

# Village of Almont Zoning Ordinance

Village Council Review Draft

November 11, 2015



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## Abbreviations

ZBA – Zoning Board of Appeals



Ordinance No.

ZONING ORDINANCE

VILLAGE OF ALMONT

Lapeer County, Michigan

Adopted by the Village Council: First Reading:  
Second Reading:

**TITLE**

AN ORDINANCE, in accordance with and under the authority of Act 110, Public Acts of 2006, to provide for the establishment of zoning districts in such sizes, shapes and areas as are considered best suited to carry out the provisions of this Ordinance; within which districts the proper use of land and natural resources is encouraged and regulated and the improper use of same prohibited; to designate in the districts the use of land for recreation, residence, industries, trade, soil conservation, natural resources, and the uses for which buildings and structures shall or shall not be erected, altered or moved, and designate the trades and industries that shall be permitted or excluded and subjected to special regulations in each of the districts. To provide for amendments and supplements thereto; provide for the administration and enforcement of this Ordinance; to provide for a Board of Appeals and its power and duties, to provide penalties for the violation of its provisions, and to repeal Ordinance 135, as amended, and to repeal all ordinances and parts of ordinances which may be in conflict with this Ordinance.

**PREAMBLE**

In accordance with and pursuant to the authority and intent of Act 110, Public Acts of 2006, as amended, the Village of Almont is desirous of providing for the orderly development of the Village which the Village Council considers essential to the well-being of the community and which will place no undue burden upon its residents or upon recognized land uses. The Village Council is further desirous of providing places of residence, recreation, industry, trade, service and other uses of land. The Village Council is further desirous of providing limitations on the inappropriate overcrowding of land and the congestion of population, transportation systems and other public facilities; to protect industry, commerce and residences against the incursion of incompatible uses of land; to promote the proper use of land for the economic well-being of the Village; to assure the provision of adequate space conducive to healthy living conditions, and to provide facilities for the parking of vehicles necessary and incident to principal uses of land, and to require that all uses of land be coordinated in conformity with the Village of Almont Master Plan.



NOW, THEREFORE, THE VILLAGE OF ALMONT ORDAINS:

**ARTICLE 1: SHORT TITLE**

Section 1.00 SHORT TITLE

This Ordinance shall be known and may be cited as the Village of Almont Zoning Ordinance and shall be referred to herein as “this Ordinance”.



## ARTICLE 2: APPLICATION AND INTERPRETATION

### Section 2.00 APPLICATION

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

### Section 2.01 INTERPRETATION

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

### Section 2.02 VESTED RIGHT (STRUCTURES UNDER CONSTRUCTION)

Any structure for which a building permit has been issued and construction begun, or for which a contract or contracts have been entered into pursuant to a building permit issued before the effective date of this Ordinance, may be completed and used in accordance with the plans and applications upon which the building permit was granted. Any such permit for a use which would be nonconforming under this Ordinance, or any amendment hereto, shall not be renewed in the event construction pursuant to such permit has not begun within one (1) year from the date of issuance of the permit.

### Section 2.03 SEVERABILITY

This Ordinance and the various parts, sections, subsections and clauses and articles thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, clause or article is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, clause or article is adjudged unconstitutional or invalid as applied to a particular property,

building or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings or structures shall not be affected thereby.

### ARTICLE 3: GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

#### Section 3.00 ACCESS ACROSS RESIDENTIAL PROPERTY

Ingress and egress to a parking lot, loading area, or to a use other than residential, shall not be permitted across or upon land zoned as residential. This provision shall not apply if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

#### Section 3.01 ACCESSORY BUILDINGS IN R-1 ZONING DISTRICT

Accessory buildings and structures in the R-1 zoning district shall be subject to the following regulations:

1. Where an accessory building is structurally attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
2. On interior lots, all detached accessory buildings incidental to the dwelling shall be located only in a rear yard, with the exception of garages, which may be located in rear or side yards. On corner lots, all detached accessory buildings incidental to the dwelling shall be located only in a rear yard, with the exception of garages, which may be located in rear or side yards. (See Figures 3-1 and 3-2)
3. When an accessory building is located on a corner lot, the accessory building shall observe the required front yard setback from both streets.

Figure 3-1 (Interior Lot)

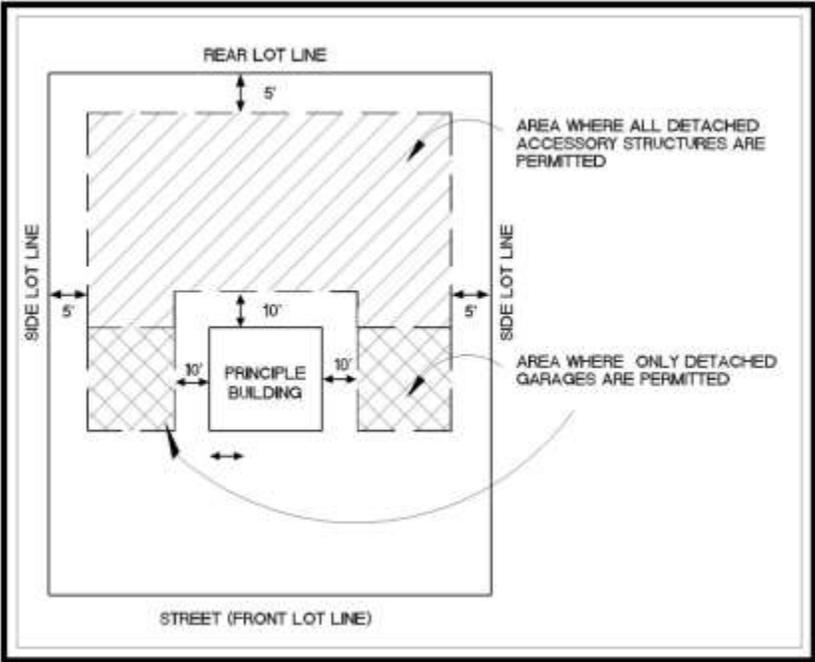
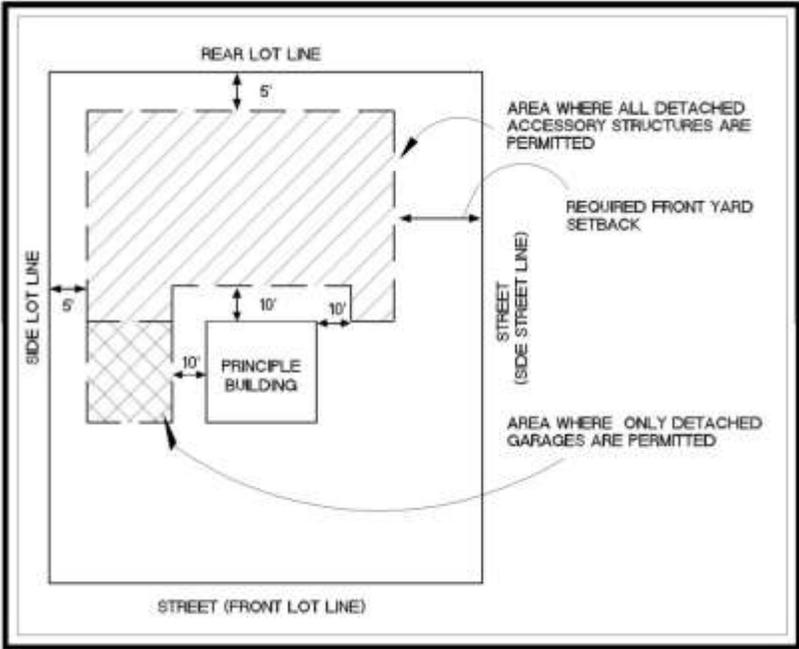


Figure 3-2 (Corner Lot)



Dwelling units may have no more than 2 accessory buildings not including an attached garage. Detached garages may not exceed a 24' x 36' footprint. The second accessory building may be a maximum of 250 square feet in area. In order to ensure compatibility

with surrounding buildings, accessory structures over one hundred (100) square feet in floor area must be on a permanent foundation.

4. No detached accessory building shall be located closer to ten (10) feet to any main building nor shall it be closer than five (5) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement of right-of-way. (See Figures 3-1 and 3-2)
5. Accessory buildings shall not exceed fourteen (14) feet in total height and occupy not more than twenty-five (25) percent of a required rear yard, plus no more than forty (40) percent of any non-required rear yard.
6. No accessory buildings shall be constructed before the main building is completed.

#### Section 3.02 ACCESSORY BUILDINGS IN THE MHP, RM, O-1, C-1, C-2 AND I DISTRICTS

In multiple-family, commercial or industrial districts, and any other such district, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for ATM machines, parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in non-residential districts, upon Planning Commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets. Architectural compatibility shall be based on the use of the same or similar material for facing, roofing and other exterior materials and be of a scale that shows it is accessory to the principal building.

All such accessory buildings shall require site plan approval by the Planning Commission pursuant to the requirements of Article 7.

#### Section 3.03 ANIMALS

1. A maximum of three (3) dogs, six (6) months old or older may be permitted on any R-1 zoned site.
2. Livestock, including bovine, equine, swine, sheep and similar animals shall not be allowed on any parcel under two (2) acres in total area. One (1) animal shall be allowed for the first two acres with one (1) additional animal allowed for each additional acre over two (2).
3. Not more than two (2) small farm animals (chicken, rabbits, geese, ducks or similar animals) shall be allowed on any parcel under two (2) acres in size. On parcels exceeding two (2) acres not more than two (2) additional animals shall be allowed for the first two acres and ten (10) additional animals shall be allowed for each additional acre of land over two (2).

4. Adequate fencing meeting the requirements of Section 3.12 shall be provided whenever animals are maintained on site. Fencing shall be required only for those portions of the site where animals are permanently maintained outside.
5. Refuse and waste products resulting from the maintenance of animals shall be controlled on the premises and shall be stored and disposed of within a reasonable time so as not to create a nuisance for neighboring property owners.
6. Any structure built to contain animals shall comply with the requirements for accessory building as regulated by Section 3.01. All such structures shall be setback a minimum of fifty (50) feet from any abutting property zoned or developed for residential purposes.

#### Section 3.06 BRICK REQUIREMENT AND ALTERATION LIMITS

The exterior surface of all buildings, except one-family dwellings, fronting upon a street, or a corner lot having frontage on a side street, shall consist of face brick or other decorative building material approved by the Planning Commission. All buildings, except one-family dwellings having a brick exterior shall not be reconstructed, remodeled, altered (including use of awnings and/or canopies), painted or repainted without prior approval of the Planning Commission. Within the C-1, Central Business District, all exterior building improvements shall be referred to the Downtown Development Authority for review and comments regarding their compatibility with approved plans for the downtown development area.

#### Section 3.07 BUILDING GRADES

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to increase run-off of surface water to flow onto the adjacent property. If necessary, drain systems will be installed to provide water run-off solutions from new buildings or existing buildings onto existing areas at the new building owner's expense. Final grades shall be approved by the Building Inspector. A "certificate of grading and location of building" shall be duly completed and certified by a registered engineer or land surveyor before final grades are approved. Within an approved subdivision and condominium projects the grades of all proposed building sites shall be determined by the Village Engineer.

Section 3.08 BUILDINGS TO BE MOVED

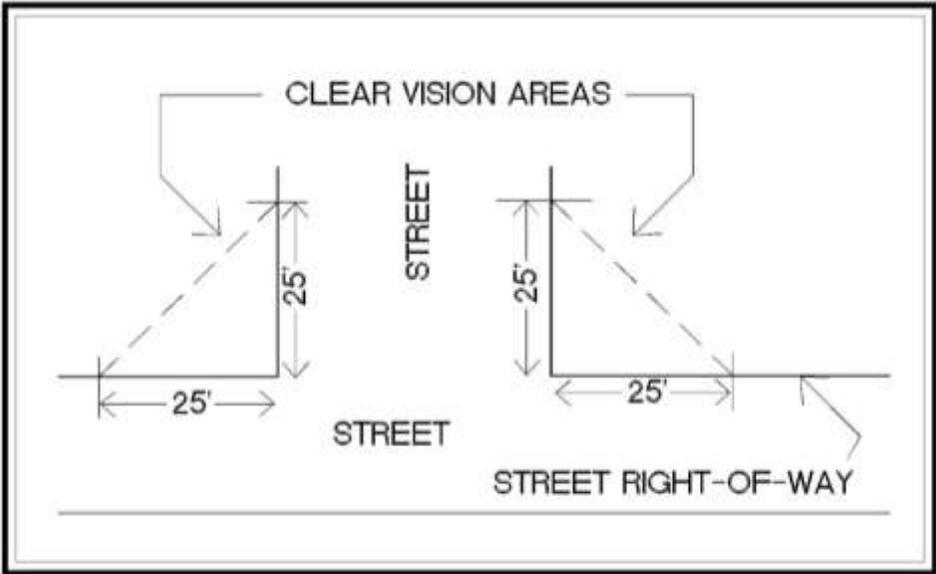
Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this Village, shall not be moved to and placed upon any other premises in this Village until a permit for such relocation shall have been secured under Article 19 of this Ordinance. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure. The owner of the building shall be required to provide the Village Council a performance guarantee to ensure completion of any site improvements required under this Ordinance.

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

Section 3.09 CORNER CLEARANCE

No fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. (See Figure 3-3)

Figure 3-3



### Section 3.10 DWELLINGS PER LOT OR PARCEL

No more than one (1) one-family residential dwelling shall be permitted per each lot or parcel.

### Section 3.11 EXCAVATIONS OR HOLES

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

### Section 3.12 FENCES, WALLS, HEDGES AND PROTECTIVE BARRIERS

1. Permit. The erection, construction or substantial rebuilding of any fence, wall, hedge or other type of protective barrier shall require the submission and approval of a zoning permit by the Zoning Administrator as to their conforming to the requirements of the zoning district wherein they are proposed and the requirements of this Section. Substantial rebuilding is reconstruction of more than 50% of the structure, a change in the height of the structure, or a change from existing material within a 12-month period. Painting, cleaning, replacement of like materials, or other actions commonly considered as general maintenance shall not be defined as "substantial rebuilding."
2. Fences may be located along property lines. It is the owner's responsibility to ensure that a fence they erect does not encroach on their neighbors' property and to certify that they understand that issuance of a permit by the Village does not relieve them of that responsibility.
3. Privacy fences may only be located in the rear or side yard on interior lots and in the rear or in that portion of the side yard, which does not abut a street and which does not extend beyond the front building line on corner lots (See Figure 3-4 and Figure 3-5). Privacy fences may be a maximum of six (6) feet in height.

Figure 3-4 (Interior Lot)

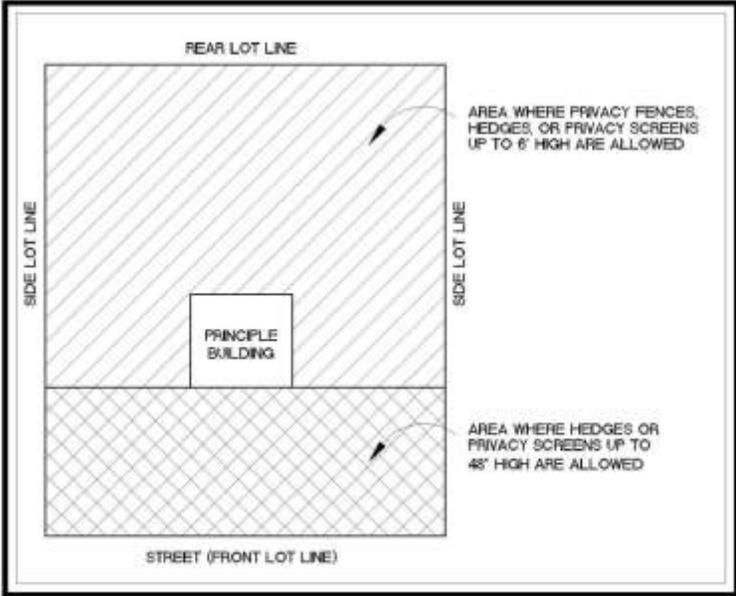
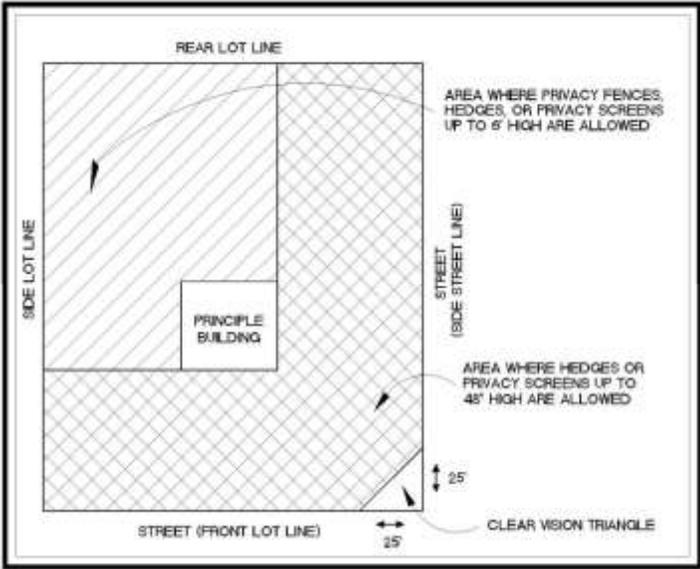


Figure 3-5 (Corner Lot)



- 4. Hedges and privacy screen structures may be located in all yards but shall not exceed forty-eight (48) inches in the front yard. On interior lots hedges and privacy screens may be a maximum of six (6) feet high in the rear and side yards. On corner lots hedges and privacy screens may be a maximum of six (6) feet high in the rear or in that portion of the side yard, which does not abut a street and which does not extend beyond the front building line on

corner lots (See Figure 3-4 and Figure 3-5). Hedges and privacy screens on corner lots must comply with the corner clearance requirements of this Ordinance (Section 3.09).

5. Barbed wire, spikes, nails or any other sharp, pointed or instrument of any kind on top or on the sides of any fence, or electric current or charge in the fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility, municipal or industrial buildings as considered necessary in the interest of public safety by the Zoning Administrator.
6. Owners of any fence or privacy screen structure shall maintain their fences or privacy screen structures in accordance with the provisions of all maintenance codes adopted by the Village of Almont. All fences and privacy screen structures shall be maintained plumb and true with adequate support and in a safe and sightly manner. Any owner of any fence or privacy screen structure shall remove or repair a fence or privacy screen structure that is dangerous, dilapidated, or otherwise in violation of this Ordinance.
7. All fences (except invisible fences) and privacy screen structures shall be constructed of metal, iron, wood, or other durable material.
8. For all lots, ornamental fences may be constructed anywhere on the lot including on that portion extending from the front building line to within two (2) feet from the inside sidewalk line. Ornamental fences shall not exceed forty-two (42) inches in height and shall not be less than 50% open.
9. For all lots, invisible fences shall be set back a minimum of three (3) feet from the inside sidewalk line (or property line if no sidewalk is present) and from any walkway leading from the sidewalk or driveway to the house or building itself.
10. No portion of any fence or privacy screen structure shall project beyond the fence owner's property line except when the adjoining property owner's written consent has been obtained.
11. With the exception of an invisible fence, no fence or privacy screen structure shall extend toward any street beyond two (2) feet from the inside sidewalk line.
12. When erecting any fence next to an existing fence, the maintenance of the area between the fences shall be the responsibility of the person erecting the new fence.
13. Any fence or privacy screen structure having an unfinished side shall be installed so that the finished side of the fence shall be facing adjacent properties or the street.

14. Any fence or privacy screen structure constructed within 10 feet of a driveway or public right-of-way intersection shall be constructed in such a manner to permit an unobstructed view of the public right-of-way when exiting a driveway. The sidewalk shall be visible for a distance of 10 feet on both sides of the driveway. Visibility shall be judged from the garage doorjambs or 10 feet from the sidewalk along the driveway's edge, whichever is closer. The Zoning Administrator shall be the judge of visibility. These requirements shall apply whether or not the fence is on the same property as the driveway.

### Section 3.13 FRONTAGE

Every dwelling or principal building shall be located on a lot which shall front upon an improved public or an existing private street, road or highway, for a distance not less than the minimum lot width for the zoning district within which the lot is located.

### Section 3.14 LOTS, YARDS AND OPEN SPACES

The yard area for each principal building resulting from compliance with the minimum lot area, setbacks and open space requirements of this Ordinance shall not be used to satisfy like requirements supporting any other building adjacent or in proximity thereto. The required yard areas for each building shall be exclusive.

### Section 3.15 MEASURING SETBACK REQUIREMENTS

The measurement for determining front, rear and side setback requirements shall be made from the exterior wall of the principal building to the nearest applicable property line.

### Section 3.16 NON-RESIDENTIAL DRIVEWAYS

The Planning Commission shall review all non-residential driveways, entrances and exits for approval under the site plan review procedures outlined in Article 7, with the exception of driveways on Van Dyke (M-53) which shall be subject to approval by the Michigan Department of Transportation. The Planning Commission shall apply standards for driveway location and design adopted by the Village and consider the design's potential effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.

### Section 3.17 OUTDOOR STORAGE

When permitted in a particular zoning district, an outdoor storage use shall be enclosed by an approved masonry wall or obscuring fence, as approved by the Planning Commission under the site plan review procedures outlined in Article 7. The extent of such a wall or fence shall be

determined by the Planning Commission on the basis of usage. Such wall or fence shall not be less than four feet six inches (4'6") in height and may, depending on land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Section 5.01. A chain-link fence or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be permitted by the Planning Commission. The Planning Commission may require vertical decorative or redwood pickets be installed in fence where, in its judgment, it will better serve to obscure the open storage. Open storage areas shall be hard-surfaced with gravel or other suitable approved material and drained to meet Village engineering requirements. If open storage is to park wheeled vehicles, then it shall be paved to parking lot standards or provided with a surface acceptable to the Planning Commission based on use.

### Section 3.18 PROHIBITED OCCUPANCY

1. In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings, except when located in and as part of a mobile home park or when located in zoning districts set forth in this Ordinance. All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use as herein set forth and shall not be connected to sanitary facilities and shall not be occupied.
2. In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be considered a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.
3. Any and all basement dwellings, garage dwellings or other temporary residential dwellings which have been erected and occupied or both are hereby declared to be unlawful for residential purposes and shall be vacated or altered so as to immediately comply with the provisions of this Ordinance; provided, however, the Zoning Board of Appeals may extend such period for not more than one (1) year upon written application therefore by the occupant and proof of undue hardship. Section 3.19

### Section 3.20 YARD USE

The portion of a site in front of any dwelling shall be used only for ornamental landscaping, driveways and parking spaces located within such driveways, except as otherwise prohibited in this Ordinance.

### Section 3.21 ZERO LOT LINE

Except as may be allowed by this Ordinance, and where side and rear yard setbacks are not required, a structure may not be located on a lot closer than ten (10) feet to a structure located

on adjacent property unless it complies with all applicable building codes of the Village concerning fire-rated construction.

A building proposed to be located on a lot adjacent to vacant property:

1. Shall not be less than five (5) feet from the common boundary of the properties: or
2. If to be located on the common boundary, site plan approval for such building shall be conditioned upon the owner of the adjacent parcel, granting the applicant a maintenance easement ten (10) feet in width and parallel to the common boundary of the properties.

New structures erected on a lot line abutting an existing structure, or to be located less than ten (10) feet from a structure on adjacent land, shall comply with all applicable building codes of the Village concerning fire-rated construction.

#### Section 3.22 EXCEPTIONS – ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may cross a required front yard or be placed in the side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, driveway or other pavement servicing a like function shall, for the purposes of this Ordinance, not be considered to be a structure and shall be permitted in any required yard.

#### Section 3.23 ESSENTIAL SERVICES

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

#### Section 3.24 EXCEPTIONS – HEIGHT LIMIT

1. No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, light poles or similar structures, may be erected above the limits established in this ordinance. No such structure may:
  - a. exceed the height limits of the district in which it is located by more than fifteen (15) feet

- b. have a total area greater than ten (10) percent of the roof area of the building;
  - c. be used for any residential purpose other than a use incidental to the main use of the building.
2. The Planning Commission shall establish the height requirement for all communication towers as part of the site plan approval process consistent with the design standards for communication towers in this ordinance.

Section 3.25 EXCEPTIONS – PORCHES/TERRACES. AT-GRADE PATIOS, STEPS/STAIRS AND DECKS

1. At-grade patios may be constructed within required side and rear yards, but not in a required yard facing upon a street.
2. Unenclosed and uncovered access porches (i.e., one which is not roofed over) or paved terraces may project into a required front or rear yard for a distance not exceeding eight (8) feet. Patio and porches covered or partially covered by permanent construction (awnings excepted) shall not project into any required yard space.
3. Steps or stairs may project into a required front yard for a distance not exceeding six (6) feet.
4. Decks may be allowed to project not more than ten (10) feet into the required rear yard or open space, if the following conditions are met.
  - a. The deck does not encroach into any easement.
  - b. The deck is not located facing any street.
  - c. The deck conforms with applicable side yard setback requirements.
  - d. The deck is located not less than ten (10) feet from any detached accessory building. (This separation shall not apply to any accessory structure other than a building.)
  - e. The deck elevation shall be no greater than eight (8) inches over the first floor grade elevation of the main structure. (Exception: a deck around a pool may match the height of the pool.) Swimming pools shall be located at least five (5) feet from the principal residence, but may be served by a deck attached to the dwelling unit.
  - f. Any additional structures attached to the deck, such as a gazebo or pool, shall be located at least ten (10) feet from any structure.

- g. The deck and other appurtenant facilities shall conform to any applicable codes and ordinances.

Section 3.26 EXCEPTIONS – PROJECTING INTO YARDS

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

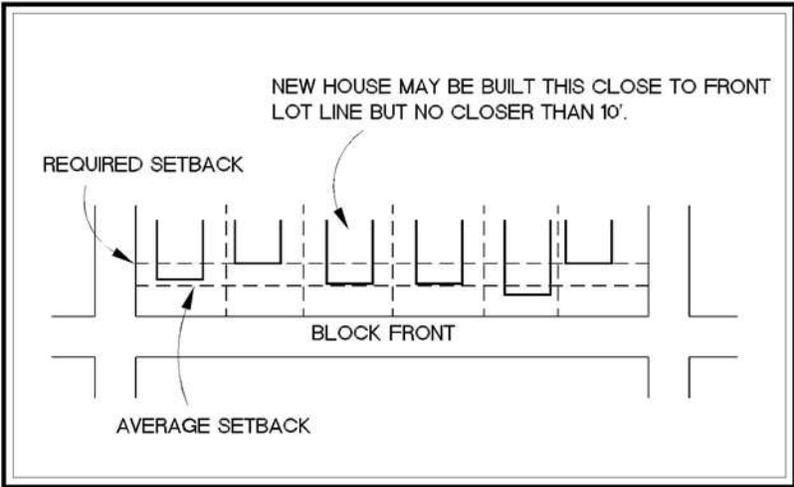
Section 3.27 EXCEPTIONS – VOTING PLACE

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

Section 3.28 EXCEPTIONS – FRONT YARD SETBACK

In any residential district the front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots along the same block front; provided the front depth shall not be less than ten (10) feet. (see Figure 3-5)

Figure 3-6



Section 3.29 EXCEPTIONS – SIDE YARD SETBACK

On legal nonconforming lots with a width of less than that required in the zoning district in which they are located the minimum side yard setback for interior side yards may be reduced at the same ratio as the width of the existing lot and the minimum lot width requirement for the district that the lot is in. (Example: A lot is 80 feet wide in a district that requires lots to be a minimum width of 100 feet. The lot's width is 80% of the minimum. The minimum side yard requirement is 10 feet. The side yard setback for that lot may therefore be reduced to 8', or 80% of 10 feet). In no case may the minimum side yard setback be reduced to less than 5 feet.

Section 3.30 PERFORMANCE STANDARDS

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

1. Smoke and Particulate Matter. The emission of smoke or particulate matter in such manner or quality as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared a public nuisance and shall henceforth be unlawful.

In all non-industrial zoning districts the emission of smoke shall not exceed the number 1 standard as established by the Ringlemann Chart.

In the Industrial Zoning District, the emission of smoke shall not exceed number 2 standard as established by the Ringlemann Chart for periods aggregating four (4) minutes in any thirty (30) minute period. During fire cleaning the emission of smoke shall not exceed the number 3 standard as established by the Ringlemann Chart for a period not to exceed six (6) minutes.

