Fee. If, after pre-application review, applicant decides to proceed with the PUD project proposed, an application form for final review provided by the Township Clerk for such purpose shall be completed, signed, dated and filed with the Township Clerk together with a basic filing fee in an amount to be duly adopted by Resolution of the Township Governing Board. Upon such a filing and payment, the Clerk shall transmit to the Commission's Secretary a copy of the application together with written confirmation that the application fee has been paid.

(2) Purpose. To confirm that no aspect of the proposed project approved on pre-application review has been changed or, if changed, is approved; to review, approve or disapprove all changes made to the project requested or required by the pre-application review; to review and determine compliance with conditions, if any, imposed on the project on pre-application review; to conduct a public hearing on the project and thereafter render in writing a final decision thereon.

(3) Documentation. All documentation filed for pre-application review and all additional documentation, if any, required by that Review shall be filed with the Planning Commission before a public hearing is held and a final review and decision on the project is rendered.

(4) Hearing and Decision. The Township Planning Commission shall conduct one public hearing on the application for final review after it is filed, all documentation required is supplied and all notice thereof as would be required by law for special exception uses has been given. After further consideration and within a reasonable time thereafter, the Commission shall deny, approve or approve with conditions the application and prepare a written report setting forth its decision, the facts and conclusions upon which it is based and all conditions, if any, related thereto if the application is approved.

(5) Reimbursement of Actual Expenses. The actual expenses which the Township incurs in reviewing and administering a PUD development in excess of all amounts charged and received as a basic fee therefore shall be the ultimate responsibility of the owner or developer. The Township may, at any time, require the owner or developer to deposit with the Township Clerk such additional funds as it believes necessary to cover all of its actual expenses. Funds so deposited shall be held by the Clerk in escrow and shall be applied and administered in accordance with the Township's Administrative Fee Ordinance (Ordinance 40-M)

(3) Regulations and Standards.

A. Amendment. PUD projects do not require amendment of or to this Ordinance.

B. Uses. Applicants for PUD projects which propose non-permitted uses must show by clear and convincing evidence such uses are essential to the project and are consistent with the stated statutory objectives allowing such development.

C. Access – Building Site and Buildings. Each such site and all buildings located thereon must have access as defined in Article IV. These access requirements shall also apply to the project's open space areas.

D. Open Space. A PUD project's open space must be restricted to uses consistent with its natural undeveloped state. Its perpetual preservation in such a state must be assured through recordable restrictive covenants that run with the land with such language as is necessary to accomplish the above stated purpose. Open space areas, however, may be used to satisfy the project's water, sanitary sewer, storm water, drainage and utility requirements provided such usage is consistent with its preservation in its existing undeveloped state.

E. Density – Article Seven Requirements. The requirements of Article Seven may be reduced in a PUD project to achieve clustered development and preserve open space provided: (1) the total number of separate parcels, lots or units within the project does not exceed the number that would

otherwise have been permissible in any other form of development, (2) the number and concentration of separate parcels, lots and/or units does not exceed the number allowed by any other governmental agency whose approval is required to protect the public's health and welfare.

- F. Utilities. Provisions for utilities (including all easements required for their location) are essential for all PUD projects. All such facilities shall be located underground except storm water drainage systems, and they shall also be so located to the extent such is feasibly possible. PUD projects shall not be given final approval until clear and convincing evidence that all such utilities not only can, but will be, completed, had been provided and no building permit connected with such a project shall be issued without such approval.
- G. Phases. PUD projects may be planned, approved and completed in phases provided each phase contains every component necessary to ensure that it is in complete compliance with every requirement necessary for the commencement of the next phase and the ultimate completion of the project in its entirety.
- H. Performance. No PUD project, nor any phase of such a project, will be given final approval until clear and convincing evidence is provided ensuring that the entire project and each phase thereof will be satisfactorily completed as proposed. This requirement may be filled by the filing of a performance bond executed by the project's developer as principal and by a corporate surety licensed and authorized to conduct such a business in this state. Such a bond shall be by its terms enforceable by the Township and shall be conditioned upon the developer's faithful performance of all obligations set forth in its proposals and all actions necessary to fully complete the project or the phase thereof for which the bond is given.

(4) Reimbursement of Actual Expenses. The actual expenses which the Township incurs in reviewing and administering a PUD development in excess of all amounts charged and received as a basic fee therefore shall be the ultimate responsibility of the owner or developer. The Township may, at any time, require the owner or developer to deposit with the Township Clerk such additional funds as it believes necessary to cover all of its actual expenses. Funds so deposited shall be held by the Clerk in escrow and shall be applied and administered in accordance with the Township's Reimbursable Expense Escrow Fee Ordinance.

### **Section 8.13 – Kennels.**

No structure used in conjunction with a kennel shall be closer than 200 feet from any boundary of the premises upon which said kennel is located. All kennels shall by natural barrier or constructed screening be obscured from the animals view of any person in the regular or ordinary use of any street or highway or of any premises situated within 300 feet thereof. No kennel shall be used in a manner which creates unreasonable noise for persons beyond the boundaries thereof. Premises not used for kennel purposes on January 20, 1991 shall not thereafter be placed to such use without the owner or operator first filing a site plan, meeting the requirements of Section 8.10 of this Ordinance.

Nothing in these minimum standards shall prohibit the Township from requiring further measures including, but not limited to, bark-inhibiting collars, screening, berming and setback from property lines, from being required as a condition of the granting of a special exception use permit.

### **Section 8.14. Condominium Site Plan Review.**

(1) Purpose. The purpose of this section is to regulate and control the development of land in the Township under the provisions of 1978 PA 59, where condominium units that are residential building sites are created. This ordinance establishes a system of site plan review performed by the Planning Commission to assure that building sites within condominium developments have characteristics that conform to all requirements of the Township Zoning Ordinance and to standards that apply to all condominium developments in the Township.

(2) Authority. This section is enacted pursuant to the authority granted by the Michigan Condominium Act (1978 PA 59, as amended), 2006 PA 110, as amended, which authorizes Township Boards to adopt Ordinances to secure the public health, safety and general welfare, and the Michigan Zoning Enabling Act. As amended (All proposed Condominium projects must comply with Township Ordinance 39-M).

- (3) Definitions. For purposes of this Ordinance terms and words used herein shall have the following meaning:
- (a) *Building Site*. Within a condominium development, that portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, footprint), along with any designated space above or below the land, designed for the construction of a principal building and accessory structures. All building sites shall have frontage on a public or private street as required by the Zoning Ordinance.
  - (b) *Common Elements*. The portions of a condominium project other than the condominium units.
  - (c) *Condominium Project*. A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.
  - (d) *Condominium Plan*. The plan as required in this ordinance, including but not limited to,



the survey and utility plans, streets and pedestrian circulation, and building site plans showing existing and proposed structures and improvements including their location on the land.

- (e) *Condominium Unit.* That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.
- (f) *Developer.* A person, firm, corporation, partnership or other entity with an ownership interest in the land upon which the condominium project is proposed and any principals, agents, representatives, assigns, successors acting on behalf or in concert therewith engaged in the business of developing a condominium project.
- (g) *Limited Common Elements.* The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
- (h) *Lot.* Land occupied or to be occupied by a building and its accessory buildings or by a dwelling and its accessory buildings or by a group of buildings where permitted together with such open spaces as are required under the provisions for a lot in the district in which a lot is situated and having the minimum required frontage on a public street. A lot may be a platted lot that conforms to the requirements of the Alamo Township Ordinances and state statutes for unplatted land conforming to all requirements of the Alamo Township Ordinances and state statutes.
- (i) *Master Deed.* The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
- (j) *Site Condominium Development.* A Condominium Project in which some or all of the condominium units are building sites.
- (k) *Zoning Board.* The Alamo Township Zoning Board, or the Alamo Township Planning Commission, or any successor thereto. Submissions to the Planning Commission shall be made through the Township Clerk.

(4) Compliance Required. All condominium developments shall comply with the provisions of the Michigan Condominium Act (1978 PA 59, as amended), and with the provisions of this Ordinance and other applicable Ordinances of Alamo Township. No building permit for any building located in a condominium project shall be issued until the condominium project including the building site upon which the building is to be constructed has been finally approved under this ordinance, or the building site has been approved as a lot or as a division as required by the Land Division Act and the Ordinances of Alamo Township.

#### INFORMAL REVIEW

(5) Informal Review. Upon receipt of a proposed Preliminary Site Condominium Plan for review before formal submission, a developer may file with the Township Clerk ten (10) copies of a preliminary or sketch plan to be informally reviewed by the Planning Commission and to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared.

#### FORMAL REVIEW STEP ONE

- (6) Procedures for Preliminary Approval of Preliminary Condominium Plan.
  - (A). Submission. Every developer, irrespective of whether the developer has sought informal review, proposing to create a Site Condominium development within the Township shall submit a preliminary condominium plan to the Township Planning Commission for preliminary approval.
  - (B). Contents of Preliminary Condominium Plan.
    - a. All notices required pursuant to Section 71 of Act 59 of the Public Acts of 1978, as amended.
    - b. The name, address, email address, and telephone number of:
      - 1. All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).