The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one-hour period per acre of lot area during any one-hour period, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

ALLOWANCE FOR HEIGHT OF EMISSION*	
Height of Emission Above Ground (feet)	Correction (Pounds Per Hour Per Acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

\*Interpolate for intermediate values not shown

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- a. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
  - b. From each gross hourly rate of emission derived in (a) above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
  - c. Add together the individual new rates of emission derived in (b) above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed one pound per acre of lot area during any one hour.
2. Odors. Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment, the fabrication of books, textile weaves or other plants in which operations do not result in a greater degree of odors. The values given in Table III (Odor Thresholds) in the latest revision of Chapter 5, "Physiological Effects," in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. In such case, the smallest value given in Table III shall be the maximum odor permitted. Detailed plans for the prevention of odors crossing property lines may be required before approval of a final site plan by the Planning Commission.
  3. Glare and Heat. Any operation producing intense glare or heat shall be conducted within a completely enclosed building or with other effective screening in such a manner as to make such glare completely imperceptible from any point along the property line. All outdoor building and site lighting improvements shall conform to the requirements of Section 5.05.
  4. Vibration. No activity or operation of machine shall cause or create a steady state vibration or an impact vibration, at any point or on any property line, with a displacement in excess of the permitted vibration displacement for the frequencies as set forth below. Steady state vibrations shall be defined as earthborn oscillations that are continuous discrete pulses which occur more frequently than one hundred (100) times per minute. Impact vibrations shall be defined as earthborn oscillations occurring in discrete pulses at less than one hundred (100) pulses per minute.

MAXIMUM PERMITTED STEADY STATE AND IMPACT VIBRATION  
DISPLACEMENT (IN INCHES)

Frequency (cycles per second)	Vibration and Displacement (In Inches)	
	Steady State	Impact
Under 10	.0008	.0016
10-20	.0005	.0010
20-30	.0003	.0006
30-40	.0002	.0004
40 and over	.0001	.0002

5. Radiation or Radioactivity. All activities involving radio-active materials shall be conducted according to State and Federal rules and regulations adopted for human safety. Operations shall cause no dangerous radiation at the property line, as specified by the regulations of the United States Nuclear Regulatory Commission, the United States Bureau of Standards or other applicable review agency.
6. Electromagnetic Interference. No use, activity or process shall be conducted which produces electromagnetic interference which adversely affects public health, safety and welfare including but not limited to interference with normal radio, telephone or television reception from off the premises where the activity is conducted.
7. Gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive. Detailed plans for the elimination of fumes or gases may be required before approval of a final site plan by the Planning Commission.
8. Utilities Underground. All lines for telephone, electric, television and other similar services distributed by wire or cable shall be placed underground entirely throughout the development area, except for major thoroughfare right-of-way, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Overhead lines may be permitted by the Planning Commission at the time of final approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare or area design. 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. All underground utility installations which traverse privately owned property shall be protected by easements granted to the appropriate authority by the applicant.

Whenever it can reasonably be anticipated that utility improvements constructed in one development will be extended to serve other adjacent or nearby developments, such

improvements shall be constructed and located so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

9. Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all Federal and State of Michigan laws and regulations.

#### 10. Fire and Explosive Hazards

a. In the Industrial District, the storage, utilization or manufacture of materials or products, ranging from noncombustible to moderate burning, as determined by the Fire Chief, is permitted, subject to compliance with all other performance standards.

b. The storage, utilization, or manufacture of materials, goods, or products, ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted, subject to compliance with all other yard requirements and performance standards and providing that the following conditions are met:

(1) The materials or products shall be stored, used or produced within completely enclosed buildings or structures having noncombustible exterior walls which meet the requirements of the building code.

(2) All such buildings or structures shall be set back according to adopted NFPA Fire Ordinance

(3) The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended, or by the Fire Prevention Ordinance of the Village of Almont and according to adopted NFPA Fire Ordinance, whichever is more stringent.

#### 11. Manufacturing Equipment and Machine Limitations

a. Automatic screw machines. Such machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than five hundred (500) feet to any residential zoned district.

b. Stamping machines, punch presses, press breaks and hydraulic presses shall not be located closer than five hundred (500) feet to any residential district or use.

## 12. Storage of Hazardous Substances

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

- (2) All underground storage tanks which have been out-of-service for nine (9) months or longer shall be removed from the site before a building permit is issued. This requirement may be adjusted by the Fire Chief in situations where a clear timetable for the safe use of the underground tank is established.

e. Plan Review and Approval

- (1) Site plans for facilities with hazardous substances shall be reviewed by the Fire Chief, or his/her designee, before the approval by the Planning Commission.

13. Noise.

- a. Noise levels resulting from any such use of a site which exceed the maximum sound pressure levels established by this section for the designated land use districts shall be prohibited.

- (1) The maximum slow response steady sound pressure levels for the following octave band center frequencies, as measured in accordance with this subsection shall be as follows:

Octave Band Center Frequency (Cycles per Second)	<u>Maximum Sound Pressure Level (dB)</u>	
	At all non-Industrial District Boundaries	Industrial District
31.5	72	79
63	71	78
125	65	72
250	57	64
500	51	58
1000	45	52
2000	39	46
4000	34	41
8000	32	39

- (2) The maximum A scale (slow response) steady sound pressure levels as measured in accordance with this subsection, of any site shall be as follows:

<u>District</u>	<u>Maximum Sound Pressure Level [dB(A)]</u>
All non-Industrial Districts	55 (at District Boundary)
I – Industrial	62 (along District Boundary)

- (3) The octave band center frequency levels shall be applied in order to determine compliance with this subsection whenever the measured A scale (slow response)

steady sound pressure levels do not exceed the applicable 55 [dB(A)], 62 [dB(A)] and 66 [dB(A)] levels.

- (4) Sound pressure levels shall be measured along both the zoning district boundary and along the property line of the site where the site is located within one hundred twenty-five (125) feet of a zoning district other than the Industrial District. The sound pressure levels shall be measured along the property line of the site where the site is not located within one hundred twenty-five feet (125) of a zoning district other than the Industrial Zoning District.

Maximum steady sound pressure levels for all land use districts between the hours of 10:00 p.m. and 7:00 a.m. shall be 7 dB lower than the levels set forth above. Maximum repetitive impulse sound pressure levels shall be 10 dB lower than the values established for steady sound pressure levels in all land use districts. Sound pressure level measurements shall be made with a sound level meter and an octave band analyzer conforming to the specifications of the American National Standard Institute.

### 3.31 TREE TRIMMING

It shall be the duty and responsibility of every person owning real property within the Village of Almont, to keep all trees, shrubs and similar plants on that property trimmed in such a manner that there is a clearance of at least fourteen feet above any street or alley, and a clearance of at least seven feet over any sidewalk. It shall also be the duty and responsibility of every person owning any real property within the Village of Almont to keep all trees on that property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device.

## ARTICLE 4: ENVIRONMENTAL PROVISIONS

### Section 4.00 INTENT

The intent of the Environmental Provisions is to preserve the quality and character of the Village's environment by regulating man-made development and by conserving natural resources. The requirements of this Section are promulgated pursuant to the following objectives:

- Screen and buffer incompatible views and activities within and between uses.
- Define the limits of site functions and areas.
- Reduce or eliminate glare into and from adjacent sites and activities.
- Reduce dust and other pollutants from the air.
- Control noise and provide acoustical modification into and from adjacent sites.
- Contain odors and minimize their passage into and from adjacent sites.
- Control the direction and velocity of surface water runoff and minimize soil erosion.
- Moderate interior and exterior temperatures by controlling solar radiation on buildings and paved surfaces.
- Continue aesthetic quality of property and preserve its value.
- Continue and enhance the visual quality of the Village.

### Section 4.01 LANDSCAPING AND SCREENING REQUIREMENTS

Whenever there is development in any multiple family, mobile home park, commercial or industrial zoning district which abuts a single-family zoning district, a decorative masonry wall, fence greenbelt or landscaped earthen berm shall be constructed along the common boundary of both sites meeting the following specific requirements:

#### 1. Walls

- a. Walls shall be constructed of decorative poured reinforced concrete with a brick embossed pattern, reinforced protective face brick with bollards, or similar decorative building material determined to be acceptable by the Planning Commission. The color of facing or brick shall be compatible with brick used on the site and shall be durable, weather resistant and easy to maintain. Masonry units shall be integrally colored at the factory or stained on-site.
- b. Walls shall be placed on the lot line when practical and shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings, and the arrangement of such, as may be approved by the Planning Commission for the purposes of public safety. Where walls are pierced, the

openings shall be so spaced as to continue the overall obscuring character required and shall not reduce the minimum height requirement.

- c. The foundation of any wall shall be constructed to meet the requirements of the applicable Village Building Code. Masonry walls shall have a durable cap meeting the requirements of the Building Department.
- d. No such wall shall be painted, nor shall it be constructed of exposed concrete block, cinder block or wood products.
- e. All required protective walls or greenbelts shall be located so that they screen the structures, uses or both required to be screened by this Ordinance. This Ordinance shall not require screening along the entire length of a property if that is not necessary to screen the structures or uses.
- f. All walls or greenbelts required by this Ordinance shall be completely installed before the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.
- g. In any case where the development of the land or buildings or both has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the wall, greenbelt and/or landscaping required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than six (6) months subject to the requirements of this Ordinance.
- h. Maintenance of the wall, or any other substituted screening device, shall be the responsibility of the property owner on whose property such wall or screen is located.
- i. The height of the required wall shall be determined by the Planning Commission during site plan review, taking into account the characteristics of the site and the adjoining uses. In determining the height the Planning Commission shall consider the height of the material or activity being screened and the height of the adjacent land. When the adjacent property is higher than the property that is being screened, a greater wall height may be required to provide the intended effect.

## 2. Greenbelts

- b. The minimum width for all greenbelts shall be ten (10) feet.
- c. The selection, spacing and size of plant material shall be such as to create, within a five (5) year period from the date of planting, a horizontal, obscuring effect for the entire length of the required greenbelt area, and a vertical obscuring effect of such height as to properly screen abutting uses.

- d. Plant materials selected for use under this Section shall be planted according to the following space requirements:
  - (1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
  - (2) Where plant materials are planted in two (2) or more rows, planting shall be staggered in rows.
  - (3) Evergreen trees shall be planted not more than twenty (20) feet on center when planted in informal groupings, or twelve (12) feet on center when planted in a single row.
  - (4) Narrow evergreens shall be planted not more than ten (10) feet on center when planted in informal groupings, or five (5) feet on center when planted in rows.
- e. All planting materials shall meet the minimum size specifications specified in Section 5.02.3.
- f. All greenbelts required by this Ordinance shall be completely installed before the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.
- g. In any case where the development of the land or buildings or both has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the greenbelt required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than six (6) months subject to the requirements of this Ordinance.
- h. Maintenance of the greenbelt shall be the responsibility of the property owner on whose property such wall or screen is located.

### 3. Berms

- a. Berms shall be designed to be consistent with architectural character of the building(s) to be located on the site and shall consist of landscaped earth mounds possessing a maximum slope ratio of four (4') feet horizontal to one (1') foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro seeded to prevent erosion.
- b. All berms required by this Ordinance shall be completely installed before the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.

- c. In any case where the development of the land or buildings or both has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the berm required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than six (6) months subject to the requirements of this Ordinance.
- d. Maintenance of the berm shall be the responsibility of the property owner on whose property such wall or screen is located.

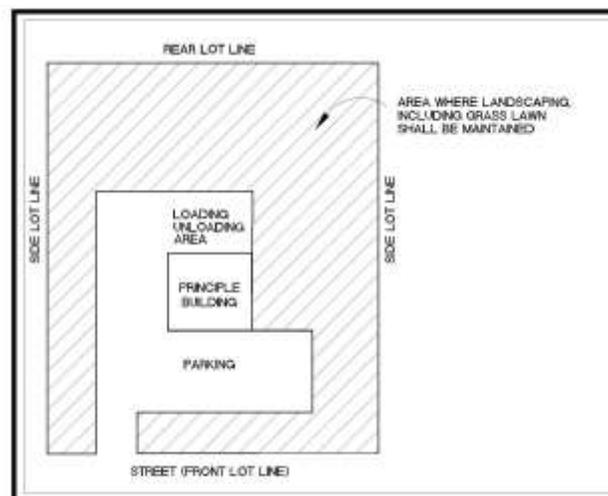
4. Fencing

- a. The height of the fence shall not exceed six (6) feet.
- b. All fences shall be constructed with pressure-treated lumber or vinyl. Chain link fences for the purpose of this section are prohibited.
- c. The construction of the fence shall meet the requirements of Section 3.12 and the Almont Village Building Code.
- d. The style of the fence may include shadow-box or flat face privacy fences provided the fence provides for buffering of sound, light and visibility. If the selected style has a finished and unfinished side, the finished side shall face the adjacent property.

5. General Requirements

Whenever any yard (front, side or rear) is not designated for building, off-street parking, loading and unloading, storage or other purpose within the terms and requirements of a given zoning district, it shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition. (See Figure 4-1)

See Figure 4-1



- a. Whenever, in this Ordinance, a landscape treatment is required, it shall be in accordance with the specific use as mentioned in this Section. All landscaping shall consist either of approved natural materials or living plant materials. All landscaped areas shall be protected from the encroachment of vehicles by curbing or other suitable device approved by the Planning Commission. Property owners shall maintain their required landscaping in a healthy condition.
- b. A detailed landscape plan for all yard areas shall be submitted to the Planning Commission showing the names (common and botanical), location, spacing, starting size and planting and staking details of all plantings to be installed, and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscaped yards including those expanded beyond the minimum setback requirements of this Ordinance. This landscape plan shall be reviewed and approved by the Planning Commission.
- c. Existing significant trees, tree stands, natural vegetation and wildlife habitat shall be integrated into the site landscape plan to the maximum extent possible. The plan shall comply with the Wooded Area Preservation provisions in subsection 9 of this article.
- d. Undeveloped portions and subsequent phases of the site shall be seeded, mowed and maintained.
- e. The Planning Commission may approve constructed features of other materials such as masonry walls or brick, stone and cobblestone pavement as a supplement or substitute, upon a showing by the applicant that general plantings will not prosper at the intended location.
- f. Landscaping shall be planted, landscape elements shall be installed, and earth moving or grading performed in a sound workmanlike manner and according to accepted good planting and grading procedures, with the quality of plant materials and grading as hereinafter described.
- g. Maintenance. The owner of property required to be landscaped by this Section shall continue such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.
- h. Quality. Plant and grass materials shall be of acceptable varieties and species, free of pests and diseases, hardy in Lapeer County, and shall conform to standards of the

American Association of Nurserymen and the Village of Almont, and shall have passed any inspections required under State Regulations. No plant materials used to satisfy some or all planting requirements of this Section shall be compromised of non-living materials, except as provided herein.

- i. Approved ground cover used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season, with at least three (3) plants per square foot.
- j. Lawn Grass. Grass areas shall be planted in species normally grown as permanent lawns in Lapeer County. Grass may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod and seed shall be clean and free of weeds and noxious pests or diseases.
- k. Where stormwater retention is required, such improvements shall be designed and continued as attractive amenities and incorporated into the site landscaping plan whenever practical and feasible.

## 6. Design Objectives

- a. The following general design objectives and criteria shall be considered in the evaluation of landscape plans:
  - (1) Ample variety and quantity of ornamental plants, trees and shrubs should be provided. A few dominant types are usually chosen with subordinate types interspersed for accent. Repeating some types creates unity, but no types should be overused. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity.
  - (2) Landscaping should be encouraged that will serve the functions of enhancing the visual environment, ensuring public safety by maintaining maximum visibility of public and semi-public spaces, moderating the microclimate and minimizing nuisances.
  - (3) Landscaping should serve to integrate the project with the site, with a particular sensitivity to the natural topography, drainage and existing native vegetation. It should enhance the architecture of surrounding structures, when possible, by being of similar scale.
  - (4) Preservation of the existing landscape material and landforms is mandatory, particularly where mature trees are a part of the site to the standards of this Section.

- (5) Visual variety should be the aim of landscaping treatment. Landscaping should be used to break up large expanses of pavement.
- (6) Local soil, water, and other climatic conditions should be considered when choosing landscape materials to create optimum conditions for their survival and to ensure that they will thrive with a minimum amount of maintenance.
- (7) Landscaping should be protected from vehicular and pedestrian encroachment. Raised planting surfaces and the use of curbs are ways of achieving this objective.
- (8) The aesthetic and functional aspects of the proposed landscaping, both at installation and at maturity, shall be a paramount consideration in review and approval by the Planning Commission.

#### 7. Plants and Materials

- a. All plant materials used shall be placed in fertile soil with good surface drainage and shall be given reasonable maintenance necessary to ensure their healthy existence and survival. All natural materials shall be continued, refurbished or replaced, as necessary, to ensure a positive aesthetic quality.
- b. All proposed landscaped plantings shall meet the minimum size requirements specified in the following table.

PLANT MATERIAL SIZE

Minimum Size Allowable

	Height		Caliper			<u>18"-2' Spread</u>	<u>2" Peat Pot</u>	<u>2 gal. Container</u>
	<u>5'-6'</u>	<u>3'-4'</u>	<u>2'-3'</u>	<u>18"-2'</u>	<u>2"</u>			
<b>Evergreens:</b>								
Fir	X							
Spruce	X							
Pine	X							
Hemlock	X							
Douglas Fir	X							
<b>Narrow Evergreen Trees:</b>								
Red Cedar	X							
Arborvitae	X							
Juniper (selected varieties)	X							
<b>Large Deciduous Trees:</b>								
Oak						X		
Maple						X		
Beech						X		
Linden						X		
Ash						X		
Ginko (male only)						X		
Honeylocust (seedless, thornless)						X		
Birch						X		
Sycamore						X		
<b>Small Deciduous Trees (Ornamental):</b>								
Flowering Dogwood (disease resistant)					X			
Flowering Cherry, Plum, Pear					X			
Hawthorne (thornless)					X			
Redbud					X			
Magnolia					X			
Flowering Crabapple					X			
Mountain Ash					X			
Hornbeam					X			
Russian Olive					X			
<b>Large Evergreen Shrubs:</b>								
Irish Yew			X					
Hicks Yew			X					

	PLANT MATERIAL SIZE						<u>18"-2' Spread</u>	<u>2" Peat Pot</u>	<u>2 gal. Container</u>
	Minimum Size Allowable								
	Height			Caliper					
	<u>5'-6'</u>	<u>3'-4'</u>	<u>2'-3'</u>	<u>18"-2'</u>	<u>2"</u>	<u>2 1/2"</u>			
Upright Yew			X						
Spreading Yew							X		
Pfitzer Juniper							X		
Savin Juniper							X		
Mugho Pine							X		
<b>Small Evergreen Shrubs:</b>									
Brown's, Ward's Sebion Yew							X		
Dwarf Spreading Juniper							X		
Dwarf Mugho Pine							X		
Euonymous Varieties							X		
<b>Large Deciduous Shrubs:</b>									
Honeysuckle			X						
Lilac			X						
Border Privet (hedge plantings)				X					
Sumac		X							
Buckthorn		X							
Pyracantha			X						
Weigela		X							
Flowering Quince		X							
Barberry		X							
Cotoneaster (Peking & spreading)		X							
Sargent Crabapple		X							
Dogwood (Red Osier & Grey)		X							
Euonymous Varieties		X							
Viburnum Varieties		X							
Tail Hedge (hedge planting)			X						
<b>Small Deciduous Shrubs:</b>									
Dwarf Winged				X					
Regal Privet				X					
Fragrant Sumac				X					
Japanese Quince				X					
Cotoneaster (Rockspray, Cranberry)				X					

	PLANT MATERIAL SIZE						<u>18"-2' Spread</u>	<u>2" Peat Pot</u>	<u>2 gal. Container</u>
	Minimum Size Allowable								
	Height			Caliper					
	<u>5'-6'</u>	<u>3'-4'</u>	<u>2'-3'</u>	<u>18"-2'</u>	<u>2"</u>	<u>2 1/2"</u>			
<b>Ground Cover:</b>									
Periwinkle							X		
Baltic Ivy							X		
Euonymous Varieties							X		
Hall Honeysuckle							X		
Pachysandra							X		
<b>Vines:</b>									
Euonymous Varieties									X
Virginia Creeper									X
Baltic Ivy							X		
Wisteria									X

8. Where a landscape plan is required, the following materials are specifically prohibited:

- a. Boxelder
- b. Soft Maple (red silver)
- c. Ash
- d. Poplar
- e. Willow
- f. Horse Chestnut (nut bearing)
- g. Tree of Heaven
- h. Catalpa
- i. Fruit-bearing trees
- j. All thorned trees and shrubs
- k. Ribes (Gooseberry)
- l. Cottonwood

9. Preservation of Wooded Areas. The intent of this subsection is to preserve the wooded areas of the Village of Almont to the extent preservation is compatible with reasonableness and the following purposes:

- Slope stabilization and erosion control
- Conserving water quality
- Continuing a micro climate
- Filtering pollution from the atmosphere
- Decreasing noise
- Providing a habitat for wildlife

- Visual character

Recognizing the above-cited benefits of vegetation and woodlands, it is important to integrate these natural features into future development to improve the community's environmental qualities and to enhance the visual character of the constructed environment. Site plan review by the Planning Commission shall be consistent with this intent and the following provisions: The developer shall provide the Planning Commission with a detailed description of the natural features and characteristics located on the site to be developed. Alterations of the site, such as tree removal, shrub and ground cover removal, regarding or filling, is prohibited before the submission of an inventory and preservation plan to the Planning Commission. Any such site alteration shall be considered a violation of the Ordinance and may require substantial replacement before site plan approval.

The goals for wooded area preservation are:

One-Family Residential Subdivisions	Exempt*
One-Family Residential Acreage	35%
Multiple-Family	25%
Mobile Home Park	State Jurisdiction
Office	20%
Central Business District	None
General Commercial	10%
Industrial	10%

The Planning Commission shall weigh buffering and other landscaping requirements with the preservation of existing wooded areas when those existing wooded areas fulfill the intent of those requirements. The Planning Commission may reduce the percentage of retained woods below the specified goals where the following are demonstrated: no prudent alternative building location is available; the location of quality or specimen trees; the diversity of the wood lot; and the condition of the trees (dead or diseased). The Planning Commission may condition a reduction in required tree preservation on the planting of replacement trees or other vegetation or both. The applicant will be required to maintain the approved percentage of wooded area.

#### Section 4.02 PARKING LOT LANDSCAPING REQUIREMENTS

The intent of these requirements is to enhance the visual environment of the Village; to promote public safety; to moderate heat, wind and other local climatic effects produced by parking lots; and to minimize nuisances, particularly noise and glare.

##### 1. Interior Parking Lot Landscaping

All interior parking lots shall incorporate and provide curbed tree planting spaces providing not less than fifty (50) square feet of land area per each tree planted. Trees shall be placed

somewhat evenly, either symmetrically or asymmetrically, throughout the parking area. The number of trees required shall be based on a ratio of one (1) tree for each six (6) parking spaces, or fraction thereof. Small parking lots with a capacity of less than twenty (20) spaces may place the required trees next to the parking lot rather than within the parking lot. The minimum size of all parking lot trees shall be one and one-half (1 1/2) inches caliper at the time of planting. The following types of trees or similar types are considered to be suitable for parking lots and other intense urban conditions:

- a. Norway Maple
- b. Tulip Tree (Magnolia)
- c. Austrian and Red Pine
- d. Moraine, Skyline, Majestic and Sunburst Locusts

## 2. Vision Clearance

To ensure that landscape materials do not constitute a driving hazard, clear vision site triangles shall be established at all street intersections and at the intersection of site driveways and streets. See Section 3.09 CORNER CLEARANCE. Internal parking lot landscaping improvements should be located to avoid blocking the vision of drivers within the parking lot.

## Section 4.03 GREEN BELTS REQUIRED ALONG THE PUBLIC RIGHT OF WAY.

A green belt shall be planted adjacent to the right of way of any public street for projects requiring site plan review. The green belt plantings shall be planted within the required setback. The Planning Commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards:

### 1. Use of Living Material

The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.

### 2. Density of Trees

The green belt shall include one (1) deciduous canopy or coniferous tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks or easements. This requirement may be reduced or waived by the Planning Commission with the showing of necessity by the applicant.

### 3. Use of Coniferous Trees

The Planning Commission may approve substitution of coniferous trees for up to fifty percent (50%) of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.

4. Vision Triangle / Emergency Access

Landscaping material arrangement shall ensure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants and other means of ingress/egress, as required by the police chief or building inspector. Plant materials shall comply with Section 3.09 CORNER CLEARANCE

5. Planning Commission Waiver

In applying these requirements during site plan review, the Planning Commission may reduce the requirements when they determine that due to characteristics of the proposed site or use the establishment of the right of way greenbelt is not necessary or desirable.

Section 4.04 LOCATION AND SCREENING OF TRASH RECEPTACLES

The location of trash receptacles shall be indicated on a site plan. All such trash receptacles shall be located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, site traffic circulation patterns, or any public right-of-way.

All trash receptacles shall be screened on three (3) sides by decorative masonry walls which are similar to, or compatible with, the exterior construction materials used elsewhere on site fences made of pressure treated wood or vinyl. Chain link fencing with view obscuring slats or wooden fencing shall not be considered to be suitable screening materials. All trash receptacles shall be placed on a concrete pad having a minimum dimension of six (6) inches by ten (10) feet by ten (10) feet.

The height of the masonry screening shall be six (6) feet in height. The walls shall be maintained so as to remain structurally sound and neat and clean in appearance. Trash shall not be allowed to overflow from the receptacle. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. No trash receptacle shall be placed any closer than forty (40) feet to any residence on an adjacent parcel. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns. Trash receptacles shall be located to minimize their impact on any adjoining residential zoning districts.

If usage patterns determine that the number of trash receptacles provided on-site are insufficient, additional receptacles may be required by the Zoning Administrator. Any additional trash receptacles so provided shall be located and constructed according to the standards contained herein.

Section 4.05 EXTERIOR LIGHTING REQUIREMENTS

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

1. All exterior lighting shall be clearly shown on a site plan with appropriate symbols and labeling. Lighting intensity and shielding details shall be noted for all exterior lighting.
2. All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential property.
3. All outdoor lighting shall be directed toward and confined to the ground areas of lawns or parking lots, except as noted in 4 below.
4. Lighting used for the external illumination of buildings, so as to feature the building, shall be placed and shielded so as not to interfere with the vision of persons traveling along the adjacent highway or the adjacent property.
5. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no exposed bare bulb illumination of any kind exposed to public view.
6. No lighting shall exceed a maximum height of fifteen (15) feet.
7. All lighting should be appropriate to the site and its surrounding in terms of style, scale and intensity of illumination. The use of site floodlighting, building-mounted or otherwise, or tall "freeway type" fixtures is prohibited. Pack lighting and other types of wall mounted lighting is permitted. Low wattage systems are recommended, and all site lighting shall be shielded.
8. The lighting of pedestrian walkways and plazas may include either shielded or exposed sources, but the height and intensity of the light shall be subdued.
9. All lighting shall receive required electrical permits.

Section 4.06 SCREENING OF ROOF-MOUNTED APPLIANCES

In all non-residential zoning districts, roof-mounted appliances including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers and any other such appliance or apparatus, shall be enclosed on all sides by opaque walls so as not to be visible from off the site. The design of the screening device shall be compatible with the architectural design of the building upon which it is located.



## ARTICLE 5: SIGNS

### Section 5.01 SIGN REGULATIONS

#### 1. Purpose

The provisions of this ordinance are intended to provide for the necessary means of visual identification while continuing a safe and pleasant environment for the residents of the Village of Almont, local business owners, and our guests. The Village recognizes that sign regulation enforcement must be conducted with the utmost respect for residents, property owners, and other affected entities. The Zoning Administrator shall enforce this ordinance and issue permitted exceptions to its provisions with the primary objective of administering it in an equitable manner.

#### 2. Definitions

Following is a list of terms and definitions that are used within this ordinance.

**A-FRAME SIGN** – A portable sign that has two sides ('faces'), is sturdy and self-supporting, conveys a message, and is displayed in a manner that it appears to be an upside down V.

**ABANDONED SIGN** - Any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

**ANIMATED OR MOVING SIGNS** - A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

**AWNING SIGN:** A sign affixed flat against the surface of an awning. An awning is a retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.

**BILLBOARD** - A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**CANOPY SIGN:** A sign affixed flat against the surface of a canopy. A canopy is a fixed shelter constructed of rigid materials on a supporting framework that projects from the exterior wall of a building. A canopy may also be a free-standing structure over gas station pump islands.

**CONTRACTOR/CONSTRUCTION SIGN:** Any sign identifying the names of the project developers, contractors, engineers, architects and financial institutions, which is located on a site being developed or improved.

**DIRECTIONAL SIGNS** - An on-site sign that is designed and erected solely for the purposes of directing vehicular or pedestrian traffic or both within a project.

**DIRECTORY OF TENANT SIGNS:** A sign which advertises two (2) or more businesses which:

1. Are located on a single parcel of property; or
2. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings; or
3. Share a common parking area; or
4. Otherwise present the appearance of a single, contiguous business area.

**ELECTRONIC/DIGITAL/LED SIGNS:** Electronic signs include electronic message boards and changeable message centers, multi-media or computer-controlled variable message signs, and similar devices.