2. All engineers, attorneys, architects or registered land surveyors associated with the project.
3. The developer or proprietor of the condominium development.
- c. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
- d. The acreage content of the land on which the condominium development will be developed.
- e. The purpose of the development (for example, residential, commercial, industrial, etc.).
- f. Approximate number of condominium units to be developed on the subject parcel.
- g. Whether or not a community water system or sewer is contemplated.
- h. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more.
- i. Date, north point and scale.
- j. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within 100 feet.
- k. Legal description of the parcel.
- l. Existing and proposed topography with contours at two-foot intervals (based on U.S.G.S. datum), extending a minimum of 100 feet beyond site boundaries.
- m. An inventory of existing vegetation on the site and an indication of any alterations.
- n. The location and nature of any streams, drains, swamps, marshes and/or unstable soils.
- o. An indication of basic drainage patterns, existing and proposed, and including any structures, retention basins and fencing which are proposed. The applicant shall contact the municipality and municipal engineer to determine the adequacy of utility and storm water proposals, slope and sod erosion requirements to determine if any such requirements will adversely affect the site plan.
- p. A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc., for computation of parking needs.
- q. A detailed planting plan and schedule of plant materials and sizes.
- r. Cross-section drawings of any walls, berms, etc.
- s. The location and width of all existing and proposed sidewalks on or bordering the subject site. Where the subject site borders a public right-of-way, a concrete sidewalk five feet in width shall be provided within the public right-of-way one foot from the subject site's property line. If a sidewalk in good condition exists within the public right-of-way, the above requirement may be waived by the building official.
- t. The location of all existing and proposed structures of the subject property and all existing structures within one hundred (100) feet of the subject property. The setbacks to all existing and proposed structures to be retained or constructed on the site shall be indicated; this includes buildings, signs, trash storage areas, walls, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.
- u. The location of all existing and proposed drives and parking areas.
- v. The location and right-of-way widths of all abutting streets and alleys.
- w. The names, addresses, email addresses and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- x. In addition to the above information, the applicant shall submit a supplementary explanation as to the specific type(s) of activities proposed. Such information shall include, but not be limited to:
  1. Estimated number of employees, resident shoppers, etc.
  2. Hours of operation.
  3. Any changes anticipated in terms of dust, odor, smoke, fumes, noise, lights, etc.
  4. Modifications to vegetative cover, drainage patterns, earth work or problem areas.
  5. Any ancillary improvements that the applicant proposes to remedy or prevent problems created by the development.

6. Estimated costs of proposed landscaping berms, walls, acceleration-deceleration lanes, or bypass lanes or any other required site improvement not covered in the building permit cost estimates shall be provided.
  - y. Application fee as set from time-to-time by Resolution of the Township Board.
- (7) Copies Required. The developer shall provide to the Township Clerk ten (10) legible copies of every proposed preliminary condominium plan in accordance with the requirements of this Ordinance.
  - (8) Initial Formal Review. The Planning Commission shall first consider a preliminary condominium plan no later than at its next regularly scheduled meeting more than ten (10) business days after the preliminary condominium plan has been filed with the Township Clerk in accordance with this Ordinance. After initial review by the Planning Commission, the preliminary condominium plan shall be reviewed by the Site Plan Review Committee, whose members shall be appointed by the Township Board. The developer may request a meeting with the Site Plan Review Committee. The Site Plan Review Committee shall make recommendations to the Planning Commission. After review and recommendation by the Site Plan Review Committee, the Planning Commission shall again consider the preliminary condominium plan no later than at its next regularly scheduled meeting more than ten (10) business days after the Site Plan Review Committee's recommendation has been provided to the Township Clerk. The Township Clerk shall provide to the Planning Commission copies of the Site Plan Review Committee's recommendations. The Planning Commission, or its successor, may adjourn its decision as to the proposed condominium plan from time-to-time to permit submission of such additional information as is deemed necessary or appropriate.
  - (9) Standards for Preliminary Approval. The Planning Commission shall determine whether the proposed preliminary condominium plan complies with all Township Ordinances, state and federal statutes as well as makes adequate provision, in the sole determination of the Planning Commission for the following:
    - A. Streets.
      - i. The plan shall comply with any street or thoroughfare plan which has been adopted by the Township.
      - ii. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new condominium project or plat.
      - iii. Where adjoining areas are not developed, the arrangement of streets in the proposed condominium project shall be extended to the boundary line of the tract to make provision for the future projection of streets into the adjoining areas; provided, however, that minor streets within the development shall be so laid out that their use by through traffic will be discouraged.
      - iv. Where the proposed site condominium development abuts or contains a County primary road or major thoroughfare as defined in the Township Major Thoroughfare Plan, the Planning Commission may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of properties and to afford separation of through and local traffic.
      - v. Private streets may be permitted if the Planning Commission finds that private streets within the site condominium project or plat will not adversely affect public health, safety or welfare. In determining the same, the Planning Commission shall consider:
        - (1) The number of dwelling units, building sites or lots to be served by said streets;
        - (2) The layout of the proposed development;
        - (3) Accessibility for emergency vehicles;
        - (4) Whether the street will serve as a link between different public roads.
        - (5) The extent to which the construction and layout of private streets should conform to standards of the Kalamazoo County Road Commission, taking into account the health, safety and general welfare of residents of the Township generally and of the proposed development in particular. Curb and gutter shall be required, unless the Planning Commission decides to waive this requirement after reviewing the facts. Any such streets shall be inspected by the Township Engineer, at the applicant's expense, for compliance with required standards.
      - vi. A condominium project creating a total of 30 or more units must be developed so as to provide 2 or more access streets.
    - B. Building sites.

- i. For single family and two-family residential developments, each building site shall comply with the minimum lot dimension provisions set forth in the Zoning Ordinance.
  - ii. Corner building sites generally should have extra width to permit appropriate building setback from both streets.
- C. General provisions.
- i. Privately held reserve strips controlling access to streets shall be prohibited.
  - ii. Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the site condominium development.
  - iii. Lands subject to flooding or otherwise determined by the Planning Commission to be uninhabitable should not be developed for residential, commercial or industrial purposes unless such lands within a development are set aside for other purposes such as parks and/or open space.

(10) Preliminary Approval of Preliminary Condominium Plan. Upon determination that the proposed preliminary condominium plan complies with all applicable statutes, Ordinances and requirements set forth herein and serves the best interests of Alamo Township and its residents, the Planning Commission shall grant preliminary approval of the preliminary plan. Such approval shall be valid for a period of one (1) year from the date given. In the sole discretion of the Planning Commission preliminary approval may be extended up to two (2) times for up to six (6) months each time. If final approval of the preliminary condominium plan has not been granted within one (1) year time plus any extensions, the preliminary approval shall expire and be of no force and effect.

## STEP TWO

(11) Final Approval of Preliminary Condominium Plan.

- A. Submission. Every developer which shall hereafter submit a proposed preliminary Site Condominium plan to the Planning Commission for final approval shall submit the relevant data and fees:
- a. Evidence that all requirements imposed by the Planning Commission at the time of granting preliminary approval have been incorporated into the proposed plan.
  - b. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private streets within and adjoining said condominium project. Prior to submitting copies of the preliminary site condominium plan to the Planning Commission for final approval, the developer shall document consultation with all public utilities that will be serving the development to resolve any conflicts in location between public utility facilities and other improvements.
  - c. A fee established by Resolution of the Township Board.
  - d. Certifications of statutorily required governmental agency approvals, including, if individual sewage disposal systems are proposed and public sewage facilities are not reasonably available, certification from the Kalamazoo County Environmental Health Department as to the suitability of the land included in the development for the use of septic tank, dry wells and tile fields.
- B. Standards for Approval. Upon receipt of all required copies of the preliminary site condominium plan for final approval, the Planning Commission shall examine the same with such assistance and review by the Township Engineer and Township Attorney as said Planning Commission shall request. Upon completing its review, the Planning Commission shall determine whether said site condominium plan complies with the requirements imposed by it at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements:
- a. Connection to sanitary sewers and/or water mains may be required when the Planning Commission determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed development.
  - b. In the discretion of the Planning Commission, the developer shall make arrangements for all distribution lines of telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the residential area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within

private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission or other government agency having jurisdiction. Private easements for underground utilities shall be shown on the preliminary plan. Any other easements shall be shown.

- c. No land within the development may be isolated from a public highway, nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
- d. Street lighting may be required when the Planning Commission determines that street lighting is necessary or desirable for public health, safety and welfare.
- e. Sidewalks may be required when the Planning Commission determines, in its opinion, that sidewalks are necessary for pedestrian safety, public health and welfare.
- f. To facilitate fire protection, a dry hydrant system or other infrastructure may be required when the Planning Commission determines that it is necessary or desirable for the public health, safety and welfare.
- g. Any traffic, street or other signs adjacent to any public or private road shall comply with Kalamazoo County Road Commission standards then in effect.