**FOOT-CANDLE** - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**FREE-STANDING/PYLON SIGN** - A sign in a fixed location supported by pole(s) or post(s) but unattached to any building, wall or fence.

**GLARING ILLUMINATION** - Light of such brilliance that causes temporary blindness or impaired vision or that affects the aesthetic value of surrounding structures or property.

**GROUND SIGNS:** A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

**MEMORIAL SIGNS:** A non-illuminated sign, tablet, or plaque memorializing a person, event, structure, or site.

**OFF-PREMISE SIGN:** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located (e.g. billboards, garage sale signs, residential open house signs, signs providing directions to a business).

**ON-PREMISE SIGN:** A sign which identifies a use or advertises products and services available on the site or parcel on which the sign is located.

**POLITICAL SIGN** - Any sign that advertises a candidate or an issue which is to be voted on in a local, state or federal election process.

**PORTABLE SIGNS:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building, including signs with wheels, poster panel signs, signs mounted on vehicles for advertising purposes, hot-air and gas filled balloons, pennants, streamers, ribbons, pinwheels, non-governmental flags and searchlights.

**PROJECTING SIGN** - An outdoor sign attached to a building at a right angle.

**PUBLIC RIGHT-OF-WAY** - Any way designed for vehicular or pedestrian use and continued with public funds.

**REAL ESTATE ADVERTISING SIGN:** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

**REAL ESTATE DEVELOPMENT SIGN:** A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

**RESIDENTIAL DEVELOPMENT IDENTIFICATION SIGN:** A permanent on-premises sign identifying a vehicular entrance to a residential subdivision or residential complex.

**RESIDENTIAL NAMEPLATE SIGN:** A sign not exceeding two (2) square feet in area indicating the name of an occupant. Such a sign shall not contain advertising of any nature.

**SIGN** - An object, device, or structure, or part thereof situated outdoors, and used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, by any means including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images.

**SIGN AREA** - The facing of a sign, including copy, insignia, background, structural supports and borders. The structural supports shall be excluded if they do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business or product.

**SPECIAL PURPOSE SIGNS:** Temporary and portable signs containing public messages concerning non-commercial special events that are of a religious, charitable, social or educational nature.

**TEMPORARY SIGN** - A promotional sale sign(s), charitable sign(s), fund-raising sign(s), garage sale sign(s) or similar sign(s) to be removed at the conclusion of a single event or within a certain time frame.

**TENANT IDENTIFICATION WALL SIGNS:** Wall signage on a building that identifies business occupants of a structure.

**TIME AND TEMPERATURE SIGN:** A sign displaying only the current time and temperature. Such signs shall be a part of another sign and their size shall count towards the overall sign area requirement.

**WALL SIGN** - A sign attached against the exterior surface of a building.

### 3. Permit Administrative Procedures

Except as specifically excluded from the provisions of this ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign within the Village without first obtaining a sign permit. An application for a permit may be concurrent with an application for site plan review, as long as all requirements hereunder are met by the applicant. Failure to obtain a permit constitutes a civil infraction.

#### a. Application Process.

Where the Zoning Administrator or Planning Commission determines that certain requirements of this Section are not necessary to the review and understanding of the application, the Zoning Administrator or the Planning Commission may waive the requirements.

Applications for sign permits shall be filed by the sign owner or their agent upon forms furnished by the Village. Such applications shall be accompanied by a site plan, sign drawing and sign data presented in accordance with the following requirements and showing the following:

- (1) The site plan shall show the location of existing and proposed sign(s) and all existing and proposed structures within two hundred (200) feet of the sign(s).
- (2) The site plan shall show the location of existing and proposed streets, roadways, parking areas, signs, entrances and exits within two hundred (200) feet of the proposed sign(s).
- (3) Drawings of the proposed sign(s) to be erected or installed on the site shall be submitted with the site plan and shall include all of the following detailed information:
  - (a) Height of the sign above the ground
  - (b) Surface of the sign (material, color, and dimensions)
  - (c) Area of sign surface.

- (d) Lettering of sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and of a weight approximating that of the final constructed sign.
- (e) Method and color of illumination, if any.
- (f) Logos, emblems or additional features.
- (g) Such additional information as the Zoning Administrator the Planning Commission considers necessary or pertinent to the application.
- (h) A drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale.
- (i) Color swatches or samples depicting actual sign colors and materials shall accompany applications for sign permits for shopping centers and office buildings with multiple wall signs.

Copies of the application and all plans and supplemental statements of information shall be filed with the Zoning Administrator, together with the fee as shall be established by resolution of the Village Council and which shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the Village or its consultants. If a non-profit, church, charitable organization or other similar entity wishes to request a waiver of this fee, a representative of that entity must appear in front of the Village Council to make such a request and demonstrate a showing of good cause as to why such a waiver would be needed. The Village Council retains the right to accept or reject such requests.

#### b. Granting and Issuance of Permit

Upon receiving all necessary documents, the Zoning Administrator shall review the application for conformity with the requirements of this ordinance. After such a review, the following actions may be taken:

- (1) The Zoning Administrator can either approve or deny the application. Approval may be conditioned upon compliance with reasonable regulations or limitations.
- (2) The Zoning Administrator may refer the application to the Planning Commission if information appears incomplete or if there are large outstanding questions about site plan information at the time of submittal to the Administrator. The Planning Commission may approve an application, deny an application or approve it with reasonable regulations or limitations.

Such approval or denial by the Zoning Administrator shall be done within a reasonable amount of time following the receipt of any materials. Upon approval, the Zoning Administrator shall issue a permit. An issued permit shall not be assigned or transferred in any manner if the sign or signs covered by the permit are to be altered.

#### c. Procedures for Suspension and Revocation

The Zoning Administrator, or the Village Council, may suspend a sign permit or order the removal of a sign whenever:

- (1) Any provision of this section is violated.
- (2) Any condition of the permit is not being observed.
- (3) It is necessary to protect public health, safety or welfare.

Following the suspension of a permit, the permit holder shall be notified by a Village representative that the Village Council will review the action of suspension at its next regular meeting to determine whether the permit should be reinstated, suspended for an additional amount of time, as determined by Council or permanently revoked.

d. Procedures for Inspection and Maintenance

- (1) All new signs for which a permit has been issued shall be inspected by the Zoning Administrator when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards.
- (2) In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Zoning Administrator or their designate when such fastenings are to be installed so that inspection may be completed before enclosure.
- (3) The Zoning Administrator shall also have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Zoning Administrator shall determine whether the sign is adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.
- (4) If the Zoning Administrator finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the Zoning Administrator.

e. Procedures for the Removal of Obsolete or Abandoned Signs

Any sign that advertises a business that has been discontinued for at least ninety (90) days or that advertises a product or service that is no longer offered shall be considered abandoned. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business. If the building is unoccupied for

more than thirty (30) days, the previous business' sign information must be removed. In such cases, the sign must be maintained in good condition and any openings must be covered with appropriate panels. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be considered abandoned unless the structure remains vacant for at least six (6) months. Abandoned signs may be ordered removed by the Zoning Administrator and the cost thereof charged against the owner of the property upon which it was installed.

f. Dangerous, Unsafe, Abandoned and Illegally Erected Signs The following standards shall apply to dangerous, unsafe, abandoned and illegally erected signs:

- (1) Dangerous Signs. Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the Village and the cost thereof charged against the owner of the property upon which it was installed.
- (2) Unsafe Signs. Any sign that becomes insecure, in danger of falling or otherwise unsafe but is not considered an immediate danger may also be ordered removed by the Zoning Administrator and the cost thereof charged against the owner of the property upon which it was installed.
- (3) Illegally Erected Signs. The Zoning Administrator shall order the removal of any sign erected illegally in violation of this article and the cost of each removal shall be charged against the owner of the property upon which it was installed.

## 5. General Regulations

The following conditions shall apply to permitted signs:

- a. All signs addressed in these regulations are assumed to be on-premise signs unless explicitly stated as being off-premise signs.
- b. Right-of-Way Encroachment. No signs except those established and maintained by the Village, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except projecting signs within the Central Business District.
- c. Projecting Signs. Projecting signs and "above-the-roof" signs that do not extend farther than 4 feet from a building structure must be approved by the Zoning Administrator before such a sign is erected, based upon whether the proposed sign would or would not interfere with existing projecting signs.
- d. Sign Lighting.

- (1) No light in excess of one-quarter (1/4) foot candle from sign illumination shall spill over onto a residential use or use district. (Intensity to be measured at the residential district or residence property line, whichever is closer to the sign.)
- (2) Specialty lighting, such as neon accent lighting or an "open" sign, may be permitted by the Planning Commission at site plan review on a finding that the proposal is in character with the use and not detrimental to other uses in the vicinity. Neon lighting shall only be lit during daytime business hours, unless approved by the Planning Commission.
- (3) Floodlight illumination, when permitted, shall be positioned so that none of the light shines onto adjoining property or is a distraction to motorists or pedestrians. The light source of such illumination shall be shielded from public view.
- (4) Within residential districts, colored sign lights shall not be permitted unless approved by the Planning Commission. This provision, however, shall not be construed to prevent residents from reasonably using colored lights for a holiday display or other event that is no more objectionable in nature than a holiday display.

d. Setbacks. All signs, both permanent and temporary, shall observe the following setbacks:

- (1) Accessory ground or pylon signs may be located in the required front yard except that in no case shall they be located closer than ten (10) feet to the right-of-way line or closer than ten (10) feet to any property line.
- (2) Ground signs exceeding three feet, eight inches (3' 8") in height shall be set back an additional twenty (20) feet from the setbacks referenced above, unless the following standards are met:
  - (a) The visibility of pedestrians and vehicles is in no way impaired.
  - (b) The sign does not encroach in a clear vision corner triangle of thirty (30) feet measured along the abutting road right-of-way and driveway to the site.
  - (c) Pole mounted signs with a clear vision triangle at the bottom of a sign which is at least 8 feet above the ground are allowed.

f. Maximum Number of Signs. Each individual office business or industrial establishment occupying its own site or lot is entitled to display not more than two (2) signs, except as modified elsewhere in this ordinance. One shall be a freestanding sign, fronting the street or highway to which the establishment has its principal access. The second permitted sign shall be a front wall sign. If a building occupying an individual site or lot has two (2) tenants

with separate businesses, then the site shall be permitted one (1) ground or pylon sign and two (2) wall signs. Within the Central Business District, each business may be allowed not more than two (2) signs that meet total size requirement.

g. Other Signs. No sign shall be attached to either utility poles, trees, or other structures not specifically authorized by this Ordinance.

<b>Prohibited Signs</b>
Dangerous Signs
Unsafe Signs
Abandoned Signs
Illegally Erected Signs
Flashing Lights. No festoon, flashing, animated or moving or bare bulb-type signs or displays shall be permitted
Right-of-Way Encroachment. No signs except those established and maintained by the Village, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except projecting signs within the Central Business District
Other Signs. No sign shall be attached to either utility poles, trees, or other structures not specifically authorized by this Ordinance.

<b>Exempt Signs</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Maximum Number</i>	<i>Other Requirements</i>
Temporary Window Signs	Do not occupy more than thirty (30%) percent of the total window area,	N/A	Any number as long as they do not exceed SF	In non-residential areas
Residential Nameplate Signs within residential districts that are placed on a dwelling for a permitted home occupation or for professional purposes	six (6) square feet	N/A	One sign is permitted for each side of the building for which there is an entrance	<ul style="list-style-type: none"> <li>• Not illuminated,</li> <li>• Mounted flat against the wall of the dwelling unit</li> </ul>
Political Signs	16 square feet in a residential district  32 square feet in all other districts	5 feet in residential districts  10 feet in nonresidential districts	N/A	Set back at least ten (10) feet from the public right-of-way.
Memorial signs with the names of buildings or a date of erection	6 square feet	N/A	One sign is permitted for each side of the building for which there is an entrance	<ul style="list-style-type: none"> <li>• Cut into any masonry surface or constructed of non-combustible materials</li> <li>• Not permitted for residences</li> </ul>

<b>Exempt Signs</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Maximum Number</i>	<i>Other Requirements</i>
Reader/Bulletin Temporary Changeable Message signs for public charitable, educational or religious institutions	sixteen (16) square feet	5 feet	1 per lot	<ul style="list-style-type: none"> <li>Is located on the premises of the institutions</li> <li>At least twenty (20) feet from any property line.</li> </ul>
Contractor/Construction Signs denoting the business name of the building, the architect, engineer, contractor, and anticipated completion, alteration or removal	Sixteen (16) square feet in residential districts forty-eight (48) square feet in nonresidential districts	5 feet in residential districts 8 feet in nonresidential districts	1 per lot, 2 on corner lot (1 facing each street)	All such signs shall be removed from the site within seven (7) days after the issuance of an occupancy permit
Real Estate Advertising Signs	<ul style="list-style-type: none"> <li>6 square feet in residential districts</li> <li>25 square feet in commercial and office districts</li> <li>50 square feet in all other districts with open house sign not more than 6 square feet</li> </ul>	5 feet in residential districts 10 feet in nonresidential districts	1 real estate sign plus 1 open house sign	<ul style="list-style-type: none"> <li>Unlighted</li> <li>No closer than 10 feet from ROW</li> <li>Must be removed 7 days after property has been sold rented or leased</li> </ul>
Real Estate Development Signs	<ul style="list-style-type: none"> <li>Sixty-four (64) square feet</li> <li>Twenty-four (24) square feet, or less are exempt, otherwise it shall require a permit.</li> </ul>	10 feet	1	<ul style="list-style-type: none"> <li>Unlighted</li> <li>Removed seven (7) days after the property has been sold or leased.</li> <li>May not occupy the property past a time when the development receives a certificate of occupancy.</li> <li>All such signs shall be registered with the Zoning Administrator before they are erected on the site.</li> </ul>
Directional Signs	Two (2) square feet in sign area	30 inches	2	<ul style="list-style-type: none"> <li>Horizontal directional signs painted on or adhered to the surface of paved areas are exempt from these standards.</li> <li>Directional signs may be located in the required front yard, except that in no case shall they be located with an existing proposed right-of-way line as shown on the Village of Almont's adopted Master Plan</li> <li>Directional signs shall not be used for advertising, but shall direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building</li> <li>All directional signs required for the purpose of orientation, when established by the Village or another government, shall be permitted.</li> <li>Signs shall be allowed only where necessary for public safety or convenience.</li> </ul>

<b>Exempt Signs</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Maximum Number</i>	<i>Other Requirements</i>
Wall/Behind-the-Window Signs/Incidental Signs	N/A	N/A	N/A	Wall or behind-the-window Incidental signs with lettering or symbols of three (3) inches or less may also be allowed in addition to the permitted signs per establishment.
Gasoline Price Signs	Twelve (12) square feet	Part of permitted freestanding wall sign	<ul style="list-style-type: none"> <li>• One (1)</li> <li>• Two (2) if the business has frontage on more than one street</li> </ul>	

<b>Temporary Signs Requiring a Permit</b>				
<p>Temporary signs may be permitted if they support the creation or relocation of a business, seasonal or anniversary sales, national or manufacturer’s sales or other similar events. The Zoning Administrator shall issue specific time permits and approve the issuance of such temporary signs, provided the signs comply with all applicable regulations.</p> <p>Temporary signs requiring a permit:</p> <ul style="list-style-type: none"> <li>• Shall not exceed a maximum of 28 square feet and a maximum height of 6 feet.</li> <li>• Shall be a minimum of ten (10) feet from the public right of way or any lot line and be located on the same property as the principle use that it is intended to serve.</li> <li>• Be erected for no more than sixty (60) days spread out amongst up to two periods per calendar year.</li> </ul>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Maximum Number</i>	<i>Permitted Duration and Other Requirements</i>
Temporary signs that support the creation or relocation of a business, seasonal or anniversary sales, national or manufacturer’s sales or other similar events	Twenty-eight (28) square feet	six (6) feet	1 per business	Be erected up to 2 times in a calendar year for no more than sixty (60) days total
Banner signs	Six (6) square feet	Six (6) feet	1 per business	<ul style="list-style-type: none"> <li>• Be firmly attached to the wall of a building or a secure structure.</li> <li>• Be limited to the advertising of the opening of a new business or a special/seasonal sale event.</li> <li>• Be displayed for no more than thirty (30) calendar days with a maximum of two per year</li> </ul>

Article 5  
Signs

Special Purpose Signs.  Civic or philanthropic organizations or groups may display a temporary non-political sign for a cause, function or activity they are sponsoring	Sixteen (16) square feet	six (6) feet	1 per business	<ul style="list-style-type: none"> <li>No more than thirty (30) days.</li> <li>Such sign shall be clearly and indelibly dated in one inch numbers at the lower left corner indicating the date first displayed.</li> <li>All such signs shall observe the height and setback requirements of this Ordinance appropriate to the district in which they are located</li> </ul>
Temporary Changeable Message Signs	Twenty-eight (28) square feet	six (6) feet	1 per business	May be part of otherwise permitted temporary signs

<b>Signs Allowed in Residential District Requiring Permit</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Flags, banners, windblown devices and other appropriate displays	50 square feet	Maximum height allowed for principal structures in the district they are located in	3 per lot	Permitted for institutional activities <ul style="list-style-type: none"> <li>However, the Zoning Administrator or Planning Commission must first approve such displays and reserve the right to prohibit such displays if they cause any type of distraction or danger to the general public</li> <li>This regulation does not regulate official flags such as the flag of the United States of America or the flag of the State of Michigan.</li> </ul>
Projecting signs	8 square feet per side;		1 per business	<ul style="list-style-type: none"> <li>That do not extend farther than 4 feet from a building structure</li> <li>Must be approved by the Zoning Administrator before such a sign is erected, based upon whether the proposed sign would or would not interfere with existing projecting signs.</li> <li>Bottom of sign must be a minimum of 8 feet above the ground or sidewalk</li> </ul>

<b>Signs Allowed in Residential District Requiring Permit</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Portable sidewalk or “A-frame” signs	24 inches wide;	36 inches high	1 per business	<ul style="list-style-type: none"> <li>The sign shall be of A-frame construction with a minimum base spread of 18 inches: The sign shall be sturdy and stable.</li> <li>The sign shall not have more than two (2) faces and the surfaces of the sign shall be durable.</li> <li>Copy on the sign may be painted or printed on the surface or surfaces. Loose paper faces shall not be permitted. The sign shall not be illuminated by any means except light from existing street lighting.</li> <li>Placement of the sign shall be in a manner that is safe for and does not interfere with pedestrian or vehicular traffic. Placement of the sign shall be coordinated with other signs, benches, trees, planters and other streetscape elements such that a minimum of 5 feet of unobstructed sidewalk shall be maintained at all points along the sidewalk for pedestrian use. No sign may be affixed to any structure.</li> <li>A portable sign may be placed outside only during the hours when a business is open to the general public and shall be stored indoors, out of sight, at all other times.</li> <li>A-frame signs shall not be located in a right-of-way except along a sidewalk</li> </ul>
Wall-mounted Signs. Signs mounted on a building	20% of the wall area.	N/A	1 per wall	<ul style="list-style-type: none"> <li>Allowed for non-residential uses for churches, bed and breakfast establishments, publicly owned properties and any other similar establishment</li> <li>Shall not project more than twelve (12) inches horizontally beyond the wall of a building.</li> <li>No signs shall be permitted to be painted directly onto the wall of a building.</li> <li>Signs for Village-owned property may exceed size limitation, provided they are approved by a motion of the Almont Village Council.</li> </ul>
Awnings and Canopy Signs	<ul style="list-style-type: none"> <li>Lettering may cover maximum of 1/3 of awning or canopy;</li> <li>Lettering shall not project above, below or beyond the physical dimensions of the awning or canopy</li> </ul>	Bottom of awning or canopy must be at least 7 feet above ground level or sidewalk	1 per business	<ul style="list-style-type: none"> <li>Permitted in all districts with the exception that they may not be placed on single family residences.</li> <li>Internally lighted awnings and canopies and awnings and canopies with signage shall be treated as a wall sign</li> <li>If an awning or canopy is unlighted and opaque. the lighted and/or sign portion only shall be calculated as a wall sign</li> <li>Awnings and canopies may extend to within one (1) foot of the vertical plane formed by the parking area curb. They may not, in any instance, extend into the existing or proposed street right-of-way or off-street parking lot area</li> </ul>

<b>Signs Allowed in Residential District Requiring Permit</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Digital/ Lighted Displays/LED/Electronic signs	A digital sign shall not occupy more than 66% of the maximum permitted sign area.	Part of an otherwise permitted sign	1 per business	<ul style="list-style-type: none"> <li>No digital/Lighted Displays/LED/electronic sign shall be permitted to scroll or oscillate without approval from the Planning Commission.</li> <li>Any electronic message displayed shall remain unchanged for a minimum of three (3) seconds before switching messages.</li> <li>The digital sign shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of a driver, or result in a nuisance to a driver. All digital signs must maintain an auto dimmer for nighttime display. The Zoning Administrator or Planning Commission shall determine when a sign is too bright or emits glaring illumination.</li> <li>A digital sign shall require approval of the Zoning Administrator before it is constructed.</li> </ul>
Residential Development Identification Signs	Twenty-four (24) square feet per sign	six (6) feet	No more than two (2) signs shall be permitted associated with entrance identification	<ul style="list-style-type: none"> <li>May be allowed at the principal street entrance to any development</li> <li>Entrance identification signs or structures above a height of two (2) feet from established street grades, shall not be permitted within the triangular area formed at the intersection of any street right-of-way lines at a distance along each line of thirty (30) feet from the point of intersection.</li> <li>Entrance identification signs or structures shall be constructed so as to present symmetrical appearance and be in character with the area in terms of size, bulk and use of materials, as determined by the Planning Commission.</li> <li>Such signs or structures are restricted to identification of the project or subdivision name only. No more than one (1) sign may be placed on each side of an entranceway or in an entrance road median.</li> </ul>
Freestanding Sign	24 square feet	six (6) feet	1	<ul style="list-style-type: none"> <li>Allowed for non-residential uses for churches, bed and breakfast establishments, publicly owned properties and any other similar establishment</li> <li>Signs for Village-owned property may exceed size limitation, provided they are approved by a motion of the Almont Village Council.</li> </ul>

<b>Signs in all commercial districts requiring a permit</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Flags, banners, windblown devices and other appropriate displays	50 square feet	Maximum height allowed for principal structures in the district they are located in	3 per lot	<ul style="list-style-type: none"> <li>Permitted for commercial or institutional activities</li> <li>However, the Zoning Administrator or Planning Commission must first approve such displays and reserve the right to prohibit such displays if they cause any type of distraction or danger to the general public</li> <li>This regulation does not regulate official flags such as the flag of the United States of America or the flag of the State of Michigan.</li> </ul>
Projecting signs	8 square feet per side;		1 per business	<ul style="list-style-type: none"> <li>That do not extend farther than 4 feet from a building structure</li> <li>Must be approved by the Zoning Administrator before such a sign is erected, based upon whether the proposed sign would or would not interfere with existing projecting signs.</li> <li>Bottom of sign must be a minimum of 8 feet above the ground or sidewalk</li> </ul>
Portable sidewalk or "A-frame" signs	24 inches wide;	36 inches high	1 per business	<ul style="list-style-type: none"> <li>The sign shall be of A-frame construction with a minimum base spread of 18 inches: The sign shall be sturdy and stable.</li> <li>The sign shall not have more than two (2) faces and the surfaces of the sign shall be durable.</li> <li>Copy on the sign may be painted or printed on the surface or surfaces. Loose paper faces shall not be permitted. The sign shall not be illuminated by any means except light from existing street lighting.</li> <li>Placement of the sign shall be in a manner that is safe for and does not interfere with pedestrian or vehicular traffic. Placement of the sign shall be coordinated with other signs, benches, trees, planters and other streetscape elements such that a minimum of 5 feet of unobstructed sidewalk shall be maintained at all points along the sidewalk for pedestrian use. No sign may be affixed to any structure.</li> <li>A portable sign may be placed outside only during the hours when a business is open to the general public and shall be stored indoors, out of sight, at all other times.</li> <li>A-frame signs shall not be located in a right-of-way except along a sidewalk</li> </ul>
Time and Temperature Devices	Four (4) square feet	Part of an otherwise permitted sign	One (1) per business	Permitted in all commercial and industrial districts. They may be on a pole or attached to the wall and are subject to the regulations applicable to pylon and wall signs. Must be part of an otherwise permitted sign.

<b>Signs in all commercial districts requiring a permit</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Awnings and Canopy Signs	<ul style="list-style-type: none"> <li>• Lettering may cover maximum of 1/3 of awning or canopy;</li> <li>• Lettering shall not project above, below or beyond the physical dimensions of the awning or canopy</li> </ul>	Bottom of awning or canopy must be at least 7 feet above ground level or sidewalk	1 per business	<ul style="list-style-type: none"> <li>• Permitted in all districts with the exception that they may not be placed on single family residences.</li> <li>• Internally lighted awnings and canopies and awnings and canopies with signage shall be treated as a wall sign</li> <li>• If an awning or canopy is unlighted and opaque, the lighted and/or sign portion only shall be calculated as a wall sign</li> <li>• Awnings and canopies may extend to within one (1) foot of the vertical plane formed by the parking area curb. They may not, in any instance, extend into the existing or proposed street right-of-way or off-street parking lot area, except within the Central Business District.</li> </ul>
Freestanding Sign	<p>Maximum of fifty (50) square feet for two permitted signs (wall and / or freestanding in CBD)</p> <p>Sixty-four (64) square feet in C-2</p>	Sixteen (16) feet	1 per business In CBD total of 2 freestanding and/or wall sign per business	
Wall Sign	<p>Maximum of fifty (50) square feet for two permitted signs (wall and / or freestanding in CBD)</p> <p>Twenty percent (20%) of wall area in C-2</p>		1 sign per tenant In CBD total of 2 freestanding and/or wall sign per business	<ul style="list-style-type: none"> <li>• Shall not project more than twelve (12) inches horizontally beyond the wall of a building.</li> <li>• No signs shall be permitted to be painted directly onto the wall of a building.</li> </ul>

<b>Signs in Industrial districts</b>				
<b>Signs in the Almont Research and Industrial Park shall comply with the requirements of Section A.5 of the Park Restrictive Covenants</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>

<b>Signs in Industrial districts</b>				
<b>Signs in the Almont Research and Industrial Park shall comply with the requirements of Section A.5 of the Park Restrictive Covenants</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Flags, banners, windblown devices and other appropriate displays	Maximum of fifty (50) square feet	Maximum height allowed for principal structures in the district they are located in	Three (3) per lot	<ul style="list-style-type: none"> <li>• Permitted for commercial or institutional activities</li> <li>• However, the Zoning Administrator or Planning Commission must first approve such displays and reserve the right to prohibit such displays if they cause any type of distraction or danger to the general public</li> <li>• This regulation does not regulate official flags such as the flag of the United States of America or the flag of the State of Michigan.</li> </ul>
Projecting signs				<ul style="list-style-type: none"> <li>• That do not extend farther than 4 feet from a building structure</li> <li>• Must be approved by the Zoning Administrator before such a sign is erected, based upon whether the proposed sign would or would not interfere with existing projecting signs.</li> <li>• Bottom of sign must be a minimum of 8 feet above the ground or sidewalk</li> </ul>
Portable sidewalk or "A-frame" signs	not more than 24 inches wide;	not more than 36 inches high	One (1) per business	<ul style="list-style-type: none"> <li>• The sign shall be of A-frame construction with a minimum base spread of 18 inches: The sign shall be sturdy and stable.</li> <li>• The sign shall not have more than two (2) faces and the surfaces of the sign shall be durable.</li> <li>• Copy on the sign may be painted or printed on the surface or surfaces. Loose paper faces shall not be permitted. The sign shall not be illuminated by any means except light from existing street lighting.</li> <li>• Placement of the sign shall be in a manner that is safe for and does not interfere with pedestrian or vehicular traffic. Placement of the sign shall be coordinated with other signs, benches, trees, planters and other streetscape elements such that a minimum of 5 feet of unobstructed sidewalk shall be maintained at all points along the sidewalk for pedestrian use. No sign may be affixed to any structure.</li> <li>• A portable sign may be placed outside only during the hours when a business is open to the general public and shall be stored indoors, out of sight, at all other times.</li> <li>• A-frame signs shall not be located in a right-of-way except along a sidewalk</li> </ul>

<b>Signs in Industrial districts</b>				
<b>Signs in the Almont Research and Industrial Park shall comply with the requirements of Section A.5 of the Park Restrictive Covenants</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Non-accessory/Billboard Signs.	Three hundred (300) square feet	Thirty (30) feet above the grade of the ground on which the billboard or non-accessory sign sits or the grade of the abutting roadway, whichever is greater	One (1) per parcel	<ul style="list-style-type: none"> <li>• Permitted as a special land use in the Industrial District, subject to the following standards:</li> <li>• No billboard or non-accessory sign shall be located within one thousand (1,000) feet of another billboard or non-accessory sign abutting either side of the same street or highway.</li> <li>• No billboard or non-accessory sign shall be located within two hundred (200) feet from any adjoining residential zoning district or any adjoining residential use.</li> <li>• Billboards or non-accessory signs shall not be located closer than two hundred (200) feet from any abutting public road right-of-way, or closer than one hundred (100) feet from any property line.</li> <li>• Signs with stacked or tandem faces are prohibited.</li> <li>• No billboard or non-accessory sign shall be located on, or cantilevered, or otherwise suspended above the roof of any building.</li> <li>• A billboard or non-accessory sign may be illuminated, if provided that any illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises. In no event shall any billboard or non-accessory sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.</li> <li>• All bill boards or non-accessory signs shall be constructed to withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard or non-accessory sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.</li> </ul>
Time and Temperature Devices	Four (4) square feet	Part of an otherwise permitted sign	One (1) per business	Permitted in all Commercial and Industrial Districts. They may be on a pole or attached to the wall and are subject to the regulations applicable to pylon and wall signs

<b>Signs in Industrial districts</b>				
<b>Signs in the Almont Research and Industrial Park shall comply with the requirements of Section A.5 of the Park Restrictive Covenants</b>				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Awnings and Canopy Signs	<p>Lettering may cover a maximum of a third (1/3) of the awning or canopy</p> <p>Lettering shall not project above, below or beyond the physical dimensions of the awning or canopy</p>			<ul style="list-style-type: none"> <li>• Permitted in all districts with the exception that they may not be placed on single family residences.</li> <li>• Internally lighted awnings and canopies and awnings and canopies with signage shall be treated as a wall sign</li> <li>• If an awning or canopy is unlighted and opaque, the lighted and/or sign portion only shall be calculated as a wall sign</li> <li>• Awnings and canopies may extend to within one (1) foot of the vertical plane formed by the parking area curb. They may not, in any instance, extend into the existing or proposed street right-of-way or off-street parking lot area, except within the Central Business District.</li> </ul>
Freestanding Sign	32 sq. ft.	Sixteen (16)	1	
Wall Sign	Twenty percent (20%) of wall area		1 sign per tenant	<ul style="list-style-type: none"> <li>• Shall not project more than twelve (12) inches horizontally beyond the wall of a building.</li> <li>• No signs shall be permitted to be painted directly onto the wall of a building.</li> </ul>



## ARTICLE 6: OFF-STREET PARKING AND LOADING

### Section 6.00 INTENT

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

### Section 6.01 GENERAL PARKING REQUIREMENTS

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

1. Whenever a use or activity requiring off-street parking is created, enlarged or increased in activity or intensity, off-street parking spaces shall be provided on site and maintained as required by this Ordinance with the exception of parcels in the C-1 district, which may be granted a waiver from this requirement by the Planning Commission if the property owner can demonstrate that there is on-street parking or public off-street parking to meet some or all of the parking their use requires.
2. Anytime there is a change in use of a building or land, a new building or an addition to an existing building the off-street parking requirements for that property shall be reviewed and the change in use or new construction shall not be permitted unless the required off-street parking is provided.
3. Off-street parking existing at the effective date of this Ordinance in conjunction with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
4. Nothing in this Section shall be construed to prevent the collective provisions of off-street parking facilities for two or more buildings or uses on separate sites, if, collectively, such parking shall not be less than the sum of requirements for the various used computed separately. The provision for shared parking shall not be construed to allow for development without parking located reasonable proximate to the development it is intended to serve. Parking shall be reasonably distributed to fulfill the parking needs of each use being served and be irrevocably dedicated to each use.

5. Where the owners of two (2) buildings, whose operating hours do not overlap, desire to use common off-street parking facilities, the Planning Commission may permit such dual function if the following conditions have been met:
  - a. The normal business hours of the two (2) buildings or uses in no way overlap, except for custodial personnel. If there is a change of uses that no longer meets the criteria established for shared parking, the required number of spaces as provided below shall be installed.
  - b. The common parking lot meets the off-street parking requirements of the larger building or more intensive use, plus fifteen (15) percent.
  - c. The common parking lot meets all of the locational requirements of this Ordinance with respect to each building or use.
  - d. The site plan shall indicate a reserve area that is capable of accommodating the required number of parking spaces, if necessary. The developer shall execute an agreement, in a form satisfactory to the Village that will obligate the property owners to install additional parking at the Village's request if the need arises.
6. Off-street parking facilities required herein shall be located within three hundred (300) feet of the permitted use it is intended to serve, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served.
7. Required off-street parking shall not be enclosed with a gate that would permit it to be closed to either employees or patrons.
8. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction over  $\frac{1}{2}$  shall be rounded up.
9. For the purpose of determining off-street parking requirements for all uses, floor area shall mean ninety (90%) percent of the net floor area used or intended to be used for services to the public as customers, patrons, clients, patients, employees, or tenants, including areas occupied for storage and fixtures and equipment used for the display or sale of merchandise unless otherwise specified.
10. Whenever drive-thru or vehicle stacking lines are provided, such lanes shall be so located so as not to impede pedestrian or vehicular circulation on the site or on abutting sites, nor shall any drive-thru lane cross a vehicle maneuvering lane or aisle.
11. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground other than in the required front yard space of the building

they are intended to serve and shall consist of a paved parking strip, parking apron, carport and/or garage. Parking shall be restricted to paved areas. Paved areas shall not be permitted in the front yard directly in front of the dwelling, except for horseshoe drives as provided for below. Paved driveways may be allowed in required side yards to provide access to a side-entry garage or to a detached garage located in the rear yard. Horseshoe driveways shall be permitted, provided they are not used for permanent on-site parking required by this Section.

12. No storage of motor vehicles or recreational vehicles on residential lots may be allowed within a required front yard, except for short-term parking or loading and unloading. Horseshoe driveways shall be permitted, provided they are not used for permanent on-site parking required by this Section. In Multiple-Family Residential Districts where recreation vehicles are permitted, a secured storage area for such vehicles shall be provided and buffered from adjacent uses. No unlicensed motor vehicle of any type shall be parked within the development at any time, except within a covered building or the enclosed storage area.
13. Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on residentially zoned property other than in a completely enclosed building.
14. The open parking and/or storage of a trailer, motor home, boat, or similar vehicle not owned by a resident of the Village, for periods exceeding twenty-four (24) hours on lands not approved for said parking or storage, shall be expressly prohibited, except that the Building Inspector may extend temporary permits allowing the parking of a trailer coach in a rear yard on private property not to exceed a period of two (2) weeks.
15. All trailers, motor homes, boats, and similar vehicles owned by residents of the Village and stored on their individual lots, shall not be stored within any front yard or any required side yard except as described below; and shall, further, respect the requirements applicable to ACCESSORY BUILDINGS, Section 3.01, insofar as distances from principal structures, lot lines, and easements are concerned. The prohibition against storing such vehicles in the front yard or required side yard may be waived by the Zoning Administrator or his designee if, in the opinion of the Zoning Administrator or his designee, the physical characteristics of the resident's property create an undue hardship on the resident in conforming to this provision of the Ordinance. In such cases, residents of the Village may store such vehicles on the driveway leading to the principal residence or on an improved area within the front yard or required side yard sufficient to support the weight of the vehicle. The improved area shall be composed of gravel, asphalt, or concrete. No unoccupied mobile homes shall be stored on any lot.

Section 6.03 OFF-STREET PARKING SPACE LAYOUT STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirements in Section 6.02 above require the construction of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed until a permit therefore is issued by the by the Zoning Administrator who may refer the application to the Building Department for a recommendation. Applications for approval of a parking lot will be submitted to the Planning Commission when required by Article 7 Site Plan Review (Section 7.02).

2. Plans for the layout of an off-street parking lot shall have dimensions consistent with the following standards:

a. Ninety-Degree Pattern: Parking spaces and maneuvering lanes shall be provided based on one of the following alternatives:

<u>Space Width</u>	<u>Space Length</u>	<u>Maneuvering Width</u>	<u>Two Tiers or Parking &amp; One Maneuvering Lane</u>
10 feet	20 feet	20 feet	60 feet

b. Sixty-Degree Pattern: Fifty-eight (58) feet for two (2) tiers of spaces, and one (1) aisle/maneuvering lane, with minimum aisle width being twenty (20) feet and minimum space width 10 feet.

c. Forty-Five Degree Pattern: Fifty-six (56) feet with two (2) tiers of parking spaces, plus one (1) aisle/maneuvering lane of at least twenty (20) feet in width and minimum space width 10 feet.

d. A drive of maneuvering lane shall not be less than twenty-four (24) feet wide to permit two-way traffic.

e. All parking lot stalls shall be striped and maintained.

3. Handicapped spaces shall be furnished as required by State law.

4. All parking spaces shall be provided with adequate access by means of maneuvering lanes. Spaces shall not be designed to permit backing directly into a street.

5. The entire parking area, including parking spaces, maneuvering lanes and drives required under this Section, shall be provided with asphaltic or concrete surfacing in accordance with specifications of the Village of Almont Design Standards. Unless a delay is granted by the

Planning Commission for a specified period of time, the parking area shall be surfaced before the issuance of the certificate of occupancy for the building or buildings which it serves. As a condition of any delay the Planning Commission shall require a cash deposit or irrevocable letter or credit acceptable to the Village of Almont in an amount equal to one hundred and ten (110) percent of the estimated cost of the improvement. Any improvements for which a letter of credit or cash deposit has been posted shall be installed by the end of the construction season following the posting.

6. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent an increase in the amount or rate of drainage of water onto adjacent property or toward buildings, and drainage plans shall meet the specifications of the Village of Almont Design Standards.
7. In any area where front-end parking abuts a curbed landscaped area at least five (5) feet in width or a raised sidewalk having a minimum width of at least seven (7) feet, the minimum parking stall depth of twenty (20) feet (as otherwise specified herein) may be decreased by up to two (2) feet in depth in order to allow for a vehicle to overhang such landscaped area or such sidewalk. In no case shall the parking stall depth be decreased to allow a vehicle to overhang a required parking setback or property line.
8. Ingress and egress to a parking lot for non-residential purposes shall not be provided across land zoned for single-family or two-family residential purposes except as provided in Section 3.00. All such entrances and exits shall also be located at least twenty-five (25) feet from any property zoned for one-family residential use.

Adequate ingress and egress to the parking lot by means of clearly limited and defined paved drives shall be provided for all vehicles. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall in no event be less than thirty (30) feet in width. The number of driveways permitted for each site shall be determined by the Planning Commission as part of site plan review.

In making this determination, consideration shall be given to the following factors: the location of driveways on adjacent sites and across the street, turning movements and traffic volumes. The location of each such entrance and exit shall be submitted for approval of the Lapeer County Road Commission or the Michigan Department of Transportation, as the case may be, and the Village of Almont. Tapers and bypass lanes shall be required, as determined by the appropriate agency.

9. Parking lot lighting shall meet the requirements of Section 5.05 and the Village of Almont Design Standards.

10. The surface of the parking lot area shall be maintained and kept free from weeds, rubbish, refuse and debris.
11. All parking serving other than one or two-family dwellings shall be side-by-side. Tandem parking shall be prohibited. Tandem parking to a depth of three (3) cars may be permitted in vehicle storage and inventory areas provided such areas are under the control of employees and are not accessible by the general public. Any parking or vehicle circulation areas accessible to the public shall meet the size standards specified in this Section.
12. Except as otherwise provided in this Article, required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Off-street parking shall not be used for other than parking purposes or allowed to become unusable, except for temporary repairs. The storage of vehicles or merchandise, except as permitted in conjunction with the principal or accessory use and sale of motor vehicles, in any off-street parking space is prohibited.
13. The Planning Commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic.
14. Curbs, meeting the construction standards of the Village Engineer, shall be required. The use of bumper blocks is prohibited, except in unique circumstances as determined by the Planning Commission.
15. Whenever drive-thru facilities are allowed there shall be provided a minimum of six (6) off-street waiting spaces for each service window or service bay, unless regulated elsewhere in this Ordinance. A waiting space shall be twenty-three (23) feet long by ten (10) feet wide.
16. Whenever a parking lot abuts a residentially zoned lot, a side yard setback of ten (10) feet or a masonry screening wall shall be provided between the parking lot and the adjoining residential property line. The parking lot setback shall not be less than the setback for the residential dwellings located on the same block as the parking lot. The front yard setback shall be landscaped. Whenever the parking lot abuts residential lots, screening meeting the requirements of Section 4.01 shall be provided.

#### Section 6.04 OFF-STREET LOADING AND UNLOADING

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

1. All loading or unloading areas shall provide a minimum height clearance of fourteen (14) feet.

2. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. When required, loading and unloading areas shall be designated and defined.
3. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities, except as specifically authorized by this Ordinance.
4. Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the Planning Commission when it is determined that such space and loading facilities would not interfere with parking and circulation, either vehicular or pedestrian, or with abutting areas.
5. All loading and unloading areas shall be surfaced, drained, and otherwise developed in accordance with the provisions applicable to off-street parking areas (Section 6.03(5)).
6. Whenever the loading or unloading area abuts a residentially zoned lot, screening meeting the requirements of Section 4.01 shall be provided.
7. The number of loading and unloading spaces shall comply with the requirements below unless the Planning Commission determines that a lower number is adequate based on the loading and unloading requirements of the proposed use.

<b>Gross Floor Area</b>	<b>Number of Loading Spaces</b>
5,000 – 19,999 sq. ft.	1 space
20,000, - 49,999 sq. ft.	2 spaces
50,000 sq. ft. and over	3 spaces, plus 1 space for each 50,000 sq. ft. in excess of 50,000 sq. ft.



## ARTICLE 7: SITE PLAN REVIEW

### Section 7.00 INTENT

Site plan review provides the Village with an opportunity to review the proposed use of a site in relation to all applicable provisions of the Zoning Ordinance and accepted planning practices. Site plan review also provides the Village with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare of the Village.

### Section 7.01 PLANNING STANDARDS

In reviewing all applications for site plan approval, the Planning Commission shall consider the plan in relation to the following standards:

1. Vehicular Access and Circulation. The location and design of driveways, access aisles, parking spaces and sidewalks shall comply with the following:
  - a. Circulation patterns will minimize conflicts between vehicles and between vehicles and pedestrians
  - b. Parking space, loading/unloading spaces and access aisles shall comply with the minimum requirements of Article 6 of this ordinance.
  - c. Driveways shall be no wider than necessary to provide up to 2 exit and 1 entrance lane
  - d. Access shall comply with requirements of the Fire and Police Departments as well as any requirements of the Michigan Department of Transportation
  - e. Access management shall be addressed by limiting the number of curb-cuts to the minimum necessary and to provide parallel access drives in the C-2 district where appropriate.
  - f. The parking, aisles and driveways shall comply with the requirements in the Village of Almont Design Standards
  
2. Relationship to Natural Features. All buildings, driveways, parking lots and site improvements shall be designed to be compatible with the physical characteristics of the site, including, but not limited to, woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development shall not adversely impact the natural environment of the site or the surrounding area and shall comply with requirements in Section 4.05 regarding protection of woodlands.

3. Groundwater Protection. Sites involving the storage or use of hazardous materials shall provide protection from leaks and spills through the use of secondary containment and restrictions on the location of catch basins and floor drains
4. Infrastructure. The Planning Commission shall consider the Village Engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater drainage and retention or detention. All improvements shall comply with the standards in the Village of Almont Design Standards
5. Other Zoning Ordinance Requirements. The site plan shall comply with the requirements of this ordinance including:
  - a. District regulations
  - b. Design requirements for specific uses
  - c. Outdoor storage and display requirements
  - d. Exterior lighting
  - e. Landscaping
  - f. Parking
6. Other Requirements. The site plan shall comply with relevant village, county, state or federal ordinances

#### Section 7.02 SUBMISSION REQUIREMENTS

1. A site plan shall be submitted for review and approval by the Planning Commission whenever one or more of the following conditions apply:
  - a. Whenever a building permit is required for the erection of a new building of 1,000 sq. ft. or more or the addition to an existing building of 1,000 sq. ft. or more, or 10% of the original building size over a twelve month period, whichever is less. Site plans are not required for construction of a single-family home, a two-family structure, farm buildings or accessory structure to these uses or additions to these structures.
  - b. For the construction, use or establishment of a parking or storage area or expansion of existing parking lots of 1,000 sq. ft. or more 10% over 12 months whichever is less.
  - c. For all special land uses.
  - d. For any substantial change in use or class of use when referred by the Zoning Administrator. Substantial change in use is defined as change from one use or category as listed in this Ordinance to a separately listed use or category. The Planning Commission, by a 2/3rd vote, can delegate the responsibility for reviewing substantial changes in uses via the zoning permit process to the Zoning Administrator. The

Commission, by a vote of a simple majority, can reclaim the responsibility of reviewing substantial changes in uses via a required site plan.

- e. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations or similar facilities.
2. A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement and all unplanned areas also included. All site plans submitted for consideration shall include the following information:
- a. General Site Data
    - (1) The site plan shall be prepared by and carry the seal of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it, and shall consist of one or more sheets necessary to adequately provide the required data.
    - (2) The location and dimensions of existing and proposed structures and improvements including their actual setback from the lot lines and other buildings as well as the required setbacks (to verify compliance with setback requirements)
    - (3) Scale and Northpoint should customarily be provided at 1" = 20' or 1" = 30'. For large-scale development, 1" = 50' or 1" = 100' may be acceptable, provided all important typical areas and Ordinance requirements are thoroughly detailed in typical form and presented at the customary scale to ensure the plans are legible).
    - (4) Complete legal description (to verify the parcel that is the subject of the request).
    - (5) Size of the site expressed in acres (to verify compliance with minimum lot size and maximum lot coverage requirements).
    - (6) Location map (4 inches = 1 mile) (to help clarify the project location).
    - (7) Zoning of site and all surrounding property (to help determine applicability of any buffering or additional setback requirements due to adjacent zoning).
    - (8) Proposed address, if available (to help to accurately refer to the site).
    - (9) Existing improvements within two hundred (200) feet of all property lines (to identify any potential conflict with adjacent uses or buildings).

(10) Topography at two (2) foot contours (existing and proposed) (to determine adequacy of storm drainage plan, impact on adjacent property and standards in the Village of Almont Design Standards).

(11) Benchmarks.

b. Building Plans

(1) All architectural building elevations (front, sides and rear) (to verify compliance with maximum height requirements and any applicable architectural standards).

(2) Type of surface material and design of all exterior surfaces (to verify compliance with any applicable architectural standards).

(3) Dimensioned floor plans (to determine parking requirements when based on square footage of useable floor area).

(4) Decks or patios or both (to verify compliance with setbacks or restrictions on outdoor uses).

c. Access, Parking and Circulation

(1) Existing and proposed rights-of-way for all abutting roads (to verify compliance with access requirements).

(2) Location and dimensions of all driveways, access aisles and street approaches (to verify compliance with parking and access requirements and standards in the Village of Almont Design Standards).

(3) Parking spaces (location, number, dimensions and surface material) along with a table identifying the number of parking spaces required under the ordinance and the number provided (to verify compliance with parking and access requirements standards in the Village of Almont Design Standards).

(4) Site circulation pattern (to verify compliance with site plan standards regarding site circulation safety).

(5) Identification of all fire lanes (to permit review by fire chief).

(6) Sidewalks, interior walks and their connection (to verify compliance with site plan standards regarding pedestrian circulation).

(7) Carport locations and details (including architectural elevations) (to verify compliance with setback requirements and applicable architectural standards).

d. Environmental Features

- (1) Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted before occupancy. The outline of wooded areas may be shown as such, but any trees over 8 inch caliper is to be identified and if they are to be removed, it is to be noted (to verify compliance with the woodland preservation provisions).
- (2) A detailed landscape plan for all yard areas shall be submitted to the Planning Commission showing the names (common and botanical), location, spacing, starting size and planting and staking details of all plantings to be installed, and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscape yards including those expanded beyond the minimum setback requirements of this Ordinance. This landscape plan shall be reviewed and approved by the Planning Commission to verify compliance with the landscaping provisions).
- (3) A preservation plan with specifications describing removal of all trees, individually or as groupings, that are eight (8") inches or more in diameter, as measured four feet (4') above the ground, as well as shrubbed areas. The plan shall also describe the method to be employed for protection of trees and shrubbed areas designated to remain during construction. The plan and specifications shall include grade changes or other work adjacent to the remaining trees and shrubbed areas which might produce an adverse effect such as, but not limited to, surface drainage, aeration and piling of excavated soil.
- (4) Greenbelts, walls and/or berm details. In those instances where a berm is included as part of a greenbelt, a detailed drawing and cross-section of the proposed berm shall be provided as part of the landscape plan. (to verify compliance with the landscaping provisions).
- (5) Site irrigation (sprinklers) (to verify compliance with the landscaping provisions).
- (6) Treatment of all undeveloped areas (to verify compliance with the landscaping provisions).
- (7) Trash receptacles and method of screening (to verify compliance with the dumpster screening provisions).

(8) All exterior lighting shall be clearly shown on a site plan with appropriate symbols and labeling. Lighting intensity and shielding details along with fixture height and type shall be noted for all exterior lighting. (to verify compliance with the lighting provisions in Section 4.04 and the Village of Almont Design Standards).

(9) Sign location (to verify compliance with the sign provisions).

e. Other Information

(1) Location of all site utilities (to verify compliance with the requirement for adequate provision of utilities standards and the Village of Almont Design Standards).

(2) Site drainage characteristics and improvements (to verify compliance with site plan standards regarding adequate drainage standards and the Village of Almont Design Standards).

(3) Park or recreation areas to verify compliance with site plan standards regarding open space).

(4) Fences (location and details) (to verify compliance with the fencing requirements).

(5) Areas to be used for outdoor storage or display to verify compliance requirements for screening outdoor storage and restrictions on location of outdoor storage and display).

(6) Statistical data shall be furnished, including: number of dwelling units; size of dwelling units (i.e. 1-bedroom, 2-bedrooms, 3-bedrooms), if any; and the total gross acreage involved. (In the case of mobile home parks, the size and location of each mobile home site shall be shown) (to verify compliance with site plan standards regarding addressing off-site impacts).

(7) Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions and other data of all such equipment or machinery or both shall be indicated to verify compliance with site plan standards regarding addressing off-site impacts).

f. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Commission's minutes, together with the unique circumstances and reasons for such waiver.

- g. The Planning Commission has the authority to require additional information not listed here if they determine it is necessary to verify compliance with the requirements of this Ordinance.

### Section 7.03 REVIEW PROCEDURES

1. Submission. The proposed site plan shall be submitted to the Zoning Administrator, or other designated representative, who shall check the submission data and transmit it to the following departments, agencies and consultants:
  - a. Michigan Department of Transportation (for sites located along M-53/Van Dyke)
  - b. Fire Department
  - c. Building Department
  - d. Assessor's Office (Check legal description)
  - e. Village Engineer (as needed)
  - f. Village Planner (as needed)
  - g. Planning Commissioners (one for each)
  - h. Planning Commission File
  - i. Almont School District

Each department, agency or professional shall acknowledge the date of its receipt of the site plan for its inspection and comments. The Zoning Administrator shall next submit the site plan with the available written comments from the various agencies and departments to the Planning Commission for review at the meeting at which the site plan is placed on the agenda.

2. Planning Commission Review. The site plan shall be reviewed by the Planning Commission with reference to the specific requirements of the Ordinance, including those items listed above and other factors to be considered by the Village in planning and establishing zoning districts as authorized under this Ordinance. The Commission shall also require review and comment from the Village Planner, Village Engineer and Village Attorney, where appropriate. Approval of the site plan (as submitted, or with additions, corrections, or alterations) by the Planning Commission shall satisfy the requirements of this Zoning Ordinance for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other Village ordinances. The Planning Commission may impose conditions on the approval necessary to ensure compliance with the Zoning Ordinance requirements. If it imposes time limits on compliance with these conditions, the Planning Commission shall also have the authority to modify or extend those time limits.
3. Approval Period. A site plan approval shall be valid for one (1) year from the date of approval. If physical improvement of the site is not in actual progress at the end of a year and diligently pursued to completion, the approval shall be null and void unless renewed or extended by specific Planning Commission action. If approval is not extended before

expiration of the one-year period, then a new application and a new approval shall be required before a building permit may be issued.

4. Performance Bonds. Where the Planning Commission finds it is appropriate, for reasons stated in writing, to the satisfactory completion of the site development in accordance with the site plan, the Commission may require a cash deposit or irrevocable bank letter of credit acceptable to the Village, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the Clerk of the Village to ensure faithful completion of the improvements. In no case shall the bond be for less than \$1,000. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project, and any cash deposits shall be rebated in reasonable proportion to the ratio of work completed on the required improvements as work progresses.
5. Appeals. An applicant for a site plan approval may appeal the decision or absence of a decision of the Planning Commission to the Village Zoning Board of Appeals under Article 19 of this Ordinance.

#### Section 7.04 CONDOMINIUM APPROVAL

##### 1. Intent

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

##### 2. Site Condominiums and Conventional Condominiums

For the purpose of this ordinance projects developed under the Condominium act are defined as either a conventional condominium or a site condominium. In conventional condominium development, the condominium unit is enclosed air space, such as condominium apartments. In a site condominium the condominium unit is a piece of land that is sold as a building site just as lots in a subdivision are sold. These differences are reflected in the manner that the lot size and setback requirements are applied to each type of development.

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

- b. Setbacks. In conventional condominium development, the buildings must be setback from the site's boundaries as required in the zoning district the parcel is located in. For site condominium developments, the setbacks shall be from the outer edge of the "lot" consisting of condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located. The site condominium unit shall be within the building envelope allowed based on those setbacks. (See Figure 7-1 and 7-2).

Figure 7-1

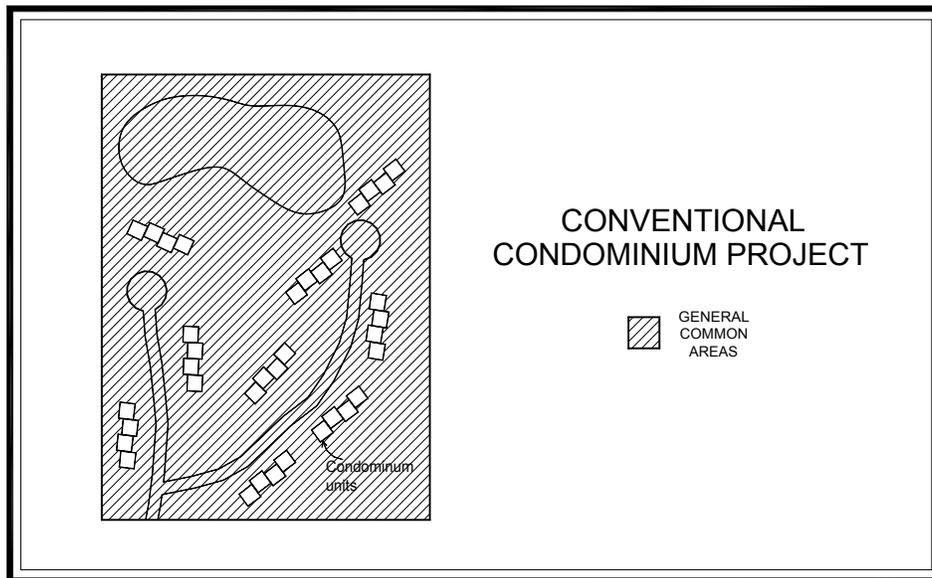
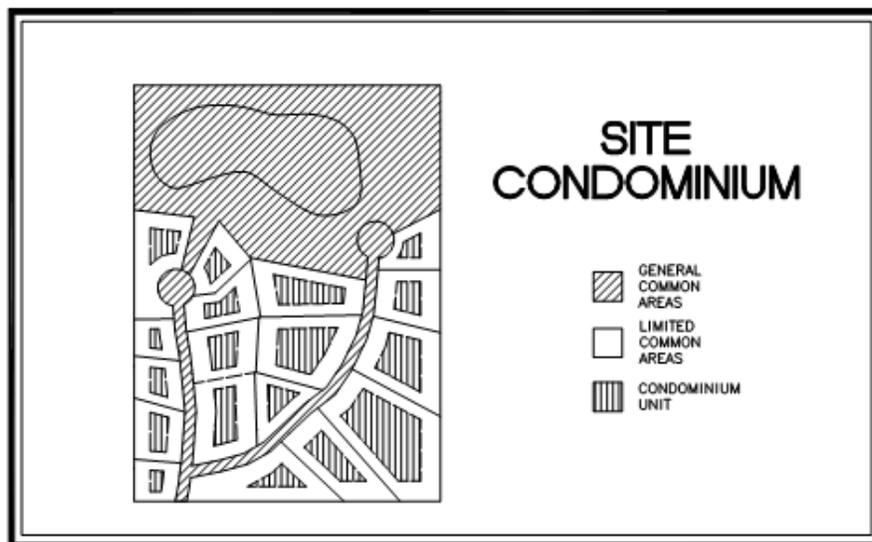


Figure 7-2



## 2. Review

Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium subdivision plans shall require approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:

- a. Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Village Ordinance. Plans submitted for preliminary review shall include information specified in items a. through d. of the Submission Requirements in Subsection 2 below.
- b. Final Plan Review. Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by items a. through h. of the Submission Requirements. Such plans shall have been submitted for review and comment to all applicable County and State agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.