### 1STEP THREE

#### (12) Final Approval of Final Condominium Plan.

- A. Submission. Every developer which shall hereafter submit ten (10) copies of a proposed final condominium plan to the Planning Commission for final approval shall also submit the following relevant data and fees:
  - a. Title insurance commitment showing marketable title in the developer for approval of the proposed final condominium.
  - b. A fee established by Resolution of the Township Board.
- B. Standards for Approval. The Planning Commission shall review the proposed final condominium plan and grant final approval if it determines that all of the following have been satisfied:
  - a. All monuments required to be placed in the condominium project have either been placed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors (sufficient to ensure completion thereof within the time specified).
  - b. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors (sufficient to ensure completion thereof within the time specified).
  - c. If the condominium project has any waterways or lagoons, etc., that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a Deposit Agreement executed by the proprietors (sufficient to ensure completion thereof within the time specified).
  - d. If any flood plains are involved in the proposed condominium project, then such flood plains shall be restricted as provided by the Condominium Act, and such restrictions shall be submitted to the Planning Commission for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds as part of the Master Deed or contemporaneously with the recording of the Master Deed.
  - e. All utilities servicing the condominium project have been installed and water and sanitary sewer mains have been stubbed to the building site line or a cash or equivalent deposit has been made with the Township in an amount sufficient to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors (sufficient to ensure completion thereof within the time specified).
  - f. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the Master Deed as private easements for public utilities or easements provided by separate instrument. Easements across building sites or centered on rear or side building site lines provided for utilities shall be at least twelve (12') feet wide, usually six (6') feet dedicated from each

building site except side building site easements three (3') feet wide granted for street lighting dropouts. These easements shall be direct and continuous from block to block.

- g. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Planning Commission, have been completed and installed and reviewed and approved by the Township engineer at the applicant's expense or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.
- h. The proposed final condominium plan complies with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
- i. That the Master Deed is executed by all required owners, has been properly recorded and has been filed with the Township before issuance of any building permits.

(13) Failure to Timely Complete Approved Condominium Project. In the event the developer shall fail to complete the condominium project as approved within the time set forth in the final approval, the Township may, at its sole option, do any or all of the following which it feels is in the best interests of the Township and its residents:

- A. Complete the project. The Township may avail itself of all remedies permitted by law to reimburse itself for all costs and expenses associated with completing the project including, but not limited to, utilizing performance guarantees given to the Township by developer. Township costs shall also include costs of all administration, attorney's fees and other costs incurred in completing the project.
- B. Demolish any buildings and improvements and return the property to the same or similar condition as before development began.
- C. Allow the development to remain as is with such safeguards as may be necessary to secure the premises from casual entry.

(14) Variance Procedure. Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Planning Commission shall have power in passing upon proposed site condominium projects to modify any of the terms and provisions of this Ordinance so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

(15) Amendments. All amendments to the condominium plan shall be submitted for review and approval under paragraphs 11 and 12 above.

(16) Fees. The Township Board may establish or amend by Resolution at any public meeting a schedule of fees for the administering of this Ordinance, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity.

(17) Reimbursement of Actual Expenses. The actual expenses which the Township incurs in reviewing and administering a condominium development in excess of all amounts charged and received as a basic fee therefore shall be the ultimate responsibility of the owner or developer. The Township may, at any time, require the owner or developer to deposit with the Township Clerk such additional funds as it believes necessary to cover all of its actual expenses. Funds so deposited shall be held by the Clerk in escrow and shall be applied and administered in accordance with the Township's Administrative Fee Ordinance (Ordinance 40-M)

## Section 8.15 Zoning Compliance Permits

- (1) Administration:  
The Township Board shall appoint a Zoning Administrator to administer Zoning Ordinance compliance, coordinate zoning approvals, and issue Zoning Permits.
- (2) Zoning Permits:  
No person shall commence erection of, addition to or move any building or structure and no construction or land use may be commenced until a Zoning Compliance Permit has been issued by the Alamo Township Zoning Administrator unless specifically exempted herein.  
Except upon a written Order of the Alamo Township Zoning Board of Appeals, no Zoning Compliance Permit shall be issued for any building or structure where the construction, addition, alteration, movement or use thereof would be in violation of any provision of this Ordinance.  
Each Zoning Compliance Permit shall become null and void within one year following the issuance of said Permit unless the provisions of the Permit have been met or unless an extension has been applied for and granted by the Township Zoning Administrator. The Township Zoning Administrator may issue temporary Zoning Compliance Permits where appropriate.
- (3) Zoning Compliance Permit Application:  
Application for a Zoning Compliance Permit shall be filed in writing with the Township Clerk and/or the Zoning Administrator. The application shall be signed by the person, firm, partnership or corporation requesting the same or by the duly authorized agent of the same. In addition, fees as may be set by the Township Board by Resolution from time-to-time shall be paid in full at the time of filing. All applications for Zoning Compliance Permits must include a plot plan, giving accurate dimensions on a scale drawing and shall contain the following information:
  1. Name, address, email address, and telephone number of the applicant and/or the applicant's duly authorized agent for contact.
  2. Existing or intended use of the structure.
  3. Lines and dimensions of the lot, parcel or building site to be used.
  4. Location upon the lot, parcel or building site of all existing and proposed structures and streets.
  5. Evidence that all required federal, state and county licenses or permits, excepting building permits, have been acquired or that applications for the same have been filed and are in the process of being permitted.
  6. Any other information which may be reasonably requested by the Township Clerk or Zoning Administrator.