## 3. Submission Requirements

All condominium subdivision plans shall be submitted for review as required by Section 7.02 of this Ordinance and Section 66 of the Condominium Act, and include the following information in addition to the requirements for a site plan:

- a. A survey of the condominium subdivision site.
- b. The location, size, shape, area and width of all condominium units and common areas, and the location of all proposed streets.
- c. A typical lot development plan, including building floor plans, elevations, landscape plan, well and septic field locations, and all yard setbacks.
- d. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.

#### 4. District Requirements

The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided pursuant to the Land Division Act, P.A. 228 of 1967, as amended.

#### 5. Design Standards

- a. Condominium subdivisions shall conform to the standards of the Almont Village Subdivision Ordinance. All roads and other infrastructure in site condominiums shall be public and comply with all applicable standards, as specified by the standards in the Village of Almont Design Standards. In those locations where the Planning Commission determines that public roads are not necessary, private roads may be permitted. All private roads shall conform to the requirements of the standards in the Village of Almont Design Standards.
- b. The condominium subdivision plan shall include all necessary easements granted to the Village of Almont for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations or a similar character for the purpose of providing public utilities, including the conveyance of sewage, water and stormwater run-off across, through and under the property subject to the easement, and excavating and refilling ditches and trenches necessary for the location of the structures.

#### 6. Final Acceptance

The Village shall also require all appropriate inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site shall be submitted to the Village for review by the Village Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until the as-built mylar has been reviewed and accepted by the Village.

### Section 7.05 ARCHITECTURAL STANDARDS

#### 1. Intent

The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review within the C-1 zoning district to ensure that certain design and appearance standards are maintained. Therefore any development within the C-1 district requiring site plan approval shall be required to comply with the requirements of this section.

2. Building Form. Building mass, height, bulk and width-to-height ratio must be similar in scale and in proportion to buildings within five hundred (500) feet for buildings in the C-1 zoning district.
  - a. Walls and Facades.
    - (1) All buildings shall be built within 5 feet of the front lot line and shall be built along the full width of the lot permitted under the ordinance unless otherwise permitted by the Planning Commission to address unique design considerations. Required side and rear yard setbacks will comply with the requirements of Section 9.09.
    - (2) Buildings exceeding the traditional width of 20 to 50 feet shall incorporate design features to ensure compatibility through changes in facade materials, window design, facade height or decorative details intended to add interest to the facade or the use of structural bays to break down the mass of the building horizontally and vertically into a hierarchy of volumes.
    - (3) Certain building elements which are non-functional or non-structural and typically take the form of a tower or similar monolithic element of greater height than the principal building elements whose only purpose is to attract attention are prohibited. This prohibition shall not apply to church steeples or similar building elements of a church or other house of worship.
  - b. Building Height. New buildings must contain a second story if an adjacent building is built to the front property line and contains a second story
  - c. Windows.
    - (1) Window shapes shall be rectangular, square, arched, or palladian (mostly rectangular with semi-circular top). Circular, octagonal, or diamond shaped windows are not permitted other than for stairwell areas, storage rooms or restrooms, and/or decorative gable windows. Horizontal windows are permitted with a recommended width-to-height ratio of between one (1) to one (1) and four (4) to one (1). Vertical windows are permitted with a maximum width-to-height ratio of one (1) to two (2).
    - (2) Windows shall be recessed and include visually obvious sills. Spaces between windows shall be formed by columns, mullions, or material found elsewhere on the façade. Clear window glass is required unless approved by the planning commission.
    - (3) The first floor of front facades of non-residential buildings shall include at least thirty percent (30%) windows, and remaining floors of front facades shall include at least twenty percent (20%) windows. Second floor windows may be spandrel glass depending on the use and/or function of the area upon approval by the Planning

Commission.

d. Rooflines.

- (1) Flat roofs should be used in the CBD. Gable roofs are permitted but not recommended. Mansard, mock mansard, or barrel roofs are not permitted. Note: some roof designs may be allowed with the use of a parapet to screen the non-permitted roof upon approval by the Planning Commission.
- (2) Roof top mechanical equipment must be screened by the roof form.
- (3) All non-residential buildings must have interior downspout and gutter systems; exterior downspouts and gutters are not permitted for non-residential buildings, except for those originally constructed for single-family residential purposes.
- (4) Elements such as decorative light fixtures and door or window canopies are also recommended. Canopies and awnings must be in good repair and be fully extended and operational at all times except during severe weather. Canopies should be of metal or canvas; vinyl canopies are not recommended.
- (5) Parapet height shall not be over twenty-four (24) inches higher than adjacent buildings. Parapets may be used to enhance the architectural features of the building while hiding or screening undesirable roof structures and/or mechanical roof top units. It is recommended parapets consist of materials found elsewhere on the façade of the building but accent materials are allowed upon permission from the Planning Commission.

- e. Entrances. Main entrances shall be provided along the street frontage and will be emphasized with larger doors and framing devices such as deep overhangs, recesses, peaked roof forms, porches, or arches. Secondary rear and side accessory entrances are encouraged where possible but should be clearly identified as secondary by their size and design.

3. Building Materials

Building materials must be consistent with the surrounding neighborhood character, as determined by the Planning Commission. Building materials on the front facade or any facade visible from a public right-of-way must be primarily of natural materials conveying permanence, as determined by the Planning Commission. Each front facade, any facade visible from a public right-of-way, and any facade with a dedicated public entrance into the building should contain at least sixty percent (60%) of the recommended materials listed below, excluding window areas.

- a. Recommended Materials. Brick masonry; clear and reflective glass; stone; concrete slab

(poured-in-place, tilt-up construction).

- b. Acceptable Materials. Split face, scored, or ground face block; tile, cement board, beveled wood siding (lap, board and batter, shake).
  - c. Discouraged Materials. Smooth face block; vinyl siding; metal siding (standing seam panels, aluminum siding); T-111 and other wood panel siding. A log stacked wall making up a vertical face of a building, also known as a “log cabin look” is not permitted.
  - d. The use of Exterior insulation finish systems (EIFS) or other synthetic materials may be approved by the Planning Commission for decorative or accent features. Such materials may be used as primary facade material provided it is installed at a height of ten (10) feet or greater above grade and provided that it constitutes not more than 20% of the total facade area, excluding window areas. Whenever EIFS is used on the first floor (below ten (10) feet), it can only be used as a decorative or accent feature and it shall incorporate high impact reinforcing mesh. EIFS shall not come within eight (8) inches of exterior grade, sidewalks, parking lots, and/or driveways. Note: the use of EIFS or other synthetic materials is discouraged within the C-1 district but not prohibited.
  - e. Highly reflective materials should not be used except for decorative or accent features only. Size and area of such materials should be noted and samples submitted for review by the Planning Commission for approval.
4. Colors.

The following natural colors shall be used for the main portions of building facades and roof forms; neutral earth tones (sand to brown); shades of gray; traditional colors (e.g., brick red, forest green, navy blue); light, subdued hues (e.g., salmon); or white. Contrasting, accent colors which are compatible with the primary colors listed above are encouraged for trim, accent, and other decorative architectural features. The use of bright or fluorescent colors (e.g., purple, orange, pink, lime, yellow) is prohibited unless allowed by the planning commission. Colors should be natural to the material or pigmented, and not painted on the material whenever possible. Color of exterior building materials (excluding accent colors) shall be limited to no more than four major colors per development. All exterior colors and material samples shall be submitted or presented to the Planning Commission at the time of Site Plan approval.

## ARTICLE 8: SPECIAL LAND USE

### Section 8.00 APPLICATION

An application for special land use approval shall be filed with the Zoning Administrator by the owner of the property on which the use is to be located, or by a legally appointed representative of such owner, accompanied by the necessary fees and documents, as required by this Ordinance. All applications for special land use shall contain the signature of the property owner and include a site plan and supporting documents as prescribed under Article 7 and any other documents required under the provisions of this Ordinance.

### Section 8.01 PUBLIC HEARING

Requests for special land use may be heard and decided at any regular or special meeting of the Planning Commission; provided the petitioner has presented all required information and the public hearing has been held. Notice of public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Village. A notice shall also be published once in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done not less than: fifteen (15) days before the hearing. The Village shall also give notice at least fifteen (15) days before the public hearing to the Almont Township Planning Commission of any proposed special land use request within three hundred feet (300') of the Township/Village boundary.

### Section 8.02 REVIEW STANDARDS

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

1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity.

2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relations to routes of traffic flow, proximity and relationship to intersections, and adequacy of sight distances,
3. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Village.
4. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within the zoning district, and shall be in harmony with the general purpose and intent of the Zoning Ordinance.

#### Section 8.03 DECISION

1. Approval. If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Village not later than one (1) year thereafter, or such approval shall automatically be revoked.
2. Denial. If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, and welfare or orderly development of the Village, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial in its minutes.
3. Record. The Planning Commission may deny, approve, or approve with conditions any request for a special land use. A request for a special land use shall be approved if the request is in compliance with the standards stated in the Zoning Ordinance. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed.

#### Section 8.04 CONDITIONS

The Planning Commission may impose such conditions or limitations in granting approval, as may be permitted by State Law and this Ordinance, which it considers necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do the following:

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

In determining appropriate conditions, the planning commission shall ensure that:

1. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated; and
2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

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



## ARTICLE 9: ZONING DISTRICTS

### Section 9.00 ZONING MAP

1. The Zoning Map of the Village of Almont, which together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
2. Regardless of the existence of purported copies of the Zoning Map which may from time-to-time be made or published, the Zoning Map, which shall be located in the Office of the Village Clerk, shall be the final authority as to the current status of zoning in the Village of Almont.
3. If the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Village Council may, by resolution adopt a new Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but in no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.
4. Unless the prior Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

### Section 9.01 ZONING DISTRICTS

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

R-1	Single-Family Residential
MHP	Mobile Home Park Residential
RM	Multiple-Family Residential
O-1	Professional Office District
C-1	Central Business
C-2	General Commercial
I	Industrial
P-1	Parking District

### Section 9.02 DISTRICT BOUNDARIES

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

1. Unless shown otherwise, the boundaries of the districts are lot lines; the centerlines of the streets, alleys, roads or such lines extended; railroad right-of-way lines; and the Village of Almont limits. Dimensions shown are to the center of the adjacent road or street.
2. Sites in two or more zoning districts. In all cases where a zoning district boundary line divides a lot which was in single ownership and of record at the time of enactment of this Ordinance and the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot, if the more restricted portion of such lot is entirely within fifty (50) feet of the dividing district boundary line. Any use so extended shall be considered to be conforming.
3. Where, due to the scale, lack of detail or illegibility of the Zoning Map for this Ordinance, there is any uncertainty or contradiction as to the location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application or upon its own motion, by the Board of Appeals. The Board of Appeals, in arriving at a decision on these matters, shall apply the following standards:
  - a. The district boundaries, as set forth in this Section, shall first be considered with reference to the standards city in Section 9.02.1 above.
  - b. Where a district boundary divides a site, the location of any such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the map scale shown thereon.
  - c. If, after the application of the foregoing standards, uncertainty, contradiction or dispute remains as to the exact location of a district boundary, the Board of Appeals shall determine and fix the location of the boundary line as all of the facts and circumstances shall reasonably require.

### Section 9.03 DISTRICT REGULATIONS

1. No structure of land shall be used, occupied, erected, constructed, moved or altered, except in conformity with the regulations specified for that zoning district. Unless a use is permitted in a particular zoning district, it shall be prohibited in that zoning district.

Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are hereby established as stated in the detailed provisions for each of the zoning districts. In each zoning district, a “Permitted Use” shall be a use of land of buildings subject to the minimum requirements specified for such use in the zoning district in which such use is located, plus applicable requirements found elsewhere in this Ordinance. A special land use shall be a use of land or buildings which may be permitted in that district only after following special procedures designed to ensure site and use compatibility with existing or proposed surrounding land uses. In evaluating and deciding each application for such permission, the Planning Commission shall apply the standards contained in Section 8.02 of this Ordinance and any special conditions imposed for that use.

**Section 9.04 ZONING OF VACATED AREAS**

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

**Section 9.05 ZONING OF ANNEXED AREAS**

Whenever any area is annexed to the Village of Almont, it shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed before annexation, such classification to be recommended by the Planning Commission to the Village Council. The Village Council shall approve the same by Ordinance Amendment.

**Section 9.06 TABLE OF PURPOSES**

<b>DISTRICT</b>	<b>PURPOSE STATEMENT</b>
R-1 - Single Family District	The R-1 Single Family District is designed to be the Village’s most restrictive residential zoning district. The specific intent of the district is to encourage the construction and continued use of single-family dwellings and to prohibit the use of land which would substantially interfere with this objective, and to discourage any land use which, because of its size or character, would create requirements and costs for public services substantially in excess of those at specified densities, and to discourage any land use which would generate excess traffic on local streets.

<b>DISTRICT</b>	<b>PURPOSE STATEMENT</b>
<b>MHP - Mobile Home Park District</b>	<p>This district is designed to permit the development of residential neighborhoods in planned mobile home park settings. The regulations contained herein recognize the unique physical characteristics of mobile home park communities and the regulation of these developments by the State of Michigan.</p> <p>Unlike the typical single-family subdivision in which the individual lot provides the open space and amenities necessary for family living, mobile home parks more closely resemble multiple-family development. Mobile home parks are constructed, managed and regulated by the developer. Streets, utilities, recreation areas and amenities are also similarly under the control of the developer. As a result of these similarities, mobile home parks should be designed to provide adequate space and land use separation consistent with their land use intensity relative to the Village's other residential zoning districts. The rules and regulations, as promulgated by the State of Michigan Mobile Home Commission, shall be applicable to the development of mobile home parks in Almont Village, except as modified by the following provisions included in the Ordinance with the approval of the Mobile Home Commission.</p>
<b>RM – Multiple Family Residential District</b>	<p>The RM Multiple-Family Residential District is intended to permit a more intensive residential use of land permitting various types of attached residential units, including garden apartments, townhouses and multiplexes. This District should be located near major thoroughfares for good accessibility and may serve as a transition between non-residential uses and single-family districts. Various sizes of residential accommodations for ownership or rental would be provided to meet the needs of different age and family groups residing or expected to reside in the community.</p>
<b>O-1 - Professional Office District</b>	<p>The O-1 Professional Office District is designed to provide a suitable environment for various types of office uses performing administrative, professional and related service occupations. This district is also intended to provide a transition or buffer between more intense uses and/or major thoroughfares or both and abutting single-family residential neighborhoods. It is further intended that all activities in this District shall be conducted entirely within wholly enclosed buildings, except for parking and dumpsters.</p>
<b>C-1 - Central Business District</b>	<p>The C-1 Central Business District is intended to encourage the development of mutually supporting retail, service, public and limited residential development serving Village residents and a trade area extending beyond the Village limits.</p> <p>The requirements of this district are designed to encourage a compact, consolidated development pattern with a continuous retail frontage, convenient pedestrian circulation, and an improved visual character.</p>
<b>C-2 - General Commercial District</b>	<p>The C-2 General Commercial District is intended to provide opportunities for retail and service businesses that require more land area than can be practically accommodated within the Central Business District and which function independently from one another. This district also allows a wider range of commercial uses, including those which generate more traffic and require more off-street parking and loading/unloading areas.</p>
<b>I - Industrial District</b>	<p>The Industrial District is designed to primarily accommodate wholesale activities, warehouses, and industrial operations, all conducted wholly within a building and whose external, physical effects are restricted to the area of the District, and in no matter affect, in a detrimental way, any of the surrounding districts. The processing of raw material for shipment in bulk form for use in an industrial operation at another location shall not be permitted in this district.</p>
<b>P-1 – Parking District</b>	<p>This district is intended to accommodate the development of off-street parking lots serving nearby uses that are unable to provide adequate parking on-site. This district is designed principally to serve uses located within the C-1 Central Business District. This district may also be applied to sites where building construction is not expected to occur. The P-1 District may also assist in establishing a transition between business and residential zones.</p>

Section 9.07 TABLE OF USES

TABLE OF USES								
	R-1	MHP	RM	O-1	C-1	C-2	I	P-1
<b>Residential Uses</b>								
Adult Foster Care Family Homes	P	P	P					
Adult Foster Care Large Group Homes (13-20)			P					
Adult Foster Care Small Group Homes (1-6)	P	P	P					
Adult Foster Care Small Group Home (7-12)	SLU		P					
Bed and Breakfast establishments	SLU	P	SLU					
Family day care for six (6) children or less	P	P	P		SLU			
Foster Family Homes	P	P	P					
Foster Family Group Homes	P	P	P					
Group Day Care Home (7-12 children)	SLU	SLU	SLU					
Home occupations	P	P	P					
Home Occupations – Intensive	SLU	SLU	SLU					
Mobile Home Parks		P						
Multiple-family dwellings		P	P					
Residential apartments			P		SLU	SLU		
Senior Care Facilities	SLU		P					
Single-family detached dwellings	P	P	P					
Two-family dwelling units	SLU		P					
<b>Institutional Uses</b>								
Churches, synagogues, mosques and other places of group worship	SLU	P	SLU	SLU	P	P	P	P
Hospital						SLU		
Municipal service buildings	P			P	P	P	P	P
Nursing Homes and similar continuous care residential facilities		P	SLU					
Private and Community Service Clubs or Lodges	SLU	P	SLU	SLU	P	P	P	P
private schools and related educational facilities	P	P	P	P	P	P		
Public facilities of other governments/units	SLU							
Publicly-owned parks and recreational facilities	P	P	P	P	P	P	P	P
Public and private utility buildings and facilities serving the immediate vicinity	SLU							

TABLE OF USES								
	R-1	MHP	RM	O-1	C-1	C-2	I	P-1
Public and private utility buildings and primarily providing service outside the immediate area							SLU	
<b>Commercial</b>								
Adult Retail Establishment						SLU		
Automobile car-washing establishments						P		
Automobile gas stations						P		
Automobile repair and service centers						SLU		
Automobile heavy repair garages							P	
Businesses with outdoor storage						SLU	P	P
Cabinet and home remodeling showrooms and workshop						SLU	P	
Child Care Centers		P	SLU	SLU	P	P		
Commercial Schools				SLU	SLU	SLU		
Catering establishments and banquet halls						P		
Contractor Offices with garages for maintenance and the storage of equipment							P	
Drive-through establishments				SLU	SLU	SLU		
Eating or drinking establishments				P	P	P		
Financial Institutions				P	P	P		
Funeral homes and mortuary establishments					P	P		
Furniture and Appliance Sales					P	P		
Hotels and Motels						P		
Indoor recreation facilities						P		
Kennels						P	P	
Laundry and dry cleaning customer outlets, coin operated laundromats and self-service dry-cleaning centers					P	P		
Lumber yards and building material supply establishments						SLU	P	
Medical and Dental Offices and Clinics,				P	P	P		
Offices				P	P	P	P	
Open air businesses						SLU		
Outdoor recreational facilities	SLU					SLU		

TABLE OF USES								
	R-1	MHP	RM	O-1	C-1	C-2	I	P-1
Outdoor vehicle sales and display areas						SLU	SLU	
Personal service establishments				P	P	P		
Retail establishments					P	P		
Stadiums and sports arenas	SLU					SLU		
Studios for music, dance or theatrical instruction.					P	P		
Veterinary Clinics				P	P	P		
Veterinary Clinics w/ Kennels						SLU	P	
<b>Industrial</b>								
The compounding, processing, packaging, or treatment of such products							P	
Household recycling facilities							SLU	
Junk Yards							SLU	
Laboratories							P	
Manufacture and repair of electric or neon signs; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like							P	
The manufacture, compounding assembling, or improvement of articles or merchandise from the following previously prepared materials							P	
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products							P	
The manufacture of pottery and figurines, or other similar ceramic products							P	
Manufacture or assembly of electrical appliances; electronic instruments and devices, radios and phonographs (excluding large stampings)							P	
Printing, publishing and photographic processing or allied products - Heavy							P	
Printing, publishing and photographic processing or allied products - Light					P	P		

TABLE OF USES								
	R-1	MHP	RM	O-1	C-1	C-2	I	P-1
Self-Service Storage Facility						SLU	P	
Trucking facilities							SLU	
Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use), and mini-warehouses							P	
<b>Other Uses</b>								
Accessory buildings and uses	P	P	P	P	P	P	P	P
Communication Antennae	SLU	SLU	SLU	SLU	SLU	P	P	SLU
Communication Towers						SLU	SLU	
Off-street vehicular surface parking lots								P
Other similar uses, as determined by the Planning Commission	P/SLU							
Outdoor Sales					P	P		
Temporary structures, signs and uses	P	P	P	P	P	P	P	P

Section 9.08 TABLE OF DEFINITIONS/PARKING/DESIGN STANDARDS

USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Residential Uses</b>			
Adult Foster Care Family Homes	A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. (Act 218 of 1979)	Two parking spaces	Required permit from the Department of Human Services Bureau of Children and Adult Licensing.
Adult Foster Care Large Group Homes (13-20)	An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.(Act 218 of 1979)	One parking space per staff of the largest shift plus one per four beds of the licensed capacity	Required permit from the Department of Human Services Bureau of Children and Adult Licensing.
Adult Foster Care Small Group Homes (1-6)	An adult foster care facility with the approved capacity to receive 6 or fewer adults to be provided with foster care. (Act 218 of 1979)	Two parking spaces	Required permit from the Department of Human Services Bureau of Children and Adult Licensing.
Adult Foster Care Small Group Homes (7-12)	An adult foster care facility with the approved capacity to receive at least 7 bit no more than 12 adults to be provided with foster care. (Act 218 of 1979)	One parking space per staff of the largest shift plus one per four beds of the licensed capacity	Required permit from the Department of Human Services Bureau of Children and Adult Licensing.
Bed and Breakfast establishments	A transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.	2 parking spaces for the single-family structure, as well as one (1) parking space per double-occupied room.	<ul style="list-style-type: none"> <li>a. Not more than twenty-five (25%) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping room.</li> <li>b. The rooms utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes.</li> <li>c. There shall be no separate cooking facilities used for the bed and breakfast stay.</li> <li>d. The residence is owner-occupied at all times.</li> <li>f. No retail or other sales shall be permitted.</li> <li>i. Food may be served only to those persons renting a room.</li> <li>j. Adequate lavatory and bathing facilities for lodging room shall be provided as per the requirements of the Lapeer County Health Department or other appropriate regulatory agency</li> </ul>

USE	DEFINITION	PARKING	DESIGN STANDARD
Family day care for six (6) children or less	A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. (Act 116 of 1973)	Two parking spaces	Required permit from the Department of Human Services Bureau of Children and Adult Licensing.
Foster Family Homes	A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. (Act 116 of 1973)	Two parking spaces	Required permit from the Department of Human Services Bureau of Children and Adult Licensing.

USE	DEFINITION	PARKING	DESIGN STANDARD
Foster Family Group Homes	A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. (Act 116 of 1973)	Two parking spaces	Required permit from the Department of Human Services Bureau of Children and Adult Licensing.

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USE	DEFINITION	PARKING	DESIGN STANDARD
<p>Group Day Care Home (7-12 children)</p>	<p>A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. (Act 116 of 1973).</p>	<p>Two parking spaces plus one space per employee</p>	<p>a. The proposed use shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:</p> <ul style="list-style-type: none"> <li>(1) Another licensed group day-care home.</li> <li>(2) Another adult foster care small group home or large group home, licensed by the State of Michigan.</li> <li>(3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not it is licensed by the State of Michigan.</li> <li>(4) A community correction center, resident home, halfway house or other similar facility which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority.</li> </ul> <p>c. No off-street parking shall be permitted in the required front yard space.</p> <p>d. Fencing or screening shall be required next to residential uses or districts in accordance with Section 5.01 and enclose all outdoor play areas.</p> <p>e. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling, nor the location of any equipment in the front yard.</p> <p>g. The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within ten (10) days of the issuance of the Certificate of Occupancy.</p> <p>h. The site shall be licensed by the Michigan Department of Social Services.</p>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Home occupations	Any use customarily conducted entirely within the dwelling, (not including breezeway or garage, attached or detached), and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, is not offensive and does not change the character thereof.	Two parking spaces	<ul style="list-style-type: none"> <li>a. No person other than members of the family residing on the premises shall be engaged in such occupation.</li> <li>b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and no more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling.</li> <li>c. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupations, other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling.</li> <li>d. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.</li> <li>e. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area located other than in a required front yard.</li> <li>f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference in violation of Section 3.30 Performance Standards</li> </ul>
Home Occupations - Intensive	An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof. This use is considerably more intense than standard home occupations and consists of activities similar but not limited to the use of heavy machinery.	Two parking spaces plus additional spaces as determined necessary by the Planning Commission at the time of approval of the SLU	<ul style="list-style-type: none"> <li>a) The non-residential use shall only be incidental to the primary residential use.</li> <li>b) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference in violation of Section 3.30 Performance Standards</li> <li>c) The home occupation shall employ no more than one (1) person other than those members of the immediate family residing on the premises.</li> <li>d) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted.</li> <li>e) Any change in the exterior appearance of the building or premises or other visible evidence of the conduct of the home occupation shall be minimal and shall not detract from the residential character of the area.</li> <li>f) No traffic shall be generated by such home occupation in greater volumes than would significantly exceed that normally expected in a residential neighborhood.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Mobile Home Parks	A parcel or tract of land under the control of a person upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park, and licensed pursuant to the provisions of Public Act 96 of 1987.	Per standards of the Michigan Manufactured Housing Commission	Per standards of the Michigan Manufactured Housing Commission
Multiple-family dwellings	A building or portion thereof, used or designed as a residence for three (3) or more families living independently of each other and each doing their own cooking in said building, with the number of families in residence not exceeding the number of dwelling units provided. This definition includes three-family housing and four family houses, and apartment houses.	2 per 1 or 2 bedroom unit, plus .5 per unit for extra bedrooms.	Subject to the following minimum floor area standards: a. One-Bedroom: 600 square feet. b. Two-Bedroom: 800 square feet. c. Three or more bedroom: 800 square feet, plus 200 square feet for each bedroom over two.
Residential apartments	A suite of rooms in a two-family dwelling, duplex, apartment complex, apartment house, or commercial building, in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.	2 per 1 or 2 bedroom unit, plus .5 per unit for extra bedrooms	In the C-1 district no dwelling unit shall be located on the ground floor of any building and is subject to the following minimum floor area standards: a. One-Bedroom: 600 square feet. b. Two-Bedroom: 800 square feet. c. Three or more bedroom: 800 square feet, plus 200 square feet for each bedroom over two.  In the C-2 district the minimum floor areas of each unit conform to applicable building codes and regulations
Senior Care Facilities	A facility that provides primarily nonmedical resident services to elderly individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident's family or persons employed as facility staff, on a 24-hour-a-day basis	.6 per unit plus 1 per employee	
Single-family detached dwellings	A detached building designed or occupied exclusively by one (1) family.	Two parking spaces	See design standards in Article 14

USE	DEFINITION	PARKING	DESIGN STANDARD
Two-family dwelling units	A detached building, designed or occupied by two (2) families living independently of each other, such as a duplex dwelling unit.	Four parking spaces	<ul style="list-style-type: none"> <li>a. A minimum parcel size of twelve thousand (12,000) square feet shall be provided.</li> <li>d. The architectural elevations of the building shall be compatible in appearance to other single-family homes located in the vicinity of the site.</li> </ul>
<b>Institutional Uses</b>			
Churches, synagogues, mosques and other places of group worship	<p>Institutions that primarily provide meeting areas for religious activities for the general public. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on-site as an accessory use.</p> <p>Examples include: Churches, convents, parsonages, and other housing for religious personnel.</p>	<p>One (1) space for each three (3) seats or six (6) feet of pew in the main worship area; plus spaces for any residential uses, as determined in accordance with the parking requirements established for residential uses. Additional spaces for ancillary facilities, such as social halls, schools, etc. may be required by the Planning Commission.</p> <p>Auditoriums incidental to churches One (1) space for each three (3) seats; plus one (1) for each two (2) employees. If no seats, one (1) for each fifty (50) square feet of floor area.</p>	<ul style="list-style-type: none"> <li>a. Buildings of greater height than allowed by Section 10.03.2 may be permitted, provided that front, rear and side yards are increased above the minimum yard requirements by one (1) foot for each foot of building height that exceeds the maximum height allowed.</li> <li>b. Ingress and egress shall be directly to a major or secondary thoroughfare as designated on the Village of Almont Master Plan.</li> <li>c. All buildings shall maintain a minimum side and rear yard setback of at least fifty (50) feet.</li> <li>d. A front yard setback of twenty-five (25) feet shall be provided.</li> <li>e. No parking may be allowed within the required front yard setback.</li> <li>g. Churches may include accessory community centers, provided that such centers are limited to activities sponsored by church members only. Said facilities shall not be used as banquet facilities for the general public.</li> </ul>
Hospital	A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.	2.25 spaces per bed	