One copy of both plans and specifications shall be filed with and retained by the Alamo Township Clerk and the other by the Zoning Administrator. The Zoning Administrator shall note on the Township's copy when a Zoning Compliance Permit has been issued. A Zoning Compliance Permit shall be displayed face-out, within 24 hours of its issuance, by placing the same in a conspicuous place on the premises facing the nearest street so that it may be visible from the street and shall be continuously displayed until all work or the term for which it was issued has been completed. Failure to obtain or display a Zoning Compliance Permit where required shall constitute a violation of this Ordinance, subject to the penalties set forth therein. In addition, the Township may issue a Stop Work Order stopping construction or revoke the Zoning Compliance Permit for any violation of this Ordinance.
- (4) Pre-Construction and Other Inspections:  
After the issuance of a Zoning Compliance Permit and before any construction begins, the property owner, as a condition of the issuance of a Zoning Compliance Permit, shall permit Alamo Township representatives onto the property at all reasonable times to make pre-construction and other field inspections to determine that the provisions of the Zoning Compliance Permit are being met. Failure or refusal to permit reasonable inspection shall constitute sufficient reason for the revocation of the Zoning Compliance Permit, stopping construction and any other remedy permitted by law or this Ordinance.
- (5) Exemptions from Zoning Compliance Permit Requirements:  
No separate Zoning Compliance Permit shall be required in any case where a building permit has been obtained for the proposed work or construction.

## Section 8.16 - Solar Energy Systems

### A. GENERAL REQUIREMENTS:

All Solar Energy Systems are subject to the following general requirements:

1. All Solar Energy Systems must conform to the provisions of the Ordinance and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
2. Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or on to nearby properties or roadways at any time of the day.

### B. PRIVATE SOLAR ENERGY SYSTEMS

1. **Private Solar Energy Systems BIVP's:** Private Solar Energy Systems BIVP's, shall be permitted in all zoning districts, provided such BIVP's conform to applicable County, State, and Federal regulations and safety requirements, including the Michigan Building Code. A building permit shall be required for the installation of any BIVP's.
2. **Roof of Building Mounted Private Solar Systems:** Roof and building mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements.
  - (a) No part of the Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond the wall on which it is mounted.
  - (b) No part of the Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley to maintain pathways of accessibility.
  - (c) No part of a Solar Energy System mounted on a roof shall extend more than two (2) feet above the surface of the roof.
  - (d) In the event that a roof or building mounted Solar Energy Systems has been abandoned (meaning not having been in operation for a period of **two (2) years**), it shall be removed by the property owner within six (6) months from the date of abandonment.
  - (e) A building permit shall be required for installation of roof or building mounting Private Solar Energy Systems.
3. **Ground Mounted Private Solar Energy Systems:** Ground mounted Private Solar Systems shall be considered an accessory use in all zoning districts, subject to the following requirements.
  - (a) Prior to the installation of a ground mounted Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
  - (b) A ground mounted Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum building height of any ground mounted Solar Energy System exceed fifteen (15) feet above the ground when oriented at maximum tilt.
  - (c) A ground mounted Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements applicable in the zoning district in which the Solar Energy System will be located.
  - (d) All power transmission or other lines, wires, or conduits from the ground mounted Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Solar Energy System, they must be placed in a secure container or enclosure.
  - (e) There shall be greenbelt screening around any ground mounted Solar Energy Systems and equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence may be used.



- (f) No more than 20% of the total lot area may be covered by a ground mounted Solar Energy System.
- (g) If a ground mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of **two (2) years**), it shall be removed by the property owner within six (6) months from the date of abandonment.
- (h) A building permit shall be required for installation of a ground mounted Solar Energy System.

C. **SOLAR ENERGY SYSTEMS ALLOWED:** Commercial Solar Energy Systems shall be allowed in the Zoning Districts listed.

- A-Agriculture District
- C-1 Commercial District, Local
- C-2 Commercial District
- I-1 Industrial District, Restricted
- I-2 Industrial District, Manufacturing
- I-3 Industrial District, Service
- L/D Limited Development District

A special exception use approved by the Planning Commission, in addition to any other requirements for special use approval. Commercial Solar Energy Systems shall be ground mounted and are subject to the following requirements.

1. The property owner or applicant for a Commercial Solar Energy System shall provide the Planning Commission with proof of ownership of the subject property, a copy of any lease agreement for a Commercial Solar Energy System, together with an operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.
2. Commercial Solar Energy Systems shall be located on parcels of land no less than **ten (10)** acres in size.
3. The Commercial Solar Energy Systems shall meet the minimum front, side, and rear setbacks of the zoning district.
4. The height of the Commercial Solar Energy Systems and any mounts shall not exceed fifteen (15) feet when orientated at maximum tilt.
5. Landscaping shall be provided to screen the system from view on all sides to the greatest extent possible.
6. Prior to installation, the applicant shall submit a descriptive site plan to the Planning Commission which includes where and how the Commercial Solar Energy System will connect to the power grid.
7. No Commercial Solar Energy System shall be installed until evidence has been given to the Planning Commission that the electrical utility company has agreed to an interconnection with the electrical grid or power purchase agreement. Any such agreement shall be furnished to the Planning Commission.
8. To ensure proper removal of a Commercial Solar Energy System upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before construction permit is issued for the facility. The applicant shall submit a plan that indicates the designed life of the system, the estimated cost, and method to ensure proper installation and removal, and the manner in which the site will be reclaimed. The Township may impose a bond or request similar surety that such a system will be removed or replaced after this useful design life. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.
9. If the owner of the facility or the property owner fails to remove or repair the defective or abandoned Commercial Solar Energy System, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the Solar Energy System and recover any and all cost, including attorney fees.

(Section 8.16 added by Ord 47-76, eff. 5/13/19)

## Section 8.17 – Wind Energy Conversion Systems

### A. Purpose:

The regulation of wind energy conversion systems, including the height, minimum lot area, and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety, and welfare of Township residents.

### B. Use Approval:

Due to the concerns related to health, safety, and welfare, WECS shall be regulated as special exception uses within the “A” Agricultural District, the “R-1”, “R-2”, “R-3”, “R-4” residential zoning districts, and the “L/D” Limited Development. WECS shall be regulated as a special exception use subject to condition within the “C-1” and “C-2” commercial districts and the “I-1”, “I-2”, and “I-3” industrial districts, provided such land area is sufficient to support their development and operation. Roof-mounted WECS that do not exceed the height regulation within the underlying zoning district shall also be considered a permitted use, provided such location does not exceed the noise requirements at the adjoining property line.

The following requirements shall be met, and the Planning Commission may impose additional conditions for special exception use approval where appropriate:

1. In addition to the requirements for site plan review, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within five hundred (500) feet of the WECS.
2. Each application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer’s instructions which shall, at a minimum, include the following:
  - a. A standard foundation and anchor design or specifications for normal soil conditions;
  - b. Detailed instructions for operation and maintenance of the WECS on site;
  - c. A copy of all warnings and/or documents provided by the manufacturer of the WECS;
  - d. Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and
  - e. Proof of Insurance.

In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator, and the following information shall be included:

- (1) The name, address, and telephone number of the owner of the tower/subsystem;
- (2) Manufacturer’s name and address;
- (3) Model number;
- (4) Serial number;
- (5) Emergency and normal shutdown procedures;
- (6) The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator;
- (7) Name of installer;
- (8) Name of person responsible for maintenance; and
- (9) Emergency telephone numbers in force for the installer and the person responsible for maintenance.

3. Electromagnetic Interference:

The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub-parts A and F) and 18 (including sub-part A, D, and H).

4. Noise:

The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.

**C. Site Development:**

The following site development requirements shall be imposed on the approval of the special exception use:

1. Lot Area/Setbacks:

No Small Turbine WECS shall be erected on any lot or parcel less than one (1) acre in area. No Large Turbine WECS shall be erected on any parcel less than twenty (20) acres in area. The tower(s) shall be situated on a lot or parcel so that no portion of the tower or turbine is closer to above-ground utility lines and/or property lines than 150% of the tower as defined in 2(b) below. For roof-mounted systems exceeding the height within the underlying zoning district, no lot area requirement is imposed, but the minimum setback from any property line shall be no less than 110% of the combined height of the roof location and system, including any blades.

2. Height:

The maximum allowable height for any Small Turbine WECS, based upon the combined tower and rotor blade length, shall be:

- a. 40 feet for parcels of one to less than five acres;
- b. 80 feet for parcels of five to less than ten acres; and
- c. Up to 500 feet for parcels of ten acres or more.

The maximum allowable height for any Large Turbine WECS, based upon the combined tower and rotor blade length, shall be five hundred (500) feet. The Planning Commission, in consideration of such request, may waive this height requirement where such proposed location does not negatively impact adjoining properties and where such adjoining property owner has indicated through legal letter that such waiver is acceptable.

Ground Clearance: For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.

3. Accessibility: Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
4. Connection to power grid: In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident/owner shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility shall install appropriate electric metering (for sellback or non-sellback), and the customer shall install a disconnecting device adjacent to the electric meter(s).
5. Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.