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Zoning Districts

USE	DEFINITION	PARKING	DESIGN STANDARD
Municipal service buildings	facilities owned or operated by the Village of Almont to which the public has access such as public parks, schools, school administrative buildings, recreational, cultural, and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and material or the disposal of refuse.	Libraries/Museum s- One (1) space for every three hundred (300) square feet of gross floor space  Municipal Offices- One (1) space for each two hundred (200) square feet of gross floor area.	
Nursing Homes and similar continuous care residential facilities	A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are cared for. Said home shall conform and qualify for license by the Michigan Board of Nursing Home Administrators and State law even though State law has different size regulations.	One (1) space for each two (2) beds; plus one (1) for each staff member.	<ul style="list-style-type: none"> <li>a. One (1) acre of land area shall be provided for each twenty-five (25) beds or dwelling units.</li> <li>b. Ingress and egress shall be directly to a major or secondary road, as designated on the Village of Almont Master Plan.</li> <li>c. All structures shall be located not less than fifty (50) feet from all property lines.</li> </ul>
Private and Community Service Clubs or Lodges	Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.	One (1) space for each three (3) members allowed within the maximum occupancy load, as determined by the Fire Chief or his official designate, plus one (1) per employee.	<ul style="list-style-type: none"> <li>a. Ingress and egress shall be directly to a major or secondary thoroughfare as designated on the Village of Almont Master Plan.</li> <li>c. All activities, other than parking for motor vehicles and loading or unloading, shall be conducted within a completely enclosed building, except for any outdoor activities approved by the Village.</li> <li>d. No building shall be located closer than fifty (50) feet to any property line.</li> </ul>

USE	DEFINITION	PARKING	DESIGN STANDARD
Private schools and related educational facilities	An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities not supported mainly by public funding.	Elementary and Junior High Schools- One (1) space for each employee; plus, one (1) per each class room or teaching station; plus one for each three (3) seats in the auditorium or public assembly area Senior High Schools and Colleges- One (1) space for each employee (including teachers and administrators); plus one (1) for each three (3) students; plus the requirements of the auditorium. Additional spaces for ancillary facilities and activities may be required by the Planning Commission. Auditoriums incidental to schools One (1) space for each three (3) seats; plus one (1) for each two (2) employees. If no seats, one (1) for each fifty (50) square feet of floor area.	Public and charter schools are exempt from local zoning ordinances.
Public facilities of other governments/units	Administrative and cultural buildings, uses, and structures, including buildings, lots, and facilities owned, used, or operated by any governmental agency other than the Village of Almont.	As determined by the Planning Commission during review of the SLU	
Publicly-owned. parks and recreational facilities	A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.	As determined by the Planning Commission during review of the site plan	

Article 9  
Zoning Districts

USE	DEFINITION	PARKING	DESIGN STANDARD
Public and private utility buildings and facilities serving the immediate vicinity	A structure or other facility operated by a municipal department, board, or commission or private entity duly authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, sewer, or similar services and which are required to serve the immediate vicinity.	As determined by the Planning Commission during review of the SLU	<ul style="list-style-type: none"> <li>a. Minimum Site Size: Two (2) acres. This requirement may be reduced to a lesser area by the Planning Commission upon a finding that the intent of this Ordinance is met through isolation or the scale of the site in relation to the proposed improvement.</li> <li>b. Ingress and egress shall be directly to a major or secondary thoroughfare, as designated on the Village of Almont Master Plan.</li> <li>c. All development features shall be enclosed within a building. The Planning Commission may permit substitutions of dense or opaque screening for the building requirement in cases of large site size and/or isolated locations.</li> <li>d. The maximum height of any building or structure shall not exceed twenty-five (25) feet.</li> <li>e. Minimum yard requirements:               <ul style="list-style-type: none"> <li>(1) Front: Fifty (50) feet</li> <li>(2) Side: Thirty (30) feet each side, with one (1) additional foot for each five (5) feet the nonresidential structure exceeds forty (40) feet in length along the adjoining property line.</li> <li>(3) Rear: Fifty (50) feet</li> </ul> </li> <li>f. Maximum lot coverage of all buildings: Ten (10%) percent.</li> </ul>
Public and private utility buildings and primarily providing service outside the immediate area	A structure or other facility operated by a municipal department, board, or commission or private entity duly authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, sewer, or similar services primarily providing service outside the immediate area.	As determined by the Planning Commission during review of the SLU	
Commercial			

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Zoning Districts

USE	DEFINITION	PARKING	DESIGN STANDARD
Adult Retail Establishment	Any retail establishment which, for money or any other form of consideration either: (A) has as one of its principal purposes to sell, exchange, rent, loan, trade, transfer, or provide for viewing, off the premises, any adult oriented merchandise; or (B) provides, as its substantial stock-in-trade, for the sale, exchange, rental, loan, trade, transfer, for viewing or use, off the premises, any adult-oriented merchandise. Adult oriented merchandise is distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."	As determined by the Planning Commission during review of the SLU based on the requirements for similar retail uses.	<ul style="list-style-type: none"> <li>a. Not more than two (2) of the above-named uses are permitted within one thousand (1,000) feet of each other in order to prevent the concentration of these uses in any one area and discourage the development of a skid row area.</li> <li>b. None of the buildings housing any of the above-named uses shall be permitted within two hundred (200) feet of any residentially zoned district.</li> </ul>

USE	DEFINITION	PARKING	DESIGN STANDARD
<p>Automobile car-washing establishments</p>	<p>A building, or portion thereof, the primary purpose of which is that of washing motor vehicles</p>	<p>Auto Wash, hand or coin-operated- Four (4) exterior waiting spaces at entry, plus two (2) exterior drying spaces at exit shall be for each bay; plus one (1) space for each employee</p> <p>Enclosed Self-Service two-door time charge car wash- Where all washing, drying and vacuuming operations are designed to take place within the building, four (4) waiting spaces shall be provided for each bay, plus one (1) space for each employee. A properly drained fifty (50) foot long drying lane shall also be provided at the exit of each washing lane or stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.</p> <p>Auto Wash, high speed commercial- One (1) space for each employee, plus twenty (20) exterior waiting spaces at entry. A properly drained fifty (50) foot long drying lane shall also be provided at the exit of each washing lane or stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.</p>	

USE	DEFINITION	PARKING	DESIGN STANDARD
Automobile gas stations	A building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, and including the convenience retail space	In addition to a service space to be provided at each pump, the following additional requirements shall apply: one (1) space for each one hundred (100) square feet of retail floor area; plus one (1) space for each employee.	
Automobile repair and service centers	<p>A building or structure designed or used for the repair, or servicing of automobiles, but not including bumping, painting, refinishing, engine overhauling, steam cleaning or rust-proofing</p> <p>Examples include quick oil change facilities, muffler/brake replacement facilities and tire repair and replacement facilities.</p>	Quick Oil Changes- Four (4) spaces per bay; plus one (1) space per employee at the peak shift; one (1) space per two hundred (200) square feet of floor area used for retail sales.	<p>a. All repair activities shall be confined to the interior of the building.</p> <p>c. An adequate means of waste disposal shall be provided.</p>
Automobile heavy repair garages	General repair, rebuilding, or reconditioning of engines, motor vehicles, trailers, including body work, frame work, welding, rustproofing and major painting service.	Three (3) spaces for each service bay. No wrecked vehicles may be stored outside.	
Businesses with outdoor storage	A place of business with the keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building	N/A	In compliance with Section 3.19
Cabinet and home remodeling showrooms and workshop	A facility for the display, sales and custom construction of cabinets and other products used in home remodeling	One (1) space per five hundred (500) square feet of display area plus one (1) space per person employed	

Article 9  
Zoning Districts

USE	DEFINITION	PARKING	DESIGN STANDARD
Child Care Centers	A facility other than a private residence, which receives 1 or more children under 13 years of age for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children.)	One (1) space for each employee; plus one (1) space for each four (4) students on the premise at one time. A minimum of five (5), stacking spaces shall be provided for pick-up and drop-off.	<ul style="list-style-type: none"> <li>a. Adequate outdoor play area shall be provided in accordance with the requirements of the Michigan Department of Social Services.</li> <li>b. Access to the site shall be provided from a road classified as a major or secondary road on the Village of Almont Master Plan.</li> <li>c. All outdoor play areas shall be fenced and screened from any abutting residentially developed or zoned sites as per the requirements of Section 5.01. shall not be allowed in any front yard area</li> <li>e. Designated child drop-off and pick-up areas shall be shown on the site plan. Such drop-off and pick-up areas shall only be permitted on the driveway, approved parking area or directly in front of the building. All such areas shall be arranged to minimize pedestrian and vehicular conflicts or vehicle stacking into any abutting road.</li> </ul>
Commercial Schools	A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum	One (1) space for each employee; plus one (1) space for each 1.5 students	
Catering establishments and banquet halls	A meeting facility which may also include on-site kitchen/catering facilities. The banquet/reception hall's primary purpose is a location for activities such as weddings and other such gatherings by appointment.	One (1) space for each two (2) persons allowed within maximum occupancy, as determined by the Fire Department, plus one (1) space per employee.	
Contractor Offices with garages for maintenance and the storage of equipment	A facility housing a general contractor or builder engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.	One (1) space per two hundred (200) square feet of office area.	

USE	DEFINITION	PARKING	DESIGN STANDARD
Drive-through establishments	A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.	N/A	<ul style="list-style-type: none"> <li>a. A setback of at least sixty (60) feet must be maintained from the right-of-way line of any existing or proposed street and the drive-through window.</li> <li>b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets. For parcels zoned C-1, ingress and egress off state highways is not permitted unless minimal impact on highway traffic is demonstrated.</li> <li>c. The drive-through lane shall be a minimum of ten (10) feet wide. Clear identification and delineation between the drive-through facility and the parking lot shall be provided.</li> <li>d. Each drive-through facility shall provide a bypass lane to allow other vehicles to pass those waiting to be served.</li> <li>e. Each stacking space shall be measured at not less than twenty (20) feet in length. In no instance shall stacking spaces interfere with required parking or maneuvering lanes</li> <li>f. The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from a public or private roadway. The drive-through window and menu board speaker shall not face an adjacent residential district</li> <li>g. Drive through restaurants shall have minimum of 8 spaces per window and drive through banks a minimum of 4 spaces per window.</li> </ul>
Eating or drinking establishments	A structure in which the principal use is the preparation and sale of food and beverages.	One (1) space for each one hundred (100) square feet of floor area, or one (1) space for each two (2) persons allowed within maximum occupancy, whichever is greater.	
Financial Institutions	A facility for the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines	One (1) space for each one hundred (100) square feet of floor area. Stacking lanes for drive-thru tellers shall be provided, as required in Section 6.03(16).	

USE	DEFINITION	PARKING	DESIGN STANDARD
Funeral homes and mortuary establishments	A building, or part thereof, used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.	One (1) space for each fifty (50) square feet of assembly room floor space, parlors and slumber rooms.	
Furniture and Appliance Sales	Establishments are retail operations that sell goods for furnishing or improving housing units. These establishments may include but are not limited to furniture store, home improvement center, electronic store, appliance store, and similar establishments	One (1) space for each five hundred (500) square feet of floor area. For that floor area used in processing or storage, one (1) additional space shall be provided for each two (2) persons employed within or each one thousand (1,000) square feet, whichever is greater	
Hotels and Motels	<p>HOTEL: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation.</p> <p>MOTEL: A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities are to be provided without the approval of the Village Planning Commission, with the exception of units for of the manager and/or caretaker</p>	One (1) space for each occupancy unit, plus one (1) space for each employee; spaces required for ancillary uses, such as lounges, restaurants or conference areas, shall be determined on the basis of the individual requirements for each use as specified herein	

USE	DEFINITION	PARKING	DESIGN STANDARD
Indoor recreation facilities	<p>A commercial or non-commercial recreational land use conducted entirely within a building.</p> <p>Examples include bowling alleys, dance halls, roller rinks, video arcades, billiard rooms, skating rinks and archery ranges</p>	One (1) space per three (3) persons allowed at maximum occupancy load, as determined by the Fire Marshal or his official designate.	
Kennels	Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.	Five (5) spaces plus one (1) per employee on largest shift	a. Shall not abut any area zoned for residential purposes.
Laundry and dry cleaning customer outlets, coin operated laundromats and self-service dry-cleaning centers	A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.	<p>Dry Cleaners-One (1) space per each two (2) employees with a minimum of five (5) spaces</p> <p>Laundromats and Coin-operated Dry Cleaners- One (1) space for each two (2) machines</p>	
Lumber yards and building material supply establishments	A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber by performing millwork, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products including tools and fasteners.	One (1) space per four hundred (400) square feet of floor area plus one (1) space per one thousand (1,000) square feet of warehouse or open or partially covered storage areas.	
Medical and Dental Offices and Clinics,	A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.	One (1) space for each one hundred (100) square feet of floor area.	
Offices	Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.	One (1) space for each two hundred (200) square feet of floor area.	

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Zoning Districts

USE	DEFINITION	PARKING	DESIGN STANDARD
Open air businesses	<p>Open air business uses not primarily conducted from a wholly enclosed building, if operated for profit, shall include the following uses:</p> <ol style="list-style-type: none"> <li>1. Bicycle, trailer, mobile home, motor vehicle, farm implements, boats or home equipment sale or rental services.</li> <li>2. Outdoor display and sale of garages, swimming pools, and similar uses.</li> <li>3. Retail sales of fruit, vegetables, and perishable foods.</li> <li>4. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, including greenhouse operations.</li> </ol>	One (1) space for each five hundred (500) square feet of lot area used for retail sales, services and uses.	<ol style="list-style-type: none"> <li>a. The Planning Commission may require a fence or wall at least five (5) feet in height around the perimeter of the site in order to intercept windblown trash and other debris.</li> <li>b. Outdoor sales space shall be exclusively for sales and not for storage, and shall be paved, properly drained, and items placed in such space shall be subject to the same setback as required for any structure within the district.</li> </ol>
Outdoor Recreational Facilities	<p>Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.</p>	As determined by the Planning Commission during review of the SLU	
Outdoor vehicle sales and display areas	The display and sales of vehicles primarily outside a structure and limited to those vehicles generally stored, used, or inspected outdoors where parking is the principal use of the property.	<p>New Vehicle Sales establishments-</p> <p>One (1) space for each three hundred (300) square feet of sales area; one (1) space for each two hundred (200) square feet of office area; and three (3) spaces for each service bay.</p>	

USE	DEFINITION	PARKING	DESIGN STANDARD
Personal service establishments	Establishments providing non-medically related services, including beauty and barber shops; clothing rental; psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.	Beauty Parlors/Barber Shops- Three (3) spaces for the first two (2) chairs, plus one and one-half (1 ½) spaces for each additional chair; or one (1) space for each seventy-five (75) feet of floor area, whichever is less.	
Retail establishments	A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.	One (1) space for each two hundred (200) square feet of floor area	
Stadiums and Sports Arenas	A large open or enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.	Stadiums and Sports Arenas or similar places of assembly-One (1) space for each three (3) seats or sixty (60) inches of benches.	
Studios for music, dance or theatrical instruction.	A school where classes in the various arts are taught.	One (1) space per three (3) persons allowed at maximum occupancy load, as determined by the Fire Marshal or his official designate.	
Veterinary Clinic	A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure and are not used for overnight boarding of animals.	Three spaces per examination room plus one space per employee on largest shift	
Veterinary Clinic w/ Kennel	A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure which may be used for overnight or long-term boarding of animals.	Three (3) spaces per examination room plus one (1) space per employee on largest shift	

USE	DEFINITION	PARKING	DESIGN STANDARD
Industrial			
The compounding, processing, packaging, or treatment of such products	Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
Household recycling facilities	A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants.	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
Junk Yards	The term "Junk Yard" includes automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery parts thereof except for the normal household refuse which is stored only between regular pick-up and disposal of household refuse, provided the same is not left for a period of over thirty (30) days in which case it shall be considered as junk. This paragraph does not include uses established entirely within an enclosed building	Two (2) spaces per employee	
Laboratories	A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation as well as analysis of natural resources, medical resources, manufactured materials, air, water, soil, medical or veterinary products and the like. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	

USE	DEFINITION	PARKING	DESIGN STANDARD
Manufacture and repair of electric or neon signs; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like	Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. (SEE TERM FOR SPECIFIC PRODUCTS ALLOWED)	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
The manufacture, compounding assembling, or improvement of articles or merchandise from the following previously prepared materials	Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. (SEE TERM FOR SPECIFIC PRODUCTS ALLOWED)	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products	Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. (SEE TERM FOR SPECIFIC PRODUCTS ALLOWED)	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
The manufacture of pottery and figurines, or other similar ceramic products	Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. (SEE TERM FOR SPECIFIC PRODUCTS ALLOWED)	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
Manufacture or assembly of electrical appliances; electronic instruments and devices, radios and phonographs (excluding large stampings)	Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. (SEE TERM FOR SPECIFIC PRODUCTS ALLOWED)	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	

USE	DEFINITION	PARKING	DESIGN STANDARD
Printing, publishing and photographic processing or allied products - Heavy	A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing. Printing occurring here is of a considerably more industrial nature than in businesses titled "Printing, publishing and photographic processing or allied products"	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
Printing, publishing and photographic processing or allied products - Light	A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
Self-Service Storage Facility	A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.	Two (2) spaces for the residential caretaker's unit, plus one (1) space per fifty (50) square feet of floor area used for office purposes.	<ul style="list-style-type: none"> <li>a. Access to the facility shall be from a state highway, major street or county primary road.</li> <li>b. Maximum building height shall be nineteen (19) feet.</li> <li>c. Rows between storage units shall be designed to allow for simultaneous vehicle parking and passage</li> </ul>
Trucking facilities	A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate shipment by motor truck.	Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	<ul style="list-style-type: none"> <li>a. No portion of any structure, access drive or parking area shall be located within fifty (50) feet of any residentially zoned parcel.</li> <li>b. Any truck storage area shall be screened from view of adjoining residentially zoned property, as required by Section 5.01.</li> <li>c. The site shall be designed so that all vehicles can move in a forward manner upon entering and leaving the site to eliminate the necessity of backing up to enter or exit the site.</li> <li>d. It shall be determined that automotive or truck traffic will be no more hazardous, or the volume of traffic any greater, than is normal for the road involved. The Planning Commission shall take into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.</li> </ul>

USE	DEFINITION	PARKING	DESIGN STANDARD
Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use),	A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.	Industrial, Wholesale or Warehouse- Five (5) spaces, plus one (1) per four hundred (400) square feet of floor area for each tenant or occupancy unit	
Other Uses			

USE	DEFINITION	PARKING	DESIGN STANDARD
<p>Accessory buildings and uses</p>	<p>ACCESSORY BUILDING (ACCESSORY STRUCTURE): A subordinate building or structure detached from, but located on the same lot as, the principal structure, the use of which is clearly incidental and accessory to that of the principal structure. For measurement of area proposed, an attached garage or deck shall be considered an accessory structure.</p> <p>ACCESSORY USE, OR ACCESSORY: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as, the principal use to which it is related.</p> <p>When "accessory" is used in this text, it shall have the same meaning as accessory use.</p> <p>An accessory use includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>a. Residential accommodations for servants and/or caretakers.</li> <li>b. Swimming pools for the use of the occupants of a residence or their guests.</li> <li>c. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.</li> <li>d. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.</li> <li>e. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.</li> <li>f. Accessory off-street parking spaces, upon or enclosed, subject to the accessory off-street parking regulations for the district in which the lot is located.</li> <li>g. Uses clearly incidental to a main use, such as but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.</li> <li>h. Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located.</li> <li>i. Off-Premise Signs, subject to the sign regulations for the district in which the lot is located.</li> </ul> <p>(NOTE: The storage of boats, vehicles, recreation equipment in excess in size or number of those commonly associated with residential uses in the district will not be considered accessory regardless of whether or not such storage is located in a building.)</p>		<p>Accessory buildings shall comply with the requirements of Section 3.01 and 3.02.</p> <p>In the "I" district. Outside storage shall be limited to currently licensed cars, trucks and recreation vehicles, and equipment necessary as an accessory to the principal use, finished and semi-finished manufactured materials produced on the premises, provided the following conditions are complied with:</p> <ul style="list-style-type: none"> <li>a. All storage shall begin behind the minimum front yard setback requirements.</li> <li>b. The storage area shall be screened from adjoining property and the abutting road, as required by Section 5.01.</li> <li>c. Hard-surface (asphalt or concrete pavement) shall not be required, provided that engineering plans are submitted and approved by the Village Engineer that show proper design of the storage area surface, including top soil removal, a compacted base course, a compacted dust-free course, and a grading/drainage plan.</li> <li>d. Whenever a different material is to be stored than that agreed upon in the original request, a new approval shall be required from the Planning Commission.</li> <li>e. The Planning Commission shall also find, before granting this approval, it will not tend to further: <ul style="list-style-type: none"> <li>(1) Impair the adequate supply of light and air to adjacent property.</li> <li>(2) Increase the hazard from fire, flood and other dangers to said property.</li> <li>(3) Diminish the market value of adjacent land and buildings.</li> <li>(4) Increase the congestion on the public streets.</li> <li>(5) Otherwise impair the public health, safety, comfort and general welfare.</li> </ul> </li> </ul>

USE	DEFINITION	PARKING	DESIGN STANDARD
Communication Antennae	The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures	None required other than for the tower supporting the antennae	Collocation on existing communication towers shall be permitted by issuance of a zoning permit within 60 days of submission of a complete application provided: <ul style="list-style-type: none"> <li>a. The collocation does not require an increase in the tower height of 20 feet or 10% , whichever is greater</li> <li>b. Any increase in tower height is the minimum necessary to permit the collocation.</li> <li>c. The equipment compound is not increased in size by more than 2,500 sq. ft.</li> <li>d. The collocation is consistent with the approval of the communication tower as regards to the total number of antennae arrays and sets of ground equipment</li> </ul>
Communication Tower	Radio, television, microwave and other power and communication towers and related service equipment and structures	One (1) space	Compliance with the requirements in Section 14.03
Off-street vehicular surface parking lots	A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles		
Other similar uses, as determined by the Planning Commission	Dependent upon the use. See other defined uses.	Based on similar use	The Planning Commission shall interpret a use not otherwise listed based on: <ul style="list-style-type: none"> <li>a) The intent of the zoning districts,</li> <li>b) the similar off-site impacts of other uses including hours of operation, traffic, noise and odor</li> </ul>

Article 9  
Zoning Districts

USE	DEFINITION	PARKING	DESIGN STANDARD
Outdoor Sales	Display and retail sales as a use accessory to the principal use of the property on a temporary or permanent business	One (1) space for each two hundred fifty (200) square feet of display area	<ul style="list-style-type: none"> <li>a) For permanent uses, or recurring seasonal uses the area on the site used for the display shall be identified on the site plan for the principal use.</li> <li>b) For one time temporary uses the area used for the display shall be identified on a plot plan as part of a zoning permit application. Such one-time use may be permitted for a maximum of 14 days.</li> <li>c) Outdoor sales may be located in non-required parking spaces or on non-public sidewalks provided that five feet of clear space on the sidewalk remains to provide an unobstructed pathway for pedestrians. It may not be located in designated green spaces.</li> <li>d) Outdoor sales areas in parking lots shall include fencing or method to define the sales area and protect customers from vehicles in the parking lot.</li> <li>e) Outdoor lighting and signage of the sales area shall comply with zoning ordinance requirements.</li> <li>f) Hours of operation of outdoor sales areas shall not exceed that of the principal use.</li> <li>g) Products displayed or sold shall be consistent with those sold by the principal use.</li> </ul>

Article 9  
Zoning Districts

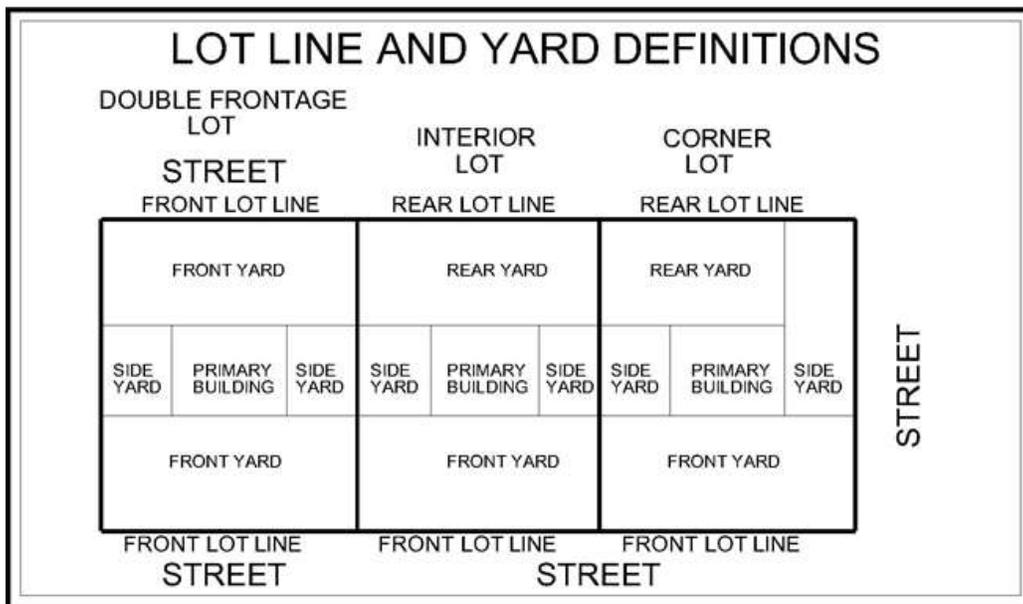
USE	DEFINITION	PARKING	DESIGN STANDARD
<p>Temporary structures, signs and uses</p>	<p>The erection of structures or the use of structures or land for a limited, defined period of time</p> <p>Examples include storage trailers or offices maintained on site during construction, fairs or carnivals or other similar activities,</p>	<p>As determined by the Planning Commission</p>	<ol style="list-style-type: none"> <li>1. The Planning Commission may authorize temporary structures, signs, and uses permitted in a district for periods not to exceed six (6) months under the following conditions:               <ol style="list-style-type: none"> <li>a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.</li> <li>b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.</li> <li>c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Village of Almont shall be made at the discretion of the Planning Commission</li> <li>d. The use shall be in harmony with the general character of the district.</li> <li>e. The location of a temporary trailer used during construction of a site may be approved by the Planning Commission as part of site plan review of the project. All other temporary uses will require Special Land Use approval</li> </ol> </li> <li>2. Approval shall clearly state its date of expiration. Any approval may be suspended by the Zoning Administrator for a period of not to exceed twenty-one (21) days whenever:               <ol style="list-style-type: none"> <li>a. Any condition of the permit is not being observed;</li> <li>b. Any provision of this Ordinance is being violated;</li> <li>c. It is necessary to preserve or protect public health, safety or welfare;</li> </ol> </li> </ol> <p>Provided, however, that the enforcement officer shall report the suspension to the Planning Commission and the Planning Commission shall review the suspension at its next regular meeting to determine whether the permit shall be reinstated, suspended for a further period of time, or permanently revoked</p>

Section 9.09 TABLE OF DISTRICT REGULATIONS (AREA, HEIGHT AND PLACEMENT)

For an explanation of front, side and rear yards, see Figure 9-1

Zoning District	Min. Lot Area (t)	Min. Lot Width (t)	Minimum Building Setback			Max. Bldg. Height	Min. Dwelling Unit Size	Max. Lot Coverage.	District Requirements
			Front	Side	Rear				
R-1	8,000 sq. ft. per dwelling unit.	80 ft. per dwelling unit.	25 ft.	10 ft. each side	40 ft.	2 stories or 35 feet.	960 sq. ft.	40%	(a), (b), (c)
MHP	Dimensional requirements shall comply with the rules adopted by the Michigan Manufactured Housing Commission								
RM	(d)	Up to 180 ft.	30 ft. (f)	25 ft. (e)	25 ft. (f)	2 stories or 25 feet.	960 sq. ft. (g)	N/A	
O-1	12,000 ft. sq. per building	80 ft.	25 ft. (h)	(i)	20 ft. (j)	1 story or 18 feet.	N/A	N/A	(k)
C-1	N/A	N/A	N/A	N/A	N/A	2 stories or 30 ft.	N/A	90%	
C-2	8,000 sq. ft.	80 ft.	30 ft.	(l)	30 ft.	2 stories or 30 ft.	N/A	40%	(m)
I	10,000 sq. ft.	80 ft.	35 ft. (n) (h)	(o) (p)	30 ft. (p)	2 stories or 30 ft.	N/A	75%	(q)
P-1	N/A	N/A	10 ft.	10 ft.	10 ft.	N/A	N/A	N/A	(r)

Figure 9-1



Footnotes:

(a) All parcels of land in any of the above single-family districts, which are created after the adoption of this Ordinance, shall have a maximum depth-to-width ratio of four (4) feet in depth to one (1) foot in width.

(b) All single and two-family dwellings shall have direct access and lot frontage on a public road, unless the private road is included in an approved site condominium development, open space option, planned development area, or has been developed and existed before the adoption of this Ordinance.

(d) For duplex and multiple-family dwellings a lot area of not less than three thousand six hundred and thirty (3,630) square feet for each dwelling unit with not more than two (2) bedrooms, and shall provide an additional five hundred (500) square feet for each additional bedroom over two (2) but in no case shall any lot be less than twelve thousand (12,000) square feet. Plans presented which include a den, library or extra room shall have such extra room counted as a bedroom for the purposes of this Ordinance. For the purpose of yard regulations, each multiple-family structure shall be considered as one (1) building occupying one (1) lot.

For all other uses a minimum lot size of 8,000 sq. ft. is required

(e) Front, side and rear yards relating to the spacing between buildings within multiple-family development shall have the following minimum overall dimensions.

Buildings Relationship	Overall Distance Between Buildings (exclusion of parking area)
Front-to-Front	100 feet *
Front-to-Rear	80 feet *
Rear-to-Rear	100 feet *
Rear-to-Side	45 feet
Side-to-Side	20 feet
Corner-to-Corner	15 feet
*Parking may be permitted in a portion of the required yard, provided that there shall be at least twenty-five (25) feet of yard space between the parking area and the building.	

(e) Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet, or part thereof, by which length the structure exceeds forty (40) feet in overall dimension along the adjoining lot line, but provided that no multiple-family building shall exceed one hundred eighty (180) feet in length along any one face of the building. Any court shall have a width

equal to not less than fifty (50) feet for the front yard and sixty (60) feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.

(f) The front and rear of each building shall be considered to be the faces along the longest dimensions of the building. The front of the building shall be considered to be the direction indicated on the drawings by the designer provided it is not inconsistent with the floor plan of the individual unit and the side of the building shall be considered to be the face along the narrowest dimension of said the building.

(g) Minimum floor areas for multiple-family shall be as follows:

1. One Bedroom Unit: The term "One Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
2. Two Bedroom Unit: The term "Two Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities.
3. Three or More Bedroom Unit: The term "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet.

(h) Parking shall not be permitted in the required front yard setback.

(i) No side yards are required along the interior side lot lines, except as otherwise specified in the building code. Where the wall of a structure faces interior side lot lines and contains windows or other openings, a side yard of not less than twenty (20) feet shall be provided. No building shall be located closer than thirty-five (35) feet to the outer perimeter (property line) of such district when the property line abuts any residential district. A suitable twenty (20) foot wide access drive shall be provided to the rear yard.

(j) No building shall be located closer than thirty-five (35) feet to the outer perimeter property line of such district when the property line abuts any residential zoning district.

(k) The style and design of architectural features of the office building shall be compatible in appearance and scale with neighboring residential units. In making this assessment, the

Planning Commission shall consider the following factors: building roofline and eaves, door and window openings, building proportions and type, and color of facing materials.

(l) No side yard is required along an interior side lot line, except as otherwise specified in the Building Code. If the exterior side yard borders a residential district there shall be provided a side yard setback of not less than thirty (30) feet. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than twenty (20) feet. Corner lots' side yards must equal the setback required for the front yards on the street to which they side.

(m) Minimum Building Floor Area is Eight hundred (800) square feet.

(n) Setback measured from the planned right-of-way line

(o) No side yard is required along an interior side lot line, except as otherwise specified in the Building Code. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than twenty (20) feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side.

(p) Where an authorized use is located on a lot contiguous to a residential district, there shall be provided on such lot, a rear and/or side yard setback along such residential district of not less than one hundred (100) feet. Whenever there is an apparent conflict in the application of these provisions, the requirement providing the greater separation shall apply.

(q) The distance, at the closest point, between any two (2) buildings shall not be less than thirty (30) feet.

(r) Requirements for the P-1 Zoning District

1. Whenever an off-street parking lot abuts an R-1 zoning district or a developed single-family dwelling, screening shall be provided as per the requirements of Section 6.03(17).
2. Parking areas shall be used solely for parking of passenger vehicles for periods of less than one (1) day.
3. No repair work of any kind, sale, display or storage, shall be allowed in such parking areas.
4. No signs of any kind, other than signs designating the use, entrances, exits and conditions of use, shall be maintained on such parking areas.
5. Development in any P-1 District shall observe all applicable requirements of Article 6.

(t) AVERAGE LOT SIZE

Subject to approval of the Village Council and upon recommendation of the Planning Commission, a subdivider or developer may vary lot sizes and lot widths so as to average the minimum size and width per dwelling unit as required in each respective district. For the purposes of lot averaging, the following conditions shall be met:

1. In meeting the average minimum lot size, the subdivision shall be so designed as not to create individual lots having an area or width more than ten (10) percent below that area or width required in each respective district and shall not create an attendant increase in the number of lots.
2. The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire site preliminary plat, which has received Village Council approval, is carried through final plat approval and is then recorded in its totality. Recording of portions of an approved site preliminary plat shall not be acceptable under this provision.
3. All computations showing lot area and the average resulting through this technique shall be indicated on all preliminary plat drawings submissions.

## ARTICLE 10: **NONCONFORMITIES**

### Section 10.00 INTENT

Any lawful lot, structure, improvement such as parking or landscaping or use of land or buildings existing at the date of passage of this Ordinance or subsequent amendment to it and is no longer conforming to the requirements of this Ordinance is declared to be a “nonconformity”; and such lots, structures, improvements and uses shall not be considered in violation of this Ordinance, provided, however, that all nonconformities shall not constitute a nuisance and shall be subject to the following regulations:

### Section 10.01 NONCONFORMING LOTS

1. Any legal lot of record at the time of the adoption of this Ordinance, which is made nonconforming with regards to lot width or area due to the adoption of this ordinance or later amendments to the Ordinance, may be built on and used, provided that any structures meet the setback requirements of this Ordinance.
2. No legal nonconforming lot may be modified in any way that increases its nonconformity.
3. If two nonconforming lots of record are adjacent and under common ownership, they may be treated as separate nonconforming lots unless the owner has taken action to combine the lots such as requesting they be combined into one tax parcel description.

### Section 10.02 NONCONFORMING STRUCTURES

A structure that is legally nonconforming due to noncompliance with requirements for lot coverage, height, yards, or other characteristics of the structure or its location on the lot may continue so long as it remains otherwise lawful, subject to the following provisions:.

#### 1. Expansion or Alteration

A nonconforming structure may be altered, improved or rehabilitated provided:

- a. Such alteration, improvement or rehabilitation does not involve an increase in height, area or bulk, unless such increases serve to bring the structure into compliance. An exception is allowed for nonconforming single family homes, in which case the expansion is permitted even though it may not meet the minimum floor area requirements after the expansion.
- b. That such alteration, improvement or rehabilitation conforms to applicable codes or ordinances or both of the Village in such case made and provided.

2. Moving

A nonconforming structure may not be moved for any reason unless it shall conform to the regulations of this Ordinance after it is moved.

3. Destruction of Structure

Any nonconforming structure which has been destroyed or damaged by fire, explosion, natural disaster, or by public enemy to the extent of sixty-five (65%) percent of true cash value of the structure, exclusive of the foundation at the time such damage occurred, shall only be reconstructed in conformance with the provisions of this Ordinance. If such damage is less than sixty-five (65%) percent of the true cash value of the structure before the damage occurred, exclusive of the foundation, then the structure may be restored to the form that existed before such damage.

Section 10.03 NONCONFORMING USE OF LAND

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

1 Expansion

A nonconforming use of land shall not be enlarged or altered unless such enlargement or alteration shall result in compliance with this ordinance and applicable codes or ordinances or both of the Village and statutes of the State of Michigan pertaining to minimum requirements for health and safety. Expansion includes the addition of accessory structures, including signs.

2 Moving Use

No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

3 Abandonment

A use that the ZBA has determined is abandoned following the standards in Section 10.05 of this Ordinance shall not be re-established and any new use must comply with the zoning Ordinance.

4 Change in Use

A nonconforming use of land may be changed to another nonconforming use of land use that the ZBA has determined is not more nonconforming than the current use following the standards in Section 10.06 of this Ordinance and does not require expansion of the area of land

used for the use. A nonconforming use that changes to a conforming use may not revert back to a nonconforming use.

#### Section 10.04 NONCONFORMING USE OF LAND AND STRUCTURES

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

##### 1. Expansion or Alteration

A nonconforming use of land and structures shall not be enlarged or altered unless such enlargement or alteration shall result in compliance with applicable codes or ordinances or both of the Village and statutes of the State of Michigan pertaining to minimum requirements for health and safety.

##### 2. Extending Use

Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any additional land outside such building.

##### 3. Change in Use

A nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming land use that the ZBA has determined is not more nonconforming than the current use following the standards in Section 10.06 of this Ordinance and does not require expansion of the area of land used for the use. A nonconforming use that changes to a conforming use may not revert back to a nonconforming use.

##### 4. Abandonment

A use that the ZBA has determined is abandoned following the standards in Section 10.05 of this Ordinance shall not be re-established and any new use must comply with the zoning ordinance.

##### 5. Destruction of Structure

Any structure housing a nonconforming use which has been destroyed or damaged by fire, explosion, natural disaster, or by public enemy to the extent of sixty-five (65%) percent of true

cash value of the structure, exclusive of the foundation at the time such damage occurred, shall only be reconstructed in conformance with the provisions of this Ordinance. If such damage is less than sixty-five (65%) percent of the true cash value of the structure before the damage occurred, exclusive of the foundation, then the structure may be restored to the form that existed before such damage and the nonconforming use reestablished.

#### Section 10.05 Standards for Determining Abandonment

If the Village identifies a legal nonconforming use that they believe has been abandoned, they shall submit the property to the ZBA for a determination of abandonment. The ZBA shall hold a public hearing, following notice as outlined in Section 8.01 of this Ordinance. The ZBA shall determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors.

1. Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
2. Disconnection of utilities
3. Evidence that the use was relocated to a new site.
4. Evidence of a "going out of business" sale.
5. Signs advertising the business have been removed.
6. The use has been discontinued for 1 year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
7. Removal of the equipment or fixtures necessary for the operation of the nonconforming use.
8. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
9. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use such as allowing the property to go into foreclosure.

#### Section 10.06 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any twelve (12) consecutive months on repairs and maintenance, including replacements for fixtures, wiring or plumbing and the like, to an extent not exceeding twenty-five (25) percent of the true cash value of the building at the date of repair, providing that the cubic contents of the building as it existed at the time of passage of this Ordinance or its amendments shall not be increased, except to accommodate the repairs and replacements. However, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector, or required to comply with his lawful order, provided that the restoration is not contrary to Section 16 of this Ordinance.

#### Section 10.07 STANDARDS FOR ALLOWING THE CHANGE IN A NONCONFORMING USE

A property owner may request approval from the ZBA to change a nonconforming use to another nonconforming use. The ZBA shall hold a public hearing following notice as outlined in Section 8.01 of the zoning ordinance. The ZBA shall approve the request if it determines that the proposed use is not more nonconforming than the current use based on the following factors:

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

#### Section 10.08 CLASS A AND CLASS B NONCONFORMING USES OR STRUCTURES

Although it is the intent of this Ordinance to discourage the continuation of nonconforming uses and structures, it is recognized that the continuation of certain nonconformities may be appropriate. To address these circumstances, the zoning ordinance establishes procedures to allow the Planning Commission to designate specific nonconforming uses or structures as "Class A". Such uses or structures will have less stringent standards for expansion or resumption.

##### 1. Class A Nonconforming Uses or Structures

###### a. Effect of Class A Designation

- (1) Class A nonconforming uses may be reestablished if the structure housing it is damaged or destroyed.
- (2) Class A nonconforming uses may be reestablished when otherwise meeting the standards for abandonment of the use. The Class A nonconforming use may not be reestablished if it is replaced with a conforming use.
- (3) Class A nonconforming uses, structures housing nonconforming uses and nonconforming structures may be expanded or improved.
- (4) Class A nonconforming structures may be rebuilt if the structure is damaged or destroyed.
- (5) Rights granted nonconforming uses and structures listed above are contingent on compliance with any standards imposed by the Planning Commission as part of the Class A designation, including compliance with any approved site plan.

b. Class A Designation Process

- (1) An applicant for Class A designation shall submit an application to the Zoning Administrator.
- (2) Notice of a public hearing shall be provided as outlined in Section 8.01 of the zoning ordinance.
- (3) The Planning Commission shall hold a public hearing on the Class A designation.
- (4) The Planning Commission shall approve, approve with conditions or deny the request for Class A designation.
- (5) The Planning Commission may impose conditions on an approval. The condition may include compliance with a site plan.

c. Standards for Approval of Class A Designation

In order to approve a use for Class A designation the use or structure must have been lawful at its inception. In addition, the following criteria shall be used by the Planning Commission in evaluating a use to determine if continuation of the use or structure would be appropriate:

- (1) Continuance of the use or structure does not significantly depress property values of nearby properties.
- (2) Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of the Ordinance.
- (3) No useful purpose would be served by strict application of the provisions of this Ordinance with which the use or structure does not conform.
- (4) The property cannot be reasonably used as currently zoned.

d. Revocation of Class A Designation

- (1) Revocation of a Class A designation may be initiated by the Planning Commission.
- (2) Revocation of Class A designation shall comply with the procedures outlined in Section 8.01 of this Ordinance.

- (3) Class A designation may only be revoked if the nonconforming use or structure violated a condition of approval.

## 2. Class B Nonconforming Uses or Structures

All nonconforming uses or structures, not designated Class A, shall be Class B, nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this Ordinance relative to nonconforming uses and structures.

### Section 10.10 CHANGE OF TENANCY OR OWNERSHIP

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

### Section 10.11 USES SUBJECT TO SPECIAL LAND USE APPROVAL NOT NON NONCONFORMING USES

Any use which requires special land use approval and has been granted such approval is a permitted use and is not a nonconforming use provided it continues to comply with the conditions of that approval. An existing legal use that is located in a zoning district that currently requires special land use approval, but which did not when it was established, is a legal nonconforming use until special land use approval is granted.

### Section 10.12 NONCONFORMING IMPROVEMENTS

The method of addressing nonconforming improvements that do not constitute a structure, but are regulated by this Ordinance, including parking lots and landscaping, are addressed in those regulations.



## ARTICLE 11: ZONING BOARD OF APPEALS

### Section 11.00 ESTABLISHMENT AND MEMBERSHIP OF ZONING BOARD OF APPEALS

1. There is hereby established a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of three (3) members appointed by the Village Council. One (1) member shall be a member of the Village Council. One (1) member shall be a member of the Planning Commission. The remaining members and any alternate members shall be electors who are not employees or contractors of the Village.
2. Two (2) alternate members may also be appointed. An alternate member may be called to serve on the Zoning Board of Appeals if a regular member is absent or if a regular member has abstained for reasons of conflict of interest. An alternate member who participates in a public hearing shall continue to serve for that case until a final decision is made.
3. Each member and alternate member shall be appointed for staggered terms of three (3) years, except that the term of office of the members who are also members of the Village Council or Planning Commission shall end if their membership on the Village Council or Planning Commission ends. All terms of office shall expire on December 31 of the year in which the term ends. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
4. The Zoning Board of Appeals shall elect a chairperson, vice-chairperson, and secretary. The Village Council member may not serve as chairman.
5. No business shall be conducted unless 2 members of the Zoning Board of Appeals, regular members and alternates, are present.
6. Members of the Zoning Board of Appeals shall be removable by the Village Council for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which he or she has a conflict of interest may constitute misconduct in office.
7. A member of the Zoning Board of Appeals who is also a member of the Planning Commission, or the Village Council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, or the Village Council. However, the member may consider and vote on other unrelated matters involving the same property.

### Section 11.01 PROCEEDINGS OF THE BOARD

1. The Zoning Board of Appeals shall establish rules of procedures in accordance with the provisions of this Ordinance, and the applicable State law.

2. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman of the Board in accordance with their adopted rules of procedures and at such other times as the Board shall determine or specify in its rules or procedure. All meetings, including hearings, conducted by the Board shall be open to the public, and all business of the Board shall be conducted at such meetings.
3. All applications for review by the ZBA as authorized by this Ordinance shall be applied for in writing on forms provided by the Village. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In cases where the request deals with a particular piece of property, the Zoning Board of Appeals shall give notice of the hearing by mail or personal delivery to the owners of property for which approval is being considered and to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Village. Notice shall also be published in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published shall be done at least fifteen (15) days before the hearing.
4. Every decision of the Board shall be based upon findings of fact, and every such finding shall be supported in the record of the proceedings of the Board.
5. In the case of an appeal of an administrative decision, the Zoning Administrator shall transmit to the Board all of the documents and records related to the appeal.
6. Any person may appear in person or be represented by a duly authorized agent in a matter before the ZBA.
7. The Board shall prepare an official record for each case. The official record shall include:
  - a. The relevant administrative record and administrative orders issued thereon relating to the appeal.
  - b. The notice of appeal.
  - c. Such documents, exhibits, photographs or written reports as may be submitted to the Board for its consideration.
  - d. The minutes of the hearing, findings of fact, and decisions and orders of the Board.
8. The record and decision of the Board shall meet all of the following:
  - a. Complies with the constitution and laws of this State.
  - b. Is based upon proper procedure.
  - c. Is supported by competent material and substantial evidence on the record.
  - d. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals

## Section 11.02 JURISDICTION

The Zoning Board of Appeals shall have the following powers:

1. Appeals - To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by administrative officials and bodies in the administration or enforcement of this Ordinance. This shall include appeals from Planning Commission decisions on Special Land Uses.
2. Variances – The ZBA may grant variances from the requirements of this Ordinance which can be expressed in terms of numbers, including provisions dealing with signs, automobile parking space or loading space requirements, height and area regulations and setback, location, site or building requirements, also called non-use variances. The ZBA may also authorize use variances.
  - a. In consideration of non-use variances, the ZBA shall review each case individually as to its compliance with each of the following standards and may only approve variance requests which comply with all of the following:
    - (1) The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome.
    - (2) The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others.
    - (3) The problem is due to circumstances unique to the property and not to general conditions in the area.
    - (4) The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property
    - (5) Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.
  - b. In consideration of variances from the sign provisions of this ordinance the ZBA shall review each case individually as to its compliance with each of the following standards and may only approve variance requests which comply with all of the following:
    - (1) Permitted signage could not be easily seen by passing motorists due to the configuration of existing building, trees, or other obstructions.
    - (2) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

- (3) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject panel.
  - c. Use Variances. The Zoning Board of Appeals shall also have the power to grant use variances whenever there are unnecessary hardships imposed on a property owner if the strict letter of the Ordinance is carried out. In order to grant a use variance, each of the following requirements shall be met:
    - (1) The situation cannot be self-created.
    - (2) The circumstances must be unique to the property.
    - (3) The character of the neighborhood cannot be altered by the granting of the variance.
    - (4) The land cannot be reasonably built upon or used in conformity with the Zoning Ordinance
3. Interpretation – The ZBA shall be responsible for interpreting the Ordinance text and map, and all matters relating thereto, whenever a question arises in the administration of this Ordinance as to the meaning and intent of any provisions or part of this Ordinance.
  - a. Any text interpretations shall be narrow and in a manner as to carry out the intent and purpose of this Ordinance.
  - b. Interpretations shall not have the effect of amending the Ordinance.
  - c. Map interpretations should be based on the standards established in this Ordinance (Article 9.02) and any relevant information.
  - d. In classifying a use not otherwise listed in the district regulations, the ZBA shall not interpret a use as falling into a general land use category in a particular zoning district if the use is specifically listed in another zoning district.
  - e. In interpreting the meaning of terms used in the Ordinance, the rules for construction of language in Section 14.00 should be used where appropriate.
4. Authority to Change a Nonconforming Use to Another Nonconforming Use – The ZBA shall have the authority to approve the change of a nonconforming use to another nonconforming use, following the procedures and standards outlined in Section 10.07

#### Section 11.03 TEMPORARY USES

The Planning Commission may authorize temporary structures, signs, and uses permitted in a district for periods not to exceed six (6) months.

#### Section 11.04 LIMITATIONS ON THE POWER OF THE ZONING BOARD OF APPEALS

1. The concurring vote of two (2) members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance from the zoning

ordinance. The concurring vote of four (4) members of the Board shall be necessary to grant a use variance.

2. Nothing contained herein shall empower the Board to change the terms of this Ordinance, to effect changes in the zoning map, or to add to the uses permitted in any zoning district.
3. In authorizing a variance or taking any other action within its jurisdiction, the Board may attach such conditions as may be considered necessary in the furtherance of the purposes of this Ordinance, provided any conditions are in compliance with the three standards listed in Section 8.04 of this Ordinance.
4. Any person aggrieved by the Board of Zoning Appeals may appeal to the Circuit Court with appropriate jurisdiction.

#### Section 11.04 APPROVAL PERIOD

Approval of variances or permission to change a nonconforming use into another nonconforming use shall be valid for one (1) year. If a building permit for the erection or alteration of a structure if such erection or alteration was what the ZBA approved, or commencement of a use , if the use was the issue addressed by the ZBA approval does not occur within one (1) year of the ZBA decision the approval shall expire.



**ARTICLE 12: ADMINISTRATION AND ENFORCEMENT**

Section 12.00 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator appointed by the Village Council. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Village Council may determine. The Zoning Administrator may delegate their authority to other village personnel with the approval of the Village Council.

Section 12.01 DUTIES OF ZONING ADMINISTRATOR

1. The Zoning Administrator shall have the powers:
  - a. Grant zoning permits
  - b. Receive zoning applications including requests for rezonings, site plans, SLU, variances and appeals
  - c. Send zoning notices
  - d. Issue violations notices
  - e. Maintain zoning records
  - f. Respond to zoning violation complaints
  - g. Provide staff support to Planning Commission and ZBA
  - h. Make inspections of buildings or premises
  - i. Carry out his duties in the enforcement of this Ordinance
  
2. The Zoning Administrator under no circumstances is permitted to grant exceptions to the actual meaning of the clause, order or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter or use either buildings, structures or land within the Village.
  
3. The Zoning Administrator under no circumstances is permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.
  
4. The Zoning Administrator shall not refuse to issue a zoning permit when the conditions imposed by this Ordinance are complied with by the applicant, notwithstanding violations of deed restrictions, contracts, covenants or agreements which may result upon the granting of the permit.

Section 12.02 ZONING PERMITS

1. It shall be unlawful for any person to begin excavation for, or construction of any building or structure (except concrete work not requiring a foundation or ratwall) structural changes, or repairs in any existing building or structure, or moving of an existing building without first obtaining a Zoning Permit from the Zoning Administrator. No permit shall be issued for construction, alteration remodeling or change in use of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance.
2. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Zoning Administrator may require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail, to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this Ordinance.
  - a. The actual shape, location and dimensions of the lot.
  - b. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
  - c. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.
  - d. The signature of the fee holder owner of the premises concerned.
  - e. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
3. If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a zoning compliance permit. If any application for such permit is not approved, the Zoning Administrator shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.
4. No plumbing, electrical, drainage or other permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance.

### Section 12.03 CERTIFICATE OF OCCUPANCY

The recipient of any Zoning Permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for final inspection. The Building Inspector shall not issue a Certificate of Occupancy as authorized under the building code until they have confirmed that the building and its use are in compliance with the Zoning Ordinance and the Zoning Permit issued for the building.

### Section 12.04 PLANNING COMMISSION

The Almont Village Planning Commission shall have the following powers under this Ordinance:

1. Conduct public hearings and make recommendations to the Village Council regarding proposed text and map amendments to the zoning ordinance
2. Conduct public hearings and make final decisions regarding applications for special land uses
3. Review and make final decisions regarding site plans
4. Grant administrative waivers as authorized in the zoning ordinance
5. Determine parking requirements for uses not specifically listed
6. Recommend zoning classification of property annexed into the Village
7. Initiate zoning amendments
8. Prepare the annual report required by the Michigan Planning Enabling Act (MPEA)

### Section 12.05 Village Council

The Almont Village Council shall have the following powers under this Ordinance:

1. Approve all amendments to the Zoning Ordinance and Zoning Map
2. Initiate amendments to the Zoning Ordinance
3. Approve by majority vote appointments by the Village President to the Planning Commission
4. Appoint by majority vote the members of the Zoning Board of Appeals
5. Hire the Zoning Administrator

### Section 12.06 FEES

The Almont Village Council shall establish by resolution fees for applications, inspections, and other reviews required under this Ordinance as it determines appropriate.

Section 12.07 VIOLATIONS AND PENALTIES

1. Municipal Civil Infraction

Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than One-Hundred (\$100.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Almont Village Civil Infraction Ordinance as amended.

2. Nuisance Per Se

Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

3. Each Day a Separate Offense

Each day a violation of the zoning ordinance continues shall be deemed a separate offense.

4. Restore or Replace

In addition to the other remedies available under this ordinance, an individual, partnership, firm, corporation, organization, institution, or agency of government that violates this section may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, neglected, or demolished.

5. Other Remedies

The Village Council may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use.

6. Cumulative Rights and Remedies.

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

## ARTICLE 13: AMENDMENTS

### Section 13.00 AMENDMENTS AND CHANGES

1. A proposal for an amendment to the Zoning Ordinance text may be initiated by the Village Council, Planning Commission or ZBA, upon filing with the Village Zoning Administrator a resolution duly adopted identifying the proposed amendment, or by a resident or property owner affected by the provisions of this ordinance by submitting a required application.
2. Any proposal for an amendment to the zoning map (i.e. to rezone a parcel) may be initiated by the Village Council or Planning Commission upon filing with the Village Zoning Administrator a resolution duly adopted identifying the proposed parcels and new zoning classification or by the owner of that parcel or a person with written permission of the owner by filing the following with the Zoning Administrator:
  - a. An application for rezoning.
  - b. A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
  - c. The necessary fees for such zoning change.
  - d. A copy of the deed to the property.
  - e. If the applicant is submitting a conditional rezoning request as authorized under Section 405 of the Michigan Zoning Enabling Act, the application will include the conditions proposed.

### Section 13.01 AMENDMENT REVIEW PROCESS

1. The Village Clerk shall give notice of the time and place of the Planning Commission public hearing at which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the Village.
  - a. The notice shall be published not less than fifteen (15) days prior to the date of the hearing.
  - b. The notice shall include the places and times at which the proposed amendment may be examined prior to the meeting.
2. Fifteen (15) days' notice shall also be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within zoning districts affected that registers its name and mailing address with the Village for the purpose of receiving the notice. An affidavit of mailing shall be maintained.
3. In the case of a proposed map amendment, the Clerk shall give similar notice by mail of the time and place of such hearing to the owner or owners of the property or properties in question, as well as all the owners and occupants of property within three hundred feet (300') of the parcel as identified in the most recent tax roll of the Village, not less than

fifteen (15) days before the hearing. Owners of property within three hundred feet (300') of the parcel located outside the Village shall also receive notice.

4. The Village shall also give notice at least fifteen (15) days before the meeting to the Almont Township Planning Commission of any proposed rezoning within three hundred feet (300') of the Township/Village boundary.
5. At the public hearing where the proposed zoning ordinance amendment is considered, the Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.
6. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the standards for zoning amendments included in Section 12.02 of this Ordinance.
7. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the Village Council for their consideration.
8. At the next regularly scheduled Village Council meeting following receipt of the Planning Commission's report, the Village Council shall consider the proposed amendment and may take the following actions on a zoning amendment.
  - a. Approve the proposed amendment.
  - b. Deny the request.
  - c. Hold a public hearing on the matter before making the decision, in which case the Village Council will provide the same notice provided for the Planning Commission public hearing.
  - d. Consider changes to the proposed amendment.
  - e. Table the request for further information.
9. Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a Zoning Ordinance which is the object of the petition shall be passed only by a two-thirds (2/3) vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment, and shall be signed by one of the following:
  - a. The owners of at least twenty (20) percent of the area of land included in the proposed change.
  - b. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
  - c. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.

10. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days of adoption. The notice shall include:
  - a. A summary of the regulatory effect of the amendment or the actual text of the amendment.
  - b. The effective date of the ordinance.
  - c. The place and time where a copy of the ordinance may be purchased or inspected.
11. In the case of an approved conditional rezoning request the Village shall record an affidavit signed by the Planning Commission Chairperson and the zoning applicant outlining the approved conditions including the length of time the conditions apply. If the approved time frame expires with the property owner meeting the conditions, the Village may initiate rezoning of the property.