6. Additional studies: The applicant may offer and submit, or the Planning Commission may require that the applicant submit, studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.

**D. Decommission Plan/Site Reclamation:**

The applicant shall submit a plan that indicates the designed life of the system, the estimated cost and method to ensure proper installation and removal, and the manner in which the site will be reclaimed. The Township may impose a bond or request similar surety that such system will be removed or replaced after this useful design life.

(Section 8.17 added by Ord 47-76, eff. 5/13/19)

**Section 8.18 - Land Use Screening**

- (1) The intent of this section is to preserve the rural look of the township as a whole and to shield lots in the zone not in C-2, I-1, I-2, or I-3 and from public roads from the site of outdoor storage items.
- (2) Screening Materials:
  - (a) Screening materials shall consist of evergreen trees and shrubs, walls, fences, and berms or a combination thereof and be opaque in all seasons of the year from the ground to the height of at least six feet and be maintained.
  - (b) Screening fences shall not be constructed of pallets, tires, corrugated fiberglass, chain link, or wire mesh.
  - (c) Other creative options, such as changes in elevation, existing vegetation, or plant materials within a buffer area are encouraged, but the applicant must demonstrate that comparable or superior screening will be provided.
- (3) Except as provided in subsection (4) (Additional Landscaping) below, a zoning lot that has outdoor storage in the front area of the lot or abuts a lot in a zone that's not C-2, I-1, I-2, or I-3 shall be separated from adjoining properties and public streets by screening as specified in subsection (2) (Screening Materials).
- (4) Additional Landscaping:
  - (a) The Planning Commission may increase the height of the separation screening and/or require additional landscaping as part of the site plan review if the minimum requirements of subsection (2) (Screening Materials) would not adequately protect existing or future abutting zoned uses.
  - (b) In deciding whether the requirements of subsection (2) (Screening Materials) protect abutting zones uses without outdoor storage, the Planning Commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized, and the distance between structures and uses.

(Section 8.18 added by Ord 46-77, eff. 12/11/19)

## **ARTICLE NINE - ENFORCEMENT**

The provisions of this Ordinance shall be administered and enforced by the Alamo Township Building Official or any other employees, inspectors, and officials as the Alamo Township Board of Trustees may delegate to enforce the provisions of this Ordinance.

The powers and duties of the Alamo Township Building Official or other delegated official, shall include the following:

- (1) To make all inspections required to carry out the provisions of this Ordinance.
- (2) To issue all permits, certificates, and compliance orders required to carry out the provisions of this ordinance.
- (3) To enforce any decision made concerning any provision of this Ordinance.

For the purpose of this Ordinance, the Alamo Township Building Official shall have the powers of a police officer.

**ARTICLE TEN - BOARD OF APPEALS**

**Section 10-1 - Members**

The Township Board shall appoint a Zoning Board of Appeals composed of three members. The appointment, qualifications, and term of Zoning Board of Appeals Members shall be in accordance with and as provided by applicable state law.

**Section 10.2 - Powers**

The Zoning Board of Appeals shall have such powers and duties in connection with all issues arising under this Ordinance as are prescribed by law or by this Ordinance.

**ARTICLE ELEVEN - VIOLATION, PENALTY**

**Section 11.1 – Nuisance Per Se**

Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot, parcel or land which is begun, continued, or changed in violation of any term or provision of this ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3294 and as otherwise provided by law.

**Section 11.2 – Violation**

Any person, firm, corporation who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

**Section 11.3 –Municipal Civil Infraction**

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 <sup>st</sup> Offense	\$ 75.00	\$ 500.00
-2 <sup>nd</sup> Offense	\$ 150.00	\$ 500.00
-3 <sup>rd</sup> Offense	\$ 325.00	\$ 500.00
-4 <sup>th</sup> or More Offense	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, including attorney fees, which Alamo Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

**Section 11.4 – Remedial Action**

Any violation of this Ordinance shall further constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

**ARTICLE TWELVE - VALIDITY**

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**ARTICLE THIRTEEN - AMENDMENTS AND SUPPLEMENTS**

Amendments and supplements to this Ordinance may be made as provided by law.

The provisions of the Alamo Township Zoning Ordinance shall not be construed to govern the municipality of the Township of Alamo. Municipal services may be conducted by the Township of Alamo within any zoning district within the Township of Alamo.

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any Court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

**ARTICLE FOURTEEN - REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance Adopted by the Township on April 23, 1954, and all amendments thereof, are hereby repealed effective coincident with the effective date of the adoption of this Ordinance and all other ordinances, or parts of ordinances, in conflict with this Ordinance are hereby repealed. Ordinance 46 effective December 1, 1986 is hereby amended and all other parts of that ordinance in conflict are hereby repealed..