#### Section 13.02 STANDARDS FOR APPROVAL

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

Section 13.03 CONDITIONAL REZONING AGREEMENTS

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

- b. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
  - c. The proposed land use must be consistent with the goals and policies of the Village, including the Village Master Plan.
7. **LIMITATIONS ON AGREEMENTS.** A rezoning agreement shall not be used to allow any land uses which would not otherwise be permitted in the proposed new zoning district. Any agreement shall include a specific time period during which the terms of the agreement must be completed.
8. **ZONING REVERSION.** If the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Village Council shall initiate a proposed rezoning to revert the property back to the original classification.



## ARTICLE 14: DESIGN STANDARDS

### Section 14.01 COMMUNICATION TOWERS

1. The height of the tower shall be established by the Planning Commission pursuant to Section 3.36.
2. The applicant shall submit a written statement and technical verification regarding the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.
3. All towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area. When necessary to ensure compatibility with the surrounding area, a visual simulation may be required of the applicant. A visual simulation consists of an artist's or architect's rendering of how the tower will appear in the area proposed, taking into account existing buildings and natural features. The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the zoning district in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas of the community at large.
4. Monopole antenna structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type towers shall be prohibited, unless absolutely necessary for structural reasons.
5. A tower shall not be located within one (1) mile of any existing tower in order to encourage co-location.
6. The base of the tower and wire cable supports shall be fenced with a minimum six (6) foot high cyclone fence; a gate that shall be kept locked when not in use; and said base and supports shall be screened from view.
7. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Village Engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with Village Engineering review.
8. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet.

9. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
10. The plans of the tower construction shall be certified by a registered structural engineer.
11. All towers must meet the standards of the Federal Aviation Administration and the Federal Communication Commission.
12. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
13. Towers shall be located so that they do not interfere with reception in nearby residential areas.
14. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
15. Height of the tower shall not exceed two hundred (200') feet from grade within a Commercial district and three hundred (300') feet from grade within an Industrial district.
16. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
17. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
18. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
19. Structures shall be subject to any federal regulations concerning nonionizing electromagnetic radiation. If more restrictive federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Village Council. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
20. All parking and drive areas must be paved as provided in this Ordinance.
21. Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.

22. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Village, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. In this regard, an applicant seeking to establish a new communications tower or antenna shall be required to provide information regarding the feasibility of co-location at existing sites. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
23. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:
- (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
  - (b) The co-location being considered is technologically reasonable, i.e., the co-locations will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  - (c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  - (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
24. In furtherance of the Village's objective of strongly encouraging co-location, where feasible, should it be necessary to erect a new tower or antenna, the applicant shall provide a letter indicating willingness to lease excess space on a facility and commit itself to:
- (a) Respond to any requests for information from another potential shared use applicant;
  - (b) Negotiate in good faith and allow for leased shared use, provided it can be demonstrated that it is technically practical; and
  - (c) Make no more than a reasonable charge, based upon fair market value, for a shared use lease.
25. Modification of a tower by co-location of additional antennae authorized under the tower SLU or by replacement of existing antennae, including associated ground equipment, shall be a use by right and shall only require verification that the tower can support the proposed change or addition of the antennae.

26. A condition of every approval of a communication tower shall be adequate provision for the removal of all of the facility by users and owners upon the determination that it has not been used for 180 days or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official.
27. To insure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of security to be posted at the time of receiving a building permit for the facility. In this regard, the security shall, at the election of the applicant, be in the form of: 1) cash bond of forty thousand dollars (\$40,000); 2) irrevocable bank letter of credit of forty thousand dollars (\$40,000) for the term of lease; or 3) an agreement in a form approved by the Village Attorney and recordable at the Office of the Register of Deeds, establishing the obligation of the applicant and the owner of the property to remove the facility in a timely manner, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Village in securing removal.
28. Communication towers, including support structure and antennae, shall not be permitted in any zoning district, unless prior to construction, the applicant, petitioner, or person or company responsible for constructing and installing such facilities agrees in writing to hold the Village harmless against any claims as a result of permitting such facilities. Such agreement shall require the Village be provided with proof of insurance naming the Village as an additional insured against all claims, which may result during the construction of said communication tower facilities and all times such facilities are in place.

#### Section 14.02 SINGLE FAMILY DETACHED DWELLING REQUIREMENTS

All single family detached dwellings, including mobile homes located outside of mobile home parks shall conform to the following requirements:

1. It is permanently attached to a foundation complying with the State Building Code. In the event that the dwelling is a mobile home, as defined herein, such dwelling be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
2. It shall meet the minimum structure size requirements of the district in which the unit is to be located and shall have a minimum width across any front side or rear elevation of twenty (20) feet.

3. In the event that a dwelling is a mobile home, any wheels, towing apparatus or exposed chassis shall be removed before a certificate of occupancy is issued for any mobile home located in a one-family or two-family residential district.
4. It shall be connected to a public sewer and water supply or to private facilities in accordance with the approved standards of the Village and any other agency governing such facilities.
5. It shall contain storage areas, either within a basement, closet area, or in an attic or separate, fully enclosed structure, or a size equal to fifteen (15%) percent of the interior living area of the dwelling unit. This storage requirement is in addition to any storage space designed to be used to store automobiles.
6. It shall comply with all applicable Federal, State, and Village statutes, codes, ordinances, regulations, or standards applicable to such units, including, but not limited to, construction standards, State construction code, and building, plumbing, electrical and mechanical codes.
7. The dwelling shall be aesthetically compatible in design and appearance with other residences within 1,000 feet, based on comparison of size, square footage, length to width proportion, type of exterior materials used in construction and style and design of architectural features, including roofline and overhangs. The compatibility of design and appearance shall be determined in the first instance by the Village Zoning Administrator upon review of the plans submitted for a particular dwelling but is subject to administrative appeal under Article 11 of this Ordinance. 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.

#### Section 14.03 Communication Towers

Radio, television, microwave and other power and communication towers and related service equipment and structures, shall be subject to the following regulations:

1. **AUTHORIZATION:** Changing technology in the field of communications has resulted in the use of more versatile convenient forms of communication. Businesses, individuals and government have all found it advantageous to have the ability to quickly contact others. The use of radios and cellular phones have proven useful in emergency situations. However, any communication tower erected and/or located, pursuant to the following provisions, is not a utility or essential service.
2. **PURPOSE:** The policy reasons for the following provisions are to conserve the value of land and buildings affected; to minimize the visual impact of any towers erected and/or located within the village; and to minimize the number of towers needed.

3. Said use shall be located centrally on a continuous parcel having a dimension not less than the height of the tower measured from the base of said tower to all points on each property line.
4. The height of the tower shall be established by the zoning board of appeals pursuant to Section 4.02.
5. The site plan for the tower and any other equipment shall also require approval from the Village Engineer as to the adequacy of drainage, lighting, general safety and other related technical considerations prior to approval by the Planning Commission.
6. Communication towers, including transmission towers, digital communication towers, relay and/or receiving antennas, and accessory facilities involved in television, radio, microwave, cable systems, cellular, digital/personal communication and similar communication services and facilities, may be allowed, only in conformance with the following site and developmental requirements:
  - a. The applicant shall submit a written statement and technical verification regarding the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided.
  - b. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
  - c. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
  - d. All towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area. When necessary to ensure compatibility with the surrounding area, a visual simulation may be required of the applicant. A visual simulation consists of an artist's or architect's rendering of how the tower will appear in the area proposed, taking into account existing buildings and natural features. The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the zoning district in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas of the community at-large.

- e. Monopole antenna structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type towers shall be prohibited, unless absolutely necessary for structural reasons.
- f. All towers and related equipment shall be built and/or located on property owned by the Village of Almont, if feasible.
- g. In the event that an application is submitted to place a tower on property owned by the Village, it shall be submitted directly to the Village Council for approval.
- h. In no event shall any tower be located within one (1) mile of any existing tower in order to encourage co-location.
- i. A minimum site of point seven five (.75) acre and one hundred twenty five (125') feet of road frontage is required.
- j. The base of the tower and wire cable supports shall be fenced with minimum five (5') foot high cyclone fence; a gate that shall be kept locked when not in use; and said base and supports shall be screened from view.
- k. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Village Engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with Village Engineering review.
- l. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- m. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- n. All buffer yard requirements within the zoning ordinance shall be met.
- o. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
- p. The plans of the tower construction shall be certified by a registered structural engineer.

- q. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- r. All towers must meet the standards of the Federal Aviation Administration and the Federal Communication Commission.
- s. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30') feet of a property line. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- t. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- u. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- v. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- w. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') above the ground at all points, unless buried underground.
- x. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- y. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- z. The base of the tower shall occupy no more than five hundred (500) square feet.
- aa. Height of the tower shall not exceed two hundred (200') feet from grade within a Commercial district and three hundred (300') feet from grade within an Industrial district.
- bb. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- cc. Existing on-site vegetation shall be preserved to the maximum extent practicable.

- dd. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- ee. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- ff. Structures shall be subject to any federal regulations concerning nonionizing electromagnetic radiation. If more restrictive federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Village Council. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- gg. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- hh. All parking and drive areas must be paved as provided in this Ordinance.
- ii. Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.
- jj. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Village, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. In this regard, an applicant seeking to establish a new communications tower or antenna shall be required to provide information regarding the feasibility of co-location at existing sites. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
- kk. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:
  - (1) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.

- (2) The co-location being considered is technologically reasonable, i.e., the colocations will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  - (3) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  - (4) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
- II. In furtherance of the Village's objective of strongly encouraging co-location, where feasible, should it be necessary to erect a new tower or antenna, the applicant shall provide a letter indicating willingness to lease excess space on a facility and commit itself to:
- (1) respond to any requests for information from another potential shared use applicant;
  - (2) negotiate in good faith and allow for leased shared use, provided it can be demonstrated that it is technically practical; and
  - (3) make no more than a reasonable charge, based upon fair market value, for a shared use lease.
- mm. A condition of every approval of a communication tower shall be adequate provision for the removal of all of the facility by users and owners upon the determination that it has not been used for 180 days or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official.
- nn. To insure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of security to be posted at the time of receiving a building permit for the facility. In this regard, the security shall, at the election of the applicant, be in the form of: 1) cash bond of forty thousand dollars (\$40,000); 2) irrevocable bank letter of credit of forty thousand dollars (\$40,000) for the term of lease; or 3) an agreement in a form approved by the Village Attorney and recordable at the Office of the Register of Deeds, establishing the obligation of the applicant and the owner of the property to remove the facility in a timely manner, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Village in securing removal.

- oo. Communication towers, including support structure and antennae, shall not be permitted in any zoning district, unless prior to construction, the applicant, petitioner, or person or company responsible for constructing and installing such facilities agrees in writing to hold the Village harmless against any claims as a result of permitting such facilities. Such agreement shall require the Village be provided with proof of insurance naming the Village as an additional insured against all claims, which may result during the construction of said communication tower facilities and all times such facilities are in place.
  
- pp. The required application fee shall be set by the Village Council.



## ARTICLE 15: DEFINITIONS

### Section 15.00 CONSTRUCTION OF LANGUAGE

Except as specifically indicated otherwise, the following rules of construction apply to the text of this Ordinance.

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A “building” or a “structure” includes any part thereof, and the word building includes the word structure.
6. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for”.
7. The word “person” includes a firm, association, organization, partnership, trust, company or corporation, public or private, as well as an individual.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditioning, provisions or events connected by the conjunction “and,” “or,” “either...or,” the conjunction shall be interpreted as follows:
  - a. “and” indicates that all connected items, conditions, provisions or events shall apply.
  - b. “or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. “either...or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

Section 15.01 DEFINITIONS

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

**ABANDONMENT:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**ABUTTING:** Having a common border with, or being separated from such common border by, an easement.

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

**ALLEY:** A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

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

**APARTMENT:** A room or suite of rooms used as a dwelling for one family which does its own cooking and contains sanitary facilities within.

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

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

**BEDROOM:** A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

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

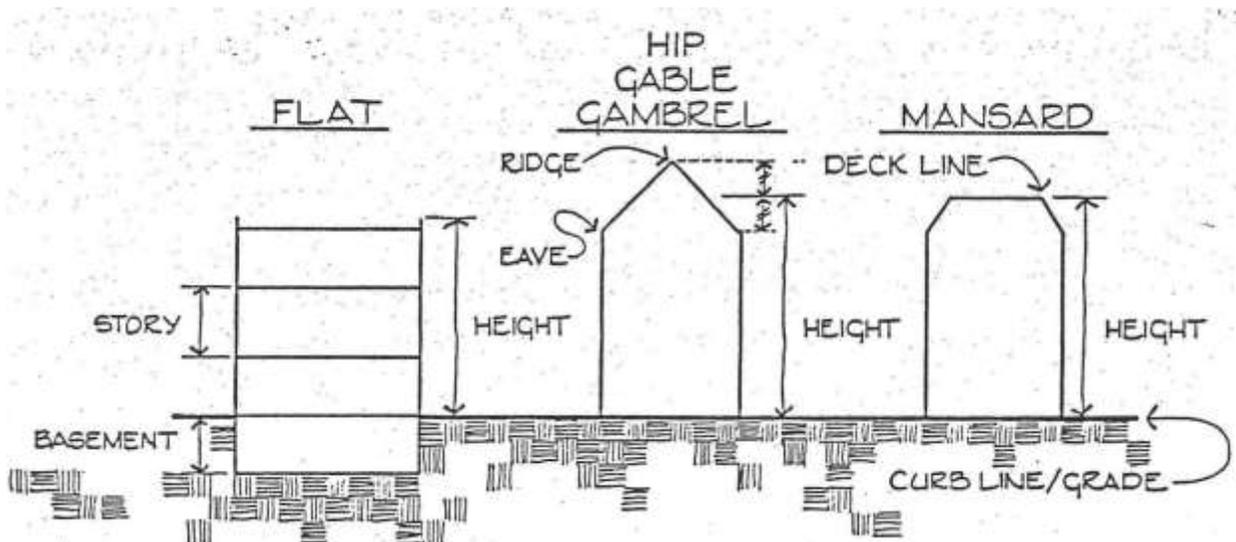
**BILLBOARD:** a billboard shall mean any structure or portion thereof designed or intended to be used for posting, printing, or otherwise affixing any advertising sign, larger than 20 square feet,

which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or serviced rendered or activities conducted such premises but not including bulletin boards used to display official court or official public notices.

**BLOCK:** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and a railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

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

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



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

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

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

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

**BUILDING, SITE:** The area occupied by a building or structure, including the yards or courts required for ventilation, and such areas that are prescribed for access to the street.

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

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

**COMMERCIAL VEHICLES:** Any vehicle bearing or required to bear commercial license plates.

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

**CONDOMINIUM ACT:** Act 59 of 1978, as amended.

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

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

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

**DENSITY, GROSS:** The quotient of the total number of dwelling units divided by the base site area of a site.

**DETENTION BASIN:** A basin for the storage of water that has been restricted in rate of flowing off of a parcel as a result of rain or snowmelt.

**DEVELOPMENT:** The construction of a new building or other structures on a lot, the relocation of an existing building or another lot, or the use of open land for a new use.

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

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

**DWELLING UNIT:** A dwelling unit is any house or building or portion thereof having cooking facilities which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanent or transiently, but in no case shall a travel trailer, automobile chassis, tent, portable building or unauthorized mobile home outside of a mobile home park be considered a dwelling unit. In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be considered a dwelling unit for the purpose of this Ordinance and shall comply with the provisions there of relative to dwellings.

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

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

**ESSENTIAL SERVICES:** The term "essential services" means the erection, construction, alteration, maintenance, addition, reconstruction, or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communications, steam or water transmission or distributing systems, collection, supply or disposal system including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection to such improvements located within a public right-of-way. The term does not include buildings or structures outside a public right-of-way used to provide storage, treatment, power generation or similar functions such as treatment plants, electrical transformers; does not include telecommunication towers and antennae, or improvements designated to serve users principally outside of this municipality.

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

**FAMILY:** One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four (4) or more persons who are not within the second degree of kinship shall not be considered to constitute a family.

Notwithstanding the definition of the preceding paragraph, a family shall be considered to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, non-profit housekeeping unit, if the occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

**FUNCTIONAL FAMILY:** A group of no more than four (4) people, plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, registered student organization, association, lodge, organization, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

**FARM:** The term “farm” shall include the carrying on of any agricultural activity or the raising of livestock as a source of income.

**FENCE:** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**FENCE HEIGHT:** The vertical difference between the ground on the exterior side of the fence and the highest point of the fence excluding gates, posts and other decorative features.

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

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

**FLOOR AREA RATIO:** Determined by dividing the gross floor area of all buildings on a lot or site by the area of that lot/site.

**FLOOR AREA, RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

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

**FOUNDATION:** The substructure of a building, (as defined in this article), consisting of walls, slab or underpinnings constructed of wood, concrete, brick or other masonry material.

**FRONTAGE:** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

**GARAGE SALE, RUMMAGE SALE, OR OTHER SIMILARLY TERMED SALE:** Shall mean any sale of tangible personal property not otherwise regulated in Almont Village.

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

**GRADE:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings.

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

**GRADE, STREET OR SIDEWALK:** The established grade of the street or sidewalk shall be the elevation of the centerline of the street at the midpoint of the front of the lot. The elevation is established by the Village Engineer or Building Inspector.

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

**GROSS FLOOR AREA:** The total floor area of a building measured with reference to the outside walls thereof and including all levels.

**HAZARDOUS SUBSTANCES:** Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the

health of any person handling or otherwise coming into contact with such material or substance.

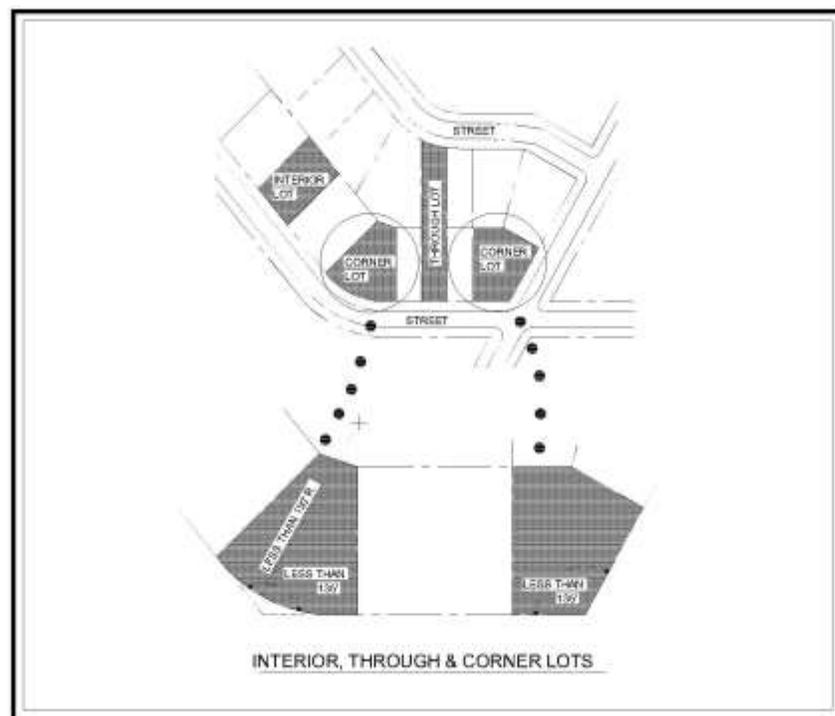
**JUNK:** For the purposes of this Ordinance, the term “junk” shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap metals that are damaged, deteriorated, or are in condition which cannot be used for the purpose that the product was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

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

**LOT:** A parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or used for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street or approved private road. Condominium units in site condominium developments shall each be considered an individual lot.

**LOT AREA:** The total horizontal area within the lot line of a lot, excluding road rights of way. In the case of a site condominium the lot area will include the condominium unit and its exclusive limited common element

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



the street lot line nearest to the point of intersection of the tangents described above.

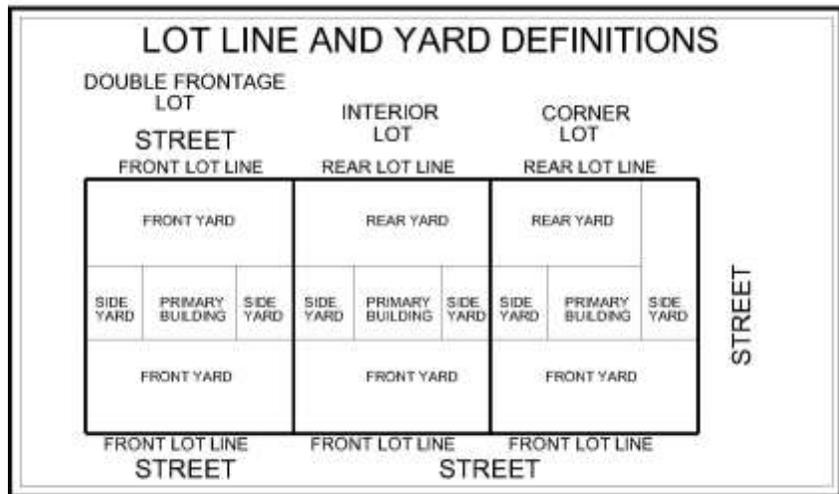
**LOT COVERAGE:** The part of percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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

**LOT INTERIOR:** A lot other than a corner lot with any one line frontage on a street.

**LOT LINES:** The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, the line separating the lot from the street. In the case of a corner lot or double-frontage lot, the line separating the lot from that street which is designated as the front street in the plat, or as the address of the property in question.



2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. On a corner lot, the side lot line (may also be referred to as the side street lot line) is the line along the street where the property's frontage is shortest. This shorter of the two streets is also the location of the side yard.

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

**LOT, SUBSTANDARD:** A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located, and if such lot or parcel was of record and a legally created lot on the effective date of this Ordinance.

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

**MAJOR THOROUGHFARE:** A main traffic artery, designated on the Village's adopted Master Plan as such.

**MASTER PLAN:** Any plan adopted or amended under PA 33 of 2008. This includes, but is not limited to, a plan prepared by a planning commission authorized by PA 33 of 2008 and used to satisfy the requirement of section 203(1) of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term.

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

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

**NONCONFORMING LOT:** A lot with dimensions which conflict with the provisions of this Ordinance.

**NON-USE VARIANCE:** A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement of the Zoning Ordinance or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the particular zoning district.

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

**NUISANCE:** The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

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

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

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

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

**OPEN STORAGE:** The keeping, in and unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

**PARCEL:** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

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

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

**PERSON:** Any natural person, firm, partnership, association, or corporation, but this definition does not include any governmental unit.

**PLANNING COMMISSION:** The Village Planning Commission established under the authority of Public Act 33 of 2008.

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

**PRINCIPAL USE:** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PRIVATE STREET OR ROAD:** A street or road which serves more than one property and adjacent landowners are responsible for its maintenance and which conforms to all requirements of this Ordinance.

**RECREATION VEHICLES:**

1. A “travel trailer” is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.
2. A “pickup camper” is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
3. A “motorized home” is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. A “folding tent trailer” is a plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
5. “Boats” and “boat trailers” shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
6. Snowmobile and all-terrain vehicles, plus the normal equipment to transport the same on the highway.

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

**RETENTION:** The process of preventing stormwater from flowing off of a parcel as a result of rain or snowmelt.

**RESTAURANT:** An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory “take-out” services.

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

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

**SATELLITE DISH ANTENNA:** A device incorporating a reflective surface that is solid, open mesh or bar configures and is in the shape of a shallow dish, cone, horn or cornucopia. Such device

shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

**SCREENING:** The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be continued in an opaque condition: walls, berms or plantings.

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

**SETBACK:** The minimum distance between a building and the street right-of-way line or property line.

**SIGN:** The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to show an individual, firm, profession or business, and are visible to the general public. Off-premise signs pertain to uses or activities conducted on the premises the signs are located.

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

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

**SITE:** A parcel of land.

**SITE PLAN:** A plan showing all salient features of a proposed development, as required under Article 7 of this Ordinance, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

**SPECIAL LAND USE:** A use specified in this Ordinance as permissible in a specific use district only after special conditions are met.

**SPECIFIED ANATOMICAL AREAS:**

1. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

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

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

**STRUCTURE:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. A structure does not include physical improvements that are flush with the ground such as patios, sidewalks and driveways.

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

**TEMPORARY BUILDING OR USE:** A building, structure or use permitted by the procedures established in this Ordinance, to exist during a specific period of time.

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

**USE VARIANCE:** A variance granted by the Zoning Board of Appeals which allows a land use within a zoning district which is not otherwise permitted by the terms of the Zoning Ordinance.

**NON-USE VARIANCE:** An authorization permitting change in the requirements of this Ordinance by the Zoning Board of Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in practical difficulty upon the variance applicant.

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

**VILLAGE:** The Village of Almont

**VILLAGE COUNCIL:** The duly elected or appointed Village Council of the Village of Almont.

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

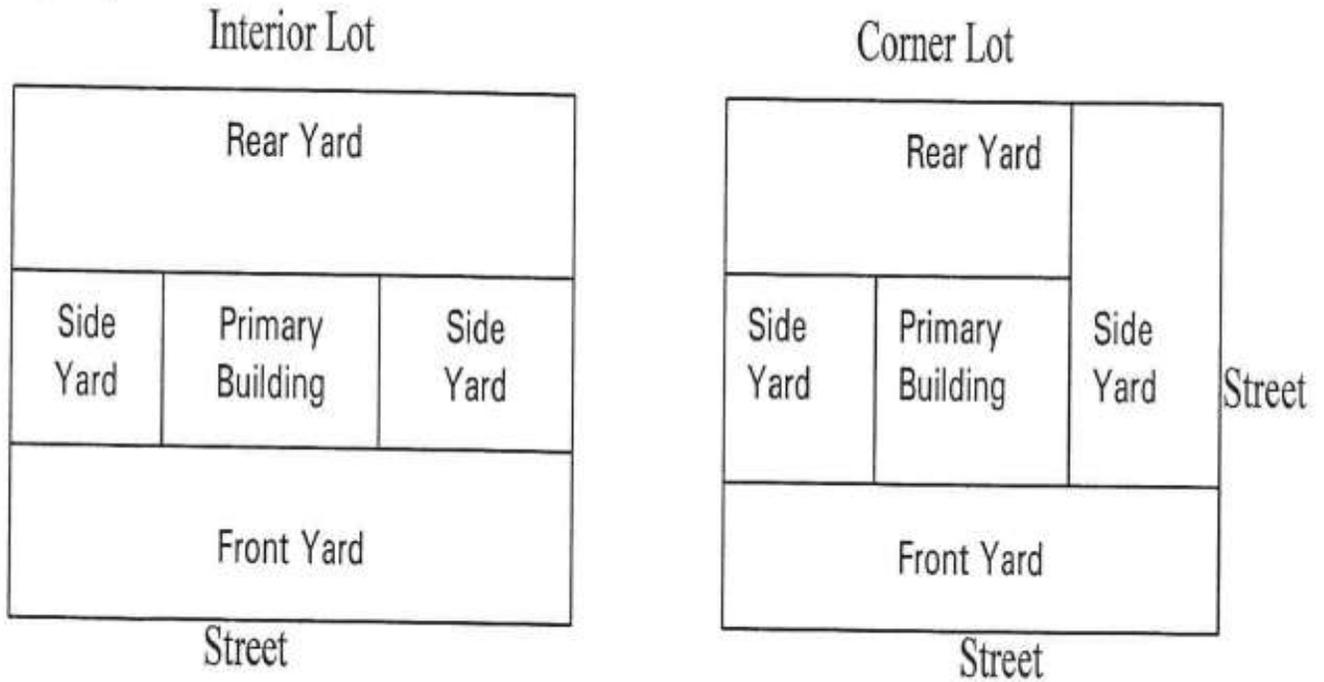
**YARD:** An open space, unoccupied and unobstructed from the ground upward except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

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

A “front yard” is a yard on the same lot with a building between the front line of the building and front lot line and extending from one side lot line to the other side lot line. There shall be maintained a required front yard on each street side of a corner lot.

A “rear yard” is a yard on the same lot with a building between the rear line of the building and rear lot line and extending from one side lot line to the other side lot line. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

A “side yard” is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



**ZONING ADMINISTRATOR:** The administrative official appointed by the Village Council charged with the responsibility of enforcing this Ordinance.

**ZONING BOARD OF APPEALS:** The Zoning Board of Appeals consisting of those members as provided under provisions of the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended, with powers and duties as defined in the statute.

**ZONING PERMIT:** Written verification from the Village Zoning Administrator or their designee, that a proposed land use, new construction, addition, or excavation or grading of property complies with the terms of this ordinance.

**ARTICLE 16: RESERVED**



**ARTICLE 17: RESERVED**



**ARTICLE 18: ADOPTION**

Other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance for the Village of Almont, Lapeer County, Michigan, Ordinance Number 135, adopted on January 31, 1984, and as amended is specifically repealed in its entirety.

This Ordinance shall take effect 7 days after publication of a notice in the newspaper which shall occur within 15 days after adoption by the Almont Village Council. A notice of adoption was published in \_\_\_\_\_